

South Australia

Livestock Variation Regulations 2010

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 2010*.

2—Commencement

These regulations come into operation on the day on which they are made.

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, definition of *HGP free tag*—delete "transaction"
- (2) Regulation 4, definition of *transaction tag*—delete the definition

5—Variation of regulation 26—Interpretation

- (1) Regulation 26(1)—before the definition of *authorised manufacturer* insert:
animal holding area includes a goat depot;
- (2) Regulation 26(1), definition of *authorised manufacturer*—delete "transaction tags, identification tags or permanent identification devices" and substitute:
identification tags or PIDs
- (3) Regulation 26(1), definition of *authorised recycler*—delete "permanent identification devices" and substitute:
PIDs
- (4) Regulation 26(1)—after the definition of *authorised recycler* insert:
bobby calf means a weaned calf of or under 6 weeks of age;
- (5) Regulation 26(1), definition of *breeder*—delete the definition and substitute:
cattle includes buffalo and bobby calves but does not include deer;
destination land, in relation to the movement of animals, means the land to which the animals are or are to be moved;
- (6) Regulation 26(1)—after the definition of *identification code* insert:
land of dispatch, in relation to the movement of animals, means the land from which the animals are, or are to be, removed;
live export depot means premises at which livestock are prepared or inspected for live export;
- (7) Regulation 26(1)—delete the definition of *national vendor declaration* and substitute:
movement documentation—see regulation 27B;

national vendor declaration, in relation to animals of a particular type, 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 animals of that type for the purposes of these regulations;

NLIS means National Livestock Identification System;

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

non-functioning PID, in relation to an electronic PID, means a PID that fails to provide a reading when scanned;

over-the-hooks sale means the sale of the carcass of an animal on the basis of the weight of the carcass immediately after slaughter (commonly known as hot standard carcass weight);

- (8) Regulation 26(1) definitions of ***permanent identification device*** and ***prescribed database manager***—delete the definitions and substitute:

PID or ***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;

port for live export includes a wharf, airport or other area at which livestock are assembled immediately before their live export, but does not include a live export depot;

prescribed movement details—see subregulation (2);

prescribed premises means—

- (a) premises on which a special event is held; or
- (b) an animal feedlot; or
- (c) an animal holding area; or
- (d) a live export depot; or
- (e) a pound;

sheep health statement means a declaration about the health of sheep in a form approved by the Chief Inspector;

special event means an event at which animals are exhibited, or involved in a competitive activity, and includes a show, fair, rodeo and campdraft;

stock agent, in relation to a vendor or purchaser of livestock, means a person who, for fee or reward, arranges for the sale or purchase of the livestock on behalf of the vendor or purchaser;

unmanaged goat means a goat other than a goat kept or usually kept in a domestic or captive state.

- (9) Regulation 26(2)—delete subregulation (2) and substitute:
- (2) For the purposes of this Part, the *prescribed movement details*, for animals being moved, means the following details:
- (a) the number of animals and the type of animals (that is, whether cattle, sheep or goats) being moved;
 - (b) the serial number of the national vendor declaration (if any) accompanying the animals during their movement;
 - (c) the date on which the animals are being moved;
 - (d) the identification code of the land of dispatch;
 - (e) the identification code of the destination land;
 - (f) in addition—
 - (i) in the case of sheep or goats that were bred on the land of dispatch—that fact; and
 - (ii) in the case of sheep or goats that were not bred on the land of dispatch and are not identified with a PID bearing the identification code of the land of dispatch—the number or code on each PID attached to the animals; and
 - (iii) in the case of cattle—the number or code on each animal's PID.
- (3) For the purposes of this Part—
- (a) an animal will not be regarded as being removed from land if that land and the destination land have the same identification code;
 - (b) an animal will not be regarded as being pastured on land if—
 - (i) it is kept for a period not exceeding 7 days at a livestock saleyard to which it has been consigned for sale; or
 - (ii) it is kept for a period not exceeding 7 days at an abattoir at which it is to be slaughtered;
 - (c) an animal will not be taken to be bred on land unless it has been pastured on the land since its birth;
 - (d) a requirement to provide to a person, or notify a person of, details comprised of a number or code on a PID will be satisfied if either of the following is provided:
 - (i) the number or code generated when the PID is scanned; or
 - (ii) the number or code that appears on the exterior of the PID or tag;

