South Australia

# Livestock Act 1997

An Act to regulate matters relating to livestock; to repeal the *Apiaries Act 1931*, the *Branding of Pigs Act 1964*, the *Brands Act 1933*, the *Cattle Compensation Act 1939*, the *Deer Keepers Act 1987*, the *Foot and Mouth Disease Eradication Fund Act 1958*, the *Stock Act 1990* and the *Swine Compensation Act 1936*; and for other purposes.

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Legislative history

**The Parliament of South Australia enacts as follows:**

# Part 1—Preliminary

## 1—Short title

This Act may be cited as the *Livestock Act 1997*.

## 2—Commencement

(1) This Act will come into operation on a day to be fixed by proclamation.

(2) Section 7(5) of the *Acts Interpretation Act 1915* does not apply to Part 6, Part 7 or Schedule 2.

## 3—Interpretation—general

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

***affected with a disease or contaminant***—see section 5;

***analyst*** means a person approved as an analyst under Part 8;

***artificial breeding centre*** means a business or institution in which artificial breeding procedures are performed on behalf of others on or in connection with livestock of a prescribed class;

***artificial breeding procedures*** means—

(a) veterinary procedures directed at fertilisation of livestock ova by artificial means including—

(i) artificial insemination;

(ii) collection of livestock embryos and implantation in other livestock;

(iii) in vitro fertilisation;

(b) collecting, processing, handling, storing or distributing livestock semen, ova or embryos for the purposes of such procedures;

***bee*** means a bee of the genus *Apis* or *Megachile*;

***body tissues*** of livestock includes the bones, skin, wool or feathers of livestock;

***brand*** includes a paint or fire brand, earmark or tattoo;

***category 1, 2 or 3 offence***—see section 6A;

***Chief Inspector*** means the Chief Inspector of Stock appointed under Part 8;

***contaminant*** means—

(a) a substance remaining in the body tissues or secretions of livestock resulting from use of or contact with a metallic compound, pesticide, herbicide, drug or other chemical (whether of the same or of a different kind or nature); or

(b) a natural secretion present in the body tissues or secretions of livestock in abnormally high concentration;

***controlling or eradicating disease or contamination***—see section 6;

***disease*** includes any bacterium, virus, parasite, insect or other organism or agent capable of causing disease in animals or humans;

***exotic disease***—see section 4;

***fish*** has the same meaning as in the *Fisheries Management Act 2007*;

***fish farm*** means an area in which fish are farmed pursuant to an aquaculture licence under the *Aquaculture Act 2001*;

***holding*** means lands contiguous to each other, or separated only by a road, railway or watercourse, and worked as one property;

***inspector*** means an inspector appointed under Part 8;

***livestock*** means animals kept or usually kept in a domestic or captive state, including—

(a) poultry; and

(b) fish kept or usually kept in an aquarium or fish farm; and

(c) bees for which a hive is kept;

***livestock consultant*** means a person who, for fee or reward, provides advice about, or arranges for the sale or purchase of, livestock;

***livestock industry*** includes—

(a) the manufacture, production or supply of livestock food; and

(b) any other industry of a class declared by regulation to be within the ambit of this definition;

***livestock products*** means carcasses or parts of carcasses of livestock or any products consisting of parts of or derived from livestock;

***notifiable condition***, ***notifiable contaminant***, ***notifiable disease*** or ***notifiable (report only) disease***—see section 4;

***place*** includes land, premises, vehicle, vessel or aircraft;

***property*** means land or any animal, equipment, thing or matter;

***record*** includes any book, document or writing and any other source of information compiled, recorded or stored by computer, microfilm or other process, or in any other manner or by any other means;

***sell*** includes—

(a) barter or exchange; or

(b) advertise, offer or display for sale, barter or exchange,

and ***sale*** has a corresponding meaning;

***Tribunal*** means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

***veterinary diagnostic laboratory*** means a place in which samples or specimens from livestock or livestock products are tested or analysed for the purposes of determining whether they are affected with a disease or contaminant, but does not include a place of business of a veterinary surgeon if the only samples or specimens that are tested or analysed come from livestock being treated (as well as diagnosed) by the veterinary surgeon in the ordinary course of his or her practice;

***veterinary surgeon*** means a person registered under the *Veterinary Surgeons Act 1985*.

(2) A reference to the health of livestock includes a reference to the livestock being free from any disease or contaminant.

(3) If livestock stray from one place to another as a result of the act or omission of a person, the person will be taken to have caused the livestock to have moved between the places.

## 4—Interpretation—notifiable condition and exotic disease

(1) The Minister may, by notice in the Gazette, declare—

(a) a disease to be a ***notifiable disease*** in relation to a class of livestock;

(b) a concentration of contaminant in body tissues or secretions of livestock to be a ***notifiable contaminant*** in relation to a class of livestock.

(2) The Minister may, by the same or a subsequent notice in the Gazette, designate a specified notifiable disease as—

(a) a ***notifiable (report only) disease***; or

(b) an ***exotic disease***.

(3) A ***notifiable condition*** is a notifiable disease or a notifiable contaminant (and includes an exotic disease).

## 5—Interpretation—livestock etc affected or suspected of being affected with disease or contaminant

(1) Livestock are affected with a disease or contaminant if—

(a) they are suffering from or affected with the disease; or

(b) they contain the contaminant in their body tissues or secretions.

(2) Livestock products are affected with a disease or contaminant if—

(a) they have come from livestock affected with the disease or contaminant; or

(b) they have subsequently become contaminated with the disease or contaminant.

(3) Land is affected with a disease or contaminant if the land, or any water or vegetation on the land, contains or produces a substance capable of causing livestock that consume it or come into contact with it to become affected with the disease or contaminant.

(4) Other property is affected with a disease or contaminant if the property contains or produces a substance capable of causing livestock that consume it or come into contact with it to become affected with the disease or contaminant.

(5) There is reason to suspect that livestock of a class susceptible to a disease are affected with the disease if—

(a) they have, during a prescribed period—

(i) been pastured or kept together with other livestock on the same holding; or

(ii) been transported with other livestock in the same vehicle, vessel or aircraft; or

(iii) been kept together with other livestock in the same group; and

(b) those other livestock are affected with the disease, or there is reason to suspect that the other livestock are affected with the disease.

(5a) There is also reason to suspect that livestock of a class susceptible to a disease are affected with the disease if the conditions specified by the Minister by notice in the Gazette have been met in relation to the livestock.

(6) There is reason to suspect that livestock are affected with a contaminant if—

(a) they have, during a prescribed period—

(i) been pastured or kept together with other livestock on the same holding; or

(ii) been kept together with other livestock in the same group; and

(b) those other livestock are affected with the contaminant, or there is reason to suspect that the other livestock are affected with the contaminant.

(7) For the purposes of this section, a ***prescribed period*** is a period specified by the Minister by notice in the Gazette.

## 6—Interpretation—controlling or eradicating disease or contamination

(1) Action for the purposes of ***controlling or eradicating disease or contamination*** may include action taken for one or more of the following purposes:

(a) investigating the existence or source of a disease or contaminant affecting livestock;

(b) preventing or minimising the risk of the spread of a disease affecting livestock or of the introduction of such a disease into the State or part of the State;

(c) preventing or minimising the risk of livestock or other property becoming affected or further affected with a contaminant;

(d) freeing livestock from a disease or contaminant or reducing the effect of a disease or contaminant on livestock.

(2) This section does not limit the action that may be taken for the purposes of controlling or eradicating disease or contamination.

### 6A—Categories of offences determining maximum penalties and expiation fees

(1) If the maximum penalty or the expiation fee for an offence or alleged offence against a provision of this Act is expressed to vary according to whether the offence is a category 1, 2 or 3 offence, the Governor may, by regulation, prescribe the categories of offences for the purposes of the provision.

(2) If a regulation prescribing the categories of offences against a provision of this Act is not in force, any offence against the provision will be taken to be a category 1 offence.

### 7—Application of Act

(1) The Minister may, by written notice to a person—

(a) exempt the person from the application of a specified provision of this Act unconditionally or subject to specified conditions; and

(b) vary or revoke a notice under this subsection.

(2) The provisions of this Act do not limit or derogate from any civil remedy at law or in equity.

### 7A—Interaction with other Acts

(1) Subject to this section, this Act is in addition to and does not limit, or derogate from, the provisions of any other Act.

(2) Where the provisions of this Act are inconsistent with another Act or law (other than the *Emergency Management Act 2004*), this Act prevails to the extent of the inconsistency.

# Part 2—Industry involvement in regulation

## Division 1—Livestock advisory groups

### 8—Establishment of livestock advisory groups

(1) The Minister may establish livestock advisory groups to represent the various sectors of the livestock industry.

(2) In determining the composition of a livestock advisory group to represent a particular sector of the livestock industry, the Minister must consult with members or representatives of that sector of the industry.

(3) A livestock advisory group will include at least one representative of the Minister.

(4) The Minister will assign a distinctive name to each livestock advisory group for the purposes of identifying the sector of the industry that the group represents.

## 9—Functions of livestock advisory groups

A livestock advisory group is to advise the Minister, on its own initiative or at the request of the Minister—

(a) on the operation of this Act in relation to the sector of the livestock industry that it represents and in particular—

(ii) the establishment and review of a code of practice for that sector (see Part 2 Division 3); and

(iii) the application to that sector of the provisions requiring registration of a person who keeps livestock (see Part 3 Division 1); and

(iv) the application to that sector of the provisions for implied terms and conditions of contracts for the sale of livestock, livestock products or livestock food relating to the health of livestock (see Part 4 Division 5); and

(v) the making of regulations relevant to that sector; and

(b) on other issues directly related to the sector of the livestock industry that it represents.

## 10—Terms and conditions of membership and procedures

(1) The Minister may appoint a person as a member of a livestock advisory group on terms and conditions determined by the Minister.

(2) Subject to any directions of the Minister, a livestock advisory group may determine its own procedures.

## 10A—Conflict of interest under Public Sector (Honesty and Accountability) Act

A member of a livestock advisory group will not be taken to have a direct or indirect interest in a matter for the purposes of the *Public Sector (Honesty and Accountability) Act 1995* by reason only of the fact that the member has an interest in a matter that is shared in common with those engaged in or associated with the relevant sector of the livestock industry generally, or a substantial section of those engaged in or associated with the relevant sector of the livestock industry.

## 11—Annual reports

(1) Each livestock advisory group must, on or before 30 September in every year, forward to the Minister a report for the preceding financial year.

(2) The report must contain—

(a) a report on the operation of this Act in relation to the sector of the industry that the group represents; and

(b) any other information required by or under this or any other Act.

(3) The Minister must, within six sitting days after receiving a report under this section, cause a copy of the report to be laid before both Houses of Parliament.

(4) A livestock advisory group must ensure that its annual report or the information contained in it is made readily available to members of the sector of the livestock industry that the group represents.

## Division 3—Industry codes of practice

### 16—Codes of practice

(1) The regulations may prescribe a code of practice to be complied with by members of a particular sector of the livestock industry.

(2) Without limiting the generality of subsection (1), a code of practice may contain provisions about—

(a) measures designed to promote or safeguard the health of livestock;

(b) livestock management practices;

(c) the provision of information to the Chief Inspector.

