Introduction

There are legal requirements for the keeping of pigs; whether for commercial production, home-grown own-use meat pigs or pigs as pets. The aim of this Primefact is to provide a guide to these requirements and a list of the Legislation and Codes of Practice for reference. For the purpose of this document pig keeping will be referred to as commercial or hobby where hobby includes pet pigs and home-grown own-use meat pigs.

Summary of 7 key legal requirements for keeping pigs

1. **Consent from council** Land use zones determine which activities are permissible; always check with council before you purchase any pigs.

2. **Property Identification Code (PIC).** If you keep one or more pigs for any purpose you must have a PIC. If you move to a new property you need to change your PIC for the new property. A PIC is obtained from Local Land Services (LLS).

3. **Registered swine brand and NLIS ear tags** All pigs of more than 25kgs live weight moved to a saleyard, abattoir or another property/owner must be identified with the registered swine brand of the owner. Pigs greater than 25 kg liveweight may be branded with a tattoo slap brand or appropriate NLIS ear tag. Pigs less than 25kg live weight must be identified with an appropriate NLIS ear tag. National Livestock Identification System (NLIS) rules apply to all pig movements and transactions for commercial and hobby pigs. The brand and ear tag are linked to the PIC. Swine brands are obtained from your LLS. Ear tags are ordered through your local rural merchandise store or LLS.

4. **PigPass NVD (National Vendor Declaration)** Pigs transported for sale at saleyards, delivery to abattoirs, or to another property/owner must be accompanied by PigPass NVD. You need your PIC to register for PigPass NVD. Registration is via the PigPass website. Applies to commercial and hobby pigs.

5. **NLIS Pigs** All pig transport movements onto a different farm must be reported to the PigPass database by the receiver or new owner of the pigs within 2 working days. Applies to commercial pigs.
and hobby pigs. Saleyards and abattoirs record the movement of pigs into PigPass for you.

6. **Prohibited pig feed legislation** (swill feeding) It is illegal to feed, or allow access to, products of mammalian origin to pigs. That means it is illegal to feed meat or anything that has been in contact with meat to pigs including restaurant waste, table scraps or bakery waste that contains meat such as meat pies and cheese and bacon rolls. Swill feeding regulations apply to all hobby and commercial pigs.

7. **Feral pigs** - It is illegal to keep, transport or breed from feral pigs.

**Consent from council**

If you have plans to keep pigs for commercial or hobby purposes you need to talk to the local council.

Council has the power to limit the number of pigs that may be kept on a property and to specify separation distances from sensitive community or environmental elements.

**Key NSW legislation for planning and development**

There are several state Acts and Regulations that govern piggery development and operation within NSW. All NSW state legislation may be viewed in detail at the [NSW Government legislation website](https://www.nsw.gov.au).

**Local Government Act 1993**

The Local Government Act 1993 provides the framework for the operation of local government. Section 124 (18) of the Act specifically allows a council to prevent the keeping of pigs in sensitive areas such as catchment areas.

**Local Government (General) Regulation 2005**

Schedule 2 Part 5 of the Local Government (General) Regulation 2005 makes specific reference to pigs, stating that swine (pigs) must be kept in a manner that does not cause pollution to any water supply. It also states that “swine must not be kept (and swine’s dung must not be deposited) within 60 metres (or such greater distance as the council may determine in a particular case) of a dwelling, shop, office, factory, church or other place of public worship, workshop, school or public place in a city, town, village or other urban part of an area”.

**Environmental planning and assessment legislation**

The Environmental Planning and Assessment Act 1979 (EP&A Act) has been reviewed. The new act Environment Planning and Assessment Amendment Act 2017 was passed in NSW Parliament in November 2017. The NSW government is taking a staged approach to changes to ensure smooth transition to any changes.

Local Government remain the consent authority for new developments. Early consultation with your local council regarding any new development is recommended.

Information about the changes to this legislation may be found on the [Department of Planning and Environment website](https://www.nsw.gov.au).
**Environmental planning instruments**

Environmental planning instruments provide greater detail in planning regulation for specific purposes. The two main environmental planning instruments that will impact pig farm developments are the State Environmental Planning Policy No 30 – Intensive Agriculture (SEPP30) and the Local Environment Plan (LEP) for the local government area.

SEPP 30 has been reviewed and changes include consolidation of SEPP30 with four other existing SEPPs to become the State Environmental Planning Policy Primary Production and Rural Development.

Further details are available on the Department of Planning and Environment website.

There are no proposed changes to requirements for piggery developments under SEPP30.

Pig farms with a capacity to accommodate 200 or more pigs or 20 or more breeding sows must have development consent from the local council. This applies to all production methods indoor or outdoor.

Pig farm developments that will accommodate 2,000 or more pigs or 200 or more breeding sows require an EPA licence but local council is the first point of contact in the development process.

Local Environment Plans (LEPs) exist for each local government area. The Standard Instrument – Principal Local Environment Plan sets out the format and structure that councils should follow when making a LEP.

The LEP lists the type of development that is allowed in each zone of a local government area, as well as the types of development that need consent.

The keeping of pigs is classified as Intensive Livestock Agriculture and is prohibited in some land-use zones.

Intending owners of commercial or hobby pigs should always consult council before buying pig/s.

