



***CASTERTON LIVESTOCK
SALEYARDS
LOCAL LAW 2013***

Adopted by Council at the 26 March 2013 Ordinary Council Meeting

GLENELG SHIRE COUNCIL
LIVESTOCK SALEYARDS LOCAL LAW 2013

PART 1 - PRELIMINARY

1.1 Legislation

Glenelg Shire Council's Casterton Livestock Saleyards Local Law 2013 is a Local Law made under section 111(1) of the *Local Government Act 1989* and is referred to herein as "this Local Law".

This Local Law is consistent with and makes reference to the following Legislation and associated Codes of Practice:

- Glenelg Shire Council General Local Law 2008
- Domestic Animals Act 1996
- Impounding of Livestock Act 1994
- Infringements Act 2006
- Prevention of Cruelty to Animals Act 1986

1.2 Objectives

The objectives of this Local Law are to:-

- a) provide for the effective administration and management of the Casterton Livestock Saleyards by formalising the appointment of a Saleyard Manager to manage the Saleyards for Council.
- b) assist in the documentation of procedures and the expectations of Casterton Livestock Saleyard users such that European Union (EU) accreditation can be maintained and accreditation to National Saleyards Quality Accreditation (NSQA) can be achieved.
- c) provide for the setting and collection of fees from Stock Agents and Vendors selling livestock in the Casterton Livestock Saleyards and to prescribe the level of those fees.
- d) enable the Casterton Livestock Saleyards Manager to prescribe the days and hours during each day on which sales can be held at the Casterton Livestock Saleyards.
- e) protect Council assets and facilities at the Casterton Livestock Saleyards.
- f) promote and enforce appropriate adherence to occupational health and safety practices at the Casterton Livestock Saleyards.
- g) control and prevent behaviour within the Casterton Livestock Saleyards which is a nuisance, or which may be detrimental to health and safety.
- h) control the use of the Casterton Livestock Saleyards at all times.
- i) control the use of dogs at the Casterton Livestock Saleyards.

- j) regulate smoking and the consumption of alcohol at the Casterton Livestock Saleyards.
- k) provide for fair and reasonable treatment of animals, and the application of adequate animal husbandry practices, at the Casterton Livestock Saleyards.

1.3 Power to Make this Local Law

Council's authority to make this Local Law is contained in Part 5 of the *Local Government Act 1989*.

1.4 Commencement Date

This Local Law comes into operation on the day on which it is made by Council.

1.5 Repeal of Previous Local Law

From the date of operation of this Local Law, Council's Saleyard Local Law, as adopted by Council on 11 September 2012, will cease to operate and is repealed.

1.6 Application of the Local Law

This Local Law applies to the Casterton Livestock Saleyards identified in the map forming Schedule 2 and described in this same Schedule.

1.7 Definitions

In this Local Law –

“Act” means the Local Government Act 1989

“Agent Licence Agreement” means the agreement between Council and a Selling Agent which defines the conditions upon which Stock Agents may use the Saleyards for the selling of livestock as referred to in Clause 4.1 (a) of this Local Law.

“Authorised Officer” means a person appointed by the Council to be an authorised officer under section 224 of the Act.

“Council” means Glenelg Shire Council.

“holding pens” are those livestock pens which have accessible water supplies and may or may not be used for auction purposes.

“livestock” means an animal (including a bird) of any species used in connection with primary production or kept or used for recreational purposes or for the purposes of recreational sport, other than a dog or cat.

“Livestock Cartage Contractor” means any company, partnership or person engaged in the transport of livestock to and from the Saleyards and includes all agents and employees of such carriers.

“Non-working Dogs” are dogs not used for the purpose of guiding the movement of livestock within the Saleyards.

"**owner**" includes the vendor and purchaser of stock, but may also include the owner of a pet.

"**penalty unit**" has the same meaning as in the *Sentencing Act 1991*.