(3) Before a code of practice is prescribed (or varied or revoked) in relation to a particular sector of the livestock industry, the Minister must consult the livestock advisory group for that sector of the industry (if any).

# Part 3—Registration of certain industries

## Division 1—Keeping livestock

### 17—Requirement for registration to keep certain livestock

(1) A person must not keep livestock of a prescribed class unless the person is registered under this Part.

Maximum penalty:

In the case of a category 1 offence—$10 000;

In the case of a category 2 offence—$5 000;

In the case of a category 3 offence—$1 250.

Expiation fee:

In the case of an alleged category 1 offence—$500;

In the case of an alleged category 2 offence—$315;

In the case of an alleged category 3 offence—$160.

(2) Subsection (1) does not apply to a person who keeps livestock at an abattoir or saleyard.

## Division 2—Artificial breeding

### 18—Requirement for registration of artificial breeding centre

A person must not operate an artificial breeding centre unless the person is registered under this Part.

Maximum penalty: $10 000.

### 19—Requirement for registration to perform artificial breeding procedure

(1) A person must not carry out an artificial breeding procedure on or in connection with livestock of a prescribed class unless the person is registered under this Part.

Maximum penalty: $10 000.

Expiation fee: $500.

(2) Subsection (1) does not apply to—

(a) a veterinary surgeon; or

(b) a person who carries out an artificial breeding procedure on or in connection with livestock owned by the person; or

(c) an artificial breeding procedure carried out on or in connection with livestock by an employee of the owner of the livestock in the course of that employment.

## Division 3—Veterinary diagnostic laboratories

### 20—Requirement for registration of veterinary diagnostic laboratory

A person must not operate a veterinary diagnostic laboratory unless the person is registered under this Part.

Maximum penalty: $10 000.

## Division 4—General

### 21—Eligibility for registration

The regulations may prescribe—

(a) minimum requirements that must be satisfied before a person is entitled to be registered under this Part; or

(b) matters that the Chief Inspector must have regard to in deciding whether to register a person under this Part.

### 22—Application for registration

An application for registration under this Part must—

(a) be made to the Chief Inspector; and

(b) be in the form and contain or be accompanied by the information required by the Chief Inspector; and

(c) be accompanied by the fee fixed by, or calculated in accordance with, the regulations.

### 23—Term of registration and renewal

(1) Registration under this Part is for a term fixed by regulation.

(2) The registration may be renewed from time to time for a further term fixed by regulation.

(3) The Chief Inspector may, if the Chief Inspector thinks fit and on payment of a prescribed late application fee, renew a registration despite the fact that application for renewal of the registration was made after the end of the previous term of the registration.

(4) A registration has effect, on grant or renewal, from the date specified in the registration for that purpose, which may be earlier than the date of application for the grant or renewal of the registration.

(5) An application for renewal of registration must—

(a) be made to the Chief Inspector; and

(b) be in the form and contain or be accompanied by the information required by the Chief Inspector; and

(c) be accompanied by the fee fixed by, or calculated in accordance with, the regulations.

## 24—Conditions of registration

(1) Registration under this Part is subject to any prescribed conditions and to any other conditions imposed by the Chief Inspector.

(2) Without limiting the generality of subsection (1), the conditions may—

(a) limit the activities that the registered person may carry on as a registered person;

(b) require the registered person to keep specified records.

(3) A condition of registration under this Part may be imposed, varied or revoked at any time by the Chief Inspector by written notice to the registered person.

(4) If a condition is imposed or varied after registration, the new condition or variation takes effect 30 days after notice is given to the registered person or at such earlier date as is agreed with the registered person.

(5) A person must not contravene or fail to comply with a condition of registration.

Maximum penalty: $10 000.

## 25—Periodic returns

A person registered under this Part must provide the Chief Inspector with periodic returns of information as required by the regulations.

Maximum penalty: $2 500.

Expiation fee: $210.

## 26—Suspension or cancellation of registration

(1) If—

(a) a person ceases to be eligible for registration or was not, when registered, eligible for registration; or

(b) a person registered under this Part commits an offence against this Act,

the Chief Inspector may, by written notice to the person, suspend the registration until requirements specified in the notice are complied with or cancel the registration.

(2) A notice takes effect on a date specified in the notice, not being earlier than the date of service of the notice.

# Part 3A—Identification codes

## 26A—Requirement for identification codes

(1) The regulations may provide for a scheme for the allocation by the Chief Inspector of codes identifying—

(a) places where livestock or livestock of a specified class may be kept or handled; and

(b) stock agents.

(2) Without limiting the generality of subsection (1), the regulations may provide for—

(a) the determination at the discretion of the Chief Inspector of the boundaries of a place allocated an identification code and the variation of those boundaries; and

(b) the period for which an identification code remains active and the renewal of an identification code; and

(c) the persons who may apply for the allocation or renewal of an identification code or who may make other applications relating to an identification code; and

(d) the cancellation of an identification code; and

(e) the association of other codes identifying livestock with an identification code; and

(f) the keeping of a register of identification codes and other information and the circumstances in which information on the register may or may not be made available.

(3) If a person does not have a current identification code as required by the regulations, the person is guilty of an offence.

Maximum penalty:

In the case of a category 1 offence—$10 000;

In the case of a category 2 offence—$5 000;

In the case of a category 3 offence—$1 250.

Expiation fee:

In the case of an alleged category 1 offence—$500;

In the case of an alleged category 2 offence—$315;

In the case of an alleged category 3 offence—$160.

# Part 4—Health of livestock

## Division 1—Notifiable conditions

### 27—Requirement to report notifiable conditions

(1) If a person knows or has reason to suspect that livestock or livestock products owned by or under his or her control are affected with, or have died from, a notifiable condition, the person must—

(a) report the existence or suspected existence of the notifiable condition to an inspector by the quickest practicable means; and

(b) give the inspector further information reasonably required by the inspector; and

(c) in the case of a notifiable disease—take all reasonable measures to control or eradicate the disease.

Maximum penalty:

In the case of an exotic disease—$10 000;

In any other case—$2 500.

Expiation fee: For an offence against paragraph (a) or (b)—$210.

(2) If a veterinary surgeon or livestock consultant knows or has reason to suspect that livestock are affected with, or have died from, a notifiable condition, the veterinary surgeon or livestock consultant must—

(a) report the existence or suspected existence of the notifiable condition to an inspector by the quickest practicable means; and

(b) give the inspector further information reasonably required by the inspector.

Maximum penalty:

In the case of an exotic disease—$10 000;

In any other case—$2 500.

Expiation fee: $210.

(3) A report is not required under this section in a particular case if the person knows or reasonably believes that a report has already been made to an inspector.

(4) No civil liability arises from a statement made in good faith in a report under this section.

### 28—Acts causing or likely to cause livestock to become affected with notifiable condition

A person who does an act intending that, or being recklessly indifferent as to whether, livestock become affected or further affected with a notifiable condition is guilty of an offence.

Maximum penalty:

In the case of an exotic disease—$50 000 or imprisonment for 2 years;

In any other case—$20 000 or imprisonment for 1 year.

## 29—Bringing notifiable disease into State

A person must not, without the approval of the Chief Inspector, bring a notifiable disease into the State or cause a notifiable disease to be brought into the State.

Maximum penalty:

In the case of an exotic disease—$20 000;

In any other case—$10 000.

## 30—Movement of livestock or livestock products affected with notifiable condition

(1) If—

(a) livestock or livestock products are affected with a notifiable condition; or

(b) there is reason to suspect that livestock or livestock products are affected with a notifiable condition,

the livestock or livestock products must not be brought into, removed from or moved within the State without the approval of the Chief Inspector.

(2) Subsection (1) does not apply to movement of livestock or livestock products within a holding.

(3) If livestock or livestock products are brought into, removed from or moved within the State in contravention of subsection (1), the following persons are each guilty of an offence:

(a) the owner of the livestock or livestock products; and

(b) the person in control of the livestock or livestock products; and

(c) any person who caused the livestock or livestock products to be brought into, removed from or moved within the State in contravention of the subsection.

Maximum penalty:

In the case of an exotic disease—$20 000;

In any other case—$10 000.

Expiation fee: In a case not involving an exotic disease—$500.

## 31—Supply of livestock or livestock products affected with notifiable condition

A person must not, without the approval of the Chief Inspector, sell or supply livestock or livestock products affected with a notifiable condition.

Maximum penalty:

In the case of an exotic disease—$20 000;

In any other case—$10 000.

Expiation fee: In a case not involving an exotic disease—$500.

### 32—Feeding of products that may cause livestock to become affected with notifiable condition

A person must not, without the approval of the Chief Inspector—

(a) feed to livestock or permit livestock to feed on a product that may cause the livestock to become affected with a notifiable condition; or

(b) dispose of a product in a manner that livestock may gain access to it if the product may cause livestock that consume it to become affected with a notifiable condition; or

(c) sell or supply food for livestock that could, if consumed by livestock of a class for which the food is intended in the manner intended, cause the livestock to become affected with a notifiable condition.

Maximum penalty: $10 000.

### 32A—Exemptions for notifiable (report only) diseases

Section 27(1)(c) and sections 28 to 32 (inclusive) do not apply in relation to a notifiable (report only) disease.

## Division 2—Restrictions on entry or movement of livestock or other property

### 33—Prohibition on entry or movement of livestock or other property absolutely or without required health certificate etc

(1) For the purposes of controlling or eradicating disease or contamination, the Minister may, by notice in the Gazette, prohibit entry into, or movement within or out of, the State or a specified part of the State of livestock, livestock products, or other property, of a specified class—

(a) absolutely; or

(b) subject to the condition that specified documentation accompany the livestock, livestock products or other property en route; or

(c) subject to any other condition.

(2) A notice may be issued under this section if the Minister decides in his or her absolute discretion that the issuing of the notice is justified in the circumstances.

(2a) If the Minister certifies that circumstances of urgency exist, the following provisions apply:

(a) a notice under this section may, instead of being made by notice in the Gazette, be made by notice published on a website determined by the Minister (and such notice must then be published in the Gazette within 7 days);

(b) the notice will come into force at the time specified in the notice which must be at, or after, the time at which it is published on a website under paragraph (a) (but may be before the time at which it is published in the Gazette in accordance with that paragraph).

(3) If documentation does not accompany livestock, livestock products or other property as required under this section, the following persons are each guilty of an offence:

(a) the owner of the livestock, livestock products or other property; and

(b) the person in control of the livestock, livestock products or other property; and

(c) any person who caused the livestock, livestock products or other property to be brought into, or moved within or out of, the State or specified part of the State unaccompanied by the relevant documentation.

Maximum penalty: $5 000.

Expiation fee: $315.

(4) If documentation is required to accompany livestock, livestock products or other property under this section, the owner of the livestock, livestock products or other property must ensure that the relevant documentation is retained for a period of 12 months after the livestock, livestock products or other property enters, or moves within or out of, the State or specified part of the State.

Maximum penalty: $5 000.

Expiation fee: $315.

(5) If livestock, livestock products or other property is brought into, or moved within or out of, the State or specified part of the State in contravention of a notice under this section (other than a contravention referred to in subsection (3)), the following persons are each guilty of an offence:

(a) the owner of any livestock, livestock products or other property; and

(b) the person in control of the livestock, livestock products or other property; and

(c) any person who caused the livestock, livestock products or other property to be brought into, or moved within or out of, the State or specified part of the State in contravention of the notice.

