

South Australia

Livestock (Identification and Tracking of Pigs) Variation Regulations 2018

under the *Livestock Act 1997*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Livestock (Identification and Tracking of Pigs) Variation Regulations 2018*.

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 2013*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1)—after "In these regulations" insert:

, unless the contrary intention appears
- (2) Regulation 3(1), definition of *prescribed movement details*—delete the definition and substitute:

prescribed movement details, in relation to cattle, sheep or goats—see subregulation (2);
- (3) Regulation 3(1), definition of *prescribed premises*—after paragraph (e) insert:

(f) an artificial breeding centre;
- (4) Regulation 3(3)(a)—after "being" insert:

moved or

5—Substitution of Part 11 Division 2

Part 11 Division 2—delete Division 2 and substitute:

Division 2—Identification and tracking of pigs

Subdivision 1—Preliminary

72—Application of Division

This Division applies only in relation to pigs.

72A—Interpretation

- (1) In this Division, unless the contrary intention appears—

business day means a day that is not a Saturday, Sunday or public holiday;

default deceased PIC, in relation to a saleyard, means the PIC allocated to the saleyard for the purpose of registering dead pigs at the saleyard;

default export PIC, in relation to a port for live export, means the PIC allocated to the port for the purpose of registering the export of pigs from the port;

land of pasture, in relation to a pig, means the land on which the pig is being pastured, or if it is not being pastured on land, the land on which it was most recently pastured;

movement documentation, in relation to the movement of pigs—see regulation 72B;

pig database means the database approved by the Chief Inspector that contains information relating to the identification and tracking of pigs;

pig database manager means the person designated for the time being by the Chief Inspector by notice in the Gazette as the pig database manager for the purposes of this Division;

prescribed movement details, in relation to the movement of pigs—see regulation 72C;

responsible stock agent—see regulation 72G(1)(a)(iii)(C).

- (2) In this Division, a reference to the movement of a pig from its land of pasture includes a reference to the movement of the pig from interstate.

72B—Movement documentation

- (1) For the purposes of this Division, *movement documentation* in relation to the movement of pigs must comprise—
- (a) in the case of the movement of pigs for the purposes of their sale—
 - (i) a copy of the completed national vendor declaration in relation to the pigs; or
 - (ii) a document containing the following details:
 - (A) the prescribed movement details in relation to the movement of the pigs;
 - (B) the breed or other description (eg gender or age) of the pigs;
 - (C) the time of the movement (dispatch and arrival);
 - (D) the address of the land of dispatch;
 - (E) the name (including any trading name) of the owner of the pigs;
 - (F) the name, address, telephone number and signature of the person completing the document; or
 - (b) in any other case—a document containing the details required under paragraph (a)(ii).
- (2) If, under this Division, a person is required to provide movement documentation—
- (a) that person; and
 - (b) the person to whom the movement documentation is required to be provided,

must keep a copy of the documentation for at least 3 years.

Maximum penalty: \$5 000.

Expiation fee: \$315.

72C—Prescribed movement details

For the purposes of this Division, the *prescribed movement details*, in relation to the movement of pigs, are—

- (a) the number of pigs in the consignment being moved; and
- (b) the date of the movement (dispatch and arrival); and
- (c) the PIC of the land of dispatch, and, if the pigs are identified by a tattoo, the pig tattoo code associated with the PIC of that land; and
- (d) the PIC of the destination land (if known); and
- (e) if the pigs were bred on the land of dispatch—that fact; and
- (f) if the pigs were not bred on the land of dispatch—
 - (i) the length of time the pigs were pastured on the land of dispatch; and
 - (ii) the PIC of the land on which they were bred, or, if the pigs are identified by a tattoo, the pig tattoo associated with the PIC of the land on which they were bred.

