

NORTHERN TERRITORY OF AUSTRALIA

LIVESTOCK REGULATIONS 2009

As in force at 1 January 2015

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- Schedule 1** **Fees payable for applications relating to brands and earmarks**
- Schedule 2** **Positions of brands**
- Schedule 3** **Identifiable livestock**
- Schedule 4** **Prescribed imported livestock and prescribed travelling livestock**
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ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 January 2015

LIVESTOCK REGULATIONS 2009

Regulations under the *Livestock Act 2008*

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Livestock Regulations 2009*.

2 Commencement

These Regulations come into operation on the commencement of the *Livestock Act 2008*.

3 Definitions

In these Regulations:

approved device means an identification device mentioned in regulation 37(1) that has been approved by the Registrar.

approved laboratory means a veterinary diagnostic laboratory approved under section 32(2) of the Act.

bulk, in relation to the supply of manufactured foodstuff, means the supply of the foodstuff other than in a container.

cattle transaction tag, see regulation 37(3).

container includes bag and package.

declared area movement permit means a declared area movement permit required under section 59(2) of the Act.

identifiable livestock means livestock prescribed by regulation 30.

identifiable property means a property on which identifiable livestock are kept.

infringement notice means a notice mentioned in regulation 89.

infringement offence, see regulation 88(1).

manufactured foodstuff, see regulation 75.

movement permit means a declared area movement permit or standstill zone movement permit.

permanent identification device, see regulation 37(2).

PIC means a property identification code allotted under the PIC system.

PIC register means the register kept for the PIC system.

PIC system means the system for identifying properties mentioned in section 15(1) of the Act.

product statement, see regulation 76(1).

product warning, see regulation 76(2).

registered owner, of a brand or earmark, is the person to whom the brand or earmark is registered.

registered property means:

- (a) for a brand or earmark – the property on which the brand or earmark will be used, as entered in a register under regulation 10(1); or
- (b) for a PIC – the identifiable property for which the PIC is registered under regulation 32(2).

restricted animal material, see regulation 74(1).

supply includes sell and exchange.

swill, see regulation 70.

transaction eartag, see regulation 37(4).

unbranded cattle, means cattle of at least 8 months of age that have not been branded.

valuation body means a valuation panel, valuer or valuation reviewer.

4 Notices and applications

- (1) Unless the Act or these Regulations specify otherwise:
- (a) a notice required to be given or an application that may be made under the Act or these Regulations must be in the approved form and must include all the information required by the form; and
 - (b) a person may give a notice or make an application in any of the following ways:
 - (i) in person;
 - (ii) by post or facsimile transmission;
 - (iii) by electronic mail transmission.
- (2) The Registrar or an inspector may refuse to accept a notice or application, or take any action in relation to a notice or application (regardless of whether it is accepted), until:
- (a) all relevant information required by the relevant approved form is included in the notice or application; and
 - (b) in relation to an application for which a fee is prescribed under regulation 6 – the fee is paid.

Part 2 Identification and registration of livestock, properties and other things

Division 1 Registration of brands and earmarks

5 Livestock for which 3-letter brands may be registered

For section 8 of the Act, the Registrar may register 3-letter brands to be applied to the following livestock:

- (a) buffalo;
- (b) cattle;
- (c) horses.

6 Fees

A person who makes an application specified in Schedule 1, column 1 must pay the fee specified opposite the application in Schedule 1, column 2.

7 Application for registration of 3-letter brand

- (1) A person who is at least 18 years of age may apply to the Registrar for the registration of a 3-letter brand to be used for branding livestock prescribed by regulation 5.
- (2) The application must specify the property on which the 3-letter brand will be used (the **specified property**) and the livestock to which the brand will be applied.
- (3) The applicant must be:
 - (a) the owner of the specified property; or
 - (b) a person who, with the permission of the owner of the specified property, intends to brand the livestock on the property.

8 Decision relating to registration of brand or earmark

- (1) Within 30 days after receiving an application to register a brand or earmark, the Registrar must decide whether or not to register the brand or earmark and give the applicant written notice of the decision.
- (2) Before registering a 3-letter brand on the application of a person who is not the owner of the property on which the brand will be used, the Registrar must be satisfied:
 - (a) the owner of the property has given the person permission to brand on the property; and
 - (b) it is reasonable in the circumstances to register the brand.
- (3) The Registrar may refuse to register a brand on reasonable grounds, including any of the following:
 - (a) the brand resembles another registered brand;
 - (b) the brand would be likely to deceive a person;
 - (c) the brand is unlikely to produce a legible brand when applied to livestock.
- (4) The Registrar may refuse to register an earmark (the **proposed earmark**) on reasonable grounds, including any of the following:
 - (a) the proposed earmark resembles another registered earmark that is used on a property adjacent to the property on which the proposed earmark would be used;

- (b) the proposed earmark would be likely to deceive a person.

9 Decision relating to transfer of registered 3-letter brand

- (1) The registered owner of a registered 3-letter brand may apply to the Registrar to register the transfer of the brand to another person.
- (2) Within 30 days after receiving an application to register the transfer of a registered 3-letter brand, the Registrar must decide whether to register the transfer and give the applicant written notice of the decision.
- (3) Before registering the transfer of a registered 3-letter brand to a person who is not the owner of the property on which the brand will be used, the Registrar must be satisfied:
 - (a) the owner of the property has given the person permission to use the brand on the property; and
 - (b) it is reasonable in the circumstances to register the transfer.
- (4) The Registrar may refuse to register the transfer on reasonable grounds.

10 Registration

- (1) As soon as practicable after giving notice of a decision to register a brand or earmark, the Registrar must register the brand or earmark by entering in the appropriate register information relevant to the brand or earmark, including the following:
 - (a) the design or description;
 - (b) any applicable code;
 - (c) requirements relating to its use;
 - (d) the name and address of the person to whom it is registered;
 - (e) the name and address of the property on which it will be used;
 - (f) any number allocated to the certificate issued to the registered owner.
- (2) The information relating to a symbol brand registered on the application of the Chief Inspector must include details of the test or treatment to which the symbol brand relates.
- (3) As soon as practicable after giving notice of a decision to register the transfer of a registered 3-letter brand, the Registrar must register the transfer by altering the register as appropriate.

11 Certificate of registration

- (1) As soon as practicable after registering a brand or earmark, the Registrar must issue to the registered owner a certificate of registration for the brand or earmark.
- (2) As soon as practicable after registering the transfer of a registered 3-letter brand, the Registrar must:
 - (a) cancel the existing certificate of registration for the 3-letter brand and each symbol brand and earmark connected to the 3-letter brand; and
 - (b) issue to the new registered owner a certificate of registration for the 3-letter brand and each symbol brand and earmark connected to the 3-letter brand.
- (3) A certificate of registration for a brand or earmark must include the following information relevant to the brand or earmark:
 - (a) the name and address of the registered owner;
 - (b) the name and address of the registered property;
 - (c) the design or description;
 - (d) requirements relating to its use;
 - (e) in relation to a brand – the position on the livestock where it must be first applied.

12 Requirement to give impression of brand

- (1) The registered owner of a brand must, within 60 days after receiving the certificate of registration for the brand, give the Registrar an impression of the brand:
 - (a) made on linen, canvas, cardboard, leather or other material acceptable to the Registrar; and
 - (b) consistent with the design or description of the brand in the certificate of registration.

Fault element: Strict liability offence.

Maximum penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a new registered owner mentioned in regulation 11(2).

13 Requirement to notify change of address

- (1) This regulation applies if the residential or contact address of a registered owner of a brand or earmark changes.
- (2) The registered owner must notify the Registrar of the change and the owner's new address within 28 days after the date of change.

Fault element: Strict liability offence.

Maximum penalty: 20 penalty units.

