

<b>Council Policy Title:</b>	<b>Colac Regional Saleyards Conditions of Entry and Operating Policy</b>
<b>Council Policy No:</b>	9.2
<b>Responsible Department:</b>	Development and Community Services
<b>Date of adoption/review:</b>	23 September 2015

## **1 Title**

This Policy will be known as the Colac Regional Saleyards Conditions of Entry and Use Policy.

## **2 Purpose**

The purpose of this Policy is to:

- (a) provide for the efficient operation and management of the Colac Regional Saleyards (the Centre);
- (b) minimise stress in all livestock by encouraging efficient and considerate treatment and handling; and
- (c) establishes standards of behavior that users expected to meet.

## **3 Authorising Provision**

This Policy sets out the conditions of use which apply to visitors and users of the Colac Livestock Selling Centre; these conditions of use are enforceable as conditions of entry to the Centre under Council's authority as owner of the facility and under Colac Otway Shire Local Law No.2 which is made under section 111(1) of the **Local Government Act** 1989.

## **4 Commencement and Area of Operation**

This Policy:

- (a) commences on 24 September 2015; and

- (b) operates within the entire Colac Livestock Selling Centre as set out in Schedule 1 being the whole area within the boundaries detailed therein.

## 5 Revocation Date

This policy operates as varied by Council from time to time and unless revoked by Council.

## 6 Definition of Words Used in this Policy

Unless inconsistent with the context or subject-matter, the following words and phrases are defined to mean or include:

**"Agent"** means any person selling or offering for sale any livestock and includes a firm, company or principal of a firm or company.

**"Authorised Officer"** means a person appointed under section 224 of the **Local Government Act** 1989.

**"Auctioneer"** means any person who sells or attempts to sell or offer for sale or resale any goods by way of auction as herein defined.

**"Chief Executive Officer"** means the Chief Executive Officer of Council.

**"Council"** means the Colac Otway Shire.

**"Livestock"** includes horses, mares, fillies, foals, geldings, colts, bulls, bullocks, cows, heifers, steers, calves, bobby calves, asses, mules, sheep, ewes, wethers, rams, lambs, goats, swines and any other animal permitted to be sold at the Saleyards.

**"Centre"** means Colac Livestock Selling Centre located in Ballarat Road, Irrewarra (Schedule 1).

**"Saleyards"** means the saleyards within Colac Regional Saleyards Centre.

**"Sale Day"** means any day appointed pursuant to this policy on which sales are conducted at the Centre.

**"Superintendent"** means any person appointed by Council to manage the Centre and includes any employee of Council acting in accordance with the Superintendent's direction.

**"Transport"** means any vehicle and or trailer used for the purpose of transporting stock to or from the Centre.

**"Vehicle"** means a vehicle which is used or intended to be used on a highway or public place and which has its own motor power, but does not include a tram or train or motorised wheel-chair.

## **7 Use of Saleyards**

An Agent or other person must not use the Saleyards for selling purposes without first:

- (a) obtaining the written consent of the Chief Executive Officer or their delegate in such form as required by Council from time to time; and
- (b) paying to Council dues and fees determined by the Council from time to time; and
- (c) complying with any other conditions which may be imposed on that consent.

## **8 Agents**

- (a) Any Agent or other person permitted to sell Livestock in the Saleyards must not:
  - i. receive, sell, expose or offer for sale within the Saleyards Livestock which are not in a healthy condition; or
  - ii. place or cause to be placed any Livestock in any yard or pen which has been allocated to him or her for any sale unless the vendor has notified the Superintendent, not later than 12 noon on the day before the sale, the number and description of such livestock to the agent to whom the delivery of such Livestock is to be made (additional numbers advised after 12:00 noon may be accepted at the direction of the Superintendent); or
  - iii. offer for sale or attempt to offer for sale any Livestock listed for late sales or unless such Livestock remains the property of the original vendor.
- (b) Any Agent or other person permitted to sell Livestock in the Saleyards must:
  - i. keep a true and correct record of all Livestock received by him or her for sale at the Centre and of all sales of such Livestock including the number, description and district of origin of the Livestock and the vendor's name;
  - ii. make such records available for confidential examination by Council for statistical purposes only;
  - iii. deliver livestock to the Saleyards no later than two (2) hours prior to the commencement of Special Store sales; however late arrivals will be sold at the end of the scheduled sale
  - iv. notify the Superintendent if the requirements in Clause 8(b)(iii) cannot be met;
  - v. immediately after the fall of the Auctioneer's hammer announce and

