

# Local Law No. 6 (Operation of Saleyards) 2011

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## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 6 (Operation of Saleyards) 2011*.

### 2 Purpose

The purpose of this local law is to provide for the orderly and proper conduct of business activities at the saleyards operated by the local government.

### 3 Definitions — the dictionary

The dictionary in the schedule defines particular words used in this local law.

### 4 Relationship with other laws

This local law is—

- (a) in addition to, and does not derogate from, laws regulating land use planning and development assessment; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

## Part 2 Stock handling

### 5 Times for reception

- (1) The local government must decide the days and times during which stock may be delivered to the saleyard.
- (2) The local government may refuse to permit stock to be delivered to the saleyard at any other time.

### 6 Identification of delivered stock

- (1) A person delivering stock to the saleyard must<sup>1</sup> —
  - (a) prior to unloading the stock, provide the manager with a written statement in the prescribed form containing details of —
    - (i) the owner of the stock; and
    - (ii) the number of stock for sale or consignment, as the case requires; and
    - (iii) the name of —
      - (A) the auctioneer who is to sell the stock; or
      - (B) the agent consigning the stock, and
  - (b) ensure that the auctioneer who is to sell the stock, or the agent who is consigning the stock, is present at the saleyard to take delivery of the stock.
- (2) A person delivering stock to the saleyard must ensure that the requirements of

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<sup>1</sup> See also section 22G of the *Stock Act 1915*.

subsection (1) are complied with.

Maximum penalty — 50 penalty units.

## 7 Reception of stock

- (1) If section 6 is complied with, a person may proceed to deliver stock when directed by the manager (but not otherwise).
- (2) When delivering stock, a person must —
  - (a) unload only at a ramp provided for stock delivery, unless otherwise directed by the manager; and
  - (b) where more than 1 person is waiting to deliver stock, as and when directed by the manager—
    - (i) take up a position; and
    - (ii) drive to the delivery ramp or other delivery point; and
    - (iii) unload the stock immediately, and complete unloading without delay; and
    - (iv) remove the delivery vehicle from the delivery ramp or other delivery point, immediately after the unloading is complete.

Maximum penalty for each of paragraphs (a) and (b) — 50 penalty units.

- (3) An auctioneer or agent taking delivery of stock must —
  - (a) place the stock in pens or yards as directed by the manager; and
  - (b) record details of the stock received in the prescribed form and provide a copy of the form to the manager.

Maximum penalty for each of paragraphs (a) and (b) — 50 penalty units.

## 8 Care and control of stock<sup>2</sup>

When stock are delivered to the saleyard —

- (a) the stock are deemed to be in the possession, and under the control, of the auctioneer or agent who has taken delivery of the stock, and are not in the possession, or under the control, of the local government; and

<sup>2</sup> Refer also to the *Animal Care and Protection Act 2001*, which, relevantly—

- (a) promotes the responsible care and use of animals; and
- (b) provides for standards for the care and use of animals; and
- (c) requires compliance with codes of practice; and
- (d) imposes a duty or care on persons in charge of animals.

The Act provides that compliance with a requirement of a code of practice which has been adopted by regulation under the Act is—

- (a) if the code is a compulsory code of practice — compulsory; or
- (b) if the code is a voluntary code of practice — promoted or voluntary.

A relevant document made by regulation as a voluntary code of practice is 'Model code of practice for the welfare of animals — Animals at saleyards', prepared for the Standing Committee on Agriculture, Animal Health Committee, published by CSIRO, 1991, SCA Technical Report Series No. 31.

- (b) the auctioneer or agent must comply with all reasonable directions of the manager in relation to reception, yarding and other dealings with the stock; and
- (c) if the stock are kept at the saleyard for more than 24 hours — the auctioneer or agent must provide the stock with adequate food and general care in accordance with the reasonable directions of the manager.

Maximum penalty for each of paragraphs (b) and (c) — 50 penalty units.

## 9 Removal of stock

- (1) Unless otherwise approved by the local government, stock must be removed from the saleyard before 11:00 am on the day following the day of the sale for which the stock were delivered.

Maximum penalty — 50 penalty units.

- (2) The person who took delivery of the stock and the owner of the stock are jointly and severally responsible for compliance with subsection (1).
- (3) The local government may approve of stock remaining at the saleyard after the time specified in subsection (1) for the purpose of —
  - (a) dipping; or
  - (b) agistment; or
  - (c) any other purpose approved by the local government in a particular case.
- (4) Subsection (1) does not apply to stock if —
  - (a) the local government's approval for the stock to remain is granted under subsection (3); and
  - (b) the prescribed fees in respect of the approved purpose are paid to the manager before the time specified in subsection (1).
- (5) To avoid doubt, stock which remain at the saleyard under this section remain in the possession, and under the control, of the person referred to in section 8(a).
- (6) The person with possession and control of stock which remain at the saleyard must—
  - (a) comply with all reasonable directions of the manager in relation to the yarding, management and other dealings with the stock; and
  - (b) provide the stock with adequate food and general care in accordance with the reasonable directions of the manager.