14 Decision to cancel registration of 3-letter brand

- (1) The Registrar may decide to cancel the registration of a 3-letter brand in any of the following circumstances:
 - (a) if the registered owner of the brand is also the owner of the registered property for the brand – the registered owner:
 - (i) has sold or rented out the registered property; and
 - (ii) has not applied to the Registrar to register the transfer of the brand to the purchaser or tenant of the property;
 - (b) if the registered owner of the brand is not also the owner of the registered property for the brand – the registered owner no longer has the permission of the registered property owner to use the brand on the property;
 - (c) if the registered owner of the brand is deceased – the administrator or executor of the owner's estate has not, within 12 months after the date of death, applied for the registration of the brand to continue;
 - (d) the registered owner of the brand is found guilty of an offence against a provision of this Division or Division 2;
 - (e) to the best of the Registrar's knowledge and belief, the brand has not been used for at least 3 years;
 - (f) a notice under this Part, sent by post to the registered owner of the brand at the owner's last known address, is undeliverable;
 - (g) the registered owner of the brand fails or refuses to comply with a notice that:
 - (i) is sent under this Part to the owner's last known address; and

- (ii) requires the owner to reply within 60 days of the date of the notice;
 - (h) there is any other reasonable ground for the cancellation.
- (2) Subject to subregulation (3), if the Registrar decides to cancel the registration of a 3-letter brand:
 - (a) the Registrar must give the registered owner of the brand written notice of the Registrar's decision which must specify when the cancellation will take effect; and
 - (b) the cancellation takes effect on the day after the end of the period within which the registered owner of the brand may apply for a review of the decision.

Note for subregulation (2)

Sections 122 and 123 of the Act deal with the notice of and application for a review.

- (3) If the circumstance mentioned in subregulation (1)(f) applies:
 - (a) the Registrar need not give the registered owner of the brand notice of the Registrar's decision; and
 - (b) the cancellation takes effect on the day the Registrar decides to cancel the brand.
- (4) If the registration of a 3-letter brand is cancelled, the Registrar must alter the register as appropriate.

Division 2 Brands

15 Construction and size of 3-letter brand

- (1) All 3 letters of a 3-letter brand must be constructed on 1 handle.
- (2) Each letter must be between 4 cm and 8 cm in both height and width.

16 Size of symbol brand

A symbol brand must be between 4 cm and 12 cm in both height and width.

17 Brand to be consistent with registered design

The registered owner of a brand commits an offence if the instrument used to apply the brand to livestock does not produce a brand consistent with the design or description in the certificate of registration for the brand.

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

18 Positions of brands

- (1) The first brand applied to livestock must be in the position described in the certificate of registration for the brand.
- (2) Each subsequent brand applied to livestock may be in any other position, where there is sufficient space, specified in Schedule 2.
- (3) A person commits an offence if the person applies a registered brand to livestock in a position other than is required or permitted by subregulation (1) or (2).

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

19 Registered brand to be applied

A person commits an offence if:

- (a) the person applies a brand to livestock; and
- (b) the brand is not registered.

Fault elements:

The person:

- (a) intentionally applies the brand; and
- (b) is reckless in relation to whether the brand is registered.

Maximum penalty: 200 penalty units.

20 Unauthorised branding

- (1) A person commits an offence if the person:
 - (a) applies a registered brand to livestock; and

(b) is not authorised to apply the brand to the livestock.

Fault elements:

The person:

- (a) intentionally applies the brand; and
- (b) is reckless in relation to whether the person is authorised to apply the brand to the livestock.

Maximum penalty: 200 penalty units.

(2) For subregulation (1), a person is authorised to apply a brand to livestock if the person is:

- (a) the registered owner of the brand or authorised by the registered owner of the brand to use the brand; and
- (b) the owner of the livestock.

21 Brand to be used on registered property

(1) A person commits an offence if:

- (a) the person applies a registered brand to livestock; and
- (b) the livestock are on a property other than the registered property for the brand.

Fault elements:

The person:

- (a) intentionally applies the brand; and
- (b) is reckless in relation to whether the property is the registered property for the brand.

Maximum penalty: 200 penalty units.

(2) Subregulation (1) does not apply if the registered owner of the brand has authorisation from the Registrar to use the brand on a property other than the registered property.

(3) An authorisation must specify the period during which the brand may be used on a property other than the registered property.

22 Brand to be legible

- (1) A person commits an offence if:
- (a) the person applies a brand to livestock; and
 - (b) the brand is not clear, legible and permanent.

Fault elements:

The person:

- (a) intentionally applies the brand; and
- (b) is reckless in relation to whether the brand is clear, legible and permanent.

Maximum penalty: 50 penalty units.

- (2) It is a defence to an offence against subregulation (1) if the defendant establishes it was not practicable to apply a clear, legible and permanent brand to the livestock.

23 No interference with brand

A person commits an offence if the person removes, defaces, alters or makes illegible a brand on livestock or hides.

Fault element: Intention.

Maximum penalty: 200 penalty units.

24 No sale or possession if brand removed or defaced

A person commits an offence if:

- (a) the person:
 - (i) sells or receives livestock or hides; or
 - (ii) has livestock or hides in his or her possession; and
- (b) the brand on the livestock or hides has been removed, defaced, altered or made illegible.

Fault elements:

The person:

- (a) intentionally sells, receives or possesses the livestock or hides; and

- (b) is reckless in relation to whether the brand has been removed, defaced, altered or made illegible.

Maximum penalty: 200 penalty units.

Division 3 Earmarks and spayed marks

25 Registered earmark to be made

A person commits an offence if:

- (a) the person makes an earmark on livestock; and
(b) the earmark is not registered.

Fault elements:

The person:

- (a) intentionally makes the earmark; and
(b) is reckless in relation to whether the earmark is registered.

Maximum penalty: 100 penalty units.

26 Making earmark

The owner of a head of livestock who makes a registered earmark on the animal must do so:

- (a) with pliers; and
(b) in accordance with the design or description of the earmark, and any requirements relating to the use of the earmark, in the certificate of registration.

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

27 No subsequent earmark

A person must not, without authorisation from the Registrar, make a registered earmark on a head of livestock that already has an earmark.

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

28 Making earmark on cattle or buffalo

- (1) The owner of a head of cattle or buffalo must not make a registered earmark on the animal unless it is already branded with a registered brand.

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

- (2) The owner of a head of cattle or buffalo must not make an earmark longer than 8 cm on the animal.

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

29 Spayed mark on cattle or buffalo

- (1) Immediately after a head of cattle or buffalo is spayed, the owner of the animal must mark 1 ear of the animal with a spayed mark.

Fault element: Intentionally omitting to mark the ear with a spayed mark.

Maximum penalty: 100 penalty units.

- (2) For subregulation (1), the owner must mark the ear by punching in its centre a hole that:

- (a) is circular; and
- (b) has a diameter of between 1.5 cm and 4 cm; and
- (c) does not destroy or alter an existing earmark.

Fault elements:

The person:

- (a) intentionally marks the ear; and
- (b) is reckless in relation to the placement, shape, size or destructive effect of the hole.

Maximum penalty: 100 penalty units.

Division 4 PIC system

30 Identifiable livestock

For section 15(1) of the Act, the livestock specified in Schedule 3 are prescribed for the PIC system.

31 Allotting PIC for adjacent identifiable properties

If adjacent identifiable properties are owned by the same person and worked as a single property, the Registrar may allot and register a single PIC for all the adjacent identifiable properties.

Note

Properties that are separated geographically cannot have a single PIC registered even if they are owned by the same person.

32 Registration of PIC

- (1) The owner of an identifiable property must have a PIC registered for the property.

Fault element: Strict liability offence.

Maximum penalty: 20 penalty units.

