



New South Wales

# Stock Foods Regulation 2010

under the

Stock Foods Act 1940

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Stock Foods Act 1940*.

STEVE WHAN, MP  
Minister for Primary Industries

## Explanatory note

The object of this Regulation is to remake, with minor changes, the *Stock Foods Regulation 2005* which is repealed on 1 September 2010 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the substances and things that are foreign ingredients,
- (b) the animals that are stock,
- (c) the substances which are and are not stock food,
- (d) the labels and written statements required in respect of supplies of stock food,
- (e) the restriction of foreign ingredients in stock foods,
- (f) the taking of samples for investigation,
- (g) the offences under the Act or Regulation for which penalty notices (“on-the-spot” fines) may be issued and the amounts of the fines payable under such notices,
- (h) savings and formal matters.

This Regulation is made under the *Stock Foods Act 1940*, including sections 3 (definitions of *foreign ingredient*, *stock* and *stock food*), 6 (1), 6A (1), 7, 21 (1) (d), (3) and (4), 32A and 35 (the general regulation-making power).

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Stock Foods Regulation 2010

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## Stock Foods Regulation 2010

under the

Stock Foods Act 1940

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Stock Foods Regulation 2010*.

#### 2 Commencement

This Regulation commences on 1 September 2010 and is required to be published on the NSW legislation website.

**Note.** This Regulation replaces the *Stock Foods Regulation 2005* which is repealed on 1 September 2010 by section 10 (2) of the *Subordinate Legislation Act 1989*.

#### 3 Definitions

(1) In this Regulation:

**label** has the same meaning as in the Agvet Code.

**manufactured stock food** means stock food that has undergone a manufacturing process, but does not include hay, straw, chaff or any stock food that consists entirely of milk or products derived from milk.

**MRL Standard** means the document entitled *The MRL Standard Maximum residue limits in food and animal feedstuff* being a document published in April 2010 by the Australian Pesticides and Veterinary Medicines Authority, together with such amendments to that document as are from time to time published in the Agricultural and Veterinary Chemicals Gazette.

**Note.** An up-to-date copy of *The MRL Standard* is provided on the website of the Australian Pesticides and Veterinary Medicines Authority (at [www.apvma.gov.au](http://www.apvma.gov.au)).

**restricted animal material** means tissue, blood or feathers derived from the carcass of an animal, including any substance produced from or containing any such tissue, blood or feathers (but does not include tallow or gelatin).

**Note.** Milk products are not regarded as restricted animal material as they are not tissue or blood derived from the carcass of an animal.

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Clause 4            Stock Foods Regulation 2010

Part 1             Preliminary

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**ruminant** means an animal that has a rumen, and includes an animal belonging to any of the following classes of animal, namely, cattle, sheep, goats and deer.

**tallow** means any product (including, but not limited to, a product known as tallow, yellow grease or acid oil) that:

- (a) contains rendered fats and oils from any animal, or contains used cooking oil that has subsequently been filtered or otherwise treated to remove visible particulate matter, and
- (b) complies with a specification of 2 per cent maximum moisture plus insoluble impurities as measured in accordance with the official measuring methods of the American Oil Chemists' Society.

**Note.** The official measuring methods of the American Oil Chemists' Society are available from their website: <http://www.aocs.org>.

**the Act** means the *Stock Foods Act 1940*.

- (2) Notes included in this Regulation do not form part of this Regulation.

### 4 Foreign ingredients

For the purposes of the definition of **foreign ingredient** in section 3 of the Act, the following substances and things are declared to be foreign ingredients:

- (a) the substances and things in Column 1 of Schedule 1,
- (b) the substances and things in the first column of Table 4 to the MRL Standard,
- (c) in respect only to stock food for pigs, any substance prescribed under section 20FB of the *Stock Diseases Act 1923* as a prohibited substance in relation to pigs.

**Note.** See clause 71 of the *Stock Diseases Regulation 2009*.

### 5 Stock

For the purposes of the definition of **stock** in section 3 of the Act, the following are prescribed:

- (a) horses,
- (b) animals belonging to food-producing species.

### 6 Stock food

- (1) For the purposes of the definition of **stock food** in section 3 of the Act, meal derived from restricted animal material is prescribed as stock food.

- (2) For the purposes of the definition of *stock food* in section 3 of the Act, the following are prescribed as not being stock food:
- (a) a substance that:
    - (i) is labelled for use for horses, and
    - (ii) is a vitamin, mineral or other type of supplement or premix, and
    - (iii) does not contain any restricted animal material,
  - (b) a substance that:
    - (i) is of a kind generally supplied otherwise than for use as stock food, and
    - (ii) is, in a particular supply, not represented as being suitable for use as stock food,but only in relation to that supply.