"**purchaser**" means any person who purchases livestock at the Saleyards.

"**Saleyards**" means the area of land occupied by and the operations of the Casterton Livestock Saleyards located as shown and described in Schedule 2.

"**Saleyards Advisory Committee**" is the Casterton Livestock Saleyards Advisory Committee which is established by Council to provide advice in relation to the Saleyards.

"**Saleyards Manager**" means the person appointed by Council from time to time as the manager of the Saleyards.

"**Selling Agent**" means a person who has entered into an Agent Licence Agreement with the Saleyards Manager pursuant to Clause 2.5 (a).

"**vendor**" means a person or company whose livestock are offered for sale at the Saleyards.

1.8 Empowerment Provision

Under the terms of the *Local Government Act 1989*, Council has discretionary authority to:

- a) create a Local Law.
- b) appoint a Saleyards Manager and staff to carry out the day to day operations of the Saleyards;
- c) set operating procedures for the Saleyards;
- d) set fees, dues and charges for the Saleyards; and
- e) enter into Agent Licence Agreements with Selling Agents, for the purposes of this Local Law.

1.9 Incorporated Documents

The following documents are incorporated by reference into this Local Law

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- a) Glenelg Shire - Casterton Saleyards Management Plan,
- b) Glenelg Shire - Casterton Saleyards General Management Procedure; and
- c) Glenelg Shire - Casterton Saleyards Booking Procedure.

PART 2 – USE OF THE SALEYARDS

2.1 Allocation of Sale Days

- a) Allocation of sale days at the Saleyards throughout the year shall be undertaken by the Saleyards Manager in consultation with the Saleyards Advisory Committee as specified in the Casterton Saleyards Booking Procedure.
- b) The Saleyards Manager may consent to the holding of special sales. Such sales must be booked in accordance with the Saleyard Booking Procedure. The holding of special sales is at the discretion of the Saleyards Manager who may require the payment of a cash bond. In the event that a bond is required, the Saleyards Manager must refund the bond if the special sale is held and all fees and charges payable under this Local Law have been paid.

2.2 Pre-Sale Notifications

- a) Each Selling Agent proposing to sell livestock at a sale must notify the Saleyards Manager in accordance with the Saleyards Booking Procedure. The Saleyards Manager may refuse to accept late notifications.
- b) Each Selling Agent has a duty to ensure that notifications of livestock numbers and livestock classifications given to the Saleyards Manager are reasonably accurate.

2.3 Penning of Livestock

- a) A person must not pen livestock at the Saleyards more than 24 hours prior to the commencement of the sale at which the livestock is to be sold, unless prior permission is obtained from the Saleyards Manager.
- b) The owner of livestock must ensure that such livestock are removed no later than 8.00pm on the first day after the sale unless prior permission is obtained from the Saleyards Manager. After this period, the Saleyards Manager may direct that livestock be adequately fed, watered and relocated to holding yards. An owner of livestock must comply with such direction.
- c) Livestock so provided with feed must be allowed sufficient time to consume feed prior to relocation.
- d) Livestock in all holding pens must be provided with accessible water supplies and appropriate levels of feed by the owner or the owner's livestock agent.

- e) The Saleyards Manager may provide feed and water for penned livestock to ensure animal welfare and may recover the expenses incurred from the owner.
- f) A person must not unload or pen livestock at the Saleyards which are not connected with a sale at the Saleyards unless permission is first obtained from the Saleyards Manager and the appropriate fee, as determined in accordance with the Fee Schedule, is paid. The Saleyards Manager may allocate pens and yards for the holding of such stock.
- g) Notwithstanding Clause 2.3 (f) livestock (other than diseased livestock) may be penned in emergency situations, subject to the Saleyards Manager being advised immediately thereafter. An emergency situation is defined as a vehicular break down, livestock loading problems or in-transit animal welfare difficulties.

