

## STOCK FOODS AND MEDICINES (AMENDMENT) BILL 1989

### NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Stock Medicines Bill 1989.

The objects of this Bill are:

- (a) to repeal provisions of the Stock Foods and Medicines Act 1940 relating to stock medicines as a consequence of the proposed enactment of the Stock Medicines Act 1989; and
- (b) to increase penalties for certain offences relating to stock foods in the Stock Foods and Medicines Act 1940; and
- (c) to confer additional powers on inspectors under that Act.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Stock Foods and Medicines Act 1940.

Clause 4 is a savings provision that continues the effect of the present section 22 of the Stock Foods and Medicines Act 1940 (substituted by Schedule 1 (9)) in relation to stock food unfit for consumption that has been seized under section 21. Currently, section 22 provides for forfeiture to the Crown and destruction of any such stock food.

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### SCHEDULE 1 - AMENDMENTS

#### **Powers of inspectors**

Schedule 1 (8) repeals paragraphs (e) and (e1) of section 21 (1) of the Stock Foods and Medicines Act 1940 which respectively provide for the seizure by inspectors of stock foods and stock medicines unfit for use. Instead, the proposed section 21 (1) (e) will provide for seizure of any stock food or container of a stock food that an inspector reasonably believes to have been involved in an offence against the Act.

#### **Forfeiture of seized stock food**

Schedule 1 (9) substitutes section 22 (retention and disposal of seized property). The proposed section 22 provides for the retention and disposal of property seized by an inspector under proposed section 21 (1) (e). During the 6 month period after seizure, the property concerned may be retained or returned to the person from whom it was seized. At the end of the 6 month period, the property must be returned to its apparent owner unless it has been forfeited to the Crown or an application for its forfeiture has been advertised.

#### **Offences**

Schedule 1 (4), (10), (12), (13), (14) and (15) increase the penalties for certain offences under the Act from \$1,000 as follows:

- \* selling a stock food containing an excess of foreign ingredients or a manufactured stock food that is not registered (section 11): 200 penalty units (\$20,000) or 400 penalty units (\$40,000) for a corporation;
- \* tampering with samples of stock food taken for analysis (section 23): 200 penalty units or 400 penalty units for a corporation;
- \* obstructing inspectors under the Act (section 28): 50 penalty units (\$5,000);
- \* interference with official marks or seals attached by inspectors (section 29): 50 penalty units;
- \* retaking of stock foods seized by inspectors (section 30): 200 penalty units or 400 penalty units for a corporation;
- \* offences against the Act or regulations made under it, if no other penalty is expressly provided (section 31): 50 penalty units.

Schedule 1 (16) amends section 32 so as to enable proceedings for an offence against the Act to be commenced within 12 months of the alleged commission of the offence (presently, proceedings must be commenced within 6 months).

#### **Repeal of provisions relating to stock medicines**

Schedule 1 (5) repeals Part 3 (relating to stock medicines) as a consequence of the proposed enactment of the Stock Medicines Act 1989.

Schedule 1 (2) amends the short title so as to reflect the repeal of all the provisions relating to stock medicines. The new short title is Stock Foods Act 1940. Other amendments consequential on the proposed repeal of Part 3 are made by Schedule 1 (1), (3), (7), (11), (17) and (18).

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**Minor amendment relating to analyses**

Schedule 1 (6) amends section 20 so as to enable an analysis of stock food to be carried out by a person acting under the supervision of an analyst appointed under the Act.

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