Maximum penalty for each of paragraphs (a) and (b) — 50 penalty units.

- (7) If a person is convicted of an offence against this section, the court may, in addition to any penalty, order the defendant to pay to the local government the costs (including labour and other overhead costs) incurred by the local government in feeding stock or taking any other reasonably necessary action in respect of the stock consequent upon the defendant's contravention.
- (8) If there has been a contravention of this section but —
  - (a) no person is prosecuted for the contravention; or
  - (b) a person is prosecuted but the court does not make an order under subsection (7),

the local government may recover the costs (including labour and other overhead costs) incurred by the local government in feeding stock or taking any other reasonably necessary action in respect of the stock consequent upon the contravention, as a debt payable to the local government by the person who committed the contravention.

## 10 Repair of damage

- (1) If any stock breaks, damages or otherwise injures the saleyard or any structure, fixture, fitting, equipment or other property of the local government at the saleyard, the person with possession and control of the stock, and the owner of the stock, must pay to the local government, on demand, the cost (including labour and other overhead costs incurred by the local government) of repairs or replacement required to be carried out or made to rectify the breakage, damage or injury.
- (2) The liability under subsection (1) is joint and several in respect of each person referred to in the subsection.
- (3) If a person with possession and control of stock at the saleyard or the owner of stock at the saleyard becomes aware of the occurrence of a breakage, damage or injury referred to in subsection (1), the person or owner, as the case may be, must immediately give the manager details of the breakage, damage or injury.

Maximum penalty — 10 penalty units.

- (4) Repairs or replacement required to be carried out or made to rectify the breakage, damage or injury must be carried out by the local government.
- (5) Payment under subsection (1) must be made within 14 days after the date on which the local government gives the person liable to pay a written statement of the cost of the repairs or replacement.

Maximum penalty for subsection (5) — 10 penalty units.

## Part 3 Approval for use of saleyard

### 11 Approval for use of the saleyard

- (1) A person must not use the saleyard for a prescribed activity unless the person holds a current approval from the local government
- (2) For the purposes of subsection (1), a person uses the saleyard for a prescribed activity if the person —
  - (a) sells or offers to sell stock by auction or otherwise at the saleyard; or
  - (b) consigns stock from the saleyard.
- (3) For the purposes of *Local Law No. 1 (Administration) 2011*, section 5(b), each activity identified in subsection (2) is a prescribed activity.

## Part 4 Stock sales

### 12 Times for sale

- (1) The local government may fix the days and times during which regular stock sales

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may be conducted at the saleyard.

- (2) The local government may grant an approval to a person to conduct a sale of stock at the saleyard on a day, or at a time, other than a regular stock sale day or time fixed under subsection (1), provided it does not cause unnecessary disruption to existing stock sale arrangements at the saleyard.
- (3) The local government may, by subordinate local law, specify information or materials which must be included in, or accompany, a written application under subsection (2).
- (4) A person must not conduct a sale at the saleyard on a day, or at a time other than a day and time fixed under subsection (1) unless the person —
  - (a) has obtained the local government's approval under subsection (2); and
  - (b) complies with the conditions (if any) imposed on the approval granted under subsection (2).

Maximum penalty for subsection (3) — 100 penalty units.

### **13 Conditions for sale**

- (1) The local government may, by subordinate local law, prescribe conditions applicable to the sale of stock at the saleyard, including conditions that must be imposed and conditions that will ordinarily be imposed on the sale of stock at the saleyard.
- (2) Without limiting subsection (1), the prescribed conditions may set out the method, order, times and other relevant matters relating to the sale of stock or a specified type of stock at the saleyard.
- (3) A person selling stock at the saleyard must comply with every condition prescribed under subsection (1).

Maximum penalty for subsection (3) — 50 penalty units.

### **14 Priority of sale for auctioneers**

- (1) Where more than 1 auctioneer proposes to sell stock on a regular sale day, unless the local government acts under subsection (7), all of the auctioneers must fix their order of priority of sale by drawing lots—
  - (a) under the supervision of the manager; and
  - (b) at a time and place as directed by the manager.
- (2) If an auctioneer is absent from the draw, or refuses to draw, the manager may draw for the auctioneer.
- (3) Upon the drawing of lots as provided in subsection (1), the local government may establish a roster of auctioneers based on the results of the drawing, and the future order of selling on regular sale days by the auctioneers shall be in accordance with the roster.
- (4) If an auctioneer has first priority of sale on a regular sale day, as provided in the roster, the auctioneer shall be given last priority of sale in the next sale on a regular sale day.
- (5) Each auctioneer shall, in turn, be given first priority of sale as provided in the roster and shall not be given first priority on two consequent regular sale days.

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