- (e) the NLIS database manager will only be taken to be notified if notified in a manner authorised by the NLIS database manager;
- (f) a reference to the operator of prescribed premises will, in the case of premises on which a special event is held, be taken to be a reference to the person in charge of the special event.

6—Insertion of regulations 26A and 26B

After regulation 26 insert:

26A—Chief Inspector may authorise acts otherwise prohibited under this Part

The Chief Inspector may authorise (in accordance with regulation 5A) an act or activity that would otherwise be prohibited under this Part.

26B—Records kept under this Part

A person who is required to keep a record under this Part must, at the request of an inspector or other person authorised in writing by the Chief Inspector, produce the record for inspection.

Maximum penalty: \$2 500.

Expiation fee: \$210.

7—Substitution of Part 6 Divisions 2 to 3A

Part 6 Divisions 2 to 3A (inclusive)—delete the Divisions and substitute:

Division 2—Identification of cattle, sheep and goats

27—Application of Division

This Division applies only in relation to cattle, sheep and goats.

27A—PIDs

- (1) For the purposes of this Division, an animal will not be taken to be identified with a PID unless—
 - (a) in the case of cattle—
 - (i) a PID is attached to the off-side ear of the animal, with the component of the PID containing the electronic microchip placed on the inside of the ear; or
 - (ii) a PID is inserted in the animal and a tag, indicating that the animal has such a PID inserted in it, attached to the off-side ear of the animal; or
 - (b) in the case of sheep or goats—a PID is attached to an ear of the animal.

- (2) The owner or person responsible for the management of an animal must not bring the animal into the State or remove the animal from land on which it has been pastured unless the animal is identified with a PID.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) Subregulation (2) does not apply to an unmanaged goat that is—
- (a) captured; and
 - (b) pastured on land for a period not exceeding 6 weeks; and
 - (c) consigned from the land to an abattoir for slaughter and over-the-hooks sale.

27B—Movement documentation

- (1) For the purposes of this Division, movement documentation, in relation to animals being moved, must comprise—
- (a) either—
 - (i) a copy of the vendor declaration completed in relation to the animals; or
 - (ii) a document containing—
 - (A) the prescribed details (see subregulation (6)) in relation to the animals; and
 - (B) the name and signature of the person completing the document; and
 - (b) in addition, in the case of sheep other than sheep consigned direct from a livestock saleyard outside the State to an abattoir in the State for slaughter—a sheep health statement.
- (2) The owner or person responsible for the management of animals that are brought into this State or removed from land on which they have been pastured (the *consignor*), is guilty of an offence unless movement documentation that complies with subregulation (1) in relation to the animals—
- (a) accompanies the animals during their movement; and
 - (b) is provided to a person (the *consignee*) as follows:
 - (i) if the animals are brought into the State or removed for the purposes of sale by a stock agent—to the stock agent;
 - (ii) if the animals are brought into the State or removed for the purposes of direct sale to a purchaser—to the purchaser or the person responsible for the management of the animals following the sale;