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Clause 7            Stock Foods Regulation 2010

Part 2             Labels and written statements for stock foods

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## Part 2    Labels and written statements for stock foods

### 7    Labelling of packages

- (1) For the purposes of section 6 (1) of the Act, the following particulars are required to be on the package of any manufactured stock food, or on a label securely and conspicuously attached to it:
- (a) a statement indicating the particular class of stock, and the age or stage of production of such stock, that the stock food will maintain or for which it will promote the growth or productive capacity,  
**Note.** Examples of a class of stock might include stock of a particular species, or of a type within a species. Examples of an age or stage of production of stock might include weaner pigs, broiler chickens or lactating cows.
  - (b) if the stock food contains more than 30 grams per kilogram of urea:
    - (i) a statement of the proportion (in grams per kilogram) of urea in the stock food, and
    - (ii) a warning that the stock food may be poisonous for some classes of stock, and
    - (iii) directions as to the proper use of the stock food,
  - (c) if the stock food contains more than 5 grams per kilogram of added salt, a statement of the proportion (in grams per kilogram) of salt added to the stock food,
  - (d) if the stock food contains restricted animal material, the following statement:  
This product contains restricted animal material—DO NOT FEED TO CATTLE, SHEEP, GOATS, DEER OR OTHER RUMINANTS.
  - (e) if the stock food does not contain restricted animal material, the following statement:  
This product does not contain restricted animal material.
- (2) The lettering in any statement referred to in subclause (1) (d) or (e):
- (a) must:
    - (i) if the statement is on a woven bag—be prominently displayed in letters of at least 10 millimetres in height, or
    - (ii) in any other case—be prominently displayed in letters of at least 3 millimetres in height, and
  - (b) must be printed on a background of contrasting colour.

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- (3) If the statement referred to in subclause (1) (d) or (e) is on a label, the label must measure at least 45 millimetres by 120 millimetres.

**8 Offence to remove or interfere with label**

A person must not, without reasonable excuse, remove, alter, obliterate or deface, or cause or permit the removal, alteration, obliteration or defacement of, any statement on, or any label attached to, a package of manufactured stock food in accordance with section 6 of the Act.

Maximum penalty: 10 penalty units.

**9 Written statements concerning stock food supplied in bulk**

For the purposes of section 6A (1) of the Act, the written statement about stock food that is supplied in bulk must contain the same information as is required by this Part to appear on a package of stock food of the same kind, or on a label attached to such a package.

**10 Offence to remove or interfere with written statement**

A person must not, without reasonable excuse, alter, obliterate or deface, or cause or permit the alteration, obliteration or defacement of, any written statement provided in accordance with section 6A of the Act.

Maximum penalty: 10 penalty units.

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Clause 11            Stock Foods Regulation 2010

Part 3                Miscellaneous

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### Part 3    Miscellaneous

#### 11    Restrictions on foreign ingredients

For the purposes of section 7 of the Act:

- (a) the maximum proportion or amount of any foreign ingredient specified in Column 1 of Schedule 1 that may be contained in stock food of a kind specified in Column 2 of that Schedule is the proportion or amount (if any) specified in Column 3 of that Schedule, and
- (b) the maximum proportion or amount of any foreign ingredient specified in the first column of Table 4 to the MRL Standard that may be contained in stock food of a kind specified in the second column of that Table is the proportion or amount (if any) specified in the third column of that Table, and
- (c) the maximum proportion or amount of any foreign ingredient prescribed under section 20FB of the *Stock Diseases Act 1923* as a prohibited substance to be fed to pigs, that may be contained in stock food for pigs is nil (that is, such stock food must not contain any such foreign ingredient).

#### 12    Taking of samples

- (1) For the purposes of section 21 (1) (d) of the Act, a sample of stock food must weigh at least one kilogram or, if the bulk from which it is taken weighs less than one kilogram, must comprise the whole of the bulk.
- (2) A sample may be taken from any part of the bulk and portions of a sample may be taken from different parts of the bulk so long as the portions are properly mixed before the sample is divided.
- (3) For the purposes of section 21 (3) of the Act, delivery of a sample to an analyst may be effected by causing the sample to be delivered to the analyst by any means.
- (4) For the purposes of section 21 (4) of the Act, the part of a sample retained by an inspector must be kept:
  - (a) in the possession of the inspector, or
  - (b) in a place to which only the inspector, and persons authorised by the inspector, have access,until such time as the inspector determines that the sample is no longer required to be kept.

**13 Penalty notice offences**

For the purposes of section 32A of the Act:

- (a) each offence arising under a provision specified in Column 1 of Schedule 2 is prescribed as a penalty notice offence, and
- (b) the prescribed penalty for such an offence is:
  - (i) in the case of a penalty payable by an individual—the amount specified in relation to the offence in Column 2 of Schedule 2, and
  - (ii) in the case of a penalty payable by a corporation—the amount specified in relation to the offence in Column 3 of Schedule 2.

**14 Savings**

Any act, matter or thing that, immediately before the repeal of the *Stock Foods Regulation 2005*, had effect under that Regulation continues to have effect under this Regulation.