enter in the Auctioneer's Sales Register the name of the successful bidder and the price paid for each lot;

- vi. on completion of the Sale Day furnish to the Superintendent a statement, in the form determined by the Chief Executive Officer or Superintendent from time to time of all Livestock offered;
- vii. be aware that there is a weekly draw conducted by the Superintendent which determines the Agent's order of priority of selling; and
- viii. have regard to the safety of persons within the Saleyards in removing stock from selling pens or from one point of the Centre to another.

## **9 Superintendent's Duties**

The duties of the Superintendent will be subject to the directions of the Council and will include:

- (a) ensuring that the requirements of this Policy are observed;
- (b) demanding all stallages, rents, Centre tolls and dues;
- (c) preserving good order and cleanliness within the Centre;
- (d) allotting the selling pens for use by persons bringing Livestock to the Centre in such a way that, in the opinion of the Superintendent, is the most appropriate for the circumstance;
- (e) ensuring that allotted times for selling and controlling the Centre between the hours during which it is open for the receipt and sale of Livestock are observed;
- (f) posting a list in some conspicuous part of the Centre immediately at the conclusion of each of the ballots for priority sale of Livestock showing the names of the Agents in order of priority and advising each Agent not later than 1 p.m. on the day prior to the sale or, in the case of a sale day occurring on a Monday, not later than a day and a time to be fixed by the Superintendent, of the number of pens allocated to the Agent;
- (g) authorising the removal of any Livestock from the Centre or from one part of the Centre to another having regard to the safety of persons within the Saleyards;
- (h) refusing to accept livestock that are unfit for sale;
- (i) excluding or ejecting from, or refusing to admit to, the Centre any person whose presence would, in the opinion of the Superintendent, be undesirable and prejudicial to the best interests of the Centre;
- (j) issuing any consents or permissions necessary for the good order and operation of the Centre; and
- (k) any other duties determined by Council as appropriate for the circumstances.

## 10 Superintendent's Authority

In all matters relating to the conduct of sales and the control of the Centre, the decision of the Superintendent will be final and binding on all parties.

## 11 Conduct of Persons

A person in the Centre must not:

- (a) throw, deposit or leave any refuse or rubbish except in bins or containers that are provided for that purpose;
- (b) distribute any poster, notice, handbill or the like except with the permission of the Superintendent;
- (c) display or exhibit an advertisement, picture or placard except with the permission of the Superintendent;
- (d) post or affix to any part of the building, fences, pavements, fixtures, fittings or machinery of the Centre an advertisement, picture or placard except with the permission of the Superintendent;
- (e) willfully or negligently deface or damage any part of the building, fences, pavements, fixtures, fittings or machinery of the Centre;
- (f) obstruct any of the entrances to the thoroughfares or passages of the Centre;
- (g) refuse or neglect to carry out the directions of the Superintendent in the parking, standing or moving of Vehicles within the Centre, including those areas set aside for parking and Vehicle movement;
- (h) use or permit to be used for the loading, unloading or drafting of livestock any whip or goad which in the opinion of the Superintendent will cause bruising or unnecessary cruelty to the livestock;
- (i) sit, lie down or loiter in, or permit any animal or Vehicle to remain stationary in, any entrance, thoroughfare or passage; or
- (j) deliver or collect Livestock on a day other than a Sale Day without first informing the Superintendent.