- (iii) if the animals are brought into the State or removed for the purposes of their movement to an abattoir or prescribed premises—
 - (A) to the person responsible for the management of the animals following their movement; and
 - (B) to the operator of the abattoir or prescribed premises;
- (iv) in any other case—to the person responsible for the management of the animals following their movement.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) If animals at a livestock saleyard are sold by a stock agent, a copy of the movement documentation, or a document containing the prescribed movement details, relating to the movement of the animals to the saleyard must be provided by the agent to a person (the *consignee*) as follows:
 - (a) if the animals are to be consigned direct to an abattoir for slaughter—
 - (i) to the person responsible for the management of the animals at the abattoir; and
 - (ii) to the operator of the abattoir,by the end of the day of sale;
 - (b) in any other case—to the purchaser or the person responsible for the management of the animals following the sale within 2 working days after the sale.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) Without limitation, a stock agent will be taken to have complied with subregulation (3) if, within the period specified, the agent has—
 - (a) uploaded the copy of the documentation to the NLIS database; and
 - (b) notified the consignee of that upload.
- (5) Records of documentation under this regulation must be kept as follows:
 - (a) a consignor must keep a copy of the movement documentation relating to the consignment for at least 7 years;

- (b) a consignee (other than the operator of an abattoir or the person in charge of a special event) must keep a copy of the movement documentation relating to the consignment for at least 7 years;
- (c) a consignee who is the operator of an abattoir or the person in charge of a special event must keep a copy of the movement documentation relating to the consignment for at least 2 years.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (6) In this regulation—

prescribed details, in relation to animals being moved, means the following:

- (a) the number of animals and the type of animals (that is, whether cattle, sheep or goats) being moved;
- (b) the breed, gender and approximate age of the animals;
- (c) the date on which the animals are being moved;
- (d) the identification code of the land of dispatch;
- (e) the identification code of the destination land (or the address or a description of the location of that land);
- (f) in addition—
 - (i) in the case of sheep or goats that were bred on the land of dispatch—that fact; and
 - (ii) in the case of sheep or goats that were not bred on the land of dispatch and are not identified with a PID bearing the identification code of the land of dispatch—the number or code on each PID attached to the animals; and
 - (iii) in the case of bobby calves—
 - (A) the date and time movement commenced; and
 - (B) the name and signature of the person responsible for the management of the animals during their movement.

27C—NLIS notification before removal of animals from land of pasture

If an animal is pastured on land (other than land on which it was bred), the owner or person responsible for the management of the animal must not remove the animal from that land unless the NLIS database manager has been notified of—

- (a) the number or code on the animal's PID; and

- (b) the identification code of the land; and
- (c) in addition, in the case of sheep or goats—the identification codes of any other land on which the animal has previously been pastured as far as may be reasonably ascertained (for example, from movement documentation relating to the movement of the animal).

Maximum penalty: \$5 000.

Expiation fee: \$315.

27D—NLIS notification after animals moved to different land of pasture

- (1) Subject to this regulation, if an animal is removed from land on which it has been pastured (the *land of dispatch*) and pastured on other land (the *destination land*), the following provisions apply:
 - (a) if the land of dispatch is land or premises other than prescribed premises or a port for live export, the owner or person responsible for the management of the animal after its arrival at the destination land must notify the NLIS database manager of the prescribed movement details relating to the movement of the animal to the destination land—
 - (i) in the case of cattle—within 2 working days after the arrival of the animal at the destination land, or before the animal is removed from the destination land, whichever occurs earlier; and
 - (ii) in the case of sheep or goats—within 7 working days after the arrival of the animal at the destination land, or before the animal is removed from the destination land, whichever occurs earlier;
 - (b) if the destination land is prescribed premises, the operator of the prescribed premises must notify the NLIS database manager, by the end of the next working day after the arrival of the animal at the premises, of—
 - (i) in the case of the movement of cattle to premises on which a special event of 3 days or less is held before their direct return to the land of dispatch—
 - (A) the number or code on each animal's PID; and
 - (B) the date on which each animal's electronic PID is scanned at the special event; and
 - (C) the identification code of the premises of the special event; and
 - (ii) in the case of prescribed premises comprised of a pound—