Maximum penalty:

If the notice is expressed to be issued for the purposes of controlling or eradicating exotic disease—$20 000 or imprisonment for 1 year;

In any other case—$10 000.

Expiation fee: Except if the notice is expressed to be issued for the purposes of controlling or eradicating exotic disease—$500.

(6) In this section, a reference to a specified part of the State includes a reference to a specified place or a place of a specified class.

(7) The Minister may—

(a) by notice in writing given to a person, exempt the person from any requirements in a notice under this section (whether absolutely or subject to conditions); or

(b) by notice published on a website determined by the Minister, exempt any class of persons from any requirements in a notice under this section (whether absolutely or subject to conditions).

## Division 3—Investigations

### 34—Investigation by inspector

An inspector may carry out an investigation as reasonably necessary for the purposes of—

(a) identifying the cause of death or of a condition affecting livestock;

(b) determining whether or not livestock or other property is or remains affected with a disease or contaminant;

(c) identifying or tracing a source likely to cause or to have caused livestock or other property to be affected with a disease or contaminant.

### 35—Investigation by owner or occupier of land

(1) An owner or occupier of land may—

(a) detain and examine livestock on the land; and

(b) if, after the examination, the owner or occupier has reason to suspect that the livestock are affected with a disease or contaminant—detain the livestock until an inspector arrives.

(2) If livestock detained under subsection (1)(b) are found to be affected with a disease or contaminant, the owner or occupier of the land may recover costs and expenses reasonably incurred in the detention and keeping of the livestock as a debt owed by the owner of the livestock.

(3) A person must not hinder or obstruct an owner or occupier of land in the exercise of powers under this section.

Maximum penalty: $5 000.

## Division 4—Control or eradication of disease or contamination

### 36—Guidelines for taking action under this Division

(1) In taking action under this Division, the Minister, the Chief Inspector or an inspector must have regard to—

(a) in the case of exotic disease—the strategies agreed on a national basis between responsible Ministers for addressing an outbreak or suspected outbreak of the disease;

(b) in any other case—the gravity of the consequences of the disease or contamination for—

(i) public health; and

(ii) the health of livestock and native or feral animals; and

(iii) the livestock industry both in the domestic market and the international market;

(c) in any case—guidelines approved by the Minister.

## 36A—Declaration of increased risk of exotic disease

(1) The Minister may, by notice in writing, declare that there is an increased risk of an exotic disease being brought into the State or a specified part of the State.

(2) The Minister must not make a declaration under this section unless satisfied that the disease poses a substantial risk of harm to a livestock industry, to the health and safety of any persons or to the economy (or any sector of the economy).

(3) A declaration under this section—

(a) must be published on a website determined by the Minister and in any other manner determined by the Minister; and

(b) remains in force for the period specified in the declaration (which must not exceed 14 days) and for such further periods (which may be of any length) as may be approved by the Governor.

(4) If a declaration is in force under this section in relation to a disease, an inspector may, for the purposes of monitoring whether the disease has entered the State, or the specified part of the State, or for the purposes of any market access arrangements relating to livestock in the State, examine or test any livestock, livestock products or other property or subject any livestock, livestock products or other property to a continued program of examination or testing at intervals.

(5) In this section—

***market access arrangements*** relating to livestock means arrangements for establishing the condition of any livestock, livestock products or other property as a requirement of access to a market for, or any commercial arrangement relating to, the livestock, product or property.

## 37—Ministerial notices

(1) For the purposes of controlling or eradicating disease or contamination, the Minister may, by notice in the Gazette, impose—

(a) one or more requirements of the kinds set out in Schedule 1; or

(b) any other requirement reasonably required in the circumstances.

(2) The notice must state the period for which it will remain in force.

(2a) A notice under this section—

(a) may apply generally throughout the State or in relation to—

(i) a specified class of person; or

(ii) a specified class of livestock, livestock products or other property used in relation to livestock; or

(iii) specified circumstances; and

(b) may specify that a requirement is to apply if specified conditions are, or are not, met; and

(c) may specify that a requirement must be complied with within a specified period (which must be reasonable).

(2b) If the Minister certifies that circumstances of urgency exist, the following provisions apply:

(a) a notice under this section may, instead of being made by notice in the Gazette, be made by notice published on a website determined by the Minister (and such notice must then be published in the Gazette within 7 days);

(b) the notice will come into force at the time specified in the notice which must be at, or after, the time at which it is published on a website under paragraph (a) (but may be before the time at which it is published in the Gazette in accordance with that paragraph).

(3) The Chief Inspector may—

(a) cause the notice or information about the notice to be published, on a website determined by the Minister, or in a newspaper circulating throughout the area concerned or generally throughout the State; and

(b) cause signs setting out the terms of the notice or information about the notice to be erected as the Chief Inspector considers appropriate.

(4) A person who, without the approval of the Chief Inspector, contravenes or fails to comply with a notice under this section is guilty of an offence.

Maximum penalty:

If the notice is expressed to be issued for the purposes of controlling or eradicating a disease that is an exotic disease—$20 000;

In any other case—$10 000.

Expiation fee: Except if the notice is expressed to be issued for the purposes of controlling or eradicating a disease that is an exotic disease—$500.

(5) A person must not hinder or obstruct a person complying with a notice under this section.

Maximum penalty: $5 000.

(5a) The Minister may—

(a) by notice in writing given to a person, exempt the person from any requirements in a notice under this section (whether absolutely or subject to conditions); or

(b) by notice published on a website determined by the Minister, exempt any class of persons from any requirements in a notice under this section (whether absolutely or subject to conditions).

(6) For the purposes of the administration or enforcement of this section, a member of SA Police (within the meaning of the *Police Act 1998*) has all the powers and functions of an inspector.

## 38—Individual orders

(1) If an inspector knows or has reason to suspect that livestock, livestock products or other property is affected with, or in danger of becoming affected with, a disease or contaminant, the inspector may issue an order under this section for the purposes of controlling or eradicating the disease or contamination.

(2) The order—

(a) subject to subsection (3), must be in the form of a written order served on the person to whom it is issued; and

(b) must specify the person to whom it is issued (whether by name or a description sufficient to identify the person); and

(c) must state the purpose for which it is issued and identify the disease or contaminant to which it relates; and

(d) may, for the purposes of controlling or eradicating the disease or contamination, impose—

(i) one or more requirements of the kinds set out in Schedule 1; or

(ii) any other requirement reasonably required in the circumstances.

(3) The order may be issued orally if the inspector is of the opinion that urgent action is required, but in that event, the order will cease to have effect on the expiration of 72 hours from the time of its issuing unless confirmed by a written order served on the person.

(4) An inspector may, by written order served on a person to whom an order has been issued under this section, vary or revoke the order.

(5) A person to whom an order is issued under this section must comply with the order.

Maximum penalty:

If the order is expressed to be issued for the purposes of controlling or eradicating a disease that is an exotic disease—$20 000;

In the case of a category 1 offence—$10 000;

In the case of a category 2 offence—$5 000;

In the case of a category 3 offence—$1 250.

Expiation fee:

In the case of an alleged category 1 offence—$500;

In the case of an alleged category 2 offence—$315;

In the case of an alleged category 3 offence—$160.

(6) A person who does an act in contravention of the terms of a sign erected as required by an order under this section is guilty of an offence.

Maximum penalty: $5 000.

Expiation fee: $315.

(7) A person must not hinder or obstruct a person complying with an order under this section.

Maximum penalty: $5 000.

## 39—Action on default

(1) If a person who is required to take action in compliance with a notice or order under this Division refuses or fails to do so—

(a) if the notice or order specifies a period within which the action is required to be taken—within the period so specified; or

(b) in any other case—within a reasonable period as determined by the Chief Inspector,

an inspector may take the action required to be taken by that person, with or without assistance, or cause that action to be taken.

(2) The Chief Inspector may recover costs and expenses reasonably incurred under subsection (1) as a debt owed by the person of whom the requirement was made.

## 40—Action in emergency situations

(1) If an inspector considers on reasonable grounds that urgent action is required for the purposes of controlling or eradicating disease or contamination, the inspector may, after giving such notice (if any) as may be reasonable in the circumstances, take any action that could be required to be taken by notice or order under this Division or cause such action to be taken.

(2) Action may be taken or caused to be taken under this section whether or not an order or notice has been issued in relation to the disease or contamination under this Division.

## 41—Action where no person in charge and owner cannot be located

(1) If—

(a) an inspector knows or has reason to suspect that livestock, livestock products or other property is affected with, or in danger of becoming affected with, a disease or contaminant; and

(b) there is no person apparently in charge of the livestock, livestock products or other property and the owner of the livestock, livestock products or other property cannot be located after reasonable inquiry,

the inspector may take any action that could be required to be taken by notice or order under this Division or cause such action to be taken.

(2) The Chief Inspector may recover costs and expenses reasonably incurred under subsection (1) as a debt owed by the owner of the livestock, livestock products or other property in respect of which the action was taken or caused to be taken.

## 42—Exercising powers in relation to native or feral animals

(1) If, in the opinion of the Chief Inspector, it is necessary for the purposes of controlling or eradicating disease or contamination that native or feral animals (including mammals, amphibians, molluscs, reptiles, birds, fish or insects) be subjected to treatment or be destroyed, the Chief Inspector may cause action to be taken by an inspector or other person for the treatment or destruction of the animals.

(2) An order may not be issued by an inspector under this Division requiring action to be taken in relation to native or feral animals (including mammals, amphibians, molluscs, reptiles, birds, fish or insects) except with the approval of the Chief Inspector.

(3) Notices or orders may be issued, or action taken or caused to be taken, under this Division in relation to native animals despite the fact that the animals are protected under any other law.

(4) The Minister must enter into an arrangement with the Minister responsible for the administration of the *National Parks and Wildlife Act 1972* specifying circumstances in which that Minister is to be consulted before a notice or order is issued, or action taken or caused to be taken, under this Division in relation to native animals.

(4a) However, if the Chief Inspector is satisfied that urgent circumstances exist, no consultation is required under subsection (4).

(5) No criminal or civil liability attaches to a person in respect of compliance with a notice or order under this Division requiring action to be taken in relation to native or feral animals.

## 43—Limitation on destruction or disposal of livestock or other property

(1) An inspector may not issue an order, take action, or cause action to be taken, under this Division for the destruction or disposal of—

(a) livestock; or

(b) livestock products; or

(c) livestock food; or

(d) equipment or articles used in relation to livestock,

except with the consent of the owner of the property or the approval of the Chief Inspector.

(2) An inspector may not issue an order, take action, or cause action to be taken, under this Division for the destruction, demolition or disposal of any other kind of property unless—

(a) the owner of the property consents to the order or action; or

(b) the property is of a kind prescribed by the regulations; or

(c) the order or action is authorised by a warrant issued by a magistrate.

(3) A magistrate must not issue a warrant under subsection (2) unless satisfied that the warrant is reasonably required in the circumstances of the case.

## 44—Limitation on proceedings in case of exotic disease

(1) No proceedings may be instituted or continued to prevent the taking of any action, or to compel the taking of any action, if the taking of that action, or the refusal or omission to take that action, is or is purportedly in pursuance of a notice or order expressed to be issued under this Division for the purposes of controlling or eradicating a disease that is an exotic disease.