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Schedule 1 Foreign ingredients

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### Schedule 1 Foreign ingredients

(Clauses 4 and 11)

#### Part 1 Prohibited substances

Column 1	Column 2	Column 3
Foreign ingredient	Kind of stock food	Proportion or amount
1 Clenbuterol	All stock foods	Nil
2 Restricted animal material	Stock food for ruminants	Nil

#### Part 2 Weed seeds and plants

Column 1	Column 2	Column 3
Foreign ingredient	Kind of stock food	Proportion or amount
1 <i>Amsinckia</i> spp. (Yellow burrweed)	Grain	100 seeds per kilogram
2 <i>Argemone mexicana</i> (Mexican poppy)	Grain	20 seeds per kilogram
3 <i>Crotolaria</i> spp. (Rattlepods)	All stock foods	Nil seeds or plant parts
4 <i>Datura</i> spp. (Thornapples)	Grain	5 seeds per kilogram
5 <i>Echium plantagineum</i> (Paterson's curse)	Grain	100 seeds per kilogram
6 <i>Heliotropium europaeum</i> (Common heliotrope), or <i>Heliotropium amplexicaule</i> (Blue heliotrope), or both <i>Heliotropium europaeum</i> (Common heliotrope) and <i>Heliotropium amplexicaule</i> (Blue heliotrope)	Grain	20 seeds of either species, or of a combination of both species, per kilogram
7 <i>Ricinus communis</i> (Castor-oil plant)	All stock foods	Nil seeds or plant parts
8 <i>Sesbania cannibina</i> (Sesbania pea)	Grain	200 seeds per kilogram

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Foreign ingredient</b>	<b>Kind of stock food</b>	<b>Proportion or amount</b>
9 Any plant of the genus Cannabis (excluding the seed of any such plant that has had the outer layer or bract removed)	All stock foods	Nil

### Part 3 Toxic compounds

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Foreign ingredient</b>	<b>Kind of stock food</b>	<b>Proportion or amount</b>
1 Aflatoxin B1	Grain and crushed grain	0.01 grams per tonne
2 Aflatoxin B1	Manufactured stock foods for beef cattle and sheep	0.05 grams per tonne
3 Aflatoxin B1	Manufactured stock foods for weaner or suckling pigs	0.01 grams per tonne
4 Aflatoxin B1	Manufactured stock foods for pigs other than weaner or suckling pigs	0.05 grams per tonne
5 Aflatoxin B1	Manufactured stock foods for dairy cows	0.02 grams per tonne
6 Aflatoxin B1	Manufactured stock foods for ducks	0.001 grams per tonne
7 Aflatoxin B1	Manufactured stock foods for layer chickens	0.02 grams per tonne
8 Aflatoxin B1	Manufactured stock foods for poultry other than ducks or layer chickens	0.01 grams per tonne
9 Polychlorinated biphenyls	All stock foods	0.05 grams per tonne
10 Polybrominated biphenyls	All stock foods	Nil
11 Aldrin	Manufactured stock foods	0.01 grams per tonne
12 Chlordane	Manufactured stock foods	0.01 grams per tonne
13 DDT, TDE and DDE (any combination)	Manufactured stock foods	0.05 grams per tonne
14 Dieldrin	Manufactured stock foods	0.01 grams per tonne
15 Endrin	Manufactured stock foods	0.03 grams per tonne

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### Stock Foods Regulation 2010

#### Schedule 1 Foreign ingredients

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Foreign ingredient</b>	<b>Kind of stock food</b>	<b>Proportion or amount</b>
16 HCB	Manufactured stock foods	0.01 grams per tonne
17 Heptachlor	Manufactured stock foods	0.02 grams per tonne
18 Lindane (gamma BHC)	Manufactured stock foods	0.1 grams per tonne
19 Any combination of the substances listed in items 11–18	Manufactured stock foods	0.1 grams per tonne
20 Ergots ( <i>Claviceps spp.</i> ) (including all fruiting bodies) other than sorghum ergot ( <i>Claviceps africana</i> )	All stock foods	200 grams per tonne
21 Sorghum ergot ( <i>Claviceps africana</i> )	All stock foods	3,000 grams per tonne
22 Cadmium	Stock food for pigs	0.5 grams per tonne
23 Lead	All stock foods	0.2 grams per tonne
24 Mercury	Fish meal for pigs or poultry	0.4 grams per tonne
25 Mercury	Stock food other than fish meal for pigs or poultry	0.02 grams per tonne

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**Schedule 2    Penalty notice offences**

(Clause 13)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Penalty for an individual</b>	<b>Penalty for a corporation</b>
<b>Offence under the Act</b>		
Section 6 (1)	\$275	\$550
Section 6A (1)	\$275	\$550
Section 7 (4)	\$275	\$550
Section 11A (3)	\$275	\$550
Section 23	\$1,100	\$2,200
Section 29	\$275	\$550
Section 30	\$1,100	\$2,200
<b>Offence under this Regulation</b>		
Clause 8	\$110	\$220
Clause 10	\$110	\$220

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