- (2) The Registrar must allot and register a PIC for an identifiable property on application by the owner of the property.
- (3) After registering a PIC for an identifiable property, the Registrar must issue to the owner of the property a certificate of registration specifying:
- (a) the PIC; and
 - (b) any other information the Registrar considers appropriate.

33 Information in PIC register

- (1) The PIC register must contain the following information in respect of each registered PIC:
- (a) the name and description of the registered property;
 - (b) the name and address of the owner of the registered property;
 - (c) any other information the Registrar considers appropriate.

- (2) For section 88(3) of the Act, the Registrar may make public the following information:
- (a) a PIC;
 - (b) the name of a registered property;
 - (c) the name and address of the owner of a registered property.

34 Notice of change of ownership of registered property

- (1) This regulation applies if the ownership of a registered property is transferred by sale or otherwise.
- (2) The new owner of the property must give the Registrar notice of the change of ownership within 28 days after the date of transfer.

Fault element: Strict liability offence.

Maximum penalty: 20 penalty units.

- (3) The notice must specify whether the new owner intends to keep identifiable livestock on the property.
- (4) If the new owner intends to keep identifiable livestock on the property, the Registrar must:
- (a) cancel the existing certificate of registration for the PIC registered for the property; and
 - (b) issue to the new owner a new certificate of registration for the PIC; and
 - (c) alter the PIC register as appropriate.
- (5) If the new owner does not intend to keep identifiable livestock on the property, the Registrar must:
- (a) cancel the certificate of registration for the PIC registered for the property; and
 - (b) alter the PIC register as appropriate.

35 Notice of change of ownership of identifiable property with no registered PIC

- (1) This regulation applies if the ownership of an identifiable property for which no PIC is registered is transferred by sale or otherwise.

- (2) The new owner of the property must apply for the registration of a PIC within 14 days after the date of transfer.

Fault element: Strict liability offence.

Maximum penalty: 20 penalty units.

36 PIC to be displayed only on approved device

A person must not attach to identifiable livestock a device displaying a PIC unless the device is an approved device.

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

Division 5 Approved devices generally

37 Approved devices to be attached to livestock

- (1) For section 16(1) of the Act, the Registrar may approve the following types of identification devices to be attached to livestock:

- (a) permanent identification devices;
- (b) cattle transaction tags;
- (c) transaction eartags.

- (2) A **permanent identification device** is a device that displays the PIC registered for the property on which an animal is kept at the time the device is attached to the animal and may be:

- (a) a breeder device that shows the animal:
 - (i) was born on the registered property; and
 - (ii) has not previously been moved from the registered property; or
- (b) a post-breeder device that shows the animal has been moved from another property to the registered property.

- (3) A **cattle transaction tag** is a tail tag or eartag that displays:

- (a) the PIC registered for the property on which a head of cattle is located at the time the tag is attached to the animal and from which the animal is to be moved; and
- (b) a serial number that is recorded in the waybill issued for the animal.

- (4) A **transaction eartag** is an eartag that displays:
- (a) the PIC registered for the property on which an animal is located at the time the eartag is attached to the animal and from which the animal is to be moved; and
 - (b) a serial number that is recorded in the waybill issued for the animal.

38 Purchase of approved devices

A person must not purchase an approved device unless the person is:

- (a) the owner of the registered property for the PIC displayed on the device; or
- (b) authorised by the owner of the property to purchase the device.

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

39 Attachment of approved device

- (1) A person must not attach an approved device to a head of livestock unless the person:
- (a) is the owner of the livestock; or
 - (b) has authorisation from an inspector to attach the device.

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

- (2) A person must not attach an approved device to a head of livestock at a place other than the registered property for the PIC displayed on the device.

Fault elements:

The person:

- (a) intentionally attaches the device; and
- (b) is reckless in relation to whether the place is the registered property for the PIC.

Maximum penalty: 50 penalty units.

40 No interference with approved device

A person must not alter or deface an approved device.

Fault element: Intention.

Maximum penalty: 50 penalty units.

Division 6 Identification of cattle

41 Identification before movement

(1) This regulation applies if cattle are to be moved from a property (the ***property of origin***) to another property.

(2) The owner of the property of origin must ensure permanent identification devices are attached to the cattle before the movement begins.

Fault element: Recklessness in relation to whether permanent identification devices are attached.

Maximum penalty: 50 penalty units.

(3) Subregulation (2) does not apply if the owner of the property has authorisation from the Registrar for the cattle to be moved without permanent identification devices being attached.

(4) The Registrar may authorise for the cattle to be moved without permanent identification devices if the Registrar considers it is reasonable in the circumstances to do so.

42 Reporting requirements for owner of property of destination

(1) This regulation applies to the owner of a property (the ***property of destination***) to which cattle with permanent identification devices attached have been moved from another property (the ***property of origin***).

Note for subregulation (1)

The owner of a property includes the person who manages or has control of the property.

(2) The owner of the property of destination must ensure that this information is entered on the NLIS database within 48 hours after the movement is completed:

(a) ID data; and

- (b) the date on which the movement from the property of origin began.

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

- (3) If the property of destination is an abattoir, the owner of the abattoir must ensure that this information is entered on the NLIS database:

- (a) if the cattle were slaughtered, within 48 hours of the slaughter:

- (i) ID data; and
- (ii) the date on which the cattle were slaughtered; or

- (b) if the cattle were moved to another property, within 48 hours after the cattle were moved from the abattoir:

- (i) ID data; and
- (ii) the date on which the cattle were moved from the abattoir.

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

- (4) If the property of destination is a saleyard, the owner of the saleyard must ensure that this information is entered on the NLIS database within 48 hours after the cattle were moved from the saleyard:

- (a) ID data; and
- (b) the PIC registered for the property to which the cattle were moved; and
- (c) the date on which the cattle were moved from the saleyard.

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

- (5) If the property of destination is a registered premises, the owner of the registered premises must ensure that this information is entered on the NLIS database:

- (a) if the cattle were exported, within 48 hours of the export:

- (i) ID data; and

- (ii) the NLIS database destination code for export; and
 - (iii) the date on which the cattle were exported from Australia; or
- (b) if the cattle were moved to another property, within 48 hours after the cattle were moved from the registered premises:
- (i) ID data; and
 - (ii) the PIC registered for the property to which the cattle were moved; and
 - (iii) the date on which the cattle were moved from the registered premises.

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

- (6) In this regulation:

ID data means the following:

- (a) the identification particulars of each permanent identification device attached to the cattle;
- (b) the PIC registered for the property of origin;
- (c) the PIC registered for the property of destination.

NLIS means the National Livestock Identification System agreed to by the Commonwealth, States and Territories under a resolution of the Primary Industries Ministerial Council of 2 October 2003.

registered premises, see section 2.01 of the *Export Control (Animals) Order 2004* (Cth).

43 No subsequent attachment of permanent identification device

A person must not attach a permanent identification device to a head of cattle if the device has previously been attached to another animal.

Fault elements:

The person:

- (a) intentionally attaches the device; and

(b) is reckless in relation to the previous attachment of the device.

Maximum penalty: 50 penalty units.

44 Attachment of permanent eartag

A person commits an offence if the person attaches a permanent identification device that is an eartag to a head of cattle in any position except the right ear.

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

45 No removal of approved device

(1) A person must not remove from a head of cattle:

(a) a permanent identification device; or

(b) a cattle transaction tag that is an eartag.

Fault element: Intention.

Maximum penalty: 50 penalty units.

(2) Subregulation (1) does not apply if the person:

(a) has authorisation from an inspector to remove the device or eartag; or

(b) removes a malfunctioning device and replaces it with another device.

Division 7 Identification of buffalo

46 Identification before movement

(1) This regulation applies if buffalo are to be moved from a property (the ***property of origin***) to another property.

(2) The owner of the property of origin must ensure that approved devices are attached to the buffalo as specified in subregulation (3) or (4) before the movement begins.