2.4 Stray Stock

Unauthorised livestock found to be present in the Saleyards, before or after the nominated times in 2.3 a) and 2.3 b), shall be considered to be stray, unclaimed or abandoned livestock.

Livestock identified as stray, unclaimed or abandoned shall be dealt with in accordance with the provisions of the Impounding of Livestock Act 1994.

2.5 Selling Agents and Fees

- a) A Selling Agent shall not sell livestock at the Saleyards unless the Selling Agent has signed an Agent Licence Agreement with the Council.
- b) Council may from time to time after consultation with the Saleyards Advisory Committee determine the fees, yard dues and charges to be paid by Selling Agents which may include an administrative or processing fee or charge. All fees, yard dues and charges shall be as set out in Council's Annual Fees & Charges schedule which is made available for inspection by the public.
- c) Council must give notice of any proposal to alter fees, yard dues and charges at least 30 days prior to adopting the proposal.
- d) All fees, yard dues and charges, must be paid within 14 days of issue of an invoice.
- e) Council may determine an interest rate to be levied on late payments of fees, yard dues and charges. The interest rate shall be advised in the Agent Licence Agreement.
- f) The Saleyards Manager may direct a Selling Agent or vendor who has defaulted in the payment of any fees, yard dues, charges or penalties not to take part in any sale and such person must comply with that direction.

- g) Default in payment of any fees, yard dues, charges or penalties may result in cancellation of the relevant Agent Licence Agreement with the defaulting Agent by the Saleyards Manager.

2.6 Responsibility for Livestock

- a) The security and care of livestock is the responsibility of the owner or the owner's appointed agent at all times.
- b) All livestock penned at the Saleyards prior to or following a planned livestock sale event are placed there at the risk of the owner of the stock. The owner must ensure that livestock are appropriately cared for whilst livestock remain at the Saleyards.
- c) A person must only feed livestock in those areas of the Saleyards designated by the Saleyards Manager for that purpose.

PART 3 - BEHAVIOUR

3.1 Offensive/Dangerous Behaviour

In accordance with Glenelg Shire Council General Local Law 2008, unless otherwise authorised by Council a person must not in the Saleyards:-

- a) Behave in a manner which disturbs or obstructs any person in the use of the Saleyards.
- b) Offend against decency whether by means of language, conduct or dress.
- c) Smoke within the Saleyards (which is a Public Area in accordance with Council's General Local Law 2008).
- d) Damage, destroy, write on, interfere with, remove or affix anything to any building, improvement or structure of any kind, or the unimproved area of the Saleyards, without the permission of the Saleyards Manager.
- e) Consume, or have in his or her possession, in an unsealed container, any alcohol unless the Saleyards is a licensed premises or authorised premises under the Liquor Control Reform Act 1998 as amended from time to time.

3.2 Dogs

- (a) A person must not while in the Saleyards:-
 - (i) Allow their dog to roam at large.
 - (ii) Allow their dog into any building.
- (b) The owner of any dog which is in the Saleyards must keep the dog effectively muzzled at all times.

- (c) The owner of any dog which is in the Saleyards must keep the dog under effective control at all times.
- (d) For the purposes of Clause 3.2, the owner of a dog includes any person using or in charge of the dog.
- (e) Non-working Dogs are prohibited within the Saleyards.
- (f) Bitches on heat are prohibited within the Saleyards.

3.3 Vehicles

(a) The Saleyards Manager may designate an area of the Saleyards as a truck washing area.

(b) A person must not use the truck washing area in the Saleyards for the cleaning of a vehicle unless that vehicle is specifically used for livestock transportation unless specific permission is granted by the Saleyards Manager.

(c) A person must not leave a vehicle standing in the Saleyards so that any part of the vehicle:-

- i. obstructs entrances, exits or ramps; or
- ii. interferes in any way with the proper movement of vehicular, pedestrian or animal traffic.

