

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 will come into operation on 1 January 2011.

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 *hormonal growth promotant* insert:

identification code of stock agent—see Part 5A Division 3;

- (2) Regulation 4—after the definition of *lice-infested sheep* insert:

pig tattoo code—see Part 5A Division 2;

property identification code—see Part 5A Division 1;

responsible person for a property identification code—the responsible person is the person nominated as the responsible person for the code in an application for allocation or renewal of the code or, in the absence of such an application or nomination, the owner or occupier of the place identified by the code;

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;

5—Variation of regulation 5D—Term of registration and renewals

Regulation 5D—after subregulation (3) insert:

- (4) The Chief Inspector may, at his or her discretion and on payment of the late application fee set out in Schedule 1, renew registration on a late application despite the fact that the registration has expired and, in that event, the renewal has effect from the end of the term for which the registration was previously granted or renewed.

6—Substitution of Part 1B

Part 1B—delete the Part and substitute:

Part 1B—Registration of other keepers of livestock

5K—Classes of livestock requiring registration

The following are prescribed classes of livestock for the purposes of section 17 of the Act:

- (a) buffalo;
- (b) camels;
- (c) cattle;
- (d) deer;
- (e) equines (including horses, donkeys and mules);
- (f) goats;
- (g) pigs;
- (h) sheep;
- (i) South American camelids (including alpaca, llama, vicuna and guanaco).

5L—Term of registration and renewal

- (1) The term fixed for the purposes of section 23(1) and (2) of the Act is 2 years.
- (2) However, the Chief Inspector may fix a term that is shorter or longer than 2 years if that is necessary in order for the term to expire at the same time as the term of a property identification code for land on which the livestock are or are to be kept.
- (3) An application for renewal of registration under section 17 of the Act 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.
- (4) The Chief Inspector may, at his or her discretion and on payment of the late application fee set out in Schedule 1, renew registration on a late application despite the fact that the registration has expired and, in that event, the renewal has effect from the end of the term for which the registration was previously granted or renewed.

5M—Change of address

A person registered under section 17 of the Act (other than as 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.

5N—Obligation to ensure property where livestock usually kept has property identification code

A person who is registered under section 17 of the Act as a person who keeps livestock must ensure that the place at which the livestock are usually pastured or kept has an active property identification code under Part 5A.

Maximum penalty: \$5 000.

Expiation fee: \$315.

7—Insertion of Part 5A

After Part 5 insert:

Part 5A—Identification codes

Division 1—Property identification code

25—Allocation and renewal of property identification code

- (1) The Chief Inspector may, on application or on his or her own initiative, allocate or renew a property identification code identifying a particular place.
- (2) An application for the allocation or renewal of a property identification code for a place may be made by—
 - (a) the owner, lessee or occupier of the land concerned; or
 - (b) the owner or a person responsible for the control of livestock kept on the land concerned; or
 - (c) if the place is a livestock saleyard, abattoir, prescribed premises or port for live export—the owner or operator of the place; or
 - (d) if the place is a place where a special event is held—the organiser of the special event; or
 - (e) a person who proposes to become such a person or who otherwise satisfies the Chief Inspector that he or she has a proper interest in the allocation of a property identification code to a place.
- (3) The boundaries of a place identified by a property identification code are to be determined at the absolute discretion of the Chief Inspector.

- (4) Subject to this Division, a property identification code remains active in relation to a place for the period specified in the instrument of allocation or renewal or, if no period is so specified, 2 years.
- (5) The Chief Inspector may, at his or her discretion and on payment of the late application fee set out in Schedule 1, renew a property identification code on a late application despite the fact that the term for which the code was active has expired and, in that event, the renewal has effect from the end of the term for which the code was previously active.
- (6) In this regulation—
prescribed premises has the same meaning as in Part 6;
special event has the same meaning as in Part 6.

25A—Substitution of responsible person, variation of boundaries and cancellation of property identification code

- (1) The Chief Inspector may, on application by the responsible person for a property identification code or on his or her own initiative—
 - (a) substitute the person who is the responsible person for the code; or
 - (b) vary the boundaries of the place identified by the code; or
 - (c) cancel the property identification code.
- (2) Before taking action in relation to a property identification code on his or her own initiative, the Chief Inspector must give the responsible person for the code a reasonable opportunity to make submissions.
- (3) Whether a substitution, variation or cancellation should be made under this regulation is to be determined at the absolute discretion of the Chief Inspector.

