



New South Wales

Stock (Chemical Residues) Amendment Act 1996 No 21

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Stock (Chemical Residues) Act 1975 No 26	2
Schedule 1 Amendments	3



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Stock (Chemical Residues) Amendment Act 1996 No 21

Act No 21, 1996

An Act to amend the *Stock (Chemical Residues) Act 1975* to make further provision with respect to chemical effects on stock. [Assented to 13 June 1996]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Stock (Chemical Residues) Amendment Act 1996*.

2 Commencement

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

3 Amendment of Stock (Chemical Residues) Act 1975 No 26

The *Stock (Chemical Residues) Act 1975* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Long title

Insert “or which are otherwise chemically affected” after “chemicals”.

[2] Long title

Omit “becoming affected by those residues”.
Insert instead “from becoming chemically affected”.

[3] Section 3 Definitions

Insert in alphabetical order:

chemically affected stock means stock that, by virtue of an order in force under section 4, are chemically affected.

record includes any book, account, document, paper or other source of written information compiled, recorded or stored in written form, or on microfilm, or by electronic process, or in any other manner or by any other means.

[4] Section 3, definition of “residue affected”

Omit the definition.

[5] Section 4

Omit the section. Insert instead:

4 Order declaring stock to be chemically affected

- (1) The Minister may, by order published in the Gazette, declare that stock that contain, in body tissues or secretions of a specified kind, more than a specified concentration of a specified residue are chemically affected. The Minister is not to make such an order unless of the opinion that stock to which the order relates are, or are likely to become, degraded on account of the residue mentioned in the order.
- (2) An order under subsection (1):
 - (a) may specify different residue concentrations in respect of different kinds of stock, and
 - (b) instead of specifying residue concentrations, may refer to or adopt, with or without modification, residue concentrations prescribed or specified in a standard, rule or code made and published by any Commonwealth or State authority or body, as in force at a particular time or as in force from time to time.
- (3) The Minister may, by order published in the Gazette, declare that stock that have been treated with or exposed to a specified stock medicine or other specified substance are chemically affected. The Minister is not to make such an order unless of the opinion that stock to which the order relates are, or are likely to become, degraded on account of the relevant treatment or exposure.
- (4) An order under subsection (3):
 - (a) may define what constitutes treatment with or exposure to the stock medicine or other substance concerned, and

- (b) may provide that stock that are chemically affected as a result of such treatment or exposure are to be regarded as no longer so affected if they are treated in a manner described in the order or if a specified period of time has elapsed.
- (5) For the purposes of this section, stock are degraded if they:
 - (a) are unfit for sale or export for human consumption, or
 - (b) pose a danger to human or animal health or to the environment, or
 - (c) are detrimental to export or other trade.

[6] Sections 5, 6, 7, 7A, 8, 11 and 12

Omit “residue affected” wherever occurring.
Insert instead “chemically affected”.

[7] Section 5 Powers of inspectors

Omit “section 12A” from subsection (5) (a) (ii).
Insert instead “section 4”.

[8] Section 7 Temporary notice for detention of chemically affected stock

Omit subsection (3). Insert instead:

- (3) The Minister, or the inspector who gave a person a detention notice under subsection (1), may, by a further notice to that person, revoke the detention notice or release any of the stock from being bound by it.

[9] Section 8 Notice for detention of chemically affected stock

Omit “or a prescribed officer” wherever occurring in subsections (1), (2) and (4).

[10] Section 8 (1) (b)

Omit “or prescribed officer”.

[11] Section 8 (3)

Omit the subsection. Insert instead:

- (3) The Minister may, by a further notice given to a person to whom a detention notice has been given under subsection (1), revoke the detention notice or release any of the stock from being bound by it.

[12] Section 9 Permits for movement of stock subject to detention notice

Omit “or an officer prescribed for the purposes of section 8 (1)” from section 9 (2).

[13] Section 9A

Insert after section 9:

9A Requirements for mowing stock

- (1) The regulations may prescribe requirements to be complied with by persons who own or are in charge of any stock that are to be or are being moved from one place to another, including stock that are to be or are being moved into New South Wales from a place outside the State.