Fault element: Recklessness in relation to whether approved devices are attached as specified.

Maximum penalty: 50 penalty units.

- (3) If the movement from the property of origin is the only movement, or the first in a series of movements, permanent identification devices or transaction eartags in relation to the movement must be attached to the buffalo.
- (4) If the movement from the property of origin is the second or a subsequent movement in a series of movements, transaction eartags in relation to the movement must be attached.
- (5) Subregulation (2) does not apply if the owner of the property has authorisation from the Registrar for the buffalo to be moved without the approved devices being attached.
- (6) The Registrar may authorise for the buffalo to be moved without the approved devices if the Registrar considers it is reasonable in the circumstances to do so.

47 Application of Division 6

Regulations 42, 43 and 45 apply in relation to buffalo as if a reference in those regulations to cattle were a reference to buffalo.

Division 8 Identification of sheep and goats

48 Identification before movement

- (1) This regulation applies if sheep or goats are to be moved from a property (the ***property of origin***) to another property.
- (2) The owner of the property of origin must ensure that transaction eartags in relation to the movement are attached to the sheep or goats before the movement begins.

Fault element: Recklessness in relation to whether transaction eartags are attached.

Maximum penalty: 50 penalty units.

- (3) To avoid doubt, if the movement from the property of origin is the second or a subsequent movement in a series of movements, additional transaction eartags in relation to the movement must be attached.
- (4) Subregulations (2) and (3) do not apply if the property of origin is a trucking yard and the animals have been kept at the yard for 24 hours or less.
- (5) Also, subregulations (2) and (3) do not apply if:
 - (a) the animals are only moved twice; and

- (b) the second movement is to return the animals to the property where the movement began; and
- (c) ownership of the animals does not change during the movement.

Example for subregulation (5)

The animals are moved to and from an agricultural show.

- (6) Subregulation (2) does not apply if the owner of the property has authorisation from the Registrar for the animals to be moved without the transaction eartags being attached.
- (7) The Registrar may authorise for the animals to be moved without the transaction eartags if the Registrar considers it is reasonable in the circumstances to do so.

49 No removal of transaction eartag

- (1) A person must not remove a transaction eartag from a sheep or goat.

Fault element: Intention.

Maximum penalty: 50 penalty units.

- (2) Subregulation (1) does not apply if the person has authorisation from an inspector to remove the eartag.

Division 9 Registration of beehives

50 Beehives must be registered

The owner of a beehive must register the beehive by giving a notice of ownership to the Registrar.

Fault element: Strict liability offence.

Maximum penalty: 20 penalty units.

51 Notice of change of ownership of beehive

A person to whom the ownership of a beehive is transferred (by sale or otherwise) must give the Registrar notice of the transfer within 28 days after the date of transfer.

Fault element: Strict liability offence.

Maximum penalty: 20 penalty units.

Part 3 Travelling livestock

Division 1 Prescribed imported livestock and prescribed travelling livestock

52 Prescribed imported livestock

For section 17(1) of the Act, the livestock that require a health certificate before being brought into the Territory from a State or another Territory are specified in Schedule 4, Part A.

53 Prescribed travelling livestock

For section 20(1) of the Act, the livestock for which a waybill must be issued before the livestock begin travelling are specified in Schedule 4, Part B.

54 Separate waybill for non-owned prescribed travelling livestock

- (1) This regulation applies to a person who:
 - (a) is the owner of travelling livestock that are prescribed travelling livestock (the **primary livestock**); and
 - (b) includes with the primary livestock other prescribed travelling livestock not actually owned by the person (the **other livestock**).
- (2) For section 20(2) of the Act and this Division, the person is taken to be the owner of the other livestock.
- (3) For section 20(2) of the Act, the person must issue:
 - (a) a waybill for the primary livestock; and
 - (b) a waybill for the other livestock.

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

55 Obligations of owner of prescribed travelling livestock

- (1) The owner of prescribed travelling livestock must, before the livestock begin travelling, deliver a completed waybill for the livestock to the person who will be in charge of the livestock.

Fault element: Strict liability offence.

Maximum penalty: 100 penalty units.

- (2) The owner of prescribed travelling livestock must:
- (a) within 28 days after the date on which the waybill is issued – send a copy to the Registrar; and
 - (b) keep a copy of the waybill for at least 7 years after the date on which it is issued; and
 - (c) at the request of an inspector during that period – show the inspector the copy.

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

56 Obligations of person in charge

- (1) A person in charge of travelling livestock that are prescribed travelling livestock or prescribed imported livestock must:
- (a) sign the waybill for the livestock; and
 - (b) record in the waybill the date and time when the livestock begin travelling; and
 - (c) have possession of the waybill during the entire period of travel; and
 - (d) at the request of an inspector at any time during the period of travel – show the inspector the waybill; and
 - (e) at the request of the owner of a property, while the livestock are within the boundaries of the property – show the property owner the waybill; and
 - (f) deliver the livestock and waybill to the person named in the waybill to take delivery of the livestock; and
 - (g) record in the waybill the date and time when the livestock are delivered to the person named in the waybill to take delivery.

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

- (2) If a person is in charge of travelling livestock that are prescribed imported livestock but are not also prescribed travelling livestock, a reference in subregulation (1) to the waybill for the livestock is taken to be a reference to the health certificate for the livestock.

Note for subregulation (2)

These travelling livestock require a health certificate but not a waybill.

57 Obligations of person taking delivery

- (1) A person must not take delivery of travelling livestock that are prescribed travelling livestock or prescribed imported livestock, and the waybill for the livestock, unless the waybill:
- (a) contains accurate details of the livestock; and
 - (b) has been completed correctly; and
 - (c) has been properly signed by:
 - (i) the owner of the livestock; and
 - (ii) the person in charge of the livestock; and
 - (iii) if applicable – the veterinary officer or inspector of livestock mentioned in section 17(2)(b) of the Act.

Fault elements:

The person:

- (a) intentionally takes delivery of the livestock and waybill; and
- (b) is reckless in relation to the accuracy, correct completion or proper signing of the waybill.

Maximum penalty: 50 penalty units.

- (2) The person who takes delivery of travelling livestock that are prescribed travelling livestock or prescribed imported livestock, and the waybill for the livestock, must:
- (a) keep the waybill for at least 7 years; and
 - (b) at the request of an inspector during that period – show the inspector the waybill.

Fault element: Strict liability offence.

Maximum penalty: 50 penalty units.

- (3) If a person takes delivery of travelling livestock that are prescribed imported livestock but are not also prescribed travelling livestock, a reference in this regulation to the waybill for the livestock is taken to be a reference to the health certificate for the livestock.

Note for subregulation (3)

These travelling livestock require a health certificate but not a waybill.

Division 2 Offences relating to unbranded cattle

58 Owner must not hand over unbranded cattle for travel

- (1) The owner of livestock commits an offence if:
- (a) the owner hands over the livestock to a person who will be in charge of the livestock during travel outside the property on which they are usually kept; and
 - (b) any of the livestock are unbranded cattle.

Fault elements:

The person:

- (a) intentionally hands over the livestock to the person for travel outside the property on which they are usually kept; and
- (b) is reckless in relation to whether any of the livestock are unbranded cattle.

Maximum penalty: 200 penalty units.

- (2) Subregulation (1) does not apply if the owner of the unbranded cattle:
- (a) has authorisation from the Registrar to hand over the cattle to the person who will be in charge of the livestock during travel; and
 - (b) gives the person a copy of the authorisation.

59 Person in charge must not include unbranded cattle

- (1) The person in charge of travelling livestock commits an offence if any of the livestock are unbranded cattle.

Fault element: Recklessness in relation to whether any of the travelling livestock are unbranded cattle.

Maximum penalty: 50 penalty units.