## 12 Exclusion from Saleyards

- (a) Any person convicted of an offence against the **Health Act 1958**, the **Prevention of Cruelty to Animals Act 1986**, or the **Trade Measurement Act 1995**, and or any other legislation dealing with faulty weights, in respect of any Livestock sold or offered or exposed for sale in Saleyards may be excluded by the Superintendent from the Centre.
- (b) Any person who behaves in a manner which, in the opinion of the Superintendent is in breach of this policy or is otherwise undesirable, offensive or not in the best interests of the Centre, may be excluded from the Centre.

### **13 Removing Stock**

Any person wishing to remove Livestock from the Saleyards, or wishing to move stock from one part to another, who is otherwise unauthorised to do so must first gain permission from an Agent or a member of the Saleyards staff.

### **14 Council Not Liable**

Council is not liable for the misappropriation or loss of any Livestock by reason of the falsification of a delivery pass or receipt or arising from any other circumstances whatsoever.

### **15 Feeding**

- (a) A person must not leave Livestock in the Saleyards without adequate food and water, to the satisfaction of the Superintendent.
- (b) The Superintendent may at his or her discretion cause to be provided any considered necessary feed and veterinary services at the expense of the owner of the Livestock.

### **16 Impounding**

Livestock left in the Saleyards after 12.00 noon on the day following the sale may be impounded if no arrangements have been made with the Superintendent by the Agent or the owner to leave the Livestock there. The provisions of the **Impounding of Livestock Act** 1994 will apply to impounding of Livestock under this clause.

### **17 Injury to or Illness of Stock**

The Superintendent, under the provisions of the **Prevention of Cruelty to Animals Act** 1986, has the power to humanely cause to be destroyed an injured or seriously ill animal. It is a specific condition of delivery of any livestock to the Centre that Council will not be held liable for any compensation whatsoever for any such destruction.

### **18 Payments**

A person must not take any Livestock out of the Centre until all tolls, dues and charges payable in respect of the Livestock or the use of the Centre have been paid or satisfactory arrangements have been made for payment.

### **19 Overcrowding**

It is the responsibility of the Superintendent to determine any dispute arising in relation to the overcrowding of pens or the priority of occupancy and the disputants shall be bound by the Superintendent's decision.

## **20 Inspection of Transports**

- (a) The Superintendent is authorised to inspect Transports which enter the Centre for the purpose of delivering or removing Livestock and to prevent any further re-entry to the Centre if, in the opinion of the Superintendent the transport contains sharp protruding objects or inadequate siding, that may cause cruelty, bruising or stress to the Livestock in the Transport or has insufficient floor surface material to prevent the slipping of Livestock, or is in a dirty or unsanitary condition.
- (b) The Superintendent is authorised to report the matter to any appropriate Authority if, in his opinion, the number of Livestock in the Transport is such that it is likely to cause damage, stress or cruelty to the Livestock.

## **21 Dogs**

- (a) A person must not without the written permission of the Superintendent:
  - (i) use more than two dogs at any time to muster, drive or draft Livestock; and
  - (ii) allow any dog under his or her control into the Centre unless it is muzzled effectively.
- (b) A person must not allow any dog to roam at large within the Centre or to otherwise not be under effective control.

## **22 Sale Days**

The days appointed as Sale Days may be fixed by the Superintendent from time to time. Notice of the days appointed will be provided at the Centre.

## **23 Allotted Time for Selling**

- (a) The whole of the pens of Livestock will be offered by Auctioneers in order of ballot as determined by the Superintendent and every Auctioneer shall observe the times for selling prescribed by the Superintendent.
- (b) The allotted time for selling each class of Livestock may be determined by the Superintendent from time to time.
- (c) Livestock for slaughter only will be identified by the Agent and sold as the last lot sold in the pen under the usual categories.