72D—Uploading information to pig database

- (1) For the purposes of this Division, a requirement to upload information to the pig database will be taken to include—
 - (a) a requirement to upload the information in a manner and form approved by the Chief Inspector; and
 - (b) a requirement to keep a record, in a manner and form approved by the Chief Inspector, of a confirmation of the receipt of that information into the pig database; and
 - (c) a requirement to keep a record of the details so uploaded for at least 3 years.
- (2) A person who uploads information to the pig database under this Division must, as soon as practicable after discovering an error or omission in information in the database—
 - (a) if the error or omission was caused by the person—upload the correct or complete information to the database; or
 - (b) in any other case—notify the pig database manager of the error or omission.

Maximum penalty: \$5 000.

Expiation fee: \$315.

72E—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.

Subdivision 2—Identification and tracking of pigs

72F—Identification of pigs

- (1) For the purposes of this Division (but subject to this regulation), a pig will not be taken to be identified in accordance with this regulation unless it can be associated with its land of pasture as follows:
 - (a) if the pig was bred on that land—
 - (i) it has a tattoo on its left shoulder, displaying, in clearly legible characters (in paste or ink approved by the Chief Inspector), the pig tattoo code associated with a current PIC of the land; or
 - (ii) it has, in its left ear, an NLIS breeder identification tag of a kind approved by the Chief Inspector;
 - (b) in any other case—
 - (i) it has a tattoo on its right shoulder (or, if there is no available space on its right shoulder due to previous tattoos, on such space as is available first on the right rump of the pig followed by the left rump) displaying, in clearly legible characters (in paste or ink approved by the Chief Inspector), the pig tattoo code associated with a current PIC of the land; or
 - (ii) it has, in its right ear, an NLIS post-breeder identification tag of a kind approved by the Chief Inspector.
- (2) A person must not—
 - (a) mark the shoulder of a pig with a tattoo except for the purposes of its identification in accordance with this regulation; or
 - (b) apply a tattoo to a piglet that is not weaned; or

- (c) apply a tattoo to a weaned piglet weighing under 25kg except by means of a tattoo applicator approved by the Chief Inspector; or
- (d) remove a tattoo from the shoulder of a pig except in accordance with an authorisation by the Chief Inspector under regulation 5.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The owner or person responsible for the management of a pig must not move the animal from land on which it is being pastured unless the animal is identified in accordance with this regulation.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) Subregulation (3) does not apply—
 - (a) in relation to a piglet that has not been weaned and is removed from its land of pasture with its mother; or
 - (b) in circumstances of an emergency (for example, a bushfire or other emergency) where there is insufficient time to tag or tattoo the pig, provided that—
 - (i) the owner or person responsible for the management of the pig, within 7 days of its movement, provides the Chief Inspector with a document containing the prescribed movement details in relation to the pig and the name, address, telephone number and signature of the person who completed the document; and
 - (ii) if the pig is not returned to its land of pasture (or land with the same PIC as the land of pasture) within 7 days after the emergency, the pig is identified in accordance with this regulation.
- (5) The following requirements apply in relation to a pig that is normally identified with a tag in accordance with this regulation but whose tag is subsequently lost, damaged or found to be incorrectly marked:
 - (a) in the case of a pig at a livestock saleyard—the person responsible for the management of the pig at the saleyard must—
 - (i) ensure that, before the pig is sold at the saleyard—
 - (A) a tattoo allocated to the saleyard is applied to the pig in a manner approved by the Chief Inspector; or
 - (B) an emergency NLIS post-breeder identification tag of a kind approved by the Chief Inspector is attached to its right ear; and

- (ii) upload the details of the action taken under subparagraph (i) to the pig database within 2 business days;
- (b) in the case of a pig at an abattoir—the operator of the abattoir and the person responsible for the management, slaughter or processing of the pig must ensure that the pig is not slaughtered or processed unless satisfied that the pig has been identified (by movement documentation or in some other manner approved by the Chief Inspector).

Maximum penalty: \$5 000.

Expiation fee: \$315.