**Protection of the Environment Operations Act 1997**

The Protection of the Environment Operations Act 1997 (POEO) provides for the management of water, air, odour and noise pollution through a licensing regime. Persons or corporations who operate an intensive livestock industry, including piggeries that are intended to accommodate more than 2,000 pigs or 200 breeding sows, must hold a licence under section 48 of the Act. An unlicensed occupier of premises with a piggery accommodating more than 2,000 pigs or 200 breeding sows is guilty of an offence, and liable for financial penalties.

**Biosecurity**

Biosecurity is important because it protects our economy, environment and community from the negative impacts of pests and diseases, weeds and contaminants for the benefit of all people in NSW.

**Key NSW biosecurity legislation**

**Biosecurity Act 2015**

The Biosecurity Act 2015 (the Act) and the accompanying subordinate legislation came into force from 1st July 2017.
Responsible pig ownership

The Act introduces the concept of the general biosecurity duty which supports the principle of shared responsibility, and means everyone must do what is reasonable for them to do to prevent, eliminate or minimise biosecurity risks.

Under the Act you are expected to know about biosecurity risks associated with your industry, business, day-to-day work and hobbies.

Biosecurity measures to prevent, eliminate or minimise biosecurity risk on a pig farm should include:

- compliance with prohibited pig feed legislation
- on-farm biosecurity plans
- requesting completed animal health declarations with purchased stock
- isolation of sick animals
- good personal hygiene around the animals
- a quarantine period for animals new to the property.

Biosecurity Regulation 2017

The Biosecurity Regulation 2017 makes provision for certain functions described in the Act. Of particular interest to pig owners are the following:

Division 2 Notification of Pests and Diseases

*Brucella suis* (in all animals and humans) is a notifiable disease

Division 9; Section 36 – in relation to Prohibited Pig Feed

*Feed a particular material to an animal includes:*

- Allowing or directing another person to feed the material to the animal, or
- Allowing or failing to prevent the animals having access to the material.

This would mean an offence had been committed if a person

- Fed pigs, or allowed pigs access to prohibited material;
- Or allowed, or directed another person to feed pigs or allow pigs access to prohibited material;
- Or failed to prevent access to prohibited material as described below.

Section 37 clauses 1-9. Essentially this section specifies that “A person must not feed pigs, or allow pigs’ access to material, if the material contains a mammal product, unless the feeding of the mammal product to the pig is otherwise authorised by this clause”

More information: NSW DPI Swill Feeding

Biosecurity (National Livestock Identification System) Regulation 2017

This regulation mandates the requirements for NLIS Pigs which are:

- Property Identification Code (PIC) must be obtained from Local Land Services (LLS) for land on which one or more pigs are kept
- When sold or transported all pigs less than 25kg live must carry a yellow NLIS breeder device (ear tag) if bred on farm; or an orange NLIS post-breeder device (ear tag) if they were purchased or are of unknown origins.
• Pigs greater than 25 kg live weight may be branded with tattoo slap brand on their shoulder; or fitted with a NLIS device – yellow breeder device for bred on farm, orange post-breeder device for purchased or of unknown origin.

• A PigPass NVD must accompany pigs when they are transported to a saleyard, abattoir or another farm. The NVD must be kept for 3 years.

• All pig transport movements must be recorded within 2 working days on the PigPass database by the person receiving the pigs. Saleyard and abattoir operators will do this for you.

• Register for PigPass online on the PigPass website; or with assistance from the PigPass Helpdesk 1800 001458 between 8.30 and 4.30 Monday to Friday.

More information:
PigPass website
NSW DPI NLIS pigs
NSW DPI Biosecurity
Animal Health Australia website
National Biosecurity Manual for Pork Production

Commonwealth Legislation

All Commonwealth legislation may be viewed in detail on the Federal Register of Legislation.

Pig Industry Act 2001

The Pig Industry Act 2001 is the legislative framework for the formation and operation of Australian Pork Limited (APL). APL is the national representative body for Australian pork producers. It is a producer-owned, not-for-profit company conducting marketing, export development, research, innovation and strategic policy development for the Australian pork industry.

Primary Industry Excise Levies Act 1999 – Schedule 22

The Primary Industry Excise Levies Act 1999 – Schedule 22 is the legislative framework for the collection of statutory slaughter levies, which provide the operational funding for the National Residue Survey Pig Monitoring Program and Australian Pork Limited. More information about the current slaughter levy can be found on the Australian Pork Limited website.

National Guidelines and Codes of Practice

National Environmental Guidelines for Piggeries – Australian Pork Limited

National Environmental Guidelines for Rotational Outdoor Piggeries – Australian Pork Limited

Model Code of Practice for the Welfare of Animals – Pigs 3rd Edition CSIRO publishing

Model Code of Practice – Commercial pig production NSW DPI

Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock Australian Pork Limited

Australian Code of Good Manufacturing Practice for Home-mixed Feeds, Feed-Milling Industry and Stock-Feed Premixes. CSIRO Publishing
Industry organisations and contact details

**NSW Department of Primary Industries (NSW DPI)**
**NSW DPI Pigs**

**Australian Pork Limited (APL)**
Phone: 02 6285 2200
Email: apl@australianpork.com.au

**Local Land Services (LLS)**
Phone: 1300 795 299

**PigPass**
Helpdesk: 1800 001 458
Email: helpdesk@pigpass.com.au

**Australian Pork Industry Quality Assurance Program (APIQ✓)**
Phone: 02 6285 2200

**Animal Health Australia (AHA)**
Emergency Animal Disease Watch Hotline: 1800 675 888

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