3.4 Dead/Injured Stock

A person must not unload dead or injured livestock into the Saleyards unless as part of an emergency procedure as defined in Clause 2.3(g).

3.5 Hindrance of Staff

A person must not hinder the Saleyards Manager or an Authorised Officer in the performance of their duties.

3.6 Moving Stock

A person must not move livestock in the Saleyards without the permission of the owner of the livestock or the Saleyards Manager.

3.7 Unsafe Areas/Dangerous Practices

- a) The Saleyards Manager may designate any area or structure in the Saleyards as being unsafe or as an area or structure limited to specific persons.
- b) A person must not be found in an area or on a structure contrary to the Saleyards Manager's designation.
- c) A person must not open any gate or the lock or fastening mechanism of any gate if such opening:-
 - I. is likely to lead to the escape of any livestock; or
 - II. places any person at risk.

3.8 Selling of Sundry Items

- a) A person must not sell anything at the Saleyards other than livestock sold in accordance with this Local Law without the permission in writing of the Saleyards Manager.
- b) Notwithstanding Clause 3.8a) the Saleyards Manager may, at his or her discretion, allow a person to sell goods if, in the opinion of the Saleyards Manager, such goods are ancillary to stock, livestock husbandry or are ancillary to the operations of the Saleyards.
- c) Fees and charges may be applicable for such trading and such fees and charges shall be prescribed annually in Council's Fees and Charges Schedule.

3.9 Access to Saleyards

- a) A person must not enter or remain upon the Saleyards unless there for a lawful purpose associated with the conduct of sale of livestock or an activity authorised by the Saleyards Manager.

PART 4 – AGENT LICENCE AGREEMENT

4.1 Application for an Agent Licence Agreement

- a) The Saleyards Manager may prepare or cause to be prepared an Agent Licence Agreement regulating the selling of livestock from the Saleyards. The form of the Agent Licence Agreement must be made available for inspection by the public.
- b) A person who wishes to apply to sell livestock from the Saleyards must apply in writing to the Saleyards Manager, sign an Agent Licence Agreement and pay any fee as set out in Council's Fees and Charges Schedule.

4.2 Livestock Cartage Contractors

A Livestock Cartage Contractor must in connection with the Saleyards:

- a) Comply with all lawful directions of the Saleyards Manager in relation to transport, loading and unloading of livestock at the Saleyards;
- b) Comply with all relevant legislation and regulations governing the transport of Stock;
- c) Comply with all relevant legislation and regulations in relation to the carrier's vehicles;
- d) Comply with all relevant legislation, regulations, codes of practice, Saleyards Operating Procedures and this Local Law in respect of the use and operation of the Saleyards and all occupational health and safety matters.

PART 5 – ENFORCEMENT AND PENALTIES

5.1 Offences

- a) Where any provision in this Local Law requires that something may not be done at all, any person who does that act is guilty of an offence.
- b) Where any provision in this Local Law requires that a person obtain a consent or Agent Licence Agreement from the Saleyards Manager before engaging in any particular activity, that person is guilty of an offence if that person engages in that activity without a current consent or Agent Licence Agreement from the Saleyards Manager (unless Council or the Saleyards Manager in their discretion have waived the requirement for a consent or Agent Licence Agreement).
- c) Where any consent or Agent Licence Agreement under this Local Law contains conditions, any person who contravenes or fails to comply with a condition of a consent or Agent Licence Agreement is guilty of an offence.
- d) Where any provision in this Local Law requires that something must be done, any person who fails to do that act is guilty of an offence.

5.2 Penalties

If a person commits an offence against this Local Law, that person is liable to a penalty not exceeding 20 penalty units.

5.3 Infringement Notices

- a) As an alternative to a prosecution, an Authorised Officer may issue an infringement notice for offences specified in Schedule 1 of this Local Law in accordance with the Infringements Act 2006.
- b) Schedule 1 of this Local Law sets out the infringement penalty which is fixed in respect of each offence for which an infringement notice may be issued.
- c) Each penalty in Schedule 1 of this Local Law may be doubled in the event that a second or subsequent offence is committed within a 12 month period.

