

STOCK MEDICINES (AMENDMENT) ACT 1993 No. 4

NEW SOUTH WALES



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STOCK MEDICINES (AMENDMENT) ACT 1993 No. 4

NEW SOUTH WALES



Act No. 4, 1993

An Act to amend the Stock Medicines Act 1989 in order to further regulate the sale and use of stock medicines; to add to the provisions relating to powers of entry; to enable certain fees to be waived; and for other purposes. [Assented to 8 April 1993]

Stock Medicines (Amendment) Act 1993 No. 4

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Stock Medicines (Amendment) Act 1993.

Commencement

2. This Act commences on the date of assent.

Amendment of Stock Medicines Act 1989 No. 182

3. The Stock Medicines Act 1989 is amended as set out in Schedules 1 and 2.

**SCHEDULE 1—AMENDMENTS RELATING TO THE SALE
AND USE OF STOCK MEDICINES**

(Sec. 3)

(1) Section 46 (**Supply and use bans and recall orders**):

(a) At the end of section 46 (1)(c), insert:

; or

(d) to have an adverse effect on trade in stock or a product derived from stock.

(b) After section 46 (2), insert:

(2A) Without affecting the generality of subsection (2), an order under this section made in relation to a specified stock medicine or a stock medicine of a specified class may make provision for or with respect to:

(a) the identification or marking of stock treated with the stock medicine, including the use of particular colours of tags required under the Stock Diseases Act 1923; or

(b) the making and keeping of records relating to, and to the treatment given by, the stock medicine; or

(c) the information or documentation required to accompany the stock medicine when sold, or to accompany stock when sold or consigned for sale; or

(d) the disposal of the stock medicine in accordance with requirements of the Director-General; or

SCHEDULE 1—AMENDMENTS RELATING TO THE SALE AND USE OF STOCK MEDICINES—*continued*

- (e) the holding of an authority for the purchase, sale or use of the stock medicine, the fixing of a fee for such an authority and the waiver of such a fee; or
 - (f) the prohibition of the use of the stock medicine for a particular purpose or for any purpose.
- (2) Section 50 (**Powers of inspectors**):
- (a) After section 50 (1) (b), insert:
 - (b1) require the production of, inspect, and take copies of or extracts from, any record the keeping of which is required by this Act, the regulations or a permit, order or authority in force under section 32, 34 or 46.
 - (b) After section 50 (1) (g), insert:
 - (g1) despite section 52, give directions for the return to the manufacturer or supplier of any substance, article or container seized under paragraph (e);
 - (c) Omit section 50 (2).
- (3) Section 50A:
- After section 50, insert:
- Conditions of exercise by inspector of power of entry**
- 50A. (1) The power conferred on an inspector by section 50 to enter any land, building, premises or place may not be exercised unless the inspector:
- (a) has been issued by the Director-General with a certificate of authority; and
 - (b) gives reasonable notice to the occupier of the land, building, premises or place, unless the giving of notice would defeat the purpose for which it is intended to exercise the power; and
 - (c) exercises the power at a reasonable hour of the day, unless it is being exercised in an emergency; and
 - (d) produces the certificate of authority if required to do so by a person apparently in occupation of the land, building, premises or place; and
 - (e) uses no more force than is reasonably necessary to effect the entry.

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(2) A certificate of authority must:

- (a) state that it is issued under this Act; and
- (b) give the name of the inspector to whom it is issued; and
- (c) describe the nature of the powers conferred and the source of the powers; and
- (d) state the date (if any) on which it expires; and
- (e) state that the powers do not authorise entry into any part of premises used for residential purposes, unless the occupier consents; and
- (f) bear the signature of the person by whom it is issued and state the capacity in which the person is acting in issuing the certificate.

(3) An inspector may not enter any part of premises used for residential purposes unless the occupier consents.

(4) If damage is caused by an inspector exercising a power to enter any land, building, premises or place, a reasonable amount of compensation is recoverable as a debt owed by the employer of the inspector to the owner of the land, building, premises or place, unless the exercise of the power was obstructed.

(5) This section does not apply to a power conferred by a search warrant.

(6) In this section:

“**certificate of authority**” means a certificate that, to enable an officer to exercise a power conferred by this section, is issued to the inspector by the Director-General.

SCHEDULE 2—OTHER AMENDMENTS

(Sec. 3)

(1) Section 3 (**Definitions**):

- (a) From the definition of “Director-General” in section 3 (1), omit “and Fisheries”.
- (b) From the definition of “food producing species” in section 3 (1), omit “horses,”.

SCHEDULE 2—OTHER AMENDMENTS—*continued*(2) Section 7 (**Application for registration of stock medicines**):

After section 7 (3), insert:

(4) The Director-General may waive the fees prescribed under subsection (3) if the application is accompanied by a certificate of clearance for the stock medicine.

(3) Section 8 (**Application for renewal of registration of stock medicines**):

After section 8 (4), insert:

(5) The Director-General may waive the fee prescribed under subsection (4) (b) if:

- (a) a certificate of clearance was issued for the stock medicine; and
- (b) the Director-General has not been notified by the clearance authority that the certificate of clearance has been revoked.

(4) Section 48 (**Authorisation of inspectors**):

Omit “a member of the Public Service, or of the Public Service of the Commonwealth, or a member of the Police Force”, insert instead “a person”.

(5) Section 60 (**Proceedings for offences**):

From section 60 (5), omit “with the consent of the Minister”, insert instead “by a person authorised by the Minister either generally or in a particular case”.

(6) Schedule 2 (**Savings and transitional provisions**):

(a) At the end of clause 2 (1), insert:

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(b) After clause 13, insert:

**PART 3—SPECIAL PROVISIONS RELATING TO
PERIOD OF REGISTRATION**

Renewal of registration of stock medicine

14. (1) Despite any other provision of this Act, renewal of the registration of a stock medicine may be for a period determined by the Director-General that is shorter than the

SCHEDULE 2—OTHER AMENDMENTS—*continued*

registration period applied for, if the Director-General considers that the period applied for is likely to be affected by proposed Commonwealth legislation.

(2) In any such case, the Director-General may make a proportionate reduction in the fee payable for the registration period applied for.

Extension of registration period for stock medicine

15. Despite any other provision of this Act, the Director-General may extend for a period not longer than 12 months the current period of registration of a stock medicine, if the Director-General considers that the existing registration period is likely to be affected by proposed Commonwealth legislation.

*[Minister's second reading speech made in—
Legislative Assembly on 11 March 1993
Legislative Council on 31 March 1993]*