- (2) Subregulation (1) does not apply if the person has a copy of an authorisation mentioned in regulation 58(2).

60 No transaction relating to unbranded cattle

- (1) A person must not sell, give away, exchange or receive travelling livestock that are unbranded cattle.

Fault elements:

The person:

- (a) intentionally sells, gives away, exchanges or receives the travelling livestock; and
- (b) is reckless in relation to whether the travelling livestock are unbranded cattle.

Maximum penalty: 200 penalty units.

- (2) Subregulation (1) does not apply if the person has authorisation from the Registrar to sell, give away, exchange or receive the unbranded cattle.

Division 3 Travel on stock routes

61 Rate of travel

- (1) For section 23(1) of the Act, this regulation prescribes the rate of travel for specified travelling livestock being driven on the hoof on a stock route.

- (2) The rate of travel for cattle is:

- (a) if the total distance to be travelled is 90 kilometres or more – at least 90 kilometres in each successive period of 7 days; or
- (b) if the total distance to be travelled is less than 90 kilometres – at least 13 kilometres each day.

- (3) The rate of travel for horses is:

- (a) if the total distance to be travelled is 112 kilometres or more – at least 112 kilometres in each successive period of 7 days; or
- (b) if the total distance to be travelled is less than 112 kilometres – at least 16 kilometres each day.

- (4) The rate of travel for sheep and goats is:
- (a) if the total distance to be travelled is 56 kilometres or more – at least 56 kilometres in each successive period of 7 days; or
 - (b) if the total distance to be travelled is less than 56 kilometres – at least 8 kilometres each day.

62 Authorisation of slower rate of travel

- (1) The Registrar may authorise a slower rate of travel than is prescribed by regulation 61 if, in the Registrar's opinion, the livestock are incapable of travelling at the prescribed rate because they are weak, immature or diseased.
- (2) The authorisation must specify the minimum distance required to be travelled in each successive period of 7 days.

Part 4 Disease control

Division 1 Movement permits

63 Application for movement permit

- (1) An application for a standstill zone movement permit must be made to the Chief Inspector by or for the owner of the livestock, animal product or other thing for which the permit is sought.
- (2) An application for a declared area movement permit must be made to an inspector by or for the person required to apply under section 59 of the Act.

64 Issuing movement permit

- (1) The Chief Inspector or an inspector may issue a movement permit if satisfied the proposed movement will not jeopardise the control of the notifiable disease specified in the relevant declaration.
- (2) If the application relates to the movement of livestock, the Chief Inspector or inspector:
 - (a) must be satisfied about the following matters:
 - (i) the application is made by or for the actual owner of the livestock;
 - (ii) the livestock are to be moved to the place specified in the application to be their destination; and

- (b) may require the applicant to produce a waybill for the livestock.

65 Endorsement on waybill is declared area movement permit

- (1) This regulation applies if:
 - (a) an application for a declared area movement permit is made in respect of movement proposed for prescribed travelling livestock; and
 - (b) an inspector decides to issue a declared area movement permit.
- (2) The inspector may endorse the waybill for the livestock with a statement that the proposed movement is permitted under section 59 of the Act, and the endorsement is taken to be a declared area movement permit.

66 Cancellation of declared area movement permit

- (1) An inspector may, orally or in writing, cancel a declared area movement permit if the inspector is satisfied:
 - (a) further movement under the permit is reasonably likely to jeopardise the control of the notifiable disease specified in the declaration of the area; or
 - (b) there has been a contravention of the permit.
- (2) The cancellation takes effect at the time specified by the inspector, which may be immediately after the following person is made aware of the cancellation:
 - (a) if the permit was issued to regulate the movement of a person – that person;
 - (b) if the permit was issued to regulate the movement of livestock or other things – the person in charge of the livestock or things.
- (3) As soon as practicable after cancelling the permit, the inspector must give written notice of the cancellation and the reasons for it:
 - (a) to the applicant for the permit, regardless of whether the applicant is also the person made aware of the cancellation under subregulation (2); and

- (b) if the permit was issued to regulate the movement of livestock and the applicant is not their actual owner – to the actual owner of the livestock.

67 Cancellation of standstill zone movement permit

- (1) If the Chief Inspector considers it necessary, the Chief Inspector may cancel a standstill zone movement permit orally or in writing.
- (2) The cancellation takes effect at the time specified by the Chief Inspector, which may be immediately after the person in charge of the livestock, animal product or other thing being moved is made aware of the cancellation.
- (3) The Chief Inspector must confirm an oral cancellation, and the reason for the cancellation, by written notice:
 - (a) to the applicant for the permit, regardless of whether the applicant is also the person made aware of the cancellation under subregulation (2); and
 - (b) if the applicant is not the actual owner of the livestock, animal product or other thing for which the permit was issued – to the actual owner.

Note for regulation 67

A person is not entitled to apply for a review of the decision to cancel a standstill zone movement permit – see section 118 of the Act.

68 Person in charge must show movement permit

The person in charge of livestock being moved under a movement permit must:

- (a) have possession of the permit during the entire period of movement; and
- (b) at the request of an inspector during that period – show the inspector the permit.

Fault element: Strict liability offence.

Maximum penalty: 100 penalty units.

69 Person in charge must notify of escape

- (1) This regulation applies if livestock being moved under a movement permit escape from the control of the person in charge of the livestock.

- (2) The person in charge commits an offence if the person does not, as soon as practicable after the escape, notify each of the following of the escape:
- (a) an inspector;
 - (b) if the person in charge is not the actual owner of the livestock – the actual owner of the livestock;
 - (c) if the livestock escaped onto a person's property – the owner of the property.

Fault element: Knowledge of the escape.

Maximum penalty: 200 penalty units.

Division 1A Other movement documents

69A Declaration or certificate for livestock movement interstate

- (1) This regulation applies in relation to livestock that are to be moved out of the Territory to a State or another Territory.
- (2) Before the movement starts, the owner or person in charge of the livestock may request an inspector to:
- (a) inspect the livestock and the property or place where the livestock are, or have been, kept; and
 - (b) make a written declaration or issue a certificate in relation to the livestock, property or place.
- (3) The declaration or certificate must give information about the status of the livestock and the property or place, in relation to diseases or infection, that is relevant to the requirements of the law in force in the State or Territory to which the livestock are to be moved.
- (4) Without limiting subregulation (3), the declaration or certificate may include any of the following information:
- (a) whether the livestock are free of disease;
 - (b) whether the property or place is, or has been, infected;
 - (c) whether particular tests have been conducted on the livestock, property or place;
 - (d) whether particular treatment has been given to the livestock, property or place.

- (5) Before making a declaration or issuing a certificate under this regulation, the inspector must ensure all tests are conducted and all treatment is given as required by the law in force in:
- (a) the State or Territory to which the livestock are to be moved; and
 - (b) each State or Territory through which the livestock are to be moved.

69B Declaration or certificate for export of livestock

- (1) This regulation applies in relation to livestock that are to be exported from a property in the Territory.
- (2) The owner or person in charge of the livestock may request an inspector to make a written declaration or issue a certificate in relation to the livestock or property (or both).
- (3) The declaration or certificate must give information about the status of the livestock or property, in relation to diseases or infection, that is relevant to the requirements of the law in force in the country to which the livestock are to be exported.
- (4) Before making a declaration or issuing a certificate under this regulation, an inspector must conduct appropriate investigations to enable the inspector to be satisfied about the past and current status of the livestock or property in relation to diseases or infection.

Division 2 Pigs and swill

70 Swill

- (1) **Swill** is:
- (a) material originating from a placental mammal or poultry (**mammalian or poultry material**); or
 - (b) material that has come into contact with mammalian or poultry material.
- (2) However, swill does not include the following:
- (a) mammalian or poultry material:
 - (i) rendered in accordance with the Australian Standard for the Hygienic Rendering of Animal Products AS 5008:2001, as in force from time to time; or

- (ii) derived from a commercial product that has been cooked to an internal temperature of 70° C for a minimum of 30 minutes;

- (b) milk or milk by-products of Australian origin.

