Barcaldine Regional Council

Subordinate Local Law No. 1.17 (Sale or Consignment of Stock at a Saleyard) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.17 (Sale or Consignment of Stock at a Saleyard) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.

(2) The purpose is to be achieved by providing for—

(a) various matters regarding the granting of approvals for prescribed activities; and

(b) further specification of the definitions relevant to various prescribed activities.

(3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the ***authorising local law***).

4 Definitions

(1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

(2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

(1) Schedule 1—

(a) names a prescribed activity in section 1; and

(b) prescribes the matters specified in this section for the prescribed activity.

(2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

(3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.

(4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.

(5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.

(6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.

(7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.

(8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.

(9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

(10) For section 12 of the authorising local law, in Table 1 of schedule 1—

(a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and

(b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and

(c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.



Schedule 1 Sale or consignment of stock at a saleyard

Section 5

1. Prescribed activity

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.

2. Activities that do not require an approval under the authorising local law

No activities stated.

3. Documents and materials that must accompany an application for an approval

(1) The name of the applicant.

(2) Details of—

(a) why the applicant requires the approval; and

(b) the principal place of business of the applicant.

(3) The period during which the applicant requires the approval.

4. Additional criteria for the granting of an approval

(1) The applicant must be a fit and proper person to be permitted to use the saleyard for the prescribed activity.

(2) If the applicant proposes to sell or consign stock as agent for others, the applicant must be able to lawfully carry on the business of the sale or consignment of stock as agent for others under any other relevant law, for example, the *Property Agents and Motor Dealers Act 2000*.

(3) Without limiting the matters which the local government may consider in deciding whether to grant an approval, in considering whether the applicant is a fit and proper person, the local government may take into account—

(a) each conviction of the applicant for an offence under *Local Law No. 6 (Operation of Saleyards) 2011* or a corresponding former local law or similar law applying to another saleyard facility; and

(b) the history of the applicant in relation to non-payment or persistent late payment of fees and charges payable in respect of the use of the saleyard under *Local Law No. 6 (Operation of Saleyards) 2011* or a corresponding former local law, or a similar law applying to another saleyard facility.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

(1) Stock must not be sold or offered for sale at any place at the saleyard other than the pens designated as selling pens by the local government at the saleyard.

(2) The local government may, from time to time, nominate a particular day of the week as a regular sale day for the sale of each of the following—

(a) bulls;

(b) store cattle;

(c) prime cattle.

(3) The local government may, from time to time, change a regular sale day for the sale of stock or a specified type of stock at the saleyard.

(4) The approval holder must, at all times during the currency of the approval, have a place of business in the town in which the saleyard is situated.

(5) The approval holder must provide all labour which is necessary to facilitate the reception, yarding, removal and delivery of stock in the custody, or under the control, of the approval holder which are brought into the saleyard.

(6) If stock are delivered to the saleyard for sale by the approval holder, the approval holder must—

(a) count the stock delivered to the saleyard, note any anomalies and put the stock into holding yards as directed by an authorised person; and

(b) if the stock are cattle—paint vendor numbers on the cattle in the manner directed by an authorised person; and

(c) complete the reception/delivery docket in the prescribed form of the local government for all stock entering and leaving the saleyard; and

(d) if 1 or more of the stock escape from the saleyard—bring the stock under control and procure the safe return of the stock to the saleyard; and

(e) not supply or make available for consumption by the stock any fodder unless the fodder is accompanied by, and the approval holder produces to an authorised person on demand—

(i) a commodity vendor declaration which satisfies the prescribed criteria for fodder; and

(ii) a certificate of analysis for chemical residues from a laboratory which holds a current accreditation from the National Association of Testing Authorities which satisfies the prescribed criteria for fodder; and

(iii) a complete and continuous written record which—

(A) tracks the production, harvesting, storage and transportation of the fodder at all times up to and including deliver of the fodder to the saleyard; and

(B) identifies the fodder fed to stock by reference to a specified period; and

(C) identifies the stock to which the fodder was fed during the specified period; and

(D) identifies the pens in which the stock were located during the specified period; and

(f) not request that the local government allocate, for the sale of stock by the approval holder on a sale day, a number of selling pens in excess of the number of selling pens reasonably required to accommodate the stock to be offered for sale by the approval holder on the sale day.

(7) If the approval holder is offering cattle for sale at the saleyard, the approval holder must—

(a) have the cattle drafted and penned in selling pens as directed by an authorised person; and

(b) not draft or pen cattle in selling pens other than selling pens allocated to the approval holder by an authorised person; and

(c) not swap or exchange selling pens to be used for the sale of cattle with a person other than the approval holder; and

(d) be present at the saleyard to—

(i) facilitate the weighing of the cattle; and

(ii) provide details to the weighbridge operator at the saleyard to facilitate computerised weighing and printout of the weight and price of the cattle; and

(iii) attest to the second count of the cattle following the counting out of the cattle from the selling pens.

(8) The approval holder must take out and maintain during the term of the approval specified insurance indemnifying persons who may suffer personal injury, loss or damage as a result of the escape of stock from the saleyard.

(9) The approval holder must give the local government specified written indemnities, including a written indemnity in respect of persons who may suffer personal injury, loss or damage as a result of the escape of stock from the saleyard.

(10) The approval holder must perform National Livestock Identification Scheme identification procedures—

(a) to ensure the efficient operation of the saleyard; and

(b) in the manner directed by an authorised person.

7. Term of an approval

(1) The term of an approval may be assessed by an authorised person having regard to the information submitted by the applicant.

(2) However, the local government may fix the term for an approval if it is desirable to do so—

(a) to provide common expiry dates for approvals; or

(b) for some other reason.

(3) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.

(2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirements stated		

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 Dictionary

Section 4

approval holder includes any person acting or having been acting, or desirous or intending to act, for or on behalf of the approval holder, for example, an employee or contractor of the approval holder.

commodity vendor declaration, for fodder—

(a) means a statement from the supplier of the fodder that specifies what chemicals have been used in the production of the fodder; and

(b) includes a commodity vendor declaration form no. 980902 of the Queensland Government Department of Employment, Economic Development and Innovation.

prescribed criteria for fodder means the maximum residue limits set for agricultural chemicals in food and animal feedstuffs by the Australian Pesticides and Veterinary Medicines Authority and particularised in the MRL Standard published from time to time in the Agricultural and Veterinary Chemicals Gazette.

saleyard has the meaning given in *Local Law No. 6 (Operation of Saleyards) 2011*.

selling pen means each pen allocated for the sale of stock or a specified type of stock at the saleyard by the local government from time to time.

stock has the meaning given in *Local Law No. 6 (Operation of Saleyards) 2011*.

This and the preceding 8 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.17 (Sale or Consignment of Stock at a Saleyard) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Barcaldine Regional Council by resolution dated the Fourteenth day of December 2011.

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Chief Executive Officer

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