- (A) the date of impoundment; and
 - (B) the identification code of the pound; and
 - (C) the identification code of the land on which the animal was last pastured, or, if that code is not known, the identification code approved by the Chief Inspector for use in the circumstances as a default code; and
 - (D) the number or code on each of the animal's PIDs including, in the case of an animal that arrived at the pound without being identified with a PID, the number or code of the replacement PID attached to the animal at the pound; and
 - (E) in addition, in the case of sheep or goats—the total number of animals in the consignment (including the animal); and
- (iii) in any other case—
- (A) the prescribed movement details relating to the movement of the animal to the prescribed premises; and
 - (B) the date of arrival of the animal at the prescribed premises;
- (c) if the land of dispatch is prescribed premises other than an animal feedlot and the destination land is land or premises other than a port for live export, the operator of the prescribed premises must notify the NLIS database manager, by the end of the next working day after the removal of the animal from the prescribed premises, of the prescribed movement details relating to the movement of the animal to the destination land;
- (d) if the land of dispatch is a live export depot and the destination land is a port for live export, the operator of the depot must, by the end of the next working day after the removal of the animal from the depot, notify the NLIS database manager of—
- (i) the date of removal of the animal; and
 - (ii) the identification code of the depot; and
 - (iii) the identification code of the port; and
 - (iv) in addition—
 - (A) in the case of sheep or goats—the total number of animals in the consignment (including the animal); and

- (B) in the case of cattle—the number or code on each animal's PID.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) The owner or person responsible for the management of an animal after its arrival at prescribed premises must provide the operator of the premises with information necessary for that person to comply with subregulation (1)(b).

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The owner or person responsible for the management of an animal after its removal from prescribed premises must provide the operator of the premises with information necessary for that person to comply with subregulation (1)(c) or (1)(d).

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) If the owner or person responsible for the management of an animal becomes aware that information provided to the operator of prescribed premises or the NLIS database manager in respect of the animal under this regulation is inaccurate or incomplete or that the animal was not moved direct to the destination contemplated at the time the information was provided, the person must, as soon as practicable, notify the NLIS database manager of the correct or complete information.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) It is not a defence to a charge of an offence under this regulation comprised of a failure to notify the NLIS database manager of the identification code of destination land to establish that an identification code had not previously been allotted to the land.

- (6) For the purposes of this regulation, if an animal is removed from land of dispatch and unloaded at any other land or premises (including a livestock saleyard) during transit, that other land or premises will be taken to be the destination land.

27E—Animals at livestock saleyards must have PID and movement documentation

- (1) If an animal at a livestock saleyard is not identified with a PID, the owner and the person responsible for the management of the animal immediately before its movement to the saleyard are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) If, at a livestock saleyard, an animal—
- (a) that is not identified with a PID; or
 - (b) in respect of which movement documentation relating to the movement of the animal to the saleyard has not been provided as required under regulation 27B,

is sold, the saleyard operator, the stock agent acting on behalf of the vendor and the person responsible for the management of the animal at the saleyard are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) If an animal bears a non-functioning PID, the operator of the saleyard or a stock agent may cause the animal to be identified with a replacement PID bearing the identification code of the saleyard.
- (4) Before an animal that is not identified with a PID, or bears a non-functioning PID, is removed from a livestock saleyard—
- (a) the operator of the saleyard or a stock agent must, if the animal is not identified with a PID, cause the animal to be identified with a replacement PID bearing the identification code of the saleyard; and
 - (b) the operator of the saleyard must notify the NLIS database manager of—
 - (i) the prescribed movement details relating to the movement of the animal to the saleyard (including, in the case of a non-functioning PID, the number or code on that PID); and
 - (ii) the number or code on any replacement PID.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) If an animal is identified with a replacement PID under subregulation (3) or (4), the saleyard operator or stock agent must make, and keep for at least 2 years, a written record of—
- (a) the prescribed movement details relating to the movement of the animal to the saleyard; and
 - (b) the name of the person responsible for causing the animal to be identified with the replacement PID; and
 - (c) the date on which the PID was attached or inserted; and
 - (d) the name of the vendor of the animal.

Maximum penalty: \$5 000.

Expiation fee: \$315.