71 Pig owner to prevent pigs eating swill

- (1) The owner of pigs commits an offence if:

- (a) the owner feeds foodstuff to the pigs; and
- (b) the foodstuff consists entirely or partly of swill.

Fault elements:

The person:

- (a) intentionally feeds foodstuff to the pigs; and
- (b) is reckless in relation to whether the foodstuff consists entirely or partly of swill.

Maximum penalty: 200 penalty units.

- (2) The owner of pigs commits an offence if:

- (a) the pigs and swill are kept on the same property; or
- (b) the pigs have access to swill.

Fault element: Recklessness in relation to whether the pigs and swill are kept on the same property or whether the pigs have access to swill.

Maximum penalty: 200 penalty units.

72 No supply of swill for pigs

A person commits an offence if:

- (a) the person supplies foodstuff to another person; and
- (b) the foodstuff consists entirely or partly of swill; and

- (c) the other person intends to feed the foodstuff to pigs.

Fault elements:

The person:

- (a) intentionally supplies the foodstuff to the other person; and
(b) is reckless in relation to whether the foodstuff consists entirely or partly of swill; and
(c) is reckless in relation to whether the other person intends to feed the foodstuff to pigs.

Maximum penalty: 200 penalty units.

73 Orders relating to food scraps

- (1) The Chief Inspector may order a person to:
- (a) treat food scraps in a specified manner to avoid the unintentional feeding of swill to pigs; or
(b) take specified action to exclude feral pigs from places where there are food scraps.
- (2) The person must not contravene the order.

Fault element: Intention.

Maximum penalty: 200 penalty units.

Division 3 Ruminants and restricted animal material

74 Restricted animal material

- (1) ***Restricted animal material*** is material derived from a mammal, bird or fish but does not include the following:
- (a) milk or milk by-products of Australian origin;
(b) tallow;
(c) gelatine.
- (2) For subregulation (1)(b), tallow is any product that:
- (a) contains rendered fat or oil from an animal or used cooking oil filtered or otherwise treated to remove visible particle matter; and

- (b) complies with a specification of 2% maximum M+I (moisture plus insoluble impurities) as measured by American Oil Chemists' Society official methods; and
- (c) is produced in accordance with the national standard for recycling used cooking oils and fats.

75 Manufactured foodstuff

- (1) **Manufactured foodstuff** is food that has undergone a manufacturing process and is intended for consumption by livestock or other animals.
- (2) However, manufactured foodstuff does not include food consisting entirely of the following:
 - (a) whole grains, whole seeds, hay, straw, chaff, milk products derived from milk of Australian origin, minerals, mineral supplements or vitamin supplements;
 - (b) a combination of the foods or products mentioned in paragraph (a).

76 Product statement and product warning

- (1) A **product statement** is a statement that says (or in effect says), "This product does not contain restricted animal material".
- (2) A **product warning** is a statement that says (or in effect says), "This product contains restricted animal material – DO NOT FEED TO CATTLE, SHEEP, GOATS, DEER OR OTHER RUMINANTS".

77 Supply of manufactured foodstuff in bulk – warning and statement

- (1) A person commits an offence if:
 - (a) the person supplies, in bulk, manufactured foodstuff (except dry dog food) containing restricted animal material; and
 - (b) the invoice for the foodstuff, or another document relating to the supply of the foodstuff, does not include a product warning in a prominent position, in letters at least 3 mm high, and in dark print on a light background.

Fault element: Strict liability offence.

Maximum penalty: 200 penalty units.

(2) A person commits an offence if:

- (a) the person supplies, in bulk, manufactured foodstuff (except dry dog food) not containing restricted animal material; and
- (b) the invoice for the foodstuff, or another document relating to the supply of the foodstuff, does not include a product statement in a prominent position, in letters at least 3 mm high, and in dark print on a light background.

Fault element: Strict liability offence.

Maximum penalty: 200 penalty units.

78 Supply of manufactured foodstuff in container – warning and statement

(1) A person commits an offence if:

- (a) the person supplies, in a container, manufactured foodstuff (except dry dog food) containing restricted animal material; and
- (b) the container, or a label or tag attached to the container, does not display a product warning in a prominent position, in letters at least 3 mm high, and in dark print on a light background.

Fault element: Strict liability offence.

Maximum penalty: 200 penalty units.

(2) A person commits an offence if:

- (a) the person supplies, in a container, manufactured foodstuff (except dry dog food) not containing restricted animal material; and
- (b) the container, or a label or tag attached to the container, does not display a product statement in a prominent position, in letters at least 3 mm high, and in dark print on a light background.

Fault element: Strict liability offence.

Maximum penalty: 200 penalty units.

79 No interference with product statement or product warning

(1) A person must not remove a product statement or product warning from:

- (a) a container that contains manufactured foodstuff; or
- (b) a label or tag attached to a container that contains manufactured foodstuff.

Fault element: Strict liability offence.

Maximum penalty: 200 penalty units.

(2) A person must not mark or deface an invoice or other document relating to the supply of manufactured foodstuff in a way that obscures a product statement or product warning.

Fault element: Strict liability offence.

Maximum penalty: 200 penalty units.

80 No feeding manufactured foodstuff to ruminants

(1) A person must not feed to a ruminant foodstuff consisting entirely or partly of restricted animal material.

Fault elements:

The person:

- (a) intentionally feeds foodstuff to the ruminant; and
- (b) is reckless in relation to whether the foodstuff consists entirely or partly of restricted animal material.

Maximum penalty: 200 penalty units.

(2) A person commits an offence if:

- (a) the person feeds manufactured foodstuff to a ruminant; and
- (b) the manufactured foodstuff was supplied to the person:
 - (i) in a container on which a product warning is displayed, or to which is attached a label or tag displaying a product warning; or

- (ii) in bulk, and the invoice for the foodstuff or another document relating to the supply includes a product warning.

Fault element: Strict liability offence.

Maximum penalty: 200 penalty units.

- (3) Subregulation (2) does not apply if the person has authorisation from the Chief Inspector to feed the manufactured foodstuff to a ruminant for conducting research described in the authorisation.

Division 4 Approved laboratories

81 Emergency disease test only at approved laboratory

- (1) This regulation applies only in relation to a test, analysis or diagnostic examination to determine whether livestock or animal products are infected with an emergency disease (an **emergency disease test**).

- (2) A person commits an offence if the person conducts an emergency disease test at a place other than an approved laboratory.

Fault element: Recklessness in relation to whether the place where the test is conducted is an approved laboratory.

Maximum penalty: 200 penalty units.

- (3) A person commits an offence if the person gives another person a sample or specimen taken from livestock or an animal product to conduct an emergency disease test at a place other than an approved laboratory.

Fault elements:

The person:

- (a) intends the other person to use the sample or specimen to conduct an emergency disease test; and
- (b) knows the test is to be conducted at a place other than an approved laboratory.

Maximum penalty: 200 penalty units.

82 Obligations of owner of approved laboratory

- (1) The owner of an approved laboratory must:
- (a) ensure only diagnostic tests approved under section 32(3) of the Act are used for the detection of an emergency disease; and
 - (b) ensure all tests, analyses or examinations of a sample or specimen are carried out in accordance with approved standards; and
 - (c) ensure approved records are kept and submitted to the Chief Inspector within the approved time and in the approved manner; and
 - (d) ensure the facilities and operational practices used in the laboratory comply with any approved standards of accreditation; and
 - (e) comply with any written directions of the Chief Inspector for persons to take part in a program to assess the proficiency of the facilities and operational practices used in the laboratory.

