



New South Wales

Stock Medicines Regulation 2010

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*.

STEVE WHAN, MP
Minister for Primary Industries

Explanatory note

The object of this Regulation is to remake, with minor changes, the provisions of the *Stock Medicines Regulation 2005* which is repealed on 1 September 2010 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the information to be provided when supplying stock food that has been treated with a stock medicine,
- (b) the prescribing of certain types of animals as **major food producing species**,
- (c) the keeping of records by veterinary practitioners who prescribe, supply or use a stock medicine,
- (d) the prohibition of certain advertising of stock medicines,
- (e) the taking of samples of stock medicines by inspectors,
- (f) the offences for which penalty notices (“on-the-spot” fines) may be issued and the amounts of the fines payable under such notices,
- (g) savings and formal matters.

This Regulation is made under the *Stock Medicines Act 1989*, including sections 3 (1) (definition of **major food producing species**), 39E, 43 (1), 50 (5) and (6), 60A and 65 (the general regulation-making power).

2010 No 452

Stock Medicines Regulation 2010

Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
4 Use of stock food that has been treated with stock medicine	3
5 Major food producing species	4
6 Records to be kept by veterinary practitioners	4
7 Advertising	5
8 Taking of samples	5
9 Penalty notices	5
10 Savings	6
Schedule 1 Penalty notices	7

Stock Medicines Regulation 2010

under the

Stock Medicines Act 1989

1 Name of Regulation

This Regulation is the *Stock Medicines Regulation 2010*.

2 Commencement

This Regulation commences on 1 September 2010 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Stock Medicines Regulation 2005* which is repealed on 1 September 2010 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

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

the Act means the *Stock Medicines Act 1989*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 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

(b) must provide the person supplied with the written details concerning the use of the stock medicine that 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.

5 Major food producing species

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

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

6 Records to be kept by veterinary practitioners

(1) For the purposes of section 39E of the Act, the following particulars are to be recorded by veterinary practitioners:

- (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 practitioner 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 practitioner 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 practitioner in accordance with the regulations. The maximum penalty for a failure to keep records in accordance with the regulations is 100 penalty units.

7 Advertising

- (1) This clause applies to any stock medicine containing a substance included in Schedule Three, Four or Eight of the Poisons List proclaimed under section 8 of the *Poisons and Therapeutic Goods Act 1966*.
- (2) For the purposes of section 43 (1) of the Act, 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 practitioners, pharmacists or wholesalers of stock medicines.

Note. Section 43 (1) of the Act provides that a person must not contravene any prohibition or requirement made by the regulations relating to the advertising of stock medicines or their uses. The maximum penalty for a failure to comply with any such prohibition or requirement is 200 penalty units, or 400 penalty units if the offence is committed by a corporation.

8 Taking of samples

- (1) For the purposes of section 50 (5) of the Act, an inspector may deliver a package containing a sample to an analyst by any means that provides evidence of a chain of custody.
- (2) For the purposes of section 50 (6) of the Act, the package kept by an inspector must be kept:
 - (a) in the possession of the inspector, or
 - (b) in a place to which only the inspector, and persons authorised by the inspector, have access,until such time as the inspector determines that the package is no longer required to be kept.

9 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.

2010 No 452

Clause 10 Stock Medicines Regulation 2010

10 Savings

Any act, matter or thing that, immediately before the repeal of the *Stock Medicines Regulation 2005*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Penalty notices

(Clause 9)

Column 1	Column 2	Column 3
Provision	Penalty for an individual \$	Penalty for a corporation \$
Offence under the Act		
Section 37 (1)	1,100	2,200
Section 38 (1)	1,100	2,200
Section 39 (1)	1,100	2,200
Section 39C (1)	550	1,100
Section 39C (2)	550	1,100
Section 39C (3)	550	1,100
Section 39D (1)	1,100	2,200
Section 39E	550	1,100
Section 39F	550	1,100
Section 40 (2)	1,100	2,200
Section 40A (1)	1,100	2,200
Section 40A (1A)	1,100	2,200
Section 40A (2)	1,100	2,200
Section 40B (1)	1,100	2,200
Section 43 (1)	1,100	2,200
Section 46 (6)	1,100	2,200
Section 54 (2)	550	1,100
Offence under this Regulation		
Clause 4 (1)	550	1,100
