



New South Wales

# Stock Medicines Regulation 2019

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*.

ADAM MARSHALL, MP  
Minister for Agriculture and Western New South Wales

## Explanatory note

The object of this Regulation is to remake, with changes, the *Stock Medicines Regulation 2010*, which is to be repealed on 1 September 2019 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation provides for the following matters—

- (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 offences for which penalty notices may be issued and the amounts of the fines payable under the notices,
- (f) a savings provision consequent on the repeal of the *Stock Medicines Regulation 2010*.

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

With the exception of clause 4, this Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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## Stock Medicines Regulation 2019

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Stock Medicines Act 1989

### 1 Name of Regulation

This Regulation is the *Stock Medicines Regulation 2019*.

### 2 Commencement

This Regulation commences on 1 September 2019 and is required to be published on the NSW legislation website.

**Note.** This Regulation replaces the *Stock Medicines Regulation 2010*, which is to be repealed on 1 September 2019 by section 10 (2) of the *Subordinate Legislation Act 1989*.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 *Biosecurity Act 2015*.

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

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(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 stock food has been so treated, and

(b) must, in accordance with this clause, 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 stock food or when the supplier obtained the stock medicine with which the stock food has been treated.

(2) The written details must include details of the relevant withholding period 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 at least 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 etc

- (1) This clause applies to any stock medicine containing a substance included in Schedule Three, Four or Eight to 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, or make any claims, statements or representations relating to the use of, or disseminate information concerning, a stock medicine (or its uses) to which this clause applies other than in a journal whose circulation is generally limited to, or in a document or electronic communication intended for distribution exclusively to, veterinary practitioners, pharmacists or wholesalers of stock medicines.

**Note.** Section 43 (1) of the Act operates to make a contravention of clause 7 an offence, for which the maximum penalty is 200 penalty units or, for an offence by a corporation, 400 penalty units.

## 8 Savings

Any act, matter or thing that, immediately before the repeal of the *Stock Medicines Regulation 2010*, had effect under that Regulation continues to have effect under this Regulation.

## Schedule 1 Penalty notice offences

For the purposes of section 60A of the Act—

- (a) each offence specified in this Schedule is an offence for which a penalty notice may be issued, and
- (b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

<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>Offences under the Act</b>		
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 (1A)	\$1,100	\$2,200
Section 43 (1)	\$1,100	\$2,200
Section 46 (6)	\$1,100	\$2,200