



New South Wales

Stock Foods Amendment Act 1996 No 105

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Stock Foods Amendment Act 1996 No 105

Act No 105, 1996

An Act to amend the *Stock Foods Act 1940* to remove provisions for the registration of stock foods and to make further provision with respect to the labelling of stock foods, restrictions on foreign ingredients in and additions to stock foods, and powers of inspectors; and for other purposes. [Assented to 26 November 1996]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Stock Foods Amendment Act 1996*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Stock Foods Act 1940 No 19

The *Stock Foods Act 1940* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 3

Omit the section. Insert instead:

3 Definitions

In this Act:

Agvet Code means the *Agvet Code of New South Wales*.

Agvet Regulations means the *Agvet Regulations of New South Wales*.

analyst means a person authorised under section 20 to be an analyst for the purposes of this Act.

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

block or *lick* has the same meaning as in the *Agvet Regulations*.

Director-General means the Director-General of the Department of Agriculture holding office as such under Part 2 of the *Public Sector Management Act 1988*.

food-producing species has the same meaning as in the *Agvet Code*.

foreign ingredient means any substance, or other thing, that is declared by the regulations to be a foreign ingredient.

inspector means a person authorised under section 20 to be an inspector for the purposes of this Act.

medicated stock food has the same meaning as medicated stockfood in the *Agvet Regulations*.

package includes anything in which a stock food or stock food supplement is cased, covered, enclosed, contained or packed.

premix has the same meaning as in the *Agvet Regulations*.

stock means any animal that is prescribed by the regulations as stock for the purposes of this Act.

stock food has the same meaning as stockfood in the Agvet Regulations and also includes any block, lick, premix, stockfood supplement and any substance prescribed by the regulations as stock food, but does not include any stock medicine and does not include any substance prescribed by the regulations as not being a stock food.

stock medicine means a stock medicine registered under the *Stock Medicines Act 1989*.

stockfood supplement has the same meaning as in the Agvet Regulations.

supply has the same meaning as in the Agvet Code.

veterinary chemical product has the same meaning as in the Agvet Code.

[2] Sections 4–6A

Omit sections 4–6. Insert instead:

6 Packages of stock food and supplement to be labelled

- (1) A person must not in the course of carrying on any business supply any of the following stock foods in a package unless the package has on it, or on a label securely and conspicuously attached to it, the particulars required by the regulations:
 - (a) stock food for any stock (whether or not food-producing species or horses),
 - (b) stock food supplement for any stock (whether or not food-producing species or horses).

Maximum penalty: 50 penalty units or, for an offence by a body corporate, 100 penalty units.

- (2) This section does not apply to a supply by retail of a portion of the contents of a package labelled as required by this section when the supply is without alteration of, or addition to, that portion of the contents.
- (3) This section applies to anything supplied in the form of a block as if the block were a package.

6A Supplier of bulk stock foods to provide customer with information statement

- (1) A person who in the course of carrying on any business supplies to another person any stock food in bulk must at the time of delivery provide to the person who takes delivery of the stock food a written statement about the stock food that complies with the regulations.

Maximum penalty: 50 penalty units or, for an offence by a body corporate, 100 penalty units.

- (2) The regulations may make provision for or with respect to the form of and the matters to be specified in the statement required by this section.
- (3) For the purposes of this section, stock food is supplied in bulk whenever it is supplied otherwise than in a package. However, this section does not apply to a supply by retail of a portion of the contents of a package labelled as required by section 6 when the supply is without alteration of, or addition to, that portion of the contents.
- (4) Stock food supplied in the form of a block is taken not to be a supply of stock food in bulk.
- (5) The written statement required by this section need not be a separate statement and can be included as part of an invoice.

[3] Section 7

Omit the section. Insert instead:

7 Restrictions on foreign ingredients

- (1) The regulations may prescribe the proportion or amount of any foreign ingredient that may be contained in stock food. A proportion or amount so prescribed for a foreign ingredient is the maximum allowable proportion or amount of the foreign ingredient for the purposes of this section.

- (2) The Minister may by order published in the Gazette set the proportion or amount of a foreign ingredient that may be contained in a stock food (whether or not a maximum allowable proportion or amount of the foreign ingredient is prescribed by the regulations).
- (3) A proportion or amount set by an order in force under this section applies as the maximum allowable proportion or amount of the foreign ingredient for the purposes of this section and so applies instead of any proportion or amount prescribed by the regulations (to the extent of any inconsistency between what is prescribed by the regulations and what is set by the order).
- (4) A person must not in the course of carrying on any business supply to another person a stock food that contains more than the maximum allowable proportion or amount of a foreign ingredient.
- Maximum penalty: 50 penalty units or, for an offence by a body corporate, 100 penalty units.
- (5) A regulation or order under this section can be made so as to apply to all stock food, to a particular kind of stock food, to stock food for a particular species, or to a particular kind of stock food for a particular species.
- (6) An order under this section commences on the date it is published in the Gazette or on such later date as may be specified in the order for its commencement and remains in force for 60 days after it commences unless it is repealed sooner.
- (7) An order cannot be made under this section if it is wholly or partially to the same or substantially the same effect as a previous order under this section that commenced less than 6 months before the later order would commence.

