

STOCK (CHEMICAL RESIDUES) ACT.

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 26, 1975.

An Act to prevent the slaughter for human consumption of stock which contain certain concentrations of residues of chemicals; to prevent stock becoming affected by those residues; and for purposes connected therewith. [Assented to, 14th April, 1975.]

BE

Stock (Chemical Residues).

BE it enacted by the Queen's Most Excellent Majesty, by No. 26, 1975 and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Stock (Chemical Residues) Act, 1975". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.
 - "carcass" includes any portion of a carcass and the hide, skin, hair, wool or viscera of any stock;
 - "Chief of the Division of Animal Industry" means the person for the time being holding office or acting as the Chief of the Division of Animal Industry of the Department of Agriculture;
 - "detention notice" means a notice in force under section 7 or 8;
 - "holding" means any land or collection of lands which are contiguous to each other or separated only by a road, river, creek or watercourse and which constitute and are worked as one property;
 - "inspector"

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“inspector” means an inspector appointed under the Stock Diseases Act, 1923 ;

“occupier”, in relation to land, includes any person having the charge, control or management of the land ;

“regulations” means regulations made under this Act ;

“residue” means—

(a) a substance remaining in the body tissues or secretions of stock resulting from the use of or contact with any pesticide, drug or other chemical, whether of the same or of a different kind or nature; or

(b) a natural secretion which is present in the body tissues of stock in an abnormal concentration ;

“residue affected”, in relation to stock, means stock in respect of which a declaration under section 4 is in force ;

“stock” means—

(a) bulls, oxen, steers, cows, heifers, calves, rams, ewes, wethers, lambs, goats, kids and swine ; and

(b) other animals or birds of a kind used for the food of man that the Minister, by order published in the Gazette, declares to be stock for the purposes of this Act.

Residue affected stock may be declared.

4. (1) The Governor may, by order published in the Gazette, declare that stock which contain in a specified class of their body tissues or secretions more than a specified concentration of a specified residue and which, in his opinion, are thereby unfit, or are thereby likely to become unfit, for sale or export for human consumption, are residue affected.

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(2) The Governor may, in an order under subsection No. 26, 1975 (1), specify different concentrations of a residue for different classes of stock.

5. (1) An inspector may—

Powers of
inspectors.

- (a) enter any land, building, vehicle, vessel or aeroplane for the purpose of searching for or examining any stock or of exercising any other power conferred on him by this Act or the regulations;
- (b) take from—
 - (i) any head of stock; or
 - (ii) any carcass,
a specimen of any kind for the purpose of ascertaining whether that head of stock is, or whether that carcass is derived from a head of stock that was, residue affected;
- (c) take samples from the soil or pasture of any land or from any fodder for the purpose of ascertaining whether that soil, pasture or fodder is capable of causing stock to become residue affected;
- (d) order the owner or person in charge of stock or the occupier of any land on which any stock are kept or pastured—
 - (i) to muster them at a specified place on the land or, where in the opinion of the inspector no facilities suitable for the purpose of the order exist on the land, at a specified place on other land, for the purpose of examination or of enabling the inspector to take any specimens from them or to exercise any other power conferred on him by this Act or the regulations; and

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- (ii) to provide such assistance as the inspector may reasonably require for the purposes of subparagraph (i);
- (e) in respect of travelling stock—
 - (i) detain them for the purpose of examination or of enabling the inspector to take any specimens from them or to exercise any other power conferred on him by this Act or the regulations; or
 - (ii) order the owner or person in charge of the stock to take them to a specified place for that purpose; and
- (f) demand from any person he finds committing an offence against this Act or the regulations or any person whom, on reasonable grounds, he suspects of having committed any such offence, his name and place of abode.

(2) A person shall not—

- (a) threaten, assault or wilfully delay or obstruct an inspector in the exercise of his powers under this Act or the regulations;
- (b) fail to comply with the requirements of an order under subsection (1) (d) or (e); or
- (c) upon a demand being made under subsection (1) (f), fail or refuse to state his name or place of abode or state a name that is not his name or state a place of abode that is not his place of abode.

Penalty: \$500.

(3) If a person fails to comply with the requirements of an order under subsection (1) (d) or (e), an inspector may carry out those requirements, with or without assistance.