Division 2—Pig tattoo code

25B—Allocation of pig tattoo code

- (1) The Chief Inspector may, on application by a person who keeps pigs or a responsible person for a property identification code for land on which pigs are or are proposed to be kept or on his or her own initiative, allocate a pig tattoo code and associate the pig tattoo code with a property identification code for the land.
- (2) Subject to this Division, a pig tattoo code remains active for so long as the property identification code to which it is associated remains active.
- (3) More than 1 pig tattoo code may be associated with the same property identification code.

25C—Cancellation of pig tattoo code

- (1) The Chief Inspector may, on application by the responsible person for a property identification code to which a pig tattoo code is associated or on his or her own initiative, cancel the pig tattoo code.
- (2) Before taking action in relation to a pig tattoo code on his or her own initiative, the Chief Inspector must give the responsible person for the property identification code to which the pig tattoo code is associated a reasonable opportunity to make submissions.
- (3) Whether a pig tattoo code should be cancelled under this regulation is to be determined at the absolute discretion of the Chief Inspector.

Division 3—Stock agent identification code

25D—Allocation and cancellation of stock agent identification code

- (1) The Chief Inspector may, on application or on his or her own initiative, allocate an identification code to a stock agent.
- (2) The Chief Inspector may, on application or on his or her own initiative, cancel the identification code of a stock agent.
- (3) Before taking action in relation to an identification code on his or her own initiative, the Chief Inspector must give the person to whom the code is allocated a reasonable opportunity to make submissions.
- (4) Whether an identification code should be cancelled under this regulation is to be determined at the absolute discretion of the Chief Inspector.

Division 4—General

25E—Applications and fees

- (1) An application under this Part 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 (if any) set out in Schedule 1.
- (2) An application under this Part may be combined with an application for registration or renewal of registration under section 17 of the Act or with any other application under this Part.

25F—Register of property identification codes and pig tattoo codes

- (1) The Chief Inspector must maintain a register of property identification codes, including, for each code, details of the name and address of the responsible person for the code, the land identified by the code and any associated pig tattoo code.

- (2) The register may contain other information that the Chief Inspector considers appropriate, such as further contact details of the responsible person or the identity and contact details of the registered proprietor of the land or the species or number of livestock kept on the land.
- (3) The operator of a livestock saleyard or abattoir, a stock agent or other person who has, in the opinion of the Chief Inspector, a legitimate interest in information as to the property identification code applying to particular land and any associated pig tattoo code may, on payment of the fee set out in Schedule 1, obtain an extract from the register of the property identification code, associated pig tattoo code and land details.
- (4) The Chief Inspector may make information in the register available—
 - (a) to the NLIS database manager for the purposes of the database; or
 - (b) to South Australia Police, South Australian Country Fire Service or South Australian State Emergency Service; or
 - (c) to a Natural Resources Management Board for the purposes of the performance of functions under the *Natural Resources Management Act 2004* relating to the containment of livestock; or
 - (d) to an agency or instrumentality of another State or a Territory of the Commonwealth for the purposes of the administration of a corresponding law; or
 - (e) otherwise for the purposes of the administration of the Act or these regulations.

8—Variation of regulation 26—Interpretation

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

identification code, in relation to a place, means—

 - (a) an active property identification code for the place; or
 - (b) a code (by whatever description) that is currently applied to the place for the purposes of identification under a corresponding law;
- (2) Regulation 26(1), definition of *stock agent*—delete the definition

9—Insertion of Part 6 Division 3

After Part 6 Division 2 insert:

Division 3—Identification of pigs

27FA—Identification of pigs

- (1) A person who keeps pigs must ensure that a pig that weighs 20 kilograms or more is not removed for the purposes of sale or slaughter from land on which it is kept unless it has a tattoo that complies with the requirements of subregulation (2).
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (2) The tattoo must comply with the following requirements:
 - (a) the tattoo must comprise the characters of a pig tattoo code associated with an active property identification code for the land from which the pig is removed;
 - (b) the characters making up the pig tattoo code must be clearly legible;
 - (c) the tattoo must be marked with paste or ink of a kind approved by the Chief Inspector;
 - (d) the tattoo must be on the following shoulder of the pig:
 - (i) if the tattoo was applied on the property on which the pig was born—the left shoulder of the pig; and
 - (ii) in any other case—the right shoulder of the pig.
- (3) A person who keeps pigs is guilty of an offence if, when a pig kept by the person is marked with a pig tattoo code, the code is not associated with an active property identification code for the land on which the pig is kept.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (4) A person must not—
 - (a) mark the shoulder of a pig with a tattoo other than for the purposes of this regulation; or
 - (b) remove a tattoo from the shoulder of a pig other than as authorised by the Chief Inspector.
Maximum penalty: \$5 000.
Expiation fee: \$315.