Fault element: Strict liability offence.

Maximum penalty: 200 penalty units.

- (2) In subregulation (1)(b), (c) and (d):

approved means approved by the Chief Inspector by *Gazette* notice.

Part 4A Animal welfare – land transport of livestock**82A Definitions**

In this Part:

category 1 provision means standard number SA4.3, SA4.4, SA5.11, SA5.12, SA5.13, SA5.14, SA5.15 or SB10.8 of the Land Transport Standard.

category 2 provision means standard number SA1.2, SA3.1, SA5.1, SA5.3, SA5.6, SA5.7, SA5.8, SA5.9, SA6.2, SA6.4, SA6.7, SA6.8, SB2.1, SB2.2, SB2.4, SB2.5, SB2.6, SB3.1, SB3.2, SB3.5, SB3.6, SB3.7, SB3.8, SB4.1, SB4.2, SB7.1, SB7.2, SB8.1, SB8.2, SB8.10, SB8.11, SB8.12, SB8.13, SB9.1, SB9.2, SB9.3, SB9.4, SB10.1, SB10.2, SB10.3, SB10.5, SB10.6, SB10.7, SB11.1 or

SB11.2 of the Land Transport Standard.

Land Transport Standard means the Australian Standards and Guidelines for the Welfare of Animals — Land Transport of Livestock, published by Animal Health Australia and approved by the Primary Industries Ministerial Council in May 2009 as amended from time to time.

82B Adoption of Land Transport Standard

The Land Transport Standard is incorporated into these Regulations for the purposes of this Part.

82C Offences relating to Land Transport Standard

(1) A person commits an offence if:

- (a) the person is a person to whom a category 1 provision applies; and
- (b) the person fails to comply with the provision.

Maximum penalty:

- (a) for non-compliance with standard number SA5.11, SA5.12 or SA5.13 – 50 penalty units; or
- (b) otherwise – 100 penalty units.

(2) A person commits an offence if:

- (a) the person is a person in charge of livestock; and
- (b) a category 2 provision is not complied with in relation to the livestock.

Maximum penalty:

- (a) for non-compliance with standard number SA1.2, SA6.2, SA6.4, SA6.7 or SA6.8 – 50 penalty units; or
- (b) otherwise – 100 penalty units.

(3) An offence against subregulation (1) or (2) is an offence of strict liability.

- (4) It is a defence to a prosecution for an offence against subregulation (1) or (2) if the defendant establishes a reasonable excuse.

Note for regulation 82C

Category 1 provisions state that a particular person must do or not do something. Under regulation 82C(1) the person commits an offence if the person fails to comply with the provision.

Category 2 provisions state that something must or must not be done, but do not state who must do or not do the thing. Under regulation 82C(2) if a category 2 provision is not complied with, the person in charge of the livestock at the time commits an offence.

Part 5 Determination of compensation

Division 1 Valuation

83 General principles for valuing destroyed livestock

- (1) Subject to this Part, the amount of compensation payable for destroyed livestock is the total of the market value of each animal determined by reference to the nearest reference market, less the estimated selling costs and estimated transport costs.
- (2) For subregulation (1):
- (a) the estimated selling costs to be deducted from the market value are the costs that would have been likely to have been incurred if the livestock had been sold at the nearest reference market, including any transaction levy that would have been imposed under a law of the Commonwealth; and
 - (b) the estimated transport costs to be deducted from the market value are the costs that would have been likely to have been incurred in transporting the livestock between the place they were kept immediately before being destroyed and the nearest reference market place.
- (3) The valuation body must value each animal as if it were free of disease and as it stood on the day immediately before it was destroyed, taking into account the animal's age, sex, breed, body condition, liveweight and any other relevant matters.

84 Calculation of value of certain herd bulls

If a valuation relates to a herd bull of at least 3 years of age, the valuation body must do the following:

- (a) give the bull a notional breeding value (**NBV**) by determining its value as if it were a 3 year old member of its class;
- (b) ascertain the current meat works value of the actual bull at its actual age (**CMV**);
- (c) calculate a conversion factor (**CF**) to take into account the age of the bull, in accordance with the following formula:

$$CF = \frac{NBV - CMV}{5};$$

- (d) determine the final value (**FV**) in accordance with the following formula, in which "A" is the age of the bull rounded up to the next highest whole number:

$$FV = NBV - [(A - 3) \times CF].$$

85 No reference to previous valuation

- (1) A valuation body must not use a previous valuation of destroyed livestock or destroyed things as a reference or basis for any other valuation.
- (2) Subregulation (1) does not apply in relation to destroyed livestock if the owner of the livestock agrees to the valuation body using a previous valuation in respect of destroyed livestock from the same property.

Division 2 Procedural matters

86 Form of valuation and determination

A valuation body must use the approved form of valuation and determination supplied by the Chief Inspector and must complete the form in accordance with directions included in it.

87 Valuation panel procedures

- (1) In making a determination of compensation, the members of a valuation panel must:
 - (a) work independently until each has completed a valuation of the destroyed livestock or destroyed thing; and

- (b) after completion, discuss the valuations until:
 - (i) a consensus or majority agreement is reached; or
 - (ii) it appears agreement is unlikely.
- (2) The notice of determination must be signed by each panel member regardless of whether agreement is reached.
- (3) If there is a majority agreement, the notice must include the views of the dissenting member.

Part 6 Infringement offences and infringement notices

88 Infringement offence and prescribed amount payable

- (1) An ***infringement offence*** is an offence against a provision specified in Schedule 5, column 1.
- (2) The prescribed amount payable for an infringement offence is the amount specified opposite the offence in Schedule 5, column 2.

89 When infringement notice may be served

If an inspector reasonably believes a person has committed an infringement offence, the inspector may serve a notice on the person.

90 Contents of infringement notice

- (1) The infringement notice must specify the following particulars:
 - (a) the name and address of the alleged offender, if known;
 - (b) the date of the infringement notice;
 - (c) the date, time and place of the infringement offence;
 - (d) a description of the infringement offence and the prescribed amount payable for the offence;
 - (e) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act 2001*, to whom the prescribed amount is payable.

- (2) The infringement notice must include a statement to the effect of the following:
- (a) the alleged offender may expiate the infringement offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after service of the notice;
 - (b) the alleged offender may elect under section 21 of the *Fines and Penalties (Recovery) Act 2001* to have the matter dealt with by a court instead of under that Act by completing a statement of election and serving it on the specified enforcement agency;
 - (c) if the alleged offender does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act 2001* including (but not limited to) action for the following:
 - (i) suspension of the alleged offender's licence to drive;
 - (ii) seizure of personal property of the alleged offender;
 - (iii) deduction of an amount from the alleged offender's wages or salary;
 - (iv) registration of a statutory charge on land owned by the alleged offender;
 - (v) making of a community work order for the alleged offender and imprisonment if the alleged offender breaches the order.
- (3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b).

91 Payment by cheque

If the alleged offender tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

92 Withdrawal of infringement notice

- (1) The Chief Inspector may withdraw the infringement notice by written notice served on the alleged offender.
- (2) The notice must be served within 28 days after service of the infringement notice but before payment of the prescribed amount.

93 Application of Part

- (1) This Part does not prejudice or affect the starting or continuation of proceedings for an infringement offence for which an infringement notice has been served unless the offence is expiated.
- (2) Also, this Part does not prevent more than 1 infringement notice for the same infringement offence being served on an alleged offender and, to expiate the offence, it is sufficient for the alleged offender to pay the prescribed amount in accordance with any of the notices.
- (3) In addition, this Part does not:
 - (a) require an infringement notice to be served; or
 - (b) affect the liability of a person to be prosecuted in a court for an infringement offence for which an infringement notice has not been served.