(2) Nothing in this section prevents proceedings for the recovery of damages in respect of loss incurred or damage suffered as a result of an act or omission that is not required or authorised by a notice or order under this Division.

## Division 5—Implied contractual terms and conditions as to health of livestock

### 45—Implied contractual terms and conditions

(1) The regulations may prescribe contractual terms and conditions providing for rights and liabilities of purchasers and vendors of livestock, livestock products, or livestock food, of a prescribed class in relation to the health of the livestock or the quality of the livestock products or livestock food.

(2) Contractual terms and conditions prescribed by regulations under this Division in relation to a class of livestock, livestock products or livestock food will be implied into each contract for the sale of livestock, livestock products, or livestock food, of that class entered into while the regulations are in force.

(3) However, the parties to such a contract may agree to exclude or modify the implied terms and conditions.

## Division 6—Liability

### 46—Protection from liability

(1) Except as provided in Part 5 (and despite any other Act or law), no liability attaches to the Crown in respect of—

(a) any acts or omissions in connection with—

(i) the exercise or discharge, or purported exercise or discharge, of a function under this Part; or

(ii) the carrying out, or purported carrying out, of any direction or requirement given or imposed, or purportedly given or imposed, in accordance with this Part; or

(b) any failure to exercise or discharge a function under this Part,

in relation to the outbreak of a notifiable disease, notifiable contaminant or exotic disease (whether the relevant acts or omissions or failure occurred before or after the commencement of this section).

(2) Despite any other provision of this Act, or any other Act or law, no civil or criminal liability attaches to a person engaged in the administration of this Act in respect of—

(a) any acts or omissions in good faith in connection with—

(i) the exercise or discharge, or purported exercise or discharge, of a function under this Part; or

(ii) the carrying out, or purported carrying out, of any direction or requirement given or imposed, or purportedly given or imposed, in accordance with this Part; or

(b) any failure, in good faith, to exercise or discharge a function under this Part,

in relation to a notifiable disease, notifiable contaminant or exotic disease (whether the relevant acts or omissions or failure occurred before or after the commencement of this section).

# Part 5—Exotic Diseases Eradication Fund

## 47—Establishment of Fund

(1) The *Exotic Diseases Eradication Fund* is established.

(2) The Fund must be kept as directed by the Treasurer.

(3) The Fund is to consist of the following money:

(a) money in *The Foot and Mouth Disease Eradication Fund* at the commencement of this section;

(b) money received under an intergovernmental, or intergovernmental and livestock industry, agreement for sharing the costs of control or eradication of exotic disease;

(c) money advanced to the Fund by the Treasurer from the Consolidated Account (which is appropriated to the necessary extent);

(d) income from investment of money belonging to the Fund.

(4) Money constituting or forming part of the Fund may be invested as directed by the Treasurer.

## 48—Application of Fund

The Fund may be applied in payment of—

(a) expenses directly connected with the control or eradication of exotic disease (excluding, subject to the terms of an intergovernmental, or intergovernmental and livestock industry, agreement for sharing the costs of control or eradication of exotic disease, the salaries or wages of persons employed in the public sector who are or would be employed irrespective of the outbreak or suspected outbreak of exotic disease);

(b) compensation under this Part;

(c) expenses incurred in assessing compensation payable under this Part;

(d) contributions under an intergovernmental, or intergovernmental and livestock industry, agreement for sharing the costs of control or eradication of exotic disease.

## 49—Claims for compensation from Fund

(1) The following persons may claim compensation under this Part:

(a) an owner of livestock certified by an inspector—

(i) as having died of a declared exotic disease; and

(ii) as being livestock that would have, had they not died, been destroyed for the purposes of controlling or eradicating a declared exotic disease during a declared period; or

(b) an owner of livestock or other property destroyed in accordance with a notice or order issued under Part 4 Division 4, or by action taken or caused to be taken by an inspector under Part 4 Division 4, for the purposes of controlling or eradicating a declared exotic disease during a declared period; or

(c) the owner of livestock certified by an inspector as having been destroyed during a declared period on animal welfare grounds as a result of a prohibition against movement of the livestock in force for the purposes of controlling or eradicating a declared exotic disease.

(2) Subject to this section, the amount of compensation that may be claimed is—

(a) in the case of livestock that were, immediately before their death or destruction during a declared period, pastured or kept on the same holding—

(i) the total value of the livestock immediately before the earliest of—

(A) the date on which the existence or suspected existence of the exotic disease in livestock pastured or kept on the holding was first reported to an inspector or veterinary surgeon; or

(B) the date on which an inspector first suspected or found livestock pastured or kept on the holding to be affected with the exotic disease; or

(C) the date on which restrictions prohibiting livestock being moved from or to the holding were imposed under Part 4 Division 4 for the purposes of controlling or eradicating the exotic disease; or

(ii) the total value of the livestock on the date at which the holding ceased to be subject to restrictions prohibiting restocking imposed under Part 4 Division 4 for the purposes of controlling or eradicating the exotic disease;

(b) in the case of other livestock—to be determined in a manner approved by the Minister;

(c) in the case of other property—the value of the property immediately before destruction.

(3) Livestock or other property is to be valued—

(a) as if it had not been affected by the exotic disease; and

(b) in the case of livestock or livestock products—having regard to the value of comparable livestock or products at the nearest most recent markets selling livestock or products of that kind, whether those markets are in the State or in any other State or Territory of the Commonwealth; and

(c) using a method of valuation determined by the Minister.

(4) Compensation may not include any amount for loss of profit or production, loss arising from breach of contract or other consequential loss.

(4a) The amount of compensation is to be reduced by the amount of the net proceeds of any sale of livestock carcasses or other property.

(5) No further compensation is payable by the Crown for any livestock or other property for which compensation has been paid under this Part and no proceedings lie against the Crown for compensation in respect of the death or destruction of livestock or other property in connection with exotic disease other than under this Part.

(6) In this section—

***declared exotic disease*** means an exotic disease declared by the Minister by notice in the Gazette to be a declared exotic disease for the purposes of this Part;

***declared period*** means a period declared by the Minister by notice in the Gazette to be a declared period in relation to a declared exotic disease for the purposes of this Part, being a period that—

(a) commences on a day specified in the notice; and

(b) ends on a day specified in that notice or a subsequent notice in the Gazette;

***owner*** of livestock or other property means a person who has (whether alone or jointly or severally with others) title or an interest or right to or in the livestock or other property, but does not include a mortgagee not in possession.

## 50—Procedure for making claim and determination of claim

(1) A claim for compensation must be made to the Chief Inspector within—

(a) in the case of a claim relating to livestock that were, immediately before their death or destruction during a declared period, pastured or kept on the same holding—90 days after the last of those livestock died or were destroyed;

(b) in any other case—90 days after the death or destruction of the livestock or other property the subject of the claim.

(2) Only one claim may be made in relation to all livestock in the same ownership that were, immediately before their death or destruction during a declared period, pastured or kept on the same holding.

(3) Despite any other provisions of this Part, if such a claim has been determined before the date on which the holding ceased to be subject to restrictions prohibiting restocking imposed under Part 4 Division 4 for the purposes of controlling or eradicating the exotic disease, the claimant may, within 30 days after that date, make a claim for further compensation based on the total value of the livestock at the date on which the holding ceased to be subject to the restrictions.

(4) The Chief Inspector may, if satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that a claim be made within the period fixed by this section.

(5) A claim for compensation must be made in the form and contain or be accompanied by the information required by the Chief Inspector.

(6) The Chief Inspector may, with the approval of the Minister, determine that no compensation, or a reduced amount of compensation, is payable to a claimant if the claimant (or in the case of a body corporate claimant, a director of the body corporate) has been convicted of an offence (whether against this Act or the law of another jurisdiction) relating to the outbreak or suspected outbreak of the exotic disease in relation to which the claim for compensation has been made.

(7) The Chief Inspector may, with the approval of the Minister, delay determining a claim for compensation pending the investigation or prosecution of any suspected or alleged offence of a kind referred to in subsection (6).

(8) The Chief Inspector must, by written notice, inform the claimant of the Chief Inspector's determination of the claim (separately specifying the amount of compensation payable for particular livestock or property and the amount of any reduction under subsection (6)).

### 51—Review of Chief Inspector's determination of claim

(1) A person who has made a claim for compensation may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the Chief Inspector's determination of the amount of compensation payable for particular livestock or property.

(2) An application cannot be made under subsection (1) in relation to a determination that no compensation or a reduced amount of compensation is payable as a result of a conviction for an offence.

(3) An application for review must be made within 21 days of receipt of the notice of the Chief Inspector's determination.

(4) For the purposes of proceedings under this section, the following panels of assessors must be established under section 22 of the *South Australian Civil and Administrative Tribunal Act 2013*:

(a) a panel consisting of persons who have experience or qualifications in valuing livestock or property that may be subject to the operation of this Act;

(b) a panel consisting of persons who have experience or qualifications relevant to managing or dealing with the outbreak or suspected outbreak of exotic diseases in 1 or more sectors of the livestock industry.

(5) In any proceedings under this section, the Tribunal may, if the President of the Tribunal so determines, sit with assessors selected by the Minister.

## Part 6—Special provisions relating to bees

### 52—Reservation of Kangaroo Island for pure Ligurian bees

A person must not keep in or bring into, or cause to be kept in or brought into, Kangaroo Island bees other than pure Ligurian bees.

Maximum penalty: $10 000.

### 53—Reservation of other areas for classes of bees by proclamation

(1) The Governor may, by proclamation, declare that only bees of a specified class may be kept in or brought into a specified area of the State.

(2) A proclamation under this section may be varied or revoked by subsequent proclamation.

(3) A person who keeps bees in or brings bees into, or causes bees to be kept in or brought into, an area of the State in contravention of a proclamation under this section is guilty of an offence.

Maximum penalty: $10 000.

### 54—Prohibition against keeping bees in specified areas of State

(1) The Governor may, by proclamation, prohibit (absolutely or conditionally) the keeping of bees within a specified area of the State for the purpose of assisting the dried fruits industry.

(2) A proclamation under this section may be varied or revoked by subsequent proclamation.

(3) A person who keeps bees in, or causes bees to be kept in, an area of the State in contravention of a proclamation under this section is guilty of an offence.

Maximum penalty: $10 000.