## **23 Exceeding Allotted Time**

If the Auctioneer has not disposed of all the Livestock in his or her hands at the expiration of the allotted time, the Livestock not disposed of must not be offered for auction until each other Auctioneer selling has completed his or her allotted time in that category, in order of ballot. Should any dispute arise regarding allotment of time the decision of the Superintendent will be final and binding.

## **24 Order of Sale**

The order of sale of each class of Livestock shall be determined by the Superintendent from time to time having regard to any relevant policies or guidelines adopted by Council.

## **25 Method of Drafting Livestock**

Every Agent permitted to sell Livestock in the Centre must draft and pen all Livestock within the classes and in the order determined by the Superintendent.

## **26 Fees and Charges**

Council may from time to time determine fees and charges to apply under this Policy including fees payable:

- (a) by agents selling or offering livestock for sale at the Centre;
- (b) by agents or any other person for the use of the Centre;
- (c) for permits issued under this Policy; and
- (d) any other costs reasonably incurred in the administration of this Local Law.

Details of fees and charges or any alterations thereto will be detailed in a Register for the purpose and will be retained at Council Offices and Saleyards.

## **27 Liveweight Selling**

All livestock offered for sale at the Centre by liveweight selling must be in accordance with the Council's policies, guidelines, standards or codes adopted from time to time.

## **28 Standards**

Council may issue standards from time to time that will govern the conduct of sales at the Centre. As at 24 September 2015 the Standards below will apply:



**S1 AGENTS (Cl. 8)**

The following is the form prescribed by Council which must be completed by an Agent at the end of the sale day:

COLAC LIVESTOCK SELLING CENTRE					
CATTLE				DATE	
<b>PURCHASER'S</b>	<b>DALGETY</b>	<b>J.G.J</b>	<b>H.F.R</b>	<b>STEWARTS</b>	<b>V.P.C.</b>
CASTRICUM					
CHARLTON					
CLASSIC					
COLLINSON					
COOPER					
CORRIGAN					
DALGETY					
DARK					
DOVE					
GATHERCOLE					
HERD, MC					
HURST					
H.F.RICHARDSON					
LYNDON					
MARTIN					
MASON					
MIDFIELD					
MOHRS					
O'CONNOR					
OVERLAND					
OXHILL					
PENNY & LANG					
PERTH					
PRIVATE					
RADFORD					
RALPH, J.H.					
SAFEWAY					
STEWART & CO					
TABRO					
TEYS					
WAGSTAFF					
WESTERN					
WESTSIDE					
<b>TOTAL</b>					

## **S2 ALLOTTED TIME FOR SELLING (CI. 23)**

- (a) The allotted time for selling each of the following class of livestock shall not exceed:
- (i) Cattle (except dairy cattle sold in the sale ring) - 2 minutes per 14 head or otherwise as specified and announced by the Superintendent;
  - (ii) Sheep - 1.5 minutes per 30 head.
  - (iii) Pigs and Calves - 2 minutes per 14 head;
  - (iv) Other livestock as determined by the Superintendent.

## **S3 ORDER OF SALE (CI. 25)**

The following is the list of the order of sale of cattle as at September 2005. This may change subject to the operations of the Selling Centre.

### **CATTLE**

1. Bullocks (Weighed Cattle)
2. Grown Heifers (Weighed Cattle)
3. Young Cattle (Weighed)
4. Young Cattle (Open Auction)
5. Bulls (Weighed)
6. Bulls (Open Auction)
7. Cows (Weighed)
8. Cows (Open Auction)
9. Late Arrivals (Open Auction)
10. Store Cattle (Open Auction)

