

1995—No. 521

**STOCK (CHEMICAL RESIDUES) ACT 1975—REGULATION**

(Stock (Chemical Residues) Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Stock (Chemical Residues) Act 1975, has been pleased to make the Regulation set forth hereunder.

RICHARD SANDERSON AMERY, M.P.,  
Minister for Agriculture.

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**Citation**

1. This Regulation may be cited as the Stock (Chemical Residues) Regulation 1995.

**Commencement**

2. This Regulation commences on 1 September 1995.

**Definitions**

3. In this Regulation:

“prescribed officer” means an officer referred to in clause 4;

“the Act” means the Stock (Chemical Residues) Act 1975.

**Prescribed officers: sec. 8**

4. For the purposes of section 8 (1) of the Act, the following officers of the Department of Agriculture are prescribed officers:

- (a) Director-General;
- (b) Chief, Division of Animal Industries;
- (c) Program Manager, Quality Assurance and Animal Health;
- (d) Program Leader, Quality Assurance and Animal Health Program;

(e) Senior Field Veterinary Officer.

**Disposal of seized stock: sec. 10**

**5. (1)** For the purposes of section 10 (2) of the Act, the prescribed manner for disposing of stock seized under section 10 (1) of the Act is as provided by this clause.

**(2)** The stock may be disposed of by the delivery of the stock to:

- (a) the owner of the stock; or
- (b) a person nominated by the owner of the stock; or
- (c) the person who was in charge of the stock when the stock were seized.

**(3)** However, the stock may be disposed of under subclause (2) only if:

- (a) the delivery is approved by the Minister or a prescribed officer; and
- (b) payment is made to the Minister or prescribed officer for the costs and expenses incurred in connection with the seizure, keeping and delivery of the stock, as certified by an inspector.

**(4)** Stock not disposed of in accordance with subclause (2) may be disposed of by way of sale in such manner as the Minister or Chief, Division of Animal Industries, may direct.

**(5)** The balance of the proceeds of the sale of stock disposed of under subclause (4) (less the costs and expenses incurred in connection with the seizure, keeping and sale of the stock, as certified by an inspector) must be paid to such person as the Minister may direct.

**Branding of stock: sec. 16**

**6. (1)** Stock the subject of a detention notice may be branded, marked, earmarked or tagged by an inspector in such manner as the inspector may determine.

**(2)** However, the brand, mark, earmark or tag must not be of a kind that is likely to be mistaken for a brand, mark, earmark or tag applied in accordance with the requirements of any other Act.

**Repeal**

**7. (1)** The Stock (Chemical Residues) Regulation 1975 is repealed.

**(2)** Any act, matter or thing that, immediately before the repeal of the Stock (Chemical Residues) Regulation 1975, had effect under that Regulation is taken to have effect under this Regulation.

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**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake, with modifications, the provisions of the Stock (Chemical Residues) Regulation 1975 under the Stock (Chemical Residues) Act 1975. The Regulation deals with the following matters:

- (a) prescribing the officers who are prescribed officers for the purposes of the Act (clause 4);
- (b) prescribing the manner in which stock seized under section 10 (1) of the Act may be disposed of (clause 5);
- (c) regulating the branding, marking, earmarking and tagging of stock the subject of a detention notice under the Act (clause 6);
- (d) other formal matters (clauses 1, 2, 3 and 7).

This Regulation is made under the Stock (Chemical Residues) Act 1975, including section 16 (the general regulation making power) and sections 8 and 10.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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