



New South Wales

# Stock Medicines Regulation 2005

under the

Stock Medicines Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Stock Medicines Act 1989*.

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

## Explanatory note

The object of this Regulation is to remake, with some changes, the provisions of the *Stock Medicines Regulation 1995*. That Regulation is repealed by section 10 (2) of the *Subordinate Legislation Act 1989* on 1 September 2005.

This Regulation, like the *Stock Medicines Regulation 1995*, contains provisions that prohibit the advertising of certain stock medicines and require a person who supplies stock food that has been treated with a stock medicine to provide certain information about the use of the stock food.

This Regulation also contains additional provisions that:

- (a) prescribe certain animals as *major food producing species*, and
- (b) specify the records to be kept by veterinary surgeons who prescribe, supply or use a stock medicine and the period of time these records must be retained, and
- (c) prescribe certain offences under the *Stock Medicines Act 1989* and this Regulation as offences for which penalty notices may be issued and prescribe the penalty amount for any such penalty notices.

These additional provisions are consequent on the proposed commencement of most of the provisions of the *Stock Medicines Amendment Act 2004* on the date of commencement of this Regulation.

This Regulation is made under the *Stock Medicines Act 1989*, including the definition of *major food producing species* in section 3 (1) and sections 39E, 60A and 65 (the general regulation-making power).

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## Stock Medicines Regulation 2005

under the

Stock Medicines Act 1989

### 1 Name of Regulation

This Regulation is the *Stock Medicines Regulation 2005*.

### 2 Commencement

This Regulation commences on 1 September 2005.

**Note.** This Regulation replaces the *Stock Medicines Regulation 1995* which is repealed on 1 September 2005 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

In this Regulation:

*stock food* has the same meaning as in the *Stock Foods Act 1940*.

*the Act* means the *Stock Medicines Act 1989*.

### 4 Advertising

(1) This clause applies to any stock medicine containing a substance included in Schedule One, Three, Four or Eight of the Poisons List proclaimed under section 8 of the *Poisons and Therapeutic Goods Act 1966*.

(2) A person must not advertise a stock medicine to which this clause applies otherwise than in a journal whose circulation is generally limited to, or in a document intended for distribution exclusively to, veterinary surgeons, pharmacists or wholesalers of stock medicines.

Maximum penalty: 50 penalty units.

### 5 Directions for use of stock food that has been treated with stock medicine

(1) A person who supplies stock food to another person, knowing that the food has been treated with a stock medicine:

(a) must ensure that the person supplied is aware that the food has been so treated, and

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- (b) must provide the person supplied with such written details concerning the use of the stock medicine as were obtained by the supplier when the supplier obtained the food or when the supplier obtained the stock medicine with which the food has been treated.
- (2) The written details must include details of the relevant withholding period (within the meaning of Part 5 of the Act) for the stock medicine.  
Maximum penalty: 50 penalty units.

### 6 Major food producing species

The following types of stock are prescribed for the purposes of the definition of *major food producing species* in section 3 (1) of the Act:

- (a) turkeys,
- (b) ducks,
- (c) geese,
- (d) bees,
- (e) goats,
- (f) farmed fish, farmed crustaceans and farmed molluscs.

### 7 Records to be kept by veterinary surgeons

- (1) The following particulars are to be recorded by veterinary surgeons for the purposes of section 39E of the Act:
  - (a) the date on which the use, supply or prescription of the stock medicine occurred,
  - (b) details to identify the particular stock on which the stock medicine was used,
  - (c) the name of the owner of the stock or the person in charge of the stock,
  - (d) particulars to identify the stock medicine,
  - (e) the name of the active constituent of the stock medicine,
  - (f) the type of stock for which the stock medicine is intended,
  - (g) the withholding period (including that there was no withholding period if the veterinary surgeon considered none was required),
  - (h) the dosage rate,
  - (i) the frequency of treatment,
  - (j) the length of treatment,
  - (k) the manner of administration.

- (2) The records required by section 39E of the Act must be retained by the veterinary surgeon for a period of not less than 2 years from the date on which the use, supply or prescription of the stock medicine occurred.

**Note.** Section 39E of the Act requires certain records to be kept by a veterinary surgeon in accordance with the regulations. The maximum penalty for a failure to keep records in accordance with the regulations is 100 penalty units.

## 8 Penalty notices

For the purposes of section 60A of the Act:

- (a) each offence arising under a provision specified in Column 1 of Schedule 1 is prescribed as a penalty notice offence, and
- (b) the prescribed penalty for such an offence is:
  - (i) in the case of a penalty payable by an individual—the amount specified in relation to the offence in Column 2 of Schedule 1, and
  - (ii) in the case of a penalty payable by a corporation—the amount specified in relation to the offence in Column 3 of Schedule 1.

## 9 Savings

Any act, matter or thing that, immediately before the repeal of the *Stock Medicines Regulation 1995*, had effect under that Regulation continues to have effect under this Regulation.

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Schedule 1 Penalty notices

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**Schedule 1 Penalty notices**

(Clause 8)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Penalty for an individual</b>	<b>Penalty for a corporation</b>
<b>Offence under the Act</b>		
Section 37	\$1100	\$2200
Section 38 (1)	\$1100	\$2200
Section 39 (1)	\$1100	\$2200
Section 39C (1)	\$550	\$1100
Section 39C (2)	\$550	\$1100
Section 39C (3)	\$550	\$1100
Section 39D (1)	\$1100	\$2200
Section 39E	\$550	\$1100
Section 39F	\$550	\$1100
Section 40 (2)	\$1100	\$2200
Section 40A (1)	\$1100	\$2200
Section 40A (1A)	\$1100	\$2200
Section 40A (2)	\$1100	\$2200
Section 40B (1)	\$1100	\$2200
Section 46 (6)	\$1100	\$2200
Section 54 (2)	\$550	\$1100
<b>Offence under this Regulation</b>		
Clause 4 (2)	\$550	\$1100
Clause 5 (1)	\$550	\$1100

BY AUTHORITY