## **S4 METHOD OF DRAFTING LIVESTOCK (CI. 26)**

### **CATTLE**

<b>PRODUCT DESCRIPTION</b>	<b>SEX</b>	<b>DENTITION</b>	<b>WEIGHT RANGE (LIVESTOCK)</b>
Bobby Calves	Male/Female	Without permanent incisors	Not more than 4 weeks old
Calves	Male/Female	Without permanent incisors	Less than 75 kg.
Young Cattle	Castrate Male Female	Less than 2 permanent incisors	76kg. and over
Heifers	Female	2 Permanent incisors	All weight
Cows	Female	More than 2 permanent incisors	All weight
Steer	Castrated male	2 or more permanent incisors	499kg and under
Bullocks	Castrated male	2 or more permanent incisors	500kg and over
Bulls and stags	Male	No dentition definition	All weights

## SHEEP AND LAMBS

PRODUCT DESCRIPTION	SEX	DENTITION	WEIGHT RANGE (LIVESTOCK)
Young Lambs	Castrated male Female	No permanent incisors No first molar on upper jaw	All weights
Lambs	Castrated male Female	No permanent incisors First molar on upper jaw erupted	All weights
Hoggets	Castrated male Female	First pair permanent incisors erupted	All weights
Young Ewes	Female	4 permanent incisors	All weights
Young Wethers	Castrated male	4 permanent incisors	All weights
Ewes	Female	More than 4 permanent incisors	All weights
Wethers	Castrated male	More than 4 permanent incisors	All weights
Rams and Stags	Male	No dentition definition	All weights

### **S5 PERMITTING PRIVATE YARDS AND PREMISES OF THE SALE OF LIVESTOCK (Cl. 27)**

1. In determining whether to grant a permit to allow a person to use a premises other than their own dwelling place, shop, place of business or private property for the sale of livestock, the Council must take into account the following conditions:
  - (a) location of property
  - (b) facilities suitable for selling purposes
  - (c) suitable facilities for transport and clients
  - (d) area of land
  - (e) zoning of land
  - (f) service facilities to ensure comfort of stock

### **S6 LIVELINE SELLING (Cl. 29)**

#### **6.01 Introduction**

A Code of Practice for the Liveweight Selling of Cattle has been in operation in Victoria since 1982.

#### **6.02 Implementation**

The sale of cattle on a liveweight basis in Victoria must conform to the following.

#### **6.03 Proprietor's Responsibilities**

The proprietor of the liveweight selling facility must be responsible for:

- The accuracy, proper maintenance, supervision and efficient operation of the liveweight selling facility.
- Weighing the cattle.

- Making the weight and all other information specified available to the vendor, agent and buyers.
- Determining weighing charges.
- Producing a weighbridge docket.
- Identifying the cattle by affixing the appropriate lot number to each animal or other appropriate identification.
- Ensuring that the procedures set out in the section 6.05.01 are implemented for each sale.

## **6.04 Operational Procedures – General**

### **6.04.01 Method of Selling**

This Code provides for the liveweight selling of cattle by one of the following methods:

- Presale weighing, pen selling
- Presale weighing, ring selling
- Presale weighing, on scale selling
- Post sale weighing

### **6.04.02 Vendor’s Option to Sell per Head or Liveweight**

Where liveweight selling facilities are provided, a vendor or his agent will have the option of liveweight or per head auction selling provided that the option to sell any weighed cattle on a per head basis is exercised prior to the commencement of the sale of that lot. Weights displayed for any cattle sold on a per head basis will only be weights determined in accordance with the provisions of this Code.

Cattle proposed to be sold by liveweight must not be placed in the same selling pen as cattle proposed to be sold on a per head basis.

### **6.04.03 Vendor’s Risk Cattle**

Should cattle that are lame, maimed, diseased or sick be detected in a lot proposed to be sold by liveweight, the sale of that lot will, at the vendor’s option be either –

- i. Sold on a per head auction basis, exclusive of the cattle so affected.
- ii. Sold on a liveweight basis, exclusive of the cattle so affected. With presale weighing the sale will be subject to the lot being reweighed after the sale. In this case the reweigh docket will replace the original weighbridge docket and the cost of the re-weigh shall be borne by the agent.

In either case cattle that are lame, maimed, diseased or sick must be sold separately on a “vendor’s risk” basis, private treaty or humanely destroyed.