- (2) Without limiting the generality of subsection (1), a regulation made for the purposes of this section may:
- (a) require a statutory or other declaration to be made as to the places where the stock concerned have been and their destination, and
 - (b) require stock to be marked or tagged, and
 - (c) place reasonable limits on the ports or places to or through which the stock may be moved, and
 - (d) impose other requirements for the purpose of ascertaining or estimating whether and to what extent the stock are chemically affected and of containing or mitigating any adverse effects, and
 - (e) impose a penalty not exceeding 100 penalty units for moving any stock in contravention of the regulation.

[14] Section 12A Stock medicine etc likely to have adverse affect on trade

Omit the section.

[15] Section 12B Representations on sale of stock after treatment

Omit “section 12A”. Insert instead “section 4”.

[16] Sections 12C, 12D and 12E

Insert after section 12B:

12C Reporting of test results

The owner of a laboratory or other facility where any test has been carried out to determine whether particular stock are chemically affected must:

- (a) if the result of the test indicates that the stock concerned are chemically affected, cause particulars of those results to be furnished to the Minister in the manner and form, and within the time, prescribed by the regulations, or

- (b) if the result of the test indicates that the stock concerned are not chemically affected, cause particulars of those results to be furnished to the Minister in the manner and form, and within a time, reasonably required by the Minister by notice in writing addressed to the operator or manager of the laboratory or other facility.

Maximum penalty: 100 penalty units.

12D Supplying false information

- (1) A person must not, in submitting an application or otherwise giving information for the purposes of this Act, give information to the Minister or to a person engaged in the administration of this Act, knowing the information is false or misleading with respect to a material particular.
- (2) A person must not, in the course of or in connection with the sale or disposition of any stock, make a statement to the effect that:
 - (a) the stock are not chemically affected or are not chemically affected in a particular way, or
 - (b) the stock have not been on land that is associated with chemically affected stock, or
 - (c) the owner or person in charge of the stock has certified or stated that the stock are not chemically affected or are not chemically affected in a particular way,

if the person knows that the statement is false or misleading with respect to a material particular or is recklessly indifferent as to the truth or falsity of the statement with respect to such a particular.

Maximum penalty: 100 penalty units.

12E Protection from liability for furnishing of information or advice

- (1) The provision, by the Minister or a person concerned in the administration of this Act, of any advice in connection with stock that are or may be chemically affected does not subject the Minister or person to any liability if the information or advice was provided in good faith.
- (2) The furnishing of particulars as required by section 12C does not subject the person who furnished them, or the owner of a laboratory or other facility on whose behalf they were furnished, to any civil liability arising from any confidentiality of those particulars.

[17] Section 13A

Insert after section 13:

13A Delegation of functions

- (1) The Minister may delegate the power to make orders under section 4 to the Chief, Division of Animal Industries or to such other officer as the regulations may prescribe.
- (2) The Minister may delegate any of the Minister's other powers, authorities, duties and functions under this Act (apart from this power of delegation) to any officer of the Department of Agriculture.

[18] Section 14 Evidence

Omit "an officer prescribed for the purposes of section (8) (1) or an inspector" wherever occurring in section 14 (3).

Insert instead "an inspector or a delegate of the Minister".

[19] Section 17 and Schedule 1

Insert after section 16:

17 Savings and transitional provisions

Schedule 1 has effect.

Schedule 1 Savings and transitional provisions

(Section 17)

Part 1 Preliminary

1 Regulations

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

Stock (Chemical Residues) Amendment Act 1996.

- (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 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 Provisions consequent on enactment of
Stock (Chemical Residues) Amendment Act
1996**

2 Orders under repealed section 4

An order in force under section 4 immediately before the commencement of Schedule 1 [5] to the *Stock (Chemical Residues) Amendment Act 1996* continues in force as if made under subsection of that section, as inserted by that Act.

3 Orders under repealed section 12A

An order in force under section 12A immediately before the commencement of Schedule 1 [14] to the *Stock (Chemical Residues) Amendment Act 1996* continues in force as if made under subsection (3) of section 4, as inserted by that Act.

[Minister's second reading speech made in—
Legislative Assembly on 6 December 1995
Legislative Council on 17 April 1996]