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Circular LS 1/2020

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To all Livestock and Game Agents

IMPLEMENTATION OF NEW LIVESTOCK RULES

The Rules in Respect of Livestock Agents were published on 2 March 2018 (Government Gazette 41473 – Board Notice 28 of 2018). For easy reference a copy of the rules is attached to this circular.

As of the 2nd of January 2020, these rules will be enforced by APAC. It is important that all livestock and game agents familiarize themselves with the content of the rules. The following important changes are highlighted:

- **Conflict of Interest Management Policy** – Rule 4(1) purports that “every livestock agent, other than an employee, must adopt, maintain and implement a conflict of interest management policy that complies with the provisions of the rules, and a copy thereof must be made available to the Registrar once it has been adopted in terms of rule 4(3).” Rule 4(3) informs that “a conflict of interest management policy must be adopted by the sole proprietor of a livestock agent, the board of directors of a livestock agent which is a company or, in the case where a livestock agent is not a company, the governing body of a livestock agent.”
- **Risk mitigation** – rule 10(1) requires adherence to the following control measures: “A livestock agent must at all times have and effectively employ such resources, procedures and appropriate technological systems that can reasonably be expected to eliminate as far as reasonably possible, the risk that principals will suffer loss or damage through theft, fraud, other dishonest acts, negligence, or other culpable omissions.”
- **Application for registration certificates** – Rule 23(1) requires that “an application for a registration certificate shall be made every 2 (two) years, not later than 20 (twenty) business days before each anniversary of the date of issue of the registration certificate concerned on a form available from the Council for this purpose.” All current registration certificates issued prior to 2 March 2018 have lapsed and renewal is due on 3 March 2020. These livestock agents are cautioned to reapply for registration on or before 30 March 2020. Thereafter all applications will be regarded as new applications. Application forms are available from the APAC Website at www.apacweb.org.za.

- **Online training** – rule 23(5)(a)(ii) requires a livestock applicant or the persons who are in charge of an applicant to “have sufficient and appropriate knowledge of the provisions of the Act and the Rules, and particular of all duties and obligations imposed on the applicant in terms of the Act and Rules and of duties and obligations to be discharged by the applicant in the enforcement of any rights granted by the Act. It is therefore a specific requirement by APAC that all new applications undergo the prescribed online training provided by APAC. In addition, livestock agents who are not in possession of an online training certificate will also have to undergo this training.
- **Accounting Records and Auditor’s Report** – Rule 33(1) stipulates that “every livestock agent shall cause his accounting records to be audited at his expense by an auditor within 4 (four) months after the final date of every financial year of the livestock agent, which date shall not be amended by him without the prior written approval of Council.” In addition, rule 34(1) necessitates a livestock agent to have his auditor submit to Council “a report in the form determined by the Council regarding his findings”. This report must be accompanied by the audited financial statements of the livestock agent.
- **Bank Account information to be submitted to APAC** – It is also required in rule 35(1) that a livestock agent open and keep a cheque account at a commercial bank of which the Council [in rule 35(2)] shall within 5 (five) business days be provided with the particulars of this bank account. Rule 35(3) specifies that “any change in connection with a bank account shall be brought to the attention of the bank concerned and be reported to the Council in writing within 5 (five) business days after such change has been effected.”
- **Certain convictions to be reported to APAC** – rule 37(1) & (2) respectively require “whenever a livestock agent or any of his employees are convicted of an offense involving an element of dishonesty, such livestock agent shall within 5 (five) business days after the date of sentencing, notify the Council by registered post or email of the date of conviction, the nature of the offence, the sentence imposed, and by which court” and “whenever an employee leaves the employment of the livestock agent who employed him, such livestock agent and such employee shall within 5 (five) business days after the termination of employment, notify the Council by registered post or e-mail of the date of termination of employment and the reasons for the termination of his employment.”

Should you require any additional information please contact APAC at (011) 894-3680.

Yours sincerely


 CF Knowles
REGISTRAR: APAC