#### **6.04.04 Agent's Responsibilities**

In the auction selling of cattle by liveweight, the agent is responsible for preparing the display of information for each lot of cattle, as well as receiving, drafting and selling the cattle.

#### **6.04.05 Curfew**

All cattle whether sold by a pre or post sale weight system must be yarded at the saleyard for a minimum of six hours prior to being weighed.

#### **6.04.06 Access to Water**

Water must be available in all pens where cattle are held prior to weighing, whether pre or post sale weighing applies. Cattle must be allowed undisturbed access to water for a minimum of 30 minutes prior to being weighed

#### **6.04.07 Limitation of Lot Size**

A weighing or selling lot may consist of one or more head of similar type and description. For presale cattle interlotted after weighing, a selling lot must comprise no more than six weighing lots.

#### **6.04.08 Limitation of Numbers in a Selling Pen**

The number of cattle in any selling pen should be limited by the following-

- i. The maximum number of selling lots is five.
- ii. The maximum number of vendors is nine.

#### **6.04.09 Categorisation of Cows**

Prior to be weighed, cattle proposed to be sold in the cow sale must be classified into one of the following categories –

- Category A Cows which have been certified by a veterinarian to be either spayed, pregnancy tested empty (ie not more than 3 months pregnant) or barren.
- Category B Cows which have not been certified to be category A cows.

Category A and Category B cows may be sold by liveweight. For Category A cows sold by liveweight the agent must supply the purchaser with the veterinarian's certificate for that lot.

#### **6.04.10 Operation of Scales**

The accuracy of the scales must be verified by appropriate Inspectors at such intervals as prescribed by the Weights and Measures Act 1958. For liveweight selling facilities at saleyards the prescribed interval is a maximum of twelve months.

Between verification by Inspectors and to ensure the confidence of vendors and buyers, the accuracy of the weighing facility must be checked prior to the commencement of each sale day. A record of these checks must be available for inspection on sale days.

Proprietors should ensure that each weighperson is competent to operate that particular weighing facility and is adequately supervised.

It is not necessary for the weighperson to sign every weighbridge docket but the master sheet(s) must be signed to certify the lot(s) he/she has weighed.

### **6.05 Presale Weighing - Operational Procedures**

#### **6.05.01 Commencement and Cessation of Weighing**

Weighing of cattle will only be permitted at times when it does not unduly hinder the general operation of the saleyard. Preference should be given to weighing in the order categories of cattle are to be sold and within time spans determined on appropriate criteria such as agents order of sale.

For each particular category of cattle the weighbridge shall be open to permit continuous weighing. Commencement time for weighing will vary with the size of the yarding but must not be more than 12 hours prior to the advertised commencement time for the sale of that category of cattle. The weighbridge docket will only be valid for the sale of the category for which the cattle were weighed.

#### **6.05.02 Display of Weighing Information**

##### **(a) Pen Selling**

Prior to the advertised commencement time for the sale of each category of cattle, agents must prepare a display card or board for each selling lot and affix the card to the appropriate selling pen so that it is clearly visible and able to be read from the buyers positions. If a pen is reused on a sale day for the sale of the same category of cattle, any previous display card must be removed from the pen and the appropriate display card affixed in the required manner at least half an hour before such sale in that pen.

The time of weighing shall be shown in addition to the information required in point b. When cattle are interlotted into a single selling after weighing the range in times of weighing (ie earlier and latest weighing times of cattle in the interlot) must be shown in the space provided for time of weighing.

(b) The information displayed in all systems should include the following--

- i. The number of animal(s) in the lot.
- ii. Average weight (kilograms).
- iii. Total weight (kilograms).
- iv. Time of arrival at the saleyards. When cattle are interlotted into a single selling lot before or after weighing, the range in times of arrival (ie earliest and latest arrival times of cattle in the interlot) must be shown in the space provided for time of arrival.
- v. District of origin. For interlots where the district of origin cannot practically be shown in the space provided the word "interlot" shall be shown.
- vi. Pregnancy status (cows only).
- vii. Lot number(s).