(4)

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(4) The costs and expenses incurred by an inspector No. 26, 1975 in the exercise of his powers under subsection (3) upon non-compliance with an order are recoverable in a court of competent jurisdiction as a debt to the Crown owed by the person on whom the order was served.

6. (1) Where an inspector at any reasonable time Questions by inspectors. informs a person he is making inquiries for the purposes of this Act in relation to any stock which are residue affected or which the inspector suspects to be or to have been residue affected that person shall not—

- (a) fail to answer any question being a question relating to those stock put to him by the inspector; or
- (b) make a reply to any such question that is false or misleading in any material particular.

Penalty: \$500.

(2) A person referred to in subsection (1) is not excused from answering a question put to him pursuant to that subsection on the ground that the answer might tend to incriminate him but neither the question nor the answer is admissible in evidence against him in criminal proceedings other than proceedings under subsection (1).

7. (1) An inspector may give to a person who owns or is Temporary notice for detention of residue affected stock. in charge of stock which are residue affected or which the inspector suspects are residue affected a notice that requires that person, except as provided in section 9—

- (a) to keep those stock at a specified place for a specified period (not exceeding forty days); and

(b)

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- (b) where any of those stock are not situated at the place specified in the notice at the time the notice is given, to move them to that place.

(2) Where an inspector gives a detention notice under subsection (1) in respect of stock which he only suspects are residue affected, he shall take for analysis specimens from those stock or a random sample of those stock or exercise any other power conferred on him by this Act for the purpose of ascertaining whether those stock are residue affected.

(3) Where an inspector gives a detention notice to a person under subsection (1)—

- (a) an officer prescribed for the purposes of section 8 (1) or an inspector authorised by him; or

(b) that inspector,

may, by a further notice in writing given to that person, revoke the detention notice or release any of the stock from being subject to the detention notice.

(4) A person contravenes this section if—

- (a) he does not comply with the requirements of a detention notice given to him under subsection (1); or
- (b) he moves stock that, to his knowledge, are subject to a detention notice given to some other person under subsection (1) from the place specified in the notice.

Penalty: \$500.

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8. (1) The Minister or a prescribed officer may, personally or by an authorised agent, give to a person who owns or is in charge of—

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 Minister or prescribed officer may give notice for detention of residue affected stock.

- (a) particular stock which are residue affected; or
- (b) any stock which are on the same holding as residue affected stock and which, in the opinion of the Minister or prescribed officer, are likely to be residue affected,

a notice that requires that person, except as provided in section 9—

- (c) to keep those stock at a specified place; and
- (d) where any of those stock are not situated at the place specified in the notice at the time the notice is given, to move them to that place.

(2) A detention notice given by an inspector under section 7 shall be deemed to have been revoked in respect of any stock to which it relates that are subject to a detention notice given by the Minister or a prescribed officer under subsection (1).

(3) Where a detention notice is given to a person under subsection (1)—

- (a) the Minister or any officer prescribed for the purposes of subsection (1); or
- (b) an inspector authorised by the Minister or by any such prescribed officer,

may, by a further notice in writing given to that person, revoke the detention notice or release any of the stock from being subject to the detention notice.

(4)

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 (4) An inspector is an authorised agent for the purposes of subsection (1) but this subsection does not operate to prevent the Minister or a prescribed officer from appointing any other authorised agent.

(5) A person contravenes this section if—

- (a) he does not comply with the requirements of a detention notice given to him under subsection (1); or
- (b) he moves stock that, to his knowledge, are subject to a detention notice given to some other person under subsection (1) from the place specified in the notice.

Penalty: \$1,000.

Permits
for move-
ment of
stock
subject to
detention
notice.

9. (1) An inspector may issue a permit in or to the effect of the prescribed form to the owner or person in charge of stock subject to a detention notice authorising him to move, in accordance with any terms and conditions specified in the permit, all or any of the stock from the place at which they are kept pursuant to the detention notice to another place, specified in the permit, at which they are to be kept or at which they are to be slaughtered.

(2) Where stock are subject to a detention notice given under section 8, an inspector shall not issue a permit under subsection (1) to move those stock to a place for slaughter without the approval of the Minister or an officer prescribed for the purposes of section 8 (1).

Power
to seize
stock.

10. (1) Where any stock have been moved contrary to the provisions of this Act or any regulation, notice or order made, given or served under this Act, the stock may be seized by an inspector or by a member of the police force.