**27EA—NLIS notification of animals consigned to livestock
saleyard for sale**

- (1) The following provisions apply in relation to animals consigned to a livestock saleyard for sale:
- (a) by the end of each day on which animals are offered for sale at the saleyard, the operator of the saleyard must notify the NLIS database manager—
 - (i) for each animal that arrives at the saleyard and is sold at the saleyard on that day, of—
 - (A) the prescribed movement details relating to the movement of the animal to the saleyard; and
 - (B) the date of the sale; and
 - (ii) for each animal that arrives at the saleyard but is not sold at the saleyard on that day, of—
 - (A) the prescribed movement details relating to the movement of the animal to the saleyard; and
 - (B) the date of the arrival; and
 - (C) in addition, in the case of an animal that was dead on arrival—the identification code approved by the Chief Inspector for use in the circumstances as a default deceased code;
 - (b) the operator of the saleyard must, for each animal sold at the saleyard, update the entry in the database for the animal with details as follows:
 - (i) if, by the end of the day of sale of the animal, the operator is aware of the destination land for the animal, the operator must—
 - (A) if the destination land is an abattoir—by the end of that day; or
 - (B) in any other case—within 2 working days after the sale,

update the entry with the identification code of that land and, in the case of sheep or goats, the total number of animals in the consignment (including the animal) that are to be or have been moved direct to that land;
 - (ii) if, by the end of the day of sale of the animal, the operator is not aware of the destination land for the animal, the operator must, within 2 working days after the sale, update the entry with—

- (A) the identification code of the stock agent acting on behalf of the purchaser of the animal, or, if no such agent was used, the stock agent acting on behalf of the vendor of the animal; and
 - (B) in the case of sheep or goats, the total number of animals in the consignment (including the animal) that are to be or have been moved direct to the destination land;
- (c) if the operator of the saleyard updates the entry in the database for an animal with the identification code of a stock agent under paragraph (b)(ii)(A), the operator must ensure that the stock agent is aware that his or her identification code has been used for that purpose;
 - (d) before, or as soon as practicable (and, in any event, within 2 working days) after, an animal that has not been sold at the saleyard is removed from the saleyard, the operator of the saleyard must update the entry in the database for that animal with the identification code of the destination land for the animal;
 - (e) before, or as soon as practicable (and, in any event, within 2 working days) after an animal that has died at the saleyard is disposed of at the saleyard or removed from the saleyard, the operator of the saleyard must update the entry in the database for that animal with the identification code approved by the Chief Inspector for use in the circumstances as a default deceased code;
 - (f) if the operator of the saleyard becomes aware that information provided to the NLIS 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 person (whether or not a stock agent) who offers an animal for sale at a livestock saleyard must provide the operator of the saleyard with information necessary for the operator to comply with subregulation (1).

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) A person (whether or not a stock agent) who purchases an animal at a livestock saleyard must comply with the following provisions:
- (a) if the destination land for the animal has been determined before the end of the day of the purchase, the person must, on that day, notify the operator of the saleyard of the identification code of that land;
 - (b) if the destination land for the animal has not been determined before the end of the day of the purchase, the person must, on that day, notify the operator of the saleyard of the identification code of the stock agent acting on behalf of the purchaser, or, if no such agent was used, the stock agent acting on behalf of the vendor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) If a person notifies the saleyard operator of the identification code of destination land under subregulation (3)(a), the agent must, as soon as practicable (and, in any event, within 2 working days) after that notification, 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.

- (5) If a person notifies the saleyard operator of the identification code of a stock agent under subregulation (3)(b), the person must ensure that the stock agent is aware that his or her identification code has been used for that purpose.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (6) A stock agent whose identification code has been provided to the saleyard operator under subregulation (3)(b) must, before, or as soon as practicable (and, in any event, within 7 working days) after, the animal is removed from the saleyard, notify the NLIS database manager of the identification code of the destination land for the animal.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (7) If a stock agent notifies the NLIS database manager of the identification code of destination land under subregulation (6), the agent must, as soon as practicable (and, in any event, within 2 working days) after that notification, 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.