72G—Tracking requirements

- (1) The following requirements (*tracking requirements*) apply in relation to the movement of pigs in the following circumstances:
 - (a) *movement of pigs from land of pasture to a saleyard for sale by a stock agent*—
 - (i) the owner or person responsible for the management of the pigs must ensure that movement documentation in relation to the movement accompanies the pigs during the movement and is given to the stock agent for the vendor; and
 - (ii) the stock agent for the vendor must give a copy of the movement documentation to the operator of the saleyard on arrival of the pigs at the saleyard; and
 - (iii) the operator of the saleyard must, for each consignment of pigs sold at the saleyard, update the pig database as follows:
 - (A) for consignments going direct to an abattoir—the PIC of the abattoir and the number of pigs in the consignment must be uploaded before the end of the day of sale;
 - (B) for consignments going direct to any other destination land (other than their return to the previous land of pasture)—
 - the prescribed movement details in relation to the movement to the saleyard; and
 - the PIC of the destination land (if known),must be uploaded within 2 business days of the sale;
 - (C) for consignments where the PIC of the destination land is not known—

- the prescribed movement details in relation to the movement to the saleyard; and
- the PIC of the *responsible stock agent* (being the stock agent acting for the purchaser or, if no such person is acting for the purchaser, the stock agent acting for the vendor),

must be uploaded within 2 business days of the sale of the pigs or their movement from the saleyard (whichever occurs sooner);

- (D) for pigs not sold at the saleyard and returning to their previous land of pasture—the number of pigs being returned and the PIC of the land of pasture must be uploaded within 2 business days of the movement of the pigs from the saleyard; and
- (iv) if a stock agent's PIC is uploaded under subparagraph (iii)(C), the operator of the saleyard must notify the stock agent of that fact as soon as reasonably practicable; and
 - (v) if the PIC of a stock agent for a purchaser was uploaded under subparagraph (iii)(C), the stock agent for the purchaser must—
 - (A) upload the prescribed movement details for the pigs to the pig database within 7 business days of their movement to the destination land, or, in the case of their movement to an abattoir, before their slaughter; and
 - (B) at the same time, notify the purchaser of the pigs in writing of the PIC of the destination land; and
 - (vi) if the PIC of a stock agent for a vendor was uploaded under subparagraph (iii)(C) (because no stock agent was acting for the purchaser), the stock agent for the vendor must upload the prescribed movement details for the pigs to the pig database within 2 business days of the movement of the pigs to the destination land, or, in the case of their movement to an abattoir, before their slaughter; and

- (vii) if a pig is dead on arrival at a saleyard or dies at a saleyard, the operator of the saleyard must upload the saleyard's default deceased PIC in relation to the pig to the pig database within 2 business days of the pig's disposal at, or removal from, the saleyard;
- (b) ***movement of pigs from a saleyard direct to an abattoir***—the responsible stock agent must ensure that—
 - (i) movement documentation in relation to the movement accompanies the pigs during their movement and is given to the person responsible for the management of the pigs at the abattoir, and the operator of the abattoir, by the end of the day of sale; or
 - (ii) movement documentation in relation to the movement is received by the persons referred to in paragraph (i) before the arrival of the pigs at the abattoir;
- (c) ***movement of pigs from a saleyard direct to land of pasture or other destination land***—the responsible stock agent must ensure that—
 - (i) movement documentation in relation to the movement accompanies the pigs during their movement and is given to the purchaser or the person responsible for the management of the pigs following their movement, within 2 business days of the sale; or
 - (ii) movement documentation in relation to the movement is sent separately to the persons referred to in paragraph (i), provided that the documentation arrives before the pigs; or
 - (iii) within 2 business days of the movement—
 - (A) movement documentation in relation to the movement is uploaded to the pig database; and
 - (B) the purchaser or the person responsible for the management of the pigs following their movement is notified of that upload;
- (d) ***movement of pigs from land of pasture direct to an abattoir***—the owner or person responsible for the management of the pigs must ensure that movement documentation in relation to the movement accompanies the pigs during their movement and is given to—
 - (i) the purchaser or person responsible for the management of the pigs following their movement; and