## *Part 7—Brands*

***Note—***

*Part 7 had not come into operation at the date of the publication of this version.*

### *55—Registers of brands*

*(1) The Chief Inspector must keep registers of brands in relation to prescribed classes of livestock.*

*(2) Separate registers are to be kept for the different classes of livestock.*

*(3) Each register must record—*

*(a) a description of the brand; and*

*(b) the name and address of a person who is to be taken to be the owner of the registered brand.*

### *56—Applications*

*An application for registration, or renewal of registration, of a brand or for consent to the transfer of a registered brand must—*

*(a) be made to the Chief Inspector; and*

*(b) be in the form and contain or be accompanied by the information required by the Chief Inspector; and*

*(c) be accompanied by the fee fixed by regulation.*

### *57—Refusal to register brand*

*The Chief Inspector may refuse to register a brand if satisfied that—*

*(a) the brand could be mistaken for, or easily altered to appear to be—*

*(i) another brand registered in the same register in some other person's name; or*

*(ii) a brand of a kind used for official purposes; or*

*(b) the brand does not comply with the requirements of the regulations; or*

*(c) some other requirement of the regulations is not satisfied.*

### *58—Term of registration of brand and renewal*

*(1) Registration of a brand is for a term fixed by regulation.*

*(2) Registration may be renewed from time to time for a further term fixed by regulation.*

### *59—Exclusive use of registered brand*

*A person registered as owner of a brand is entitled to the exclusive use of the brand for application to livestock of the class in respect of which the brand is registered.*

### *60—Transfer of ownership of registered brand*

*(1) A registered brand may not be transferred to another without the consent of the Chief Inspector.*

*(2) Consent may only be withheld if the person to whom the brand is to be transferred would not be entitled under the regulations to be registered as owner of the brand.*

*(3) If a person registered as the owner of a brand dies, the personal representative of the person will, on application, be registered as the owner of the brand.*

### *61—Cancellation of registration of brand*

*The Chief Inspector may cancel registration of a brand—*

*(a) with the authority of the person registered as owner of the brand; or*

*(b) if a written request seeking authority to cancel the registration has been served on the person registered as owner of the brand or that person's personal representative and the Chief Inspector has not received any written objections to the cancellation within the time (not less than one month) allowed by the request; or*

*(c) if a body corporate registered as owner of the brand has been wound up or dissolved; or*

*(d) if satisfied that registration of the brand was obtained improperly.*

### *62—Offence to use registered brand of another*

*(1) A person must not mark livestock, or cause or permit livestock to be marked—*

*(a) with a brand registered in relation to livestock of the same class in the name of a person other than the owner of the livestock; or*

*(b) in a manner that could be mistaken for a brand registered in relation to livestock of the same class in the name of a person other than the owner of the livestock.*

*Maximum penalty: $10 000.*

*(2) A person must not, without lawful authority, destroy or deface a registered brand marked on livestock or on hide or skin of livestock products.*

*Maximum penalty: $10 000.*

# Part 8—Administration and enforcement

## Division 1—Administration

### 63—Appointments

(1) The Minister may appoint—

(a) a Chief Inspector of Stock; and

(b) deputy Chief Inspectors of Stock; and

(c) inspectors.

(2) An appointment may be made subject to conditions specified in the instrument of appointment.

(3) The Minister may, at any time, revoke an appointment or vary, revoke or add a condition of an appointment.

(4) A deputy Chief Inspector of Stock has all the powers and functions of the Chief Inspector of Stock under this or any other Act.

(5) A fisheries officer under the *Fisheries Management Act 2007* has all the powers and functions of an inspector under this Act in relation to fish.

### 64—Identification of inspectors

(1) An inspector must be issued with an identity card—

(a) containing the person's name and a photograph of the person; and

(b) stating that the person is an inspector for the purposes of this Act.

(2) If the powers of an inspector have been limited by conditions, the identity card issued to the inspector must contain a statement of the limitation on the inspector's powers.

(3) An inspector must, at the request of a person in relation to whom the inspector intends to exercise any powers under this or any other Act, produce for the inspection of the person his or her identity card.

### 65—Analysts

The Chief Inspector may approve a person as an analyst for the purposes of this Act.

### 66—Delegations

(1) The Minister may delegate any power or function under this Act to—

(a) another Minister; or

(b) the Chief Inspector; or

(c) any person or body or any person or body of a class specified in the delegation.

(2) The Chief Inspector may delegate any power or function under this or any other Act to any person or body or to any person or body of a class specified in the delegation.

(3) A delegation under this section—

(a) must be by instrument in writing; and

(b) may be absolute or conditional; and

(c) does not derogate from the power of the delegator to act in any matter; and

(d) is revocable at will by the delegator.

## Division 2—General powers of inspectors

### 68—General powers of inspectors

(1) An inspector may exercise the powers conferred by this section for the purposes of—

(a) carrying out an investigation under this Act;

(b) evaluating the facilities and equipment used in or in connection with, or the processes or procedures carried out at, an artificial breeding centre or veterinary diagnostic laboratory;

(c) otherwise administering or enforcing this Act.

(2) An inspector may—

(a) enter and search any place;

(b) with the authority of a warrant issued under this section or in circumstances in which the inspector reasonably believes that immediate action is required, use reasonable force to break into or open any part of, or anything in or on, the place;

(c) give directions with respect to the stopping or movement of a vehicle, vessel or aircraft;

(d) take photographs, films or audio, video or other recordings;

(da) construct, reinforce or repair any building, fencing, gates or other structures or barriers or carry out any other security or containment measures in relation to any place or thing;

(e) require a person—

(i) to answer a question to the best of that person's knowledge, information and belief;

(ii) to take reasonable steps to provide information;

(f) require a person who the inspector reasonably suspects has committed, is committing or is about to commit, an offence against this Act to state the person's full name and usual place of residence and to produce evidence of the person's identity;

(g) require a person registered or required to be registered under this Act to produce the certificate of registration for inspection;

(h) require a person to produce a record (including a written record that reproduces in an understandable form information stored by computer, microfilm or other process);

(i) examine, copy or take extracts from a record or require a person to provide a copy of a record;

(j) remove and retain a record for so long as is reasonably necessary for the purpose of making a copy of the record;

(k) examine, take samples from, test or carry out a veterinary procedure on livestock or other property and, if reasonably necessary for that purpose—

(i) require the owner or person in charge of the livestock or other property to take it, or a sample of a specified kind from it, to a specified place;

(ii) destroy or cause the death of livestock (but not a greater number than is reasonably necessary);

(l) examine, take samples from, test or carry out a veterinary procedure on any native or feral animal (including any bird, fish or insect) and, if reasonably necessary for that purpose, destroy or cause the death of the animal notwithstanding that it may be protected under any other law;

(m) identify, by marking, tagging or otherwise, livestock or other property in respect of which powers have been exercised under this Act;

(n) seize and retain, or issue a seizure order in respect of, anything that the inspector reasonably suspects has been, is being or is about to be used in, is intended for use in, or may constitute evidence of, an offence against this Act (including livestock, livestock products or other property that the inspector reasonably suspects has been brought into a place, removed from a place, or moved from one place to another, in contravention of this Act);

(o) use reasonable force to prevent the commission of an offence against this Act;

(p) give directions reasonably required in connection with the exercise of a power conferred by this Act.

(3) A magistrate may issue a warrant for the purposes of subsection (2)(b) if satisfied that the warrant is reasonably required in the circumstances.

(4) In the exercise of powers under this Act an inspector may be assisted by such persons as the inspector considers necessary in the circumstances.

(5) An inspector may require an occupier of a place or a person apparently in charge of any property to give to the inspector or a person assisting the inspector such assistance as is reasonably required for the effective exercise of powers conferred by this Act.

(6) An inspector (who is not a veterinary surgeon) must not carry out any veterinary treatment within the meaning of the *Veterinary Surgeons Act 1985* unless authorised by the Chief Inspector to carry out veterinary treatment of that kind.

(7) If a person refuses or fails to comply with a requirement of an inspector under this section, the inspector may take the action required to be taken, with or without assistance, or cause the action to be taken.

(8) The Chief Inspector may recover costs and expenses reasonably incurred under subsection (7) as a debt owed by the person of whom the requirement was made.

## 69—Provisions relating to seizure

(1) A seizure order under this Division—

(a) must be in the form of a written notice served on the owner or person in charge of the property to which the order relates; and

(b) may be varied or revoked by further such written notice.

(2) If a seizure order is issued under this Division, a person who removes or interferes with the property to which the order relates without the approval of the Chief Inspector before an order is made under this section in respect of the property or the seizure order is discharged is guilty of an offence.

Maximum penalty: $5 000.

(3) If property has been seized or made subject to a seizure order under this Division the following provisions apply:

(a) subject to subsection (4), seized property must be held pending proceedings for an offence against this Act related to the property seized, unless the Chief Inspector, on application, authorises its release to—

(i) the person from whom it was seized; or

(ii) any person who had legal title to it at the time of its seizure,

subject to such conditions as the Chief Inspector thinks fit (including conditions as to the giving of security for satisfaction of an order under paragraph (b)(ii), requiring payment of costs and expenses reasonably incurred in relation to it or requiring its removal from the State or a specified area);

(b) if proceedings for an offence against this Act relating to the property are instituted within the prescribed period after its seizure or the issuing of the seizure order and the defendant is found guilty of the offence, the court may (if the property has not been destroyed or disposed of under subsection (4))—

(i) order that the property be forfeited to the Crown; or

(ii) if the property has been released under paragraph (a) or is the subject of a seizure order—order that it be forfeited to the Crown or that the person to whom it was released or the defendant pay to the Minister an amount equal to its market value at the time of its seizure or the issuing of the seizure order, as the court thinks fit;

(c) if—

(i) proceedings are not instituted for an offence against this Act relating to the property within the prescribed period after its seizure or the issuing of the seizure order; or

(ii) proceedings have been so instituted and—

(A) the defendant is found not guilty of the offence; or

(B) the defendant is found guilty of the offence but no order for forfeiture is made under paragraph (b),

then—

(iii) in the case of seized property that has not been destroyed or otherwise disposed of under subsection (4)—the person from whom it was seized, or any person with legal title to it, is entitled to recover from the Minister (if necessary, by action in a court of competent jurisdiction) the property itself, or if it has been damaged or destroyed or has deteriorated, compensation of an amount equal to its market value at the time of its seizure; or

(iv) in the case of property subject to a seizure order—the order is discharged.

(4) If property seized is affected with a disease or contaminant or there is reason to suspect that it is affected with a disease or contaminant, the property may—

(a) be cleansed, disinfected or otherwise treated; or

(b) with the authority of the Chief Inspector or the owner of the property—be destroyed or otherwise disposed of.

(5) In subsection (3)—

***prescribed period*** means six months or such longer period as the Magistrates Court may, on application by the Minister, allow.

## 70—Offence to hinder etc inspectors

A person who—

(a) hinders or obstructs an inspector, or a person assisting an inspector, in the exercise of powers conferred by this Act; or

(b) uses abusive, threatening or insulting language to an inspector or a person assisting an inspector; or

(c) refuses or fails to comply with a requirement or direction of an inspector under this Act; or

(d) when required by an inspector under this Act to answer a question, refuses or fails to answer the question to the best of the person's knowledge, information or belief; or

(e) falsely represents, by words or conduct, that he or she is an inspector,

is guilty of an offence.

Maximum penalty: $15 000.

## 71—Self-incrimination

(1) It is not an excuse for a person to refuse or fail to answer a question or to produce, or provide a copy of, a record or information as required under this Part on the ground that to do so might tend to incriminate the person or make the person liable to a penalty.

(2) However, if the person objects to answering the question or to producing, or providing a copy of, a record or information on that ground, then—

(a) in the case of a person who is required to produce, or provide a copy of, a record or information—the fact of production, or provision of a copy of, the record or the information (as distinct from the contents of the record or the information); or

(b) in any other case—the answer given in compliance with the requirement,

is not admissible in evidence against the person in proceedings for an offence or for the imposition of a penalty (other than proceedings in respect of the making of a false or misleading statement).

## Division 3—Compliance notices

### 72—Compliance notices

(1) An inspector may issue a notice under this Division for the purpose of securing compliance with a requirement imposed by or under this Act (including a requirement imposed by condition of registration or an approval or other authority).