Part 7 Reviewable decisions**94 Registrar's decisions**

The following decisions of the Registrar are reviewable decisions:

- (a) under Part 2, Division 1 – the following:
 - (i) a refusal to register a brand or earmark;
 - (ii) a refusal to transfer the registration of a 3-letter brand;
 - (iii) the cancellation of the registration of a 3-letter brand;
- (b) a refusal under regulation 21(2) to give an authorisation for a brand to be used on a property other than the registered property for the brand;
- (c) a refusal under regulation 27 to give an authorisation for a subsequent earmark to be made;
- (d) a refusal under Part 3, Division 2 to give an authorisation relating to unbranded cattle;
- (da) a refusal under regulation 41(4) to give an authorisation for the cattle to be moved without permanent approved devices;
- (db) a refusal under regulation 46(6) to give an authorisation for the buffalo to be moved without approved devices;

- (dc) a refusal under regulation 48(7) to give an authorisation for the animals to be moved without the transaction eartags;
- (e) a refusal under regulation 62(1) to authorise a slower rate of travel for travelling livestock.

95 Chief Inspector's decision

A decision of the Chief Inspector relating to a refusal under regulation 80(3) to give an authorisation for the feeding of manufactured foodstuff to a ruminant is a reviewable decision.

96 Inspector's decisions

The following decisions of an inspector are reviewable decisions:

- (a) a refusal under regulation 39(1) to give an authorisation for an approved device to be attached to a head of livestock;
- (b) a refusal under regulation 45(2) to give an authorisation for the removal of a permanent identification device or eartag from a head of cattle;
- (c) a refusal under regulation 49(2) to give an authorisation for the removal of an eartag from a sheep or goat;
- (d) a refusal under regulation 64 to issue a declared area movement permit;
- (e) the cancellation of a declared area movement permit under regulation 66.

Part 8 Administration

97 Fees payable in relation to functions performed by inspectors

- (1) Schedule 6 prescribes the fees payable in relation to functions performed by inspectors to assist in achieving the object of the Act by protecting the health and welfare of livestock.
- (2) The fees are payable in relation to functions performed for the purpose of:
 - (a) controlling diseases; or
 - (b) ensuring compliance with standards and procedures for managing livestock; or
 - (c) implementing the national biosecurity strategy.

Schedule 1 Fees payable for applications relating to brands and earmarks

regulation 6

Column 1	Column 2
Application	Fee in revenue units
Application for registration of 3-letter brand	100
Application for registration of symbol brand	100
Application for registration of earmark	75
Application for transfer of 3-letter brand	50

Schedule 2 Positions of brands

regulation 18(2)

off neck

off shoulder

off rump, hip or thigh

off ribs

near neck

near shoulder

near rump, hip or thigh

near ribs

Schedule 3 Identifiable livestock

regulation 30

alpacas

buffalo

camels

cattle

deer

goats

horses

llamas

pigs

poultry

sheep

Schedule 4 Prescribed imported livestock and prescribed travelling livestock

regulations 52 and 53

Part A Prescribed imported livestock

alpacas

buffalo

camels

cattle

deer

goats

horses

llamas

pigeons

pigs

poultry

sheep

Part B Prescribed travelling livestock

alpacas

buffalo

camels

cattle

deer

goats

llamas

pigs

sheep

Schedule 5 Infringement offences and prescribed amounts

regulation 88

Column 1 Infringement offence	Column 2 Prescribed amount in penalty units
<i>Livestock Act 2008</i>	
section 17(4)	10
section 20(2)	10
section 41	10
section 61(1) or (2)	10
section 97(2)	10
section 100(4)	10
section 104(5)	10
section 107(3)	10
section 128(1) or (2)	5
<i>Livestock Regulations 2009</i>	
regulation 12(1)	2
regulation 13(2)	2
regulation 18(3)	5
regulation 21(1)	10
regulation 26	5
regulation 27	5
regulation 28(1) or (2)	5
regulation 29(1) or (2)	10
regulation 32(1)	2
regulation 34(2)	2
regulation 35(2)	2
regulation 36	5
regulation 38	5
regulation 39(1) or (2)	5
regulation 40	5
regulation 41(2)	5

regulation 42(2)	5
regulation 43	5
regulation 44	5
regulation 46(2)	5
regulation 48(2)	5
regulation 50	2
regulation 51	2
regulation 54(3)	5
regulation 55(1)	10
regulation 55(2)	5
regulation 56(1)	5
regulation 57(2)	5
regulation 73(2)	10
regulation 82C(1)	
(a) for non-compliance with a standard mentioned in regulation 82C(1), penalty provision, paragraph (a)	5
(b) otherwise	10
regulation 82C(2)	
(a) for non-compliance with a standard mentioned regulation 82C(2), penalty provision, paragraph (a)	5
(b) otherwise	10

Schedule 6 Fees payable – functions performed by inspectors

regulation 97

Item	Function	Fee in revenue units
1	Inspecting livestock, other than horses, for cattle ticks – Monday to Friday excluding public holidays	40 plus 1 for each head of livestock
2	Inspecting livestock, other than horses, for cattle ticks – Saturday, Sunday and public holidays	90 plus 1 for each head of livestock
3	Inspecting horses for cattle ticks – Saturday, Sunday and public holidays only	130 plus 1 for each head of livestock
4	Supervising treatment for cattle ticks on livestock other than horses – Monday to Friday excluding public holidays	40 plus 1 for each head of livestock
5	Supervising treatment for cattle ticks on livestock other than horses – Saturday, Sunday and public holidays	90 plus 1 for each head of livestock
6	Supervising treatment for cattle ticks on horses – Saturday, Sunday and public holidays only	130 plus 1 for each head of livestock
7	Performing functions under regulation 69A	58 for each consignment of livestock to be moved
8	Performing functions under regulation 69B – Monday to Friday excluding public holidays	29 for each consignment of livestock to be exported
9	Performing functions under regulation 69B – Saturday, Sunday and public holidays	58 for each consignment of livestock to be exported

10	Conducting a search, investigation, inspection or examination under section 33 of Act; marking or treating livestock under section 34 of Act; performing a function under another section of the Act, or under a regulation, that is relevant to a purpose mentioned in regulation 97(2)	30 for each half hour (or part half hour) performing the function
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ENDNOTES
1**KEY**

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2**LIST OF LEGISLATION*****Livestock Regulations (SL No. 23, 2009)***

Notified	26 June 2009
Commenced	1 September 2009 (r 2, s 2 <i>Livestock Act 2008</i> (Act No. 36, 2008) and <i>Gaz</i> G34, 26 August 2009, p 3)

Livestock Amendment Regulations 2012 (SL No. 35, 2012)

Notified	3 August 2012
Commenced	pt 3: 1 January 2013; rem: 3 August 2012 (r 2)

Livestock Amendment Regulations 2014 (SL No. 38, 2014)

Notified	19 November 2014
Commenced	1 January 2015

3**GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: rr 1 and 90 and sch 5.

4**LIST OF AMENDMENTS**

r 41	amd No. 35, 2012, r 7
r 42	sub No. 35, 2012, r 8
r 46	amd No. 35, 2012, r 9
r 48	amd No. 35, 2012, r 10
pt 4	
div 1A hdg	ins No. 38, 2014, r 4
rr 69A – 69B	ins No. 38, 2014, r 4
pt 4A hdg	ins No. 35, 2012, r 4
rr 82A – 82C	ins No. 35, 2012, r 4
r 94	amd No. 35, 2012, r 11
r 95	sub No. 35, 2012, r 12

ENDNOTES

pt 8 hdg	ins No. 38, 2014, r 5
r 97	ins No. 38, 2014, r 5
sch 4	amd No. 35, 2012, r 5
sch 5	amd No. 35, 2012, r 6
sch 6	ins No. 38, 2014, r 6