

**NORTHERN TERRITORY OF AUSTRALIA**

**LIVESTOCK AMENDMENT REGULATIONS 2012**

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**Subordinate Legislation No. 35 of 2012**

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**Subordinate Legislation No. 35 of 2012\***

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## ***Livestock Amendment Regulations 2012***

I, Sally Gordon Thomas, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Livestock Act*.

Dated 31 July 2012

S. G. THOMAS  
Administrator

By Her Honour's Command

P. R. HENDERSON  
Chief Minister  
acting for  
Minister for Primary Industry, Fisheries and Resources

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\* Notified in the *Northern Territory Government Gazette* on 3 August 2012.

## **Part 1 Preliminary matters**

### **1 Citation**

These Regulations may be cited as the *Livestock Amendment Regulations 2012*.

### **2 Commencement**

- (1) Part 3 of these Regulations commences on 1 January 2013.
- (2) The remaining provisions of these Regulations commence on the day on which these Regulations are notified in the *Gazette*.

### **3 Regulations amended**

These Regulations amend the *Livestock Regulations*.

## **Part 2 Amendments commencing on notification**

### **4 Part 4A inserted**

After regulation 82

*insert*

## **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.*

**5 Schedule 4 amended**

Schedule 4, Part A

*insert (in alphabetical order)*

pigeons

poultry

**6 Schedule 5 amended**

Schedule 5, at the end

*insert*

regulation 82C(1)

(a) for non-compliance with a standard mentioned in regulation 82C(1), penalty provision, paragraph (a)	5
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(b) otherwise	10
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regulation 82C(2)

(a) for non-compliance with a standard mentioned regulation 82C(2), penalty provision, paragraph (a)	5
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(b) otherwise	10
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**Part 3 Amendments commencing 1 January 2013****7 Regulation 41 amended**

Regulation 41(3) and (4)

*omit, insert*

- (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.

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**8 Regulation 42 replaced**

Regulation 42

*repeal, insert*

**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).

#### **9 Regulation 46 amended**

After regulation 46(4)

*insert*

- (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.

#### **10 Regulation 48 amended**

After regulation 48(5)

*insert*

- (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.

#### **11 Regulation 94 amended**

After regulation 94(d)

*insert*

- (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;

**12 Regulation 95 replaced**

Regulation 95

*repeal, insert*

**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.