

[Act 1996 No 21]



New South Wales

Stock (Chemical Residues) Amendment Bill 1995

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*

Overview of Bill

The *Stock (Chemical Residues) Act 1975* (the “principal Act”) has to date been concerned with the effect on stock of chemicals from which residues accumulate in their bodies, thereby making the stock unfit for consumption as human food. The principal Act provides measures to contain chemical contamination and to prevent the slaughter of contaminated stock for sale as food.

There are, however, ways in which stock can be affected by treatment with or exposure to chemical substances, even though no chemical residue can be detected (for example, by hormone treatment). Also, there are some residues that diminish the sale value of the stock even though they are not rendered unfit for human consumption. This Bill aims, therefore, to broaden the scope of the Act in two ways. Firstly, control measures under the principal Act are

* Amended in committee—see table at end of volume.

to be made available in relation to stock that may be classified as chemically affected whether or not a residue exists or is detectable. At the same time, the basis on which the effect of chemicals on stock is taken to require action will be broadened to include cases where the stock are a danger to other animals or the environment and cases where their condition is prejudicial to trade. The Bill provides for other measures in furtherance of its general objects and makes other amendments of a minor character. These are explained in detail later in this note.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be proclaimed.

Clause 3 is a formal provision giving effect to the amendments to the *Stock (Chemical Residues) Act 1975* set out in Schedule 1.

Schedule 1 Amendments

Chemically affected stock

Schedule 1 [S] repeals and substitutes section 4 of the principal Act. Under the new section:

- chemical residues will be prescribed by order of the Minister and regard will be had, in formulating such prescriptions, to the wider class of harmful effects discussed above, namely, the effects on animal and human health, the effects on the environment and the effects on trade in the stock concerned.
- stock medicines and other chemical treatments used on stock that are believed to be harmful to trade will continue to be prescribed by order of the Minister as is done presently under section 12A of the principal Act (which the proposed section replaces), but the Minister will also be able to prescribe substances that are neither stock medicines nor treatments. In some cases the substance may simply be one to which the stock have been exposed.

Provision is also made in the new section for adoption of Commonwealth or other standards for residue concentration limits.

Schedule 1 [1] and **[2]** amend the long title of the principal Act as a consequence of the enactment of the new section 4.

Schedule 1 [3], [4], [6], [7] and **[15]** are also consequential.

Records that must be produced to an inspector on demand

Schedule 1 [3] amends the definition section of the principal Act so as to provide a definition of *record* that includes any book, account or other information that is electronically or otherwise stored.

Exercise by officers of powers of detention of stock

The effect of Schedule 1 [8], [9]–[12], [17] and [18] is to amend several provisions of the principal Act so as to avoid the need to make regulations in order to authorise officers of the Department of Agriculture to perform functions under section 7, 8 or 9 of the principal Act.

Requirements on importation of stock

Schedule 1 [13] enacts a new section 9A which allows regulations under the principal Act to prescribe requirements in relation to the movement of stock.

Reporting of results of tests carried out on stock

Schedule 1 [16] enacts a new section 12C which requires laboratory test results to be submitted to the Minister when the test confirms that stock are chemically affected and allows the Minister to call for other results to be produced.

False information in Connection with the principal Act or the sale of stock

Schedule 1 [16] enacts a new section 12D which prohibits the giving of false information by any person:

- in connection with an application or otherwise under the principal Act, or
- in the course of or in connection with the sale or disposition of any stock.

Immunity from suit for persons giving advice

Schedule 1 [16] enacts a new section 12E which protects the Minister and any person concerned in the administration of the principal Act from liability in respect of information given by them about stock that are or may be chemically affected. It also affords a similar protection to the owners of laboratories and other persons in connection with information supplied from a laboratory or other facility about whether stock are chemically affected.

Savings and transitional provisions

Schedule 1 [19] effects certain savings and transitional provisions as a consequence of the enactment of the proposed Act.