- (8) 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.
- (9) 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.
- (10) If the purchaser of an animal becomes aware that information provided to the operator of a livestock saleyard or the NLIS database manager in respect of the animal under this regulation is inaccurate or incomplete or that an animal was not moved direct to the destination land contemplated at the time the information was provided, the purchaser must, as soon as practicable, notify the NLIS database manager of the correct or complete information.

Maximum penalty: \$5 000.

Expiation fee: \$315.

27EB—NLIS notification of movement of bobby calves from land of pasture to abattoir

The person responsible for transporting bobby calves from land on which they have been pastured to an abattoir must—

- (a) ensure that the PID attached to each calf is scanned and the electronic information recorded before removal of the calves from the land; and
- (b) notify the NLIS database manager, before the end of the day of arrival of the calves at the abattoir or before their slaughter (whichever occurs first), of the prescribed movement details relating to the movement of the calves to the abattoir.

Maximum penalty: \$5 000.

Expiation fee: \$315.

27EC—Animals at abattoirs must have PID and movement documentation

- (1) If an animal at an abattoir is not identified with a PID, the owner and the person responsible for the management of the animal immediately before its movement to the abattoir are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) If, at an abattoir, an animal—
- (a) that is not identified with a PID; or
 - (b) in respect of which—
 - (i) in the case of an animal that was moved direct to the abattoir from land on which it was pastured—movement documentation relating to the movement of the animal to the abattoir has not been provided as required under regulation 27B(2); or
 - (ii) in the case of an animal that was moved direct to the abattoir from a livestock saleyard to which it was consigned for sale and kept for a period not exceeding 7 days—documentation relating to the movement of the animal to the saleyard has not been provided as required under regulation 27B(3),

is slaughtered, the operator of the abattoir and the person responsible for the management or slaughter of the animal are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) No offence is committed under subregulation (2) if the operator of the abattoir notifies an inspector, before the slaughter, of the omission and of as many prescribed movement details relating to the movement of the animal to the abattoir as may be reasonably ascertained in the circumstances.

27ED—NLIS notification when animals slaughtered

- (1) The operator of an abattoir must, within 2 working days after slaughtering an animal, notify the NLIS database manager of—
- (a) the date of slaughter of the animal; and
 - (b) in addition—
 - (i) in the case of cattle—

- (A) if the animal was moved direct to the abattoir from land on which it was pastured—the prescribed movement details relating to the movement of the animal to the abattoir; or
 - (B) if the animal was moved direct to the abattoir from a livestock saleyard to which it had been consigned for sale and at which it had been kept for a period not exceeding 7 days—
 - the number or code on the animal's PID; and
 - the identification code of the land on which the animal was last pastured; or
- (ii) in the case of sheep or goats—
- (A) if the animal was moved direct to the abattoir from land on which it was pastured—the prescribed movement details relating to the movement of the animal to the abattoir; or
 - (B) if the animal was moved direct to the abattoir from a livestock saleyard to which it had been consigned for sale and at which it had been kept for a period not exceeding 7 days—
 - the type of animal (that is, whether sheep or goat); and
 - the total number of animals in the consignment to the abattoir (including the animal); and
 - the identification code of the saleyard.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) The operator of an abattoir must keep a written record of the details referred to in subregulation (1) (other than those details required to be kept by the operator under regulation 27B(5)) for at least 2 years.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The owner or person responsible for the management of an animal at an abattoir must provide the operator of the abattoir with information necessary for the operator to comply with subregulation (1).

Maximum penalty: \$5 000.

Expiation fee: \$315.

27EF—Identification of animal at abattoir must be possible until fitness for human consumption assessed

The operator of an abattoir must ensure that the abattoir has in place post-slaughter procedures approved by the Chief Inspector that will enable the determination, at any time until an assessment is made of the fitness for human consumption of the carcass of an animal, of—

- (a) in the case of an animal that was moved direct to the abattoir from land on which it was pastured—the prescribed movement details relating to the movement of the animal to the abattoir; or
- (b) in the case of an animal that was moved direct to the abattoir from a livestock saleyard to which it had been consigned for sale and at which it was kept for a period not exceeding 7 days—the prescribed movement details relating to the movement of the animal to the saleyard.