[4] Sections 8–11

Omit the sections. Insert instead:

8 Addition of veterinary chemical products to stock foods

- (1) The regulations may make provision for or with respect to regulating or prohibiting the incorporation of a veterinary chemical product in a stock food to produce a medicated stock food.
- (2) A person must not in the course of carrying on any business supply a medicated stock food that incorporates a veterinary chemical product in contravention of the regulations.

Maximum penalty: 50 penalty units or, for an offence by a body corporate, 100 penalty units.

[5] Section 11A Withdrawal of stock food from supply

Omit “sale” from section 11A (1). Insert instead “supply”.

[6] Section 11A (3)

Omit “sell”. Insert instead “supply”.

[7] Section 11A

Insert at the end of the section:

Maximum penalty: 50 penalty units or, for an offence by a body corporate, 100 penalty units.

[8] Section 21 Powers of inspectors

Omit “Any inspector may:” from section 21 (1).
Insert instead “Any inspector may, with or without assistance, do any one or more of the following:”.

[9] Section 21 (1) (a) and (b)

Omit “sale” wherever occurring. Insert instead “supply”.

[10] Section 21 (1) (b1), (b2)

Insert after section 21 (1) (b):

- (b1) require any person that the inspector finds on any such land, building, premises, place, vehicle, ship, vessel, aeroplane or other means of transport and whom the inspector believes on reasonable grounds to be involved in the making, manufacture, supply, storage, delivery, preparation for supply, or conveyance of any stock food, to state his or her full name and residential address,
- (b2) 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 the terms of a permit or order issued under this Act,

[11] Section 21 (1) (e)

Omit “seize and remove”.

Insert instead “seize, or seize and remove,”.

[12] Section 22 Retention and disposal of seized property

Omit “6 months” from section 22 (1) (a).

Insert instead “ 1 2months”.

[13] Section 22 (2) (a)

Omit “many”. Insert instead “may” .

[14] Section 24 Inspector may demand information

Omit section 24 (1). Insert instead:

- (1) An inspector may at any time require a person to whom any stock food has been supplied or a person who has supplied any stock food:

- (a) to state the name and address of the person who supplied the stock food or to whom the stock food was supplied, or
- (b) to furnish such other information in connection with the supply of the stock food as the inspector may reasonably require, or
- (c) to produce to the inspector any invoice, agreement, statement, circular or advertisement given or received in connection with the supply of the stock food and permit the inspector to inspect, and take copies of or extracts from, any such invoice, agreement, statement, circular or advertisement.

[15] Section 25 Certificate of analyst to be evidence

Omit “in or to the effect of a form approved by the Director-General”.

[16] Section 26 Forfeiture of stock foods

Omit the first sentence of section 26 (1).

Insert instead “If a person is convicted of an offence against this Act or the regulations, the court may order forfeiture to the Crown of any stock food to which the conviction relates.”.

[17] Section 28

Omit the section. Insert instead:

28 Obstruction of inspectors

- (1) A person must not:
 - (a) prevent, delay, obstruct or hinder an inspector from or in the execution or performance of the inspector’s powers, authorities, duties and functions under this Act, or

- (b) fail to comply with a requirement of an inspector under this Part to the extent that the person is capable of complying with it.

Maximum penalty: 50 penalty units or, for an offence by a body corporate, 100 penalty units.

- (2) A person is not guilty of an offence under this section in respect of a failure to comply with a requirement of an inspector to state the person's full name and residential address unless it is established that at the time of making the requirement concerned the inspector informed the person that it is an offence to fail to comply with the requirement.

[18] Section 34 Certificate of registration or non-registration

Omit the section.

[19] Section 35 Regulations

Omit section 35 (2) (a).

[20] Section 35 (2) (c) and (d)

Omit the paragraphs.

[21] Section 35 (4)

Insert at the end of section 35:

- (4) The regulations may apply, adopt or incorporate, with or without modification the provisions of any other law, or of any publication as in force on a specified day or as in force for the time being.

[22] Section 36 Refund of fees

Omit the section.

[23] Schedule 1

Omit the heading to the Schedule. Insert instead:

Schedule 1 Savings and transitional provisions

(Section 39)

Part 1 General

1 Savings and transitional regulations

- (1) The regulations may include provisions of a savings or transitional nature consequent on the enactment of the following Acts:

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- (2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of assent to the Act concerned or from a later date.
- (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Part 2 Stock Foods and Medicines (Amendment) Act 1986

[24] Schedule 1

Re-number existing clauses 1–6 as clauses 2–7.

[25] Schedule 1

Insert after clause 7 as so re-numbered:

Part 3 Stock Foods Amendment Act 1996

8 Meaning of “1996 Amending Act”

In this Part:

1996 Amending Act means the *Stock Foods Amendment Act 1996*.

9 Retention and disposal of seized property

The amendment made to section 22 by the 1996 Amending Act does not apply to anything seized before the commencement of the amendment.

10 Forfeiture of stock foods

The amendment made to section 26 by the 1996 Amending Act does not apply in respect of an offence committed before the commencement of the amendment.

[Minister's second reading speech made in—
Legislative Assembly on 23 October 1996
Legislative Council on 30 October 1996]