(2) A notice under this Division—

(a) subject to subsection (3), must be in the form of a written notice served on the person to whom the notice is issued; and

(b) must specify the person to whom it is issued (whether by name or a description sufficient to identify the person); and

(c) must give details of the requirement to which it relates; and

(d) may impose any requirement reasonably required for the purpose for which the notice is issued, including—

(i) a requirement that the person discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from the Chief Inspector;

(ii) a requirement that the person not carry on a specified activity except subject to specified conditions;

(iii) a requirement that the person take specified action within a specified period; and

(e) must state that the person may, within 14 days, apply to the Tribunal for a review of the notice under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.

(3) A notice under this Division may be issued orally if the inspector is of the opinion that urgent action is required, but in that event, the notice will cease to have effect on the expiration of 72 hours from the time of its issuing unless confirmed by a written notice served on the person.

(4) The Chief Inspector may, by written notice served on a person to whom a notice has been issued under this Division, vary or revoke the notice.

(5) A person to whom a notice is issued under this Division must comply with the notice.

Maximum penalty: $10 000 or imprisonment for 2 years.

(6) A person must not hinder or obstruct a person complying with a notice issued under this Division.

Maximum penalty: $5 000.

(7) If a person who is required to take action in compliance with a notice under this Division refuses or fails to do so, an inspector may take the action required to be taken by that person, with or without assistance, or cause that action to be taken.

(8) The Chief Inspector may recover costs and expenses reasonably incurred under subsection (7) as a debt owed by the person of whom the requirement was made.

## Division 4—Public warning statements

### 72A—Public warning statements for purposes of controlling or eradicating disease or contamination

(1) If, in the opinion of the Chief Inspector, it is in the public interest to do so, the Chief Inspector may make a public statement or erect signs at a livestock saleyard or other public place identifying and giving warnings or information about any of the following:

(a) livestock, livestock products or other property that, in the opinion of the Chief Inspector, is affected with, or in danger of becoming affected with, a disease or contaminant;

(b) the suspected presence of a disease or contaminant;

(c) practices, that, in the opinion of the Chief Inspector, pose a risk of the spread of a disease affecting livestock or of the introduction of such a disease or of livestock or other property becoming affected or further affected with a contaminant.

(2) A statement under this section may identify particular livestock, products, property, practices and persons.

(3) The Crown incurs no liability for a statement made by the Chief Inspector in good faith in the exercise or purported exercise of powers under this section.

(4) A person incurs no liability for publishing in good faith a statement made by the Chief Inspector under this section or a fair report or summary of such a statement.

# Part 9—Reviews

### 73—Reviews

(1) An application for review by the Tribunal may be made—

(a) by an applicant for the grant or renewal of registration under Part 3 or 7 against a decision by the Chief Inspector to refuse to grant or renew the registration or to impose a condition on the registration; or

(b) by a person registered under Part 3 or a person registered as the owner of a brand under Part 7 against a decision by the Chief Inspector to suspend or cancel the registration or to impose or vary a condition of registration; or

(c) by a person to whom a compliance notice has been issued under Part 8 Division 3 against the decision to issue the notice.

(3) If the Chief Inspector does not give reasons in writing for a decision referred to in subsection (1)(a) or (b) when the decision is made, the Chief Inspector must do so on request made by the applicant or registered person within one month of the making of the decision.

(4) An application for review must be made—

(a) in the case of an application that relates to a decision of the Chief Inspector—

(i) within 1 month of the making of the decision; or

(ii) if a request for reasons in writing for the decision has been made under subsection (3)—within 1 month of the receipt of the reasons in writing; or

(b) in the case of an application that relates to a decision to issue a compliance notice—within 14 days of receipt of the notice.

# Part 10—Miscellaneous

## 75—False or misleading information

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 information furnished, or record kept, under this Act.

Maximum penalty:

If the person made the statement knowing that it was false or misleading—$10 000;

In any other case—$5 000.

## 76—Statutory declarations

If a person is required by or under this Act to furnish information to the Chief Inspector, the Chief Inspector may require that the information be verified by statutory declaration and, in that event, the person will not be taken to have furnished the information as required unless it has been verified in accordance with the requirements of the Chief Inspector.

## 77—Telephone warrants

(1) An inspector may apply to a magistrate for a warrant by telephone, facsimile or other prescribed means if the inspector considers the urgency of the situation requires it.

(2) The magistrate may complete and sign the warrant in the same terms as for a warrant applied for in person if satisfied that there are reasonable grounds for issuing the warrant urgently.

(3) The magistrate must—

(a) tell the inspector—

(i) the terms of the warrant; and

(ii) the date on which and the time at which, the warrant was signed; and

(iii) the date on which, and the time at which, the warrant ceases to have effect; and

(b) record on the warrant the reasons for granting the warrant.

(4) The inspector must—

(a) complete a form of warrant in the same terms as the warrant signed by the magistrate; and

(b) write on the form—

(i) the name of the magistrate; and

(ii) the date on which, and the time at which, the warrant was signed; and

(c) send the magistrate the completed form of warrant not later than the day after the warrant is executed or ceases to have effect.

(5) On receipt of the form of warrant, the magistrate must attach it to the warrant the magistrate signed.

(6) A form of warrant completed by an inspector under subsection (4) has the same force as a warrant signed by the magistrate under subsection (2).

## 78—General defence

(1) It is a defence to a charge of an offence against this Act if the defendant proves that the offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

(2) This section does not apply in relation to a person who is charged with an offence under section 80.

## 79—Vicarious liability

For the purposes of this Act, an act or omission of an employee or agent will be taken to be the act or omission of the employer or principal unless it is proved that the act or omission did not occur in the course of the employment or agency.

## 80—Offences by bodies corporate

(1) If a body corporate is guilty of a prescribed offence, each director of the body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless the director proves that he or she could not by the exercise of due diligence have prevented the commission of the offence.

(2) If a body corporate is guilty of any other offence against this Act (other than an offence against the regulations), each director of the body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence if the prosecution proves that—

(a) the director knew, or ought reasonably to have known, that there was a significant risk that such an offence would be committed; and

(b) the director was in a position to influence the conduct of the body corporate in relation to the commission of such an offence; and

(c) the director failed to exercise due diligence to prevent the commission of the offence.

(3) Subsection (2) does not apply if the principal offence is an offence against section 25, 26A, 28, 35, 53, 54, 62, 69, 70, 72(6) or 75.

(4) The regulations may make provision in relation to the criminal liability of a director of a body corporate that is guilty of an offence against the regulations.

(5) In this section—

***prescribed offence*** means an offence against section 20, 24, 27(1), 33(5), 37 or 38.

## 81—Continuing offence

(1) A person convicted of an offence against a provision of this Act in respect of a continuing act or omission—

(a) is liable, in addition to the penalty otherwise applicable to the offence, to a penalty for each day during which the act or omission continued of not more than one-tenth of the maximum penalty prescribed for that offence; and

(b) is, if the act or omission continues after the conviction, guilty of a further offence against the provision and liable, in addition to the penalty otherwise applicable to the further offence, to a penalty for each day during which the act or omission continued after the conviction of not more than one-tenth of the maximum penalty prescribed for the offence.

(2) If an offence consists of an omission to do something that is required to be done, the omission will be taken to continue for as long as the thing required to be done remains undone after the end of the period for compliance with the requirement.

## 82—Extension of period for prosecution and issue of expiation notice

(1) Proceedings for an offence against this Act (other than an expiable offence) must be commenced within two years of the date on which the offence is alleged to have been committed or, with the authorisation of the Minister, at a later time within five years after that date.

(2) In any proceedings, an apparently genuine document purporting to be a certificate of the Minister certifying authorisation of a prosecution for an offence against this Act will be accepted, in the absence of proof to the contrary, as proof of the authorisation.

(3) Proceedings for a prescribed expiable offence against this Act must be commenced within 2 years of the date on which the offence is alleged to have been committed and, despite section 6 of the *Expiation of Offences Act 1996*, an expiation notice for such an offence may be given after the expiry of the period of 6 months from the date on which the offence was alleged to have been committed.

(4) An expiation notice for a prescribed expiable offence against this Act cannot be given after the expiry of the period of 2 years from the date on which the offence is alleged to have been committed.

## 83—Recovery of technical costs associated with prosecutions

If a person is convicted of an offence against this Act, the court must, on application by the prosecutor, order the convicted person to pay the reasonable costs and expenses incurred in the taking of any samples or the conduct of tests, examinations or analyses in the course of the investigation and prosecution of the offence.

## 84—Evidence

(1) In legal proceedings, an apparently genuine document purporting to be a certificate of the Minister or Chief Inspector certifying—

(a) that a person is or was at a specified date an inspector;

(b) that a person is or was at a specified date an analyst;

(c) that a person or brand was or was not registered under this Act at a specified date or as to the particulars of registration;

(d) as to the giving or making and the contents of a notice, certification, order, delegation, exemption or approval under this Act,

constitutes proof of the matters so certified in the absence of proof to the contrary.

(2) In legal proceedings, an apparently genuine document purporting to be a certificate of an analyst and setting out details as to an analysis carried out by or under the direction of the person and the results of the analysis constitutes proof, in the absence of proof to the contrary, of the matters so certified.

(3) An allegation in a complaint—

(a) that a person is or was at a specified date the owner or person in control of specified livestock or other property; or

(b) that something done was done without the approval of the Chief Inspector,

constitutes proof of the matters so alleged in the absence of proof to the contrary.

(4) In legal proceedings, proof that a hive was found on premises constitutes proof, in the absence of proof to the contrary, that bees were kept by the occupier of the premises.

## 85—Service

A notice, order or other document to be given or served on a person under this Act may be given or served—

(a) by delivering it personally to the person or an agent of the person; or

(b) by leaving it for the person at the person's place of residence or business with someone apparently over the age of 16 years; or

(c) by posting it to the person or agent of the person at the person's or agent's last known place of residence or business; or

(d) by transmitting it by fax transmission or email to the fax number or email address last provided to the Minister or Chief Inspector by the person for the purpose (in which case the notice, order or document will be taken to have been given or served at the time of transmission).

## 86—Incorporation of codes, standards or other documents

(1) A regulation, notice, order or code of practice under this Act may incorporate or operate by reference to a specified code, standard or other document as in force at a specified time or as in force from time to time.

(2) If a code, standard or other document is incorporated or referred to—

(a) a copy of—

(i) the code, standard or other document; and

(ii) any document referred to or incorporated in the code, standard or other document,

must be kept available for inspection by members of the public, without charge and during normal office hours, at a place determined by the Minister; and

(b) evidence of the contents of the code, standard or other document may be given in any legal proceedings by production of a document apparently certified by the Minister to be a true copy of the code, standard or other document.

## 87—Gazette notices etc

(1) A notice in the Gazette under this Act—

(a) may be varied or revoked by subsequent notice in the Gazette;

(b) may make different provision according to the matters or circumstances to which it is expressed to apply;

(c) may provide that a matter or thing in respect of which the notice may be made is to be determined according to the discretion of the Minister, the Chief Inspector or an inspector.

(2) A reference in this section to a notice in the Gazette includes a notice referred to in section 33(2a) and section 37(2b).

## 88—Regulations

(1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.

