



New South Wales

Stock (Chemical Residues) Regulation 2005

under the

Stock (Chemical Residues) Act 1975

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Stock (Chemical Residues) Act 1975*.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

Explanatory note

The object of this Regulation is to replace the *Stock (Chemical Residues) Regulation 1995* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The new Regulation includes provisions relating to:

- (a) the disposal of seized stock, and
- (b) the reporting of stock that are chemically affected, and
- (c) the reporting of stock that are not chemically affected, and
- (d) the powers of inspectors to survey land, and
- (e) the identification of stock.

This Regulation is made under the *Stock (Chemical Residues) Act 1975*, including sections 10 (2), 12C, 13A and section 16 (the general regulation-making power).

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Stock (Chemical Residues) Regulation 2005

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Stock (Chemical Residues) Act 1975

1 Name of Regulation

This Regulation is the *Stock (Chemical Residues) Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Stock (Chemical Residues) Regulation 1995* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

- (1) In this Regulation:
the Act means the *Stock (Chemical Residues) Act 1975*.
- (2) Notes included in this Regulation do not form part of this Regulation.

4 Disposal of seized stock: section 10

- (1) For the purpose 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 Director-General, and
 - (b) payment is made to the Director-General 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 Director-General may direct.

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- (5) The balance of the proceeds of 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 Director-General may direct.

5 Reporting of test results indicating stock are chemically affected: section 12C (a)

- (1) For the purpose of section 12C (a) of the Act, subclauses (2) and (3) prescribe the manner, form and time in which particulars of test results indicating stock are chemically affected must be furnished under that section.
- (2) The owner of a laboratory or other facility that carried out the tests indicating that the stock are chemically affected must cause a written report to be prepared containing the following particulars in respect of each sample that indicates that stock are chemically affected:
- (a) the date the sample was taken,
 - (b) the date the sample was submitted to the laboratory or other facility,
 - (c) the name and address of the person who submitted the sample,
 - (d) the species of stock from which the sample was taken,
 - (e) if known—the name, address and telephone and facsimile numbers of the owner of the stock from which the sample was taken,
 - (f) if known—details identifying the property from which the stock came, including the address of the property, the rural lands protection district in which the property is situated, and the particulars of identification for the stock in accordance with the *Stock Diseases Act 1923*,
 - (g) the test method used or an identifying code for that test method,
 - (h) a description of the tissue or other material tested,
 - (i) any chemical residue identified which causes the stock to be categorised as chemically affected,
 - (j) the level of any chemical residue so identified.
- (3) A report referred to in subclause (2) must:
- (a) specify the name of the laboratory or other facility that carried out the testing, and
 - (b) contain an identifying number allocated in respect of the report by the laboratory or other facility, and
 - (c) be signed and dated by the analyst who had responsibility for the contents of the report, and

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- (d) be furnished in person (including by courier), or by facsimile or other electronic means, and
 - (e) be furnished as soon as possible on the day that the test results indicating that the stock are chemically affected become available (or such later time as the office holder to whom the report is to be furnished may agree to in writing, but not being later than 24 hours after the test results become available).
- (4) For the purpose of section 12C (a) of the Act, the following office holders are prescribed in relation to the furnishing of particulars as contained in a report referred to in subclause (2):
- (a) Manager, Animal Residue Programs, National Residue Survey, Commonwealth Department of Agriculture, Fisheries and Forestry—in relation to a report of a kind notified by the Director-General to the owner of the laboratory or other facility concerned,
 - (b) Director-General—in all other cases.

6 Reporting of test results indicating that stock are not chemically affected: section 12C (b)

For the purpose of section 12C (b) of the Act, the following office holders are prescribed in relation to the furnishing of particulars of test results indicating that stock are not chemically affected:

- (a) Manager, Animal Residue Programs, National Residue Survey, Commonwealth Department of Agriculture, Fisheries and Forestry,
- (b) Director-General.

7 Power of inspectors: section 5

An inspector may conduct a survey or make a plan, map or diagram of the land that is, or may be, subject to a notice under section 7 or 8 of the Act, or of a notification under section 12 of the Act.

8 Prescribed persons: section 13A

The class of persons who are inspectors (not being officers of the Department of Primary Industries) are prescribed for the purposes of section 13A (2) (b) of the Act.

9 Data relating to the identification of stock

Data recorded under a scheme of identification of stock established under the *Stock Diseases Act 1923* may be released under that Act for use for the purposes of the *Stock (Chemical Residues) Act 1975*.

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10 Identification of stock: section 16

- (1) If stock are subject to a detention notice, an inspector may, by order served on the owner or person in charge of the stock, require the person on whom the notice is served to cause a permanent identifier to be attached to the stock concerned, in a manner approved by the Director-General from time to time by order published in the Gazette.
- (2) A person on whom an order is served under subclause (1) must comply with the order.
Maximum penalty: 20 penalty units.
- (3) If a person fails or refuses to comply with an order under subclause (1), the inspector may cause a permanent identifier to be attached to the stock that are subject to a detention notice.
- (4) Any expenses reasonably incurred by an inspector in causing an identifier to be attached to stock (including the purchase of the identifier) under subclause (3) may be recovered from the person on whom the order was served under subclause (1).
- (5) Without limiting subclause (1), an inspector may attach an identifier (including a permanent identifier) to stock the subject of a detention notice in such manner as the inspector may determine.
- (6) A person must not knowingly remove, deface, damage or destroy an identifier attached to stock in accordance with this clause.
Maximum penalty: 20 penalty units.
- (7) In this clause:
attached includes implanted, inserted, administered or applied.
identifier has the same meaning as it has in Part 3 of the *Stock Diseases (General) Regulation 2004*.
permanent identifier has the same meaning as it has in Part 3 of the *Stock Diseases (General) Regulation 2004*.

11 Savings

Any act, matter or thing that, immediately before the repeal of the *Stock (Chemical Residues) Regulation 1995*, had effect under that Regulation is taken to have effect under this Regulation.

BY AUTHORITY