10—Revocation of regulation 29

Regulation 29—delete the regulation

11—Variation of Schedule 1—Fees

(1) Schedule 1, item 2—delete the item and substitute:

- 2 Application for registration or renewal of registration under section 17 of the Act (other than as a beekeeper) \$76.00
- If the term for which registration is to be granted or renewed is less than or more than 24 months, a pro rata adjustment is to be made to the amount of the fee by applying the proportion that the number of whole months in the term bears to 24 months.
- No registration fee is payable if—
- (a) the application is accompanied by an application for the allocation or renewal of a property identification code for the land where the livestock are or are to be kept; and
 - (b) the proposed term of registration is no longer than the proposed term for which the property identification code will be active; and
 - (c) a fee is payable for the application for the allocation or renewal of the property identification code that is not less than the fee that would be payable for registration apart from this provision.

(2) Schedule 1—after item 6 insert:

- 6A Application for allocation or renewal of property identification code— for each code \$76.00
- If the term for which the code is to be allocated or renewed is less than or more than 24 months, a pro rata adjustment is to be made to the amount of the fee by applying the proportion that the number of whole months in the term bears to 24 months.

(3) Schedule 1, item 7—delete item 7 and substitute:

- 7 For an extract from the register of property identification codes comprised of a property identification code, associated pig tattoo code and related details—
- (a) for each property identification code \$32.25
 - (b) to a maximum of \$167.00
- 8 Late application fee \$38.00
- 9 The Chief Inspector may waive or reduce a fee if the Chief Inspector considers it appropriate in the circumstances.

Schedule 1—Transitional provisions

1—Property identification codes

If, immediately before the commencement of these variation regulations, an identification code for a place is entered on the register kept under regulation 29 of the *Livestock Regulations 1998* and the expiry date for the code falls after that commencement—

- (a) the code will be taken to have been allocated as the property identification code for the place under regulation 25 of the regulations (as inserted by these variation regulations); and
- (b) the person entered on the register as the person to whom the identification code is allotted will be taken to be the responsible person for the property identification code; and
- (c) subject to the regulations, the property identification code will remain active for 2 years after the day on which the code was last allotted under regulation 29 or, if that period has already expired, the day falling 1 month after the day of commencement of these variation regulations.

2—Pig tattoo codes

If, immediately before the commencement of these variation regulations, a brand is registered under the *Branding of Pigs Act 1964* and the expiry date for the brand falls after that commencement, the brand will be taken to have been allocated as a pig tattoo code under regulation 25B of the *Livestock Regulations 1998* (as inserted by these variation regulations) and associated with a property identification code determined by the Chief Inspector.

3—Stock agent identification codes

If, immediately before the commencement of these variation regulations, an identification code of a stock agent is entered on the register kept under regulation 29 of the *Livestock Regulations 1998* it will be taken to have been allocated as the identification code of the stock agent under regulation 25D of the regulations (as inserted by these variation regulations).

4—Registration of keepers of livestock other than pigs or deer

If, immediately before the commencement of these variation regulations, a person is entered on the register of identification codes kept under regulation 29 of the *Livestock Regulations 1998* as an owner of livestock to whom an identification code is allocated (being an owner of a class of livestock prescribed for the purposes of section 17 of the *Livestock Act 1997* other than pigs or deer) and the expiry date for the code falls after that commencement—

- (a) the person will, without application, be taken to have been registered as the keeper of livestock under section 17 of the *Livestock Act 1997*; and

- (b) subject to the regulations, the registration of the person under section 17 of the *Livestock Act 1997* will be taken to expire 2 years after the day on which the identification code was last allotted under regulation 29 or, if that period has already expired, the day falling 1 month after the day of commencement of these variation regulations.

5—Registration of keepers of pigs

If, immediately before the commencement of these variation regulations, a person is registered as a proprietor of a brand under the *Branding of Pigs Act 1964* and the expiry date for the brand falls after that commencement—

- (a) the person will, without application, be taken to have been registered as a keeper of pigs under section 17 of the *Livestock Act 1997*; and
- (b) subject to the *Livestock Regulations 1998*, the registration of the person under section 17 of the *Livestock Act 1997* will be taken to expire 2 years after the day on which the registration of the brand was last granted or renewed under the *Branding of Pigs Act 1964* or, if that period has already expired, the day falling 1 month after the day of commencement of these variation regulations.

6—Late renewals

If this Schedule would apply in relation to an identification code or brand apart from the fact that it expired within 3 months before the commencement of these variation regulations, the Chief Inspector may, at his or her discretion and on payment of the late application fee set out in Schedule 1 of the *Livestock Regulations 1998*, grant a late application for renewal as if the code or brand were, respectively, a property identification code or pig tattoo code under the regulations as varied by these variation regulations.

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 16 December 2010

No 265 of 2010

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