(2) Without limiting the generality of subsection (1), the regulations may—

(a) require, regulate or restrict the identification of livestock or other property by tags, brands, implanted microchips or other means;

(b) require waybills or other documents to accompany livestock whenever they are moved from one place to another and empower inspectors to detain and deal with livestock not accompanied by the required documents;

(c) prohibit or regulate the possession and use of vaccines, diagnostic reagents or diagnostic assays intended for use on or in relation to livestock or native or feral animals;

(d) regulate the use of hormonal growth promotants on livestock and the making of declarations and the keeping of records about their use;

(da) prescribe standards for stock food or constituents of stock food (including standards prohibiting a substance from being added to or used as stock food or specifying the amount of a substance that may be contained in stock food);

(db) prohibit or regulate the manufacture, packaging, labelling, sale or supply of stock food;

(dc) prohibit the feeding of livestock with particular products or substances or otherwise regulate the feeding of livestock;

(e) fix fees (which may vary according to different factors) to be paid in respect of any matter under this Act and provide for the recovery, refund, waiver or reduction of such fees;

(f) exempt a class of persons or livestock or other property from the application of this Act or a specified provision of this Act unconditionally or subject to specified conditions;

(g) impose fines not exceeding $10 000 for offences against the regulations;

(h) fix expiation fees not exceeding $500 for alleged offences against the regulations.

(3) Regulations under this Act—

(a) may be of general application or limited application;

(b) may make different provision according to the matters or circumstances to which they are expressed to apply;

(c) may provide that a matter or thing in respect of which the regulations may be made is to be determined according to the discretion of the Minister, the Chief Inspector or an inspector;

(d) may make provisions of a savings or transitional nature.

(4) The regulations may confer jurisdiction on the Tribunal to review any determination made under the regulations.

# Schedule 1—Requirements for control or eradication of disease or contamination

For the purposes of controlling or eradicating disease or contamination by notice or order under Part 4 Division 4, requirements may be imposed—

(a) prohibiting or restricting the movement of livestock, livestock products or other property used in relation to livestock into or out of or within the State or a particular area or place;

(b) requiring action to be taken in relation to livestock, livestock products or other property used in relation to livestock including—

(i) examining or testing the livestock, livestock products or other property or subjecting the livestock, livestock products or other property to a continued program of examination or testing at intervals;

(ii) detaining or confining the livestock, livestock products or other property at a specified place for a specified period;

(iii) vaccinating the livestock;

(iv) subjecting the livestock, livestock products or other property to treatment or a course of treatment;

(v) placing the livestock, livestock products or other property under the supervision of a person and requiring the reasonable directions of that person given in the course of that supervision to be obeyed;

(vi) requiring the livestock, livestock products or other property to be kept, managed or transported in a specified manner;

(vii) requiring the livestock, livestock products or other property to be identified by marking, tagging or other means;

(viii) requiring the livestock, livestock products or other property to be destroyed, demolished or disposed of in a specified manner;

(c) prohibiting or restricting the sale or supply of livestock, livestock products or other property used in relation to livestock or restricting the purposes for which the livestock or other property may be used;

(d) prohibiting or restricting the carrying out of any artificial breeding procedure;

(e) requiring land—

(i) to be examined or tested (including a continuing program of examination or testing at intervals);

(ii) to be subjected to treatment or a course of treatment;

(iii) to be used for the destruction, demolition, disposal or decontamination of livestock, livestock products or other property;

(f) restricting the purposes for which land may be used including—

(i) prohibiting or restricting the pasturing or keeping of livestock on land;

(ii) prohibiting or restricting the use of land for growing food for livestock;

(g) requiring signs to be erected on land;

(h) causing the constructing, reinforcing or repairing of any building, fence, gate or other structure or barrier, or the carrying out of any other specified security or containment measures;

(i) requiring the owner or occupier of land to take action to examine, test, treat or destroy native or feral animals on the land;

An order requiring such action may only be issued with the approval of the Chief Inspector: see section 42.

(j) requiring the owner of livestock or other property (including land) in respect of which a notice or order is in force to notify the Chief Inspector of any intended sale of the livestock or other property;

(k) if the disease is an exotic disease—

(i) prohibiting or restricting the movement into, out of, or within, an area of persons, vehicles, vessels or aircraft;

(ii) requiring the cleansing or disinfecting of person, place or property;

(iii) requiring the muzzling of dogs (whether working or pets);

(iv) prohibiting or restricting—

(A) the holding of any market, fair, sale, show, parade, race meeting or other gathering or competition involving livestock or livestock products;

(B) the delivery of livestock or livestock products to any abattoir, milk factory or other place to which livestock or livestock products are regularly delivered;

(v) empowering inspectors to destroy and dispose of livestock that are found within a specified area if they are not under the direct control of any person or the provisions of the notice or order have apparently not been complied with in respect of them;

(vi) directing the owner of, or the person for the time being in charge of, any real or personal property to place it in the possession of, or under the supervision of, a specified person and requiring compliance with any reasonable directions of that person in connection with that possession or supervision;

(vii) requiring the destruction, disposal, eradication or decontamination of feral animals (including mammals, amphibians, molluscs, reptiles, birds, fish or insects), native animals or any other thing (including by specifying the manner of destruction, disposal, eradication or decontamination);

(viii) requiring a person who is in a position to do so to stop any work or operation;

(ix) requiring a person who is in a position to do so to close any place.

# Schedule 2—Repeal and transitional provisions

## 1—Repeal

The following Acts are repealed:

(a) *Apiaries Act 1931*;

(b) *Branding of Pigs Act 1964*;

(c) *Brands Act 1933*;

(d) *Cattle Compensation Act 1939*;

(e) *Deer Keepers Act 1987*;

(f) *Foot and Mouth Disease Eradication Fund Act 1958*;

(g) *Stock Act 1990*;

(h) *Swine Compensation Act 1936*.

## 2—Transitional provisions

(1) The appointment of a person as an inspector under the repealed *Stock Act 1990* is, on the commencement of this subclause, revoked.

(2) The persons appointed to the offices of Chief Inspector of Stock and deputy Chief Inspector of Stock under the repealed *Stock Act 1990* immediately before the commencement of this subclause will be taken to have been appointed respectively as Chief Inspector of Stock and deputy Chief Inspector of Stock under this Act.

(3) An order under section 19 or 21 of the repealed *Stock Act 1990* in force immediately before the commencement of this subclause will be taken to be an order under Part 4 Division 4.

(4) A person who holds a licence to conduct an artificial breeding centre, or authorising artificial breeding procedures, under Part 5 of the regulations made under the repealed *Stock Act 1990* immediately before the commencement of this subclause will (if the licence is not then suspended) be taken to be registered under Part 3 Division 2 (and the registration is subject to the same conditions as the corresponding licence under the repealed *Stock Act 1990* and expires on the date on which the licence would have expired).

(5) A person who operates a veterinary diagnostic laboratory registered under Part 6 of the regulations made under the repealed *Stock Act 1990* immediately before the commencement of this subclause will be taken to be registered under Part 3 Division 3 (and the registration expires on the date on which registration under the repealed Act would have expired).

*(6) A brand registered under the repealed Brands Act 1933 or the repealed Branding of Pigs Act 1964 immediately before the commencement of this subclause will be taken to be registered in the corresponding register under Part 7 (and registration of the brand expires on the date on which registration under the repealed Act would have expired or, if the repealed Act did not provide for the expiry of registration, the date fixed by regulation).*[1]

(7) A fund kept under the repealed *Apiaries Act 1931*, the *Cattle Compensation Act 1939*, the *Deer Keepers Act 1987* or the *Swine Compensation Act 1936* must be maintained pending its application in accordance with the regulations—

(a) by payment into a fund established under this Act that is declared by the regulations to be the corresponding fund; or

(b) in some other way provided in the regulations.

**Note—**

1 Clause 2(6) had not come into operation at the date of the publication of this version.

# Legislative history

## Notes

- In this version provisions that are uncommenced appear in italics.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

## Principal Act and amendments

New entries appear in bold.

| Year | No | Title | Assent | Commencement |
|---|---|---|---|---|
| 1997 | 6 | *Livestock Act 1997* | 20.3.1997 | 22.1.1998 (*Gazette 15.1.1998 p82*) except Sch 2 (cll 1(d) & 2(7))—1.7.2000 (*Gazette 22.6.2000 p3304*) and except Pt 6 & Sch 2 (cl 1(a))—31.1.2001 (*Gazette 18.1.2001 p68*) and except Sch 2 (cl 1(h))—1.10.2001 (*Gazette 23.8.2001 p3258*) and except Sch 2 (cl 1(e))—1.9.2002 (*Gazette 29.8.2002 p3212*) and except Sch 2 cl 1(b)—1.1.2011 (*Gazette 16.12.2010 p5696*) and except Sch 2 cl 1(c)—1.1.2016 (*Gazette 29.10.2015 p4741*) and except Pt 7 & Sch 2 (cl 2(6))—uncommenced |
| 1998 | 57 | *Primary Industry Funding Schemes Act 1998* | 3.9.1998 | 1.10.1998 (*Gazette 24.9.1998 p930*) |
| 1999 | 7 | *Livestock (Commencement) Amendment Act 1999* | 18.3.1999 | 18.3.1999 |
| 2000 | 4 | *District Court (Administrative and Disciplinary Division) Amendment Act 2000* | 20.4.2000 | Sch 1 (cl 22)—1.6.2000 (*Gazette 18.5.2000 p2554*) |
| 2002 | 9 | *Agricultural and Veterinary Products (Control of Use) Act 2002* | 29.8.2002 | Sch (cl 5)—29.8.2004 (s 7(5) *Acts Interpretation Act 1915*) |
| 2007 | 4 | *Fisheries Management Act 2007* | 8.3.2007 | Sch 2 (cll 6 & 7)—1.12.2007 (*Gazette 15.11.2007 p4241*) |
| 2009 | 84 | *Statutes Amendment (Public Sector Consequential Amendments) Act 2009* | 10.12.2009 | Pt 86 (ss 202 & 203)—1.2.2010 (*Gazette 28.1.2010 p320*) |
| 2012 | 25 | *Livestock (Miscellaneous) Amendment Act 2012* | 14.6.2012 | 22.8.2013 (*Gazette 1.8.2013 p3318*) |
| 2013 | 16 | *Statutes Amendment (Directors' Liability) Act 2013* | 23.5.2013 | Pt 35 (ss 65—68)—17.6.2013 (*Gazette 6.6.2013 p2498*) |

| | | | | |
|---|---|---|---|---|
| 2017 | 51 | *Statutes Amendment (SACAT No 2) Act 2017* | 28.11.2017 | Pt 27 (ss 152 to 158)—4.10.2018 (*Gazette 28.6.2018 p2618*) |
| 2019 | 25 | *Statutes Amendment and Repeal (Simplify) Act 2019* | 3.10.2019 | Pt 27 (s 55)—3.10.2019: s 2(1) |
| **2022** | **31** | ***Livestock (Emergency Animal Disease) Amendment Act 2022*** | **8.12.2022** | **8.12.2022** |

## Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision | How varied | Commencement |
|---|---|---|
| Pt 1 | | |
| s 2 | | |
| s 2(1) | s 2 redesignated as s 2(1) by 7/1999 s 2 | 18.3.1999 |
| s 2(2) | inserted by 7/1999 s 2 | 18.3.1999 |
| s 3 | | |
| s 3(1) | | |
| category 1, 2 or 3 offence | inserted by 25/2012 s 4(1) | 22.8.2013 |
| fish | inserted by 4/2007 Sch 2 cl 6(1) | 1.12.2007 |
| fish farm | inserted by 4/2007 Sch 2 cl 6(1) | 1.12.2007 |
| livestock | substituted by 4/2007 Sch 2 cl 6(2) | 1.12.2007 |
| notifiable condition, notifiable contaminant, notifiable disease or notifiable (report only) disease | notifiable condition, notifiable contaminant or notifiable disease amended to read notifiable condition, notifiable contaminant, notifiable disease or notifiable (report only) disease by 25/2012 s 4(2) | 22.8.2013 |
| Tribunal | inserted by 51/2017 s 152 | 4.10.2018 |
| veterinary diagnostic laboratory | amended by 25/2012 s 4(3) | 22.8.2013 |
| s 4 | | |
| s 4(2) | substituted by 25/2012 s 5 | 22.8.2013 |
| s 5 | | |
| s 5(5a) | inserted by 25/2012 s 6 | 22.8.2013 |
| s 6A | inserted by 25/2012 s 7 | 22.8.2013 |
| **s 7A** | **inserted by 31/2022 s 2** | **8.12.2022** |
| Pt 2 | | |
| Pt 2 Div 1 | | |
| s 9 | amended by 25/2012 s 8(1), (2), (4) | 22.8.2013 |
| | (a)(i) deleted by 25/2012 s 8(3) | 22.8.2013 |
| s 10 | | |

| | | |
|---|---|---|
| s 10(2) | amended by 25/2012 s 9 | 22.8.2013 |
| s 10A | inserted by 84/2009 s 202 | 1.2.2010 |
| *Pt 2 Div 2* | *deleted by 57/1998 Sch para (a)* | *1.10.1998* |
| Pt 3 | | |
| s 17 | | |
| s 17(1) | amended by 25/2012 s 10 | 22.8.2013 |
| s 19 | | |
| s 19(1) | amended by 25/2012 s 11(1) | 22.8.2013 |
| s 19(2) | substituted by 25/2012 s 11(2) | 22.8.2013 |
| s 23 | | |
| s 23(3)—(5) | inserted by 25/2012 s 12 | 22.8.2013 |
| Pt 3A | inserted by 25/2012 s 13 | 22.8.2013 |
| Pt 4 | | |
| Pt 4 Div 1 | | |
| s 27 | | |
| s 27(1) | amended by 16/2013 s 65(1) | 17.6.2013 |
| s 27(2) | amended by 16/2013 s 65(2) | 17.6.2013 |
| s 30 | | |
| s 30(3) | amended by 25/2012 s 14 | 22.8.2013 |
| s 31 | amended by 25/2012 s 15 | 22.8.2013 |
| s 32A | inserted by 25/2012 s 16 | 22.8.2013 |
| Pt 4 Div 2 | | |
| heading | amended by 25/2012 s 17 | 22.8.2013 |
| s 33 | | |
| s 33(1) | amended by 25/2012 s 18(1), (2) | 22.8.2013 |
| **s 33(2a)** | **inserted by 31/2022 s 3(1)** | **8.12.2022** |
| s 33(3) | amended by 25/2012 s 18(3) | 22.8.2013 |
| s 33(4) | amended by 16/2013 s 66 | 17.6.2013 |
| | amended by 25/2012 s 18(4) | 22.8.2013 |
| s 33(5) | amended by 25/2012 s 18(5), (6) | 22.8.2013 |
| s 33(6) | inserted by 25/2012 s 18(7) | 22.8.2013 |
| **s 33(7)** | **inserted by 31/2022 s 3(2)** | **8.12.2022** |
| Pt 4 Div 4 | | |
| **s 36A** | **inserted by 31/2022 s 4** | **8.12.2022** |
| s 37 | | |
| **heading** | **amended by 31/2022 s 5(1)** | **8.12.2022** |
| **s 37(2a) and (2b)** | **inserted by 31/2022 s 5(2)** | **8.12.2022** |
| s 37(3) | amended by 25/2019 s 55 | 3.10.2019 |
| s 37(4) | amended by 25/2012 s 19(1) | 22.8.2013 |
| **s 37(5a)** | **inserted by 31/2022 s 5(3)** | **8.12.2022** |
| s 37(6) | inserted by 25/2012 s 19(2) | 22.8.2013 |
| | **amended by 31/2022 s 5(4)** | **8.12.2022** |
| s 38 | | |

| | | |
|---|---|---|
| s 38(5) | amended by 25/2012 s 20(1) | 22.8.2013 |
| s 38(6) | amended by 25/2012 s 20(2) | 22.8.2013 |
| s 39 | | |
| **s 39(1)** | **substituted by 31/2022 s 6** | **8.12.2022** |
| s 39(2) | amended by 25/2012 s 21 | 22.8.2013 |
| s 41 | | |
| s 41(2) | amended by 25/2012 s 22 | 22.8.2013 |
| **s 42** | | |
| **s 42(1)** | **amended by 31/2022 s 7(1)** | **8.12.2022** |
| **s 42(2)** | **amended by 31/2022 s 7(2)** | **8.12.2022** |
| **s 42(4)** | **substituted by 31/2022 s 7(3)** | **8.12.2022** |
| **s 42(4a)** | **inserted by 31/2022 s 7(3)** | **8.12.2022** |
| s 43 | | |
| s 43(1) | amended by 25/2012 s 23 | 22.8.2013 |
| **s 43(2)** | **substituted by 31/2022 s 8** | **8.12.2022** |
| Pt 4 Div 6 | deleted by 9/2002 Sch cl 5(a) | 29.8.2004 |
| | **inserted by 31/2022 s 9** | **8.12.2022** |
| Pt 5 | | |
| s 47 | | |
| s 47(3) | amended by 25/2012 s 24 | 22.8.2013 |
| s 48 | amended by 25/2012 s 25(1), (2) | 22.8.2013 |
| s 49 | | |
| s 49(1) | amended by 25/2012 s 26(1) | 22.8.2013 |
| s 49(2) | amended by 25/2012 s 26(2) | 22.8.2013 |
| s 49(4a) | inserted by 25/2012 s 26(3) | 22.8.2013 |
| s 51 | substituted by 51/2017 s 153 | 4.10.2018 |
| Pt 8 Div 1 | | |
| s 63 | | |
| s 63(5) | inserted by 4/2007 Sch 2 cl 7 | 1.12.2007 |
| *s 67* | *deleted by 84/2009 s 203* | *1.2.2010* |
| Pt 8 Div 2 | | |
| s 68 | | |
| **s 68(2)** | **amended by 31/2022 s 10** | **8.12.2022** |
| s 68(8) | amended by 25/2012 s 27 | 22.8.2013 |
| **s 70** | **amended by 31/2022 s 11** | **8.12.2022** |
| Pt 8 Div 3 | | |
| s 72 | | |
| s 72(2) | amended by 51/2017 s 154 | 4.10.2018 |
| s 72(8) | amended by 25/2012 s 28 | 22.8.2013 |
| Pt 8 Div 4 | inserted by 25/2012 s 29 | 22.8.2013 |
| Pt 9 | | |
| heading | substituted by 51/2017 s 155 | 4.10.2018 |
| s 73 | | |

| | | |
|---|---|---|
| s 73(1) | amended by 51/2017 s 156(1) | 4.10.2018 |
| *s 73(2)* | *deleted by 4/2000 s 9(1) (Sch 1 cl 22(a))* | *1.6.2000* |
| s 73(4) | substituted by 51/2017 s 156(2) | 4.10.2018 |
| *s 73(5)* | *deleted by 4/2000 s 9(1) (Sch 1 cl 22(b))* | *1.6.2000* |
| *s 73(6)* | *deleted by 4/2000 s 9(1) (Sch 1 cl 22(c))* | *1.6.2000* |
| *s 73(7))* | *deleted by 4/2000 s 9(1) (Sch 1 cl 22(d))* | *1.6.2000* |
| Pt 10 | | |
| *s 74* | *deleted by 4/2000 s 9(1) (Sch 1 cl 22(e))* | *1.6.2000* |
| s 78 | | |
| s 78(1) | s 78 redesignated as s 78(1) by 16/2013 s 67 | 17.6.2013 |
| s 78(2) | inserted by 16/2013 s 67 | 17.6.2013 |
| s 80 | substituted by 16/2013 s 68 | 17.6.2013 |
| **s 80(3)** | **amended by 31/2022 s 12(1)** | **8.12.2022** |
| **s 80(5)** | | |
| **prescribed offence** | **amended by 31/2022 s 12(2)** | **8.12.2022** |
| s 82 | | |
| s 82(1) | amended by 25/2012 s 30(1) | 22.8.2013 |
| s 82(3) and (4) | inserted by 25/2012 s 30(2) | 22.8.2013 |
| **s 84** | | |
| **s 84(1)** | **amended by 31/2022 s 13** | **8.12.2022** |
| s 85 | amended by 25/2012 s 31 | 22.8.2013 |
| **s 87** | | |
| **heading** | **amended by 31/2022 s 14(1)** | **8.12.2022** |
| **s 87(1)** | **s 87 redesignated as s 87(1) by 31/2022 s 14(2)** | **8.12.2022** |
| **s 87(2)** | **inserted by 31/2022 s 14(2)** | **8.12.2022** |
| s 88 | | |
| s 88(2) | amended by 9/2002 Sch cl 5(b) | 29.8.2004 |
| | amended by 25/2012 s 32(1), (2) | 22.8.2013 |
| s 88(3) | amended by 51/2017 s 157(1) | 4.10.2018 |
| s 88(4) | inserted by 51/2017 s 157(2) | 4.10.2018 |
| **Sch 1** | **amended by 31/2022 s 15(1)—(4)** | **8.12.2022** |
| Sch 2 | | |
| *cl 3* | *inserted by 57/1998 Sch para (b)* | *1.10.1998* |
| | *deleted by 7/1999 s 3* | *18.3.1999* |

## Transitional etc provisions associated with Act or amendments

### *Livestock (Miscellaneous) Amendment Act 2012, Sch 1—Transitional provisions*

Part 5A of the *Livestock Regulations 1998* will be taken to have been made pursuant to Part 3A of the *Livestock Act 1997* as inserted by this Act.

## *Statutes Amendment (SACAT No 2) Act 2017, Pt 27*

### 158—Transitional provisions

(1) A right of appeal under section 51 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than by making application to the Minister under that section.

(2) Nothing in subsection (1) affects any proceedings arising from an application made under section 51 of the principal Act before the relevant day.

(3) A right of appeal under section 73 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the District Court.

(4) Nothing in subsection (3) affects any proceedings before the District Court commenced before the relevant day.

(5) In this section—

***principal Act*** means the *Livestock Act 1997*;

***relevant day*** means the day on which this Part comes into operation;

***Tribunal*** means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## Historical versions

Reprint No 1—1.10.1998
Reprint No 2—18.3.1999
Reprint No 3—1.6.2000
Reprint No 4—31.1.2001
Reprint No 5—1.10.2001
Reprint No 6—1.9.2002
29.8.2004
1.12.2007
1.2.2010
1.1.2011
17.6.2013
22.8.2013
1.1.2016
4.10.2018
3.10.2019