(2)

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(2) Any stock seized under subsection (1) shall be No. 26, 1975 disposed of in the manner prescribed by the regulations.

11. (1) Where, in the opinion of the Minister, there is no reasonable possibility that particular residue affected stock would ever cease to be residue affected, he may order—

Destruction of residue affected stock, etc.

- (a) any owner or any person in charge of the stock;
or
- (b) any owner or occupier of land on which the stock are kept or pastured,

to destroy or dispose of the stock in such manner and under such conditions as may be specified in the order.

(2) Where, in the opinion of the Minister, stock are likely to become residue affected by feeding on particular fodder, he may order the owner or person in possession of that fodder to destroy or dispose of it in such manner and under such circumstances as may be specified in the order.

(3) If a person fails to comply with the requirements of an order under subsection (1) or (2), the Minister may, by his authorised agents, enter upon the land on which the stock are or fodder is situated and carry out those requirements.

(4) Any costs and expenses incurred by the Minister in the exercise of his powers under subsection (3) upon non-compliance with an order are recoverable in a court of competent jurisdiction as a debt to the Crown owed by the person on whom the order was served.

(5) Compensation is not payable in respect of the destruction or disposal of any stock or fodder in the course of exercising the powers conferred by this section.

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No. 26, 1975 **12.** (1) Where the Minister is of the opinion that the grazing of stock on particular land is likely to cause the stock to become residue affected, the Minister may, by notification published in the Gazette, restrict or absolutely prohibit the grazing on that land of all or any class of stock.

Restric-
tion or
prohibition
on grazing
stock on
certain
land.

(2) The Minister may by a like notification vary or revoke any notification published under this section.

(3) A person contravenes this section if he fails to comply with any requirements of a notification published under this section.

Penalty: \$500.

Orders
and notices
generally.

13. An order or notice required by this Act or the regulations to be served on or given to any person may be served or given by leaving it at his usual or last known place of residence or business or may be served or given personally or by post addressed to his last known place of residence or business or in such manner as may be prescribed.

Evidence.

14. (1) In any proceedings arising under this Act or the regulations, a certificate purporting to be signed by a person appointed as an analyst by the Minister by notification published in the Gazette for the purposes of this Act, and—

- (a) certifying that he has examined any stock or carcass, or any specimens obtained from any stock or carcass, or any sample of soil, pasture or fodder or any article submitted to him by the Minister, the Chief of the Division of Animal Industry or an inspector; and
- (b) certifying the result of the examination and any conclusions arrived at by him as a result of that examination,

shall,

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shall, without proof of the signature or appointment of the person signing the certificate, be admissible and be evidence of the matters certified in the certificate. **No. 26, 1975**

(2) In any prosecution for an offence under this Act or the regulations in respect of stock, proof that a detention notice was given under this Act shall be evidence that the notice had not been revoked at the time of the alleged offence in so far as it related to the stock.

(3) A copy of a notice given to a person on a particular day in the manner prescribed by this Act that—

- (a) purports to be a detention notice; and
- (b) bears a signature purporting to be the signature of the Minister, an officer prescribed for the purposes of section 8 (1) or an inspector,

is, without proof of the signature or of the official character of the signatory, evidence that the notice was given to that person on that day by the Minister, an officer prescribed for the purposes of section 8 (1) or an inspector, as the case may be.

15. Proceedings for offences under this Act or the regulations shall be disposed of in a court of petty sessions held before a stipendiary magistrate sitting alone. **Offences— jurisdiction of the court.**

16. (1) The Governor may make regulations, not inconsistent with this Act, prescribing any matter which is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act. **Regulations.**

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(2) Without limiting the generality of subsection (1), the Governor may make regulations for or with respect to—

- (a) prescribing the form of detention notices or permits given or issued under this Act;
- (b) the procedures to be adopted by an inspector when taking for analysis specimens or samples under section 5; and
- (c) prescribing and regulating the branding, marking, ear-marking or tagging of stock subject to a detention notice.

(3) The regulations may impose a penalty not exceeding \$500 for an offence arising under the regulations.

(4) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

(5) The regulations may authorise any matter or thing to be from time to time determined, applied or regulated by the Minister, the Chief of the Division of Animal Industry, an inspector or any other officer specified therein, either generally or for any class of cases or in a particular case.

TEACHER