Maximum penalty: \$5 000.

Expiation fee: \$315.

27F—False or misleading statements under this Division

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 any details required to be provided under this Division.

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.

8—Variation of regulation 27G—Identification of deer

Regulation 27G(2)—delete subregulation (2)

9—Variation of regulation 27H—Removal of livestock in contravention of this Part

- (1) Regulation 27H(1)—delete "transaction or" wherever occurring

- (2) Regulation 27(H)(1)(a)(ii)—delete "permanent identification devices" and substitute:
PIDs

10—Variation of regulation 28—Types of devices

- Regulation 28(1)—delete "permanent identification device" and substitute:
PID

11—Variation of regulation 29—Identification codes

- (1) Regulation 29(3)(b)(ii)—delete "transaction or identification tags or permanent identification devices" and substitute:
identification tags or PIDs
- (2) Regulation 29(7)(a)—delete "prescribed" and substitute:
NLIS

12—Variation of regulation 29A—Authorisation of manufacturers and recyclers

- (1) Regulation 29A(a)—delete "transaction or"
- (2) Regulation 29A—delete "permanent identification devices" wherever occurring and substitute in each case:
PIDs

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

- (1) Regulation 29B(a)—delete "transaction or"
- (2) Regulation 29B(a)—delete "permanent identification devices" and substitute:
PIDs
- (3) Regulation 29B(b)—delete paragraph (b) and substitute:
(b) must 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.

14—Substitution of regulations 29C and 29D

- Regulation 29C and 29D—delete the regulations and substitute:

29C—Animal must not have more than 1 PID

- (1) A person must not attach to or insert in an animal a PID if the animal already has a PID 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 to an animal—
(a) in accordance with regulation 28(1)(b); or
(b) as a replacement for any non-functioning PID.

29D—PIDs and tags must bear correct information

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

the owner of the animal and any person who caused the PID 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 PID inserted in it and the animal does not have a PID 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.

29DA—Removal and disposal of PIDs

- (1) A person must not remove a PID from an animal.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (2) Subregulation (1) does not apply—
 - (a) to an inspector or a person acting in the course of his or her duties at an abattoir; or
 - (b) to the removal of a non-functioning PID before its replacement with a functioning PID.
- (3) The operator of an abattoir must ensure that all PIDs 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.

- (4) Any other person who has possession of a PID in circumstances in which the person is not entitled to use the PID for the purposes of this Part must deal with or dispose of the PID in a manner approved by the Chief Inspector.

Maximum penalty: \$5 000.

Expiation fee: \$315.

15—Variation of regulation 29E—Replacement of lost devices other than at livestock saleyards

- (1) Regulation 29E(1)—delete "permanent identification device" wherever occurring and substitute in each case:

PID

- (2) Regulation 29E(1)—delete "and must, at the request of an inspector, produce the records for inspection"
- (3) Regulation 29E—after subregulation (2) insert:
- (3) This regulation does not apply in relation to a replacement PID attached to an animal at a livestock saleyard under regulation 27E.

16—Variation of regulation 29F—Offence to alter or deface tags and devices

- (1) Regulation 29F—delete ", without the authorisation of the Chief Inspector,"
- (2) Regulation 29F—delete "a transaction or identification tag or permanent identification device" and substitute:

an identification tag or PID

Schedule 1—Transitional provision

1—Prescribed database manager to continue as NLIS database manager

The person designated by notice in the Gazette immediately before the commencement of these regulations as the prescribed database manager will be taken, on that commencement, to be the NLIS database manager.

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's Deputy

with the advice and consent of the Executive Council
on 4 November 2010

No 219 of 2010

MAFF10/13CS