It would be desirable if all saleyards presented the information in the above order on display cards and electronic displays.

With pen selling the agent is responsible for accurately transcribing the information onto the display card from the weighbridge docket(s).

### **6.05.03      Reweighs**

The vendor, agent or prospective purchaser will have the right to request a reweigh prior to the commencement to the sale of the next lot. The Superintendent should ensure that any request for a reweigh does not interrupt the course of the sale.

#### **a.      Vendor's Risk Reweighs**

The provisions of this clause do not apply to the reweigh of any lot due to part of that lot being sold by "vendor's risk" such reweighs will be dealt with in accordance with the provisions of section 6.04.03.

#### **b.      Use of Reweigh Dockets**

If any lot is reweighed due to an alleged error in the weighbridge docket (other than an alleged error in weight) then the reweigh dockets shall replace the original docket.

If any lot is reweighed due to an alleged error in the weight, the reweigh docket shall only be substituted for the original docket if the difference in weight exceeds 0.5% of the original weight for each hour which has elapsed between the weighings of that lot.

The weighperson must only issue the reweigh docket in accordance with the above provisions, when he/she is in possession of the original docket (including copies) for that lot.

Notwithstanding the provisions of clause 6.05.01, the proprietor must weigh any cattle properly submitted for a reweigh in preference to other cattle submitted for weighing.

Any other disputes in respect of alleged errors in documentation should be dealt with by the parties involved.

#### **6.05.04 Presale Disputes**

Prior to the sale, any disputes that arise in relation to the sale of cattle by liveweight in accordance with this Code, must be referred to the Superintendent and the disputing parties shall be bound by his decision.

### **6.06 Post Sale Weighing - Operational Procedures**

#### **6.06.01 General**

Preference shall be given to the weighing of stock in the order that they are sold.

#### **6.06.02 Information Transfer**

Prior to the cattle being presented for weighing the agent must provide in duplicate to the weighing clerk a record of each lot showing –

- Pen number
- Identification mark
- Number of cattle
- Price per kilogram
- Vendor's name
- Selling agent's name
- Purchaser's name or code

#### **6.06.03 Selling Procedures to be Observed in Case of Breakdown of Scales**

- a. On notification of observance of a breakdown of scales or print out, selling will cease immediately. If the malfunction cannot be rectified within one (1) hour then the remainder of the yarding will be sold by open auction on a per head basis unless withdrawn by the vendors.
- b. Provided that if the scales are certified to be accurate but the print out or computer is not functioning satisfactorily, buyers may with the approval of their principals accept hand written scale dockets if weighing is supervised by a representative or representatives of buyers and vendors, in which case liveweight selling may continue.



- c. Weights prior to breakdown will be accepted by buyers unless they are obviously incorrect as determined by comparison or printed weights and estimates by experienced representatives of buyers and agents. In such a case the price of each lot will be fixed by appraisal and negotiation between the vendor, agent and the buyer. If they are unable to reach agreement that sale will be cancelled and the stock concerned may be offered to another buyer or revert to the vendor without penalty to the original buyer.
- d. Where no breakdown of scales or print out is notified before conclusion of the sale but weights are obviously inaccurate (as determined in c. above) or handwritten docketts are supplied without buyer supervision of weighing, each buyer will have the option of either canceling all his transactions or accepting all of them. In the former case the provisions of clause c. will apply ie the buyer and agent will negotiate an appraisal price for each lot; if they cannot agree the lot may be offered to another buyer or revert to the vendor without penalty to the original buyer.
- e. The right of any buyer to have any lot re-weighed will not be affected by any of the foregoing provisions.
- f. In the event of breakdown of the scales, after the completion of selling, the sale of the stock may be completed by private treaty to the satisfaction of the vendor, agent and buyer.