- (ii) the operator of the abattoir;
- (e) ***movement of pigs from land of pasture direct to land of pasture with different PIC but no change of ownership of pigs***—the owner or person responsible for the management of the pigs must, within 2 business days of their movement, upload to the pig database the prescribed movement details in relation to the movement;
- (f) ***movement of pigs from land of pasture direct to land of pasture with different PIC following their sale***—
 - (i) the owner or person responsible for the management of the pigs must ensure that movement documentation in relation to the movement accompanies the pigs during their movement and is given to the purchaser or person responsible for the management of the pigs following their movement; and
 - (ii) the purchaser or person responsible for the management of pigs following their arrival at the land of pasture must, within 2 business days after their arrival, upload to the pig database the prescribed movement details in relation to the movement;
- (g) ***movement of pigs from land of pasture direct to prescribed premises***—
 - (i) the owner or person responsible for the management of the pigs must ensure that movement documentation in relation to the movement accompanies the pigs during their movement and is given to the operator of the prescribed premises; and
 - (ii) the operator of the prescribed premises must upload the prescribed movement details in relation to the pigs to the pig database within 2 business days after their arrival at the premises;
- (h) ***movement (including return) of pigs from prescribed premises or any other land of dispatch (other than saleyard or land of pasture) direct to land of pasture***—
 - (i) the person responsible for the management of the pigs at the prescribed premises must ensure that movement documentation in relation to the movement accompanies the pigs during their movement and is given to the person responsible for the management of the pigs following their movement; and

- (ii) the person responsible for the management of pigs following their arrival at the land of pasture must, within 2 business days, upload to the pig database the prescribed movement details in relation to the movement;
- (i) ***movement of pigs from prescribed premises direct to prescribed premises with different PIC***—
 - (i) the person responsible for the management of the pigs at the prescribed premises (first-mentioned) must ensure that movement documentation in relation to the movement accompanies the pigs during their movement and is given to—
 - (A) the person responsible for the management of the pigs following their movement; and
 - (B) the operator of the prescribed premises (second-mentioned); and
 - (ii) the person responsible for the management of pigs following their arrival at the prescribed premises (second-mentioned) must, within 2 business days after their arrival, upload the prescribed movement details in relation to the movement;
- (j) ***movement of pigs from live export depot to port for live export***—the operator of the live export depot must, within 2 business days of the movement, upload to the pig database—
 - (i) the prescribed movement details in relation to the movement; and
 - (ii) the port's default export PIC in relation to the pigs;
- (k) ***after pigs are moved to an abattoir***—
 - (i) the operator of the abattoir or the person responsible for the management of the pigs at the abattoir must ensure that, while at the abattoir, the pigs are kept in the same group as that in which they were consigned to the abattoir; and
 - (ii) the operator of the abattoir must—
 - (A) within 2 business days after the slaughter of the pigs—upload to the pig database the prescribed movement details in relation to the movement and the date of slaughter of the pigs; and

- (B) ensure that all the prescribed movement details in relation to the movement of the pigs from their land of pasture to the abattoir (including any movement via a saleyard or other intermediary destination land) are kept available for inspection until an assessment is made of the fitness for human consumption of the carcass of the pigs.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) The following provisions apply for the purposes of enabling compliance by a person with a tracking requirement under subregulation (1):
 - (a) a person selling or purchasing an animal through a stock agent must provide the stock agent with sufficient information for the stock agent to be able to comply with the tracking requirement;
 - (b) any other person who is involved in the management of a pig before, during or after its movement must provide a person who is subject to a tracking requirement in respect of that movement with sufficient information for that person to be able to comply with the tracking requirement;
 - (c) a person to whom paragraph (a) or (b) applies must not, without good reason, refuse a reasonable request for information by a person who is subject to a tracking requirement.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) It is not a defence to a charge of an offence against this regulation of failing to provide a PIC to establish that a PIC had not previously been allocated in respect of the land or person concerned.

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 23 January 2018

No 2 of 2018

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