GLENELG SHIRE COUNCIL

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SCHEDULE 1

Infringement Penalties in respect of offences against this Local Law.

Clause	Offence	Infringement Penalty Units
2.3 (f)	Unauthorized unloading or penning of livestock not for sale	1
2.6 (c)	Feeding livestock in non feeding area	1
3.1 (a)	Offensive behaviour	1
3.1 (b)	Smoking in the Saleyards	1
3.1 (c)	Damage to building, improvement, structure or unimproved area	2
3.1 (d)	Consuming alcohol	1
3.2 (a)	Dog roaming or in building	1
3.2 (b)	Unmuzzled dog	1
3.2 (c)	Ineffective control of dog	1
3.2 (e)	Non-working Dogs in Saleyards	1
3.2 (f)	Bitches on heat in Saleyards	1
3.3 (b)	Use of truck wash by non Livestock Transporter	1
3.3 (c)	Vehicle obstruction	1
3.4	Unload of dead or injured livestock to Saleyards	1
3.5	Hindrance of Staff	1
3.6	Unauthorised moving of livestock	1
3.7 (b)	Access to unauthorised area	1
3.7 (c)	Effects of opening of gates	1
3.8 (a)	Unauthorized sales	1
3.9	Entry into Saleyards without reason and trespass	1

GLENELG SHIRE COUNCIL

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SCHEDULE 2

Casterton Saleyard Boundaries



Description – Casterton Saleyards Boundary

Western Part

Commencing at the North Western corner of CA 17, Township of Casterton thence Easterly along the Northern boundary of CA17 to the North Eastern corner of the same allotment thence Southerly along the Eastern boundaries of CA 17 and CA 18 to the Southernmost corner of CA18 thence North Westerly along the South Western boundaries of CA 18 and CA17 to the commencement point.

Eastern Part

Commencing at the North Western corner of Lot 1 TP442848 Township of Casterton thence Easterly to the North Eastern corner of the same Lot thence Southerly along the Eastern Boundaries of Lot 1 and Lot 2 TP442848 to the South Eastern corner of Lot 2 TP442848 thence easterly along the southern extent of the Rhodes Street road reserve to the North Western corner of CA16 thence southerly to the Northernmost corner of Lot 1 TP626888 thence generally North Westerly along the South Western boundary of the Railway Reserve 1 to the westernmost extent of the physical yards thence North Easterly to the southern boundary of the Mitchell Crescent road reserve thence South Easterly along this boundary to the South Western corner of CA 48A (Crown Land) thence Northerly along the Eastern Boundary of Spring Street to the commencement point.

THE COMMON SEAL of the **GLENELG**)
SHIRE COUNCIL was hereunto affixed this)
day of _____, 2013 in the)
presence of: _____)

Councillor

Councillor

Chief Executive Officer

A notice of the making of this Local Law was included in the Victorian Government Gazette dated the 11 April 2013.

Public Notice of the proposal to make and confirmation for the making of this Local Law were inserted in the Portland Observer on 13 February 2013 and 12 April 2013 and the Casterton News on 13 February 2013 and 17 April 2013.

A copy of this Local Law was sent to the Minister for Local Government on the 15 May 2013.

Certification of Local Law

This is to certify that the above writing contained on 11 pages of paper is a true copy of the Casterton Livestock Saleyards Local Law 2013 of the Glenelg Shire Council and that we have informed ourselves of the legislative requirements necessary to giving validity to such Casterton Livestock Saleyards Local Law 2013 and as to our observance and belief that such requirements have been fulfilled.

We further certify that such Casterton Livestock Saleyards Local Law 2013 came into force on the 26 March 2013.

Councillor

Councillor

Chief Executive Officer