

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 19 March, 1975.*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. , 1975.

An Act to prevent the slaughter for human consumption of stock which contain certain concentrations of residues of chemicals; to prevent stock becoming affected by those residues; and for purposes connected therewith.

BE

Stock (Chemical Residues).

BE it enacted by the Queen's Most Excellent Majesty, by
and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as
5 follows :—

1. This Act may be cited as the "Stock (Chemical Residues) Act, 1975". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-ment.

10 (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

15 3. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpre-tation.

"carcass" includes any portion of a carcass and the hide, skin, hair, wool or viscera of any stock;

20 "Chief of the Division of Animal Industry" means the person for the time being holding office or acting as the Chief of the Division of Animal Industry of the Department of Agriculture;

"detention notice" means a notice in force under section 7 or 8;

25 "holding" means any land or collection of lands which are contiguous to each other or separated only by a road, river, creek or watercourse and which constitute and are worked as one property;

"inspector"

Stock (Chemical Residues).

“inspector” means an inspector appointed under the Stock Diseases Act, 1923;

5 “occupier”, in relation to land, includes any person having the charge, control or management of the land;

“regulations” means regulations made under this Act;

“residue” means—

10 (a) a substance remaining in the body tissues or secretions of stock resulting from the use of or contact with any pesticide, drug or other chemical, whether of the same or of a different kind or nature; or

15 (b) a natural secretion which is present in the body tissues of stock in an abnormal concentration;

“residue affected”, in relation to stock, means stock in respect of which a declaration under section 4 is in force;

“stock” means—

20 (a) bulls, oxen, steers, cows, heifers, calves, rams, ewes, wethers, lambs, goats, kids and swine; and

25 (b) other animals or birds of a kind used for the food of man that the Minister, by order published in the Gazette, declares to be stock for the purposes of this Act.

4. (1) The Governor may, by order published in the Gazette, declare that stock which contain in a specified class of their body tissues or secretions more than a specified concentration of a specified residue and which, in his opinion, are thereby unfit, or are thereby likely to become unfit, for sale or export for human consumption, are residue affected.

Residue affected stock may be declared.

(2)

Stock (Chemical Residues).

(2) The Governor may, in an order under subsection (1), specify different concentrations of a residue for different classes of stock.

5. (1) An inspector may—

Powers of inspectors.

- 5 (a) enter any land, building, vehicle, vessel or aeroplane for the purpose of searching for or examining any stock or of exercising any other power conferred on him by this Act or the regulations;
- (b) take from—
- 10 (i) any head of stock; or
- (ii) any carcass,
- 15 a specimen of any kind for the purpose of ascertaining whether that head of stock is, or whether that carcass is derived from a head of stock that was, residue affected;
- (c) take samples from the soil or pasture of any land or from any fodder for the purpose of ascertaining whether that soil, pasture or fodder is capable of causing stock to become residue affected;
- 20 (d) order the owner or person in charge of stock or the occupier of any land on which any stock are kept or pastured—
- (i) to muster them at a specified place on the land or, where in the opinion of the inspector no facilities suitable for the purpose of the order exist on the land, at a specified place on other land, for the purpose of examination or of enabling the inspector to take any specimens from them or to exercise any other power conferred on him by this
- 25
- 30 Act or the regulations; and

(ii)

Stock (Chemical Residues).

- (ii) to provide such assistance as the inspector may reasonably require for the purposes of subparagraph (i);
 - (e) in respect of travelling stock—
 - 5 (i) detain them for the purpose of examination or of enabling the inspector to take any specimens from them or to exercise any other power conferred on him by this Act or the regulations; or
 - 10 (ii) order the owner or person in charge of the stock to take them to a specified place for that purpose; and
 - (f) demand from any person he finds committing an offence against this Act or the regulations or any person whom, on reasonable grounds, he suspects of having committed any such offence, his name and place of abode.
 - 15
- (2) A person shall not—
- 20 (a) threaten, assault or wilfully delay or obstruct an inspector in the exercise of his powers under this Act or the regulations;
 - (b) fail to comply with the requirements of an order under subsection (1) (d) or (e); or
 - 25 (c) upon a demand being made under subsection (1) (f), fail or refuse to state his name or place of abode or state a name that is not his name or state a place of abode that is not his place of abode.

Penalty: \$500.

- 30 (3) If a person fails to comply with the requirements of an order under subsection (1) (d) or (e), an inspector may carry out those requirements, with or without assistance.

(4)

Stock (Chemical Residues).

(4) The costs and expenses incurred by an inspector in the exercise of his powers under subsection (3) upon non-compliance with an order are recoverable in a court of competent jurisdiction as a debt to the Crown owed by the person
5 on whom the order was served.

6. (1) Where an inspector at any reasonable time ^{Questions by inspectors.} informs a person he is making inquiries for the purposes of this Act in relation to any stock which are residue affected or which the inspector suspects to be or to have been residue
10 affected that person shall not—

- (a) fail to answer any question ~~being a question relating to those stock put to him by the inspector; or~~
- (b) make a reply to any such question that is ^{willfully} false or misleading in any material particular.

15 Penalty: \$500.

(2) A person referred to in subsection (1) is not excused from answering a question put to him pursuant to that subsection on the ground that the answer might tend to incriminate him but neither the question nor the answer is
20 admissible in evidence against him in criminal proceedings other than proceedings under subsection (1).

7. (1) An inspector may give to a person who owns or is ^{Temporary notice for detention of residue affected stock.} in charge of stock which are residue affected or which the inspector suspects are residue affected a notice that requires
25 that person, except as provided in section 9—

- (a) to keep those stock at a specified place for a specified period (not exceeding forty days); and
- (b)

Stock (Chemical Residues).

(b) where any of those stock are not situated at the place specified in the notice at the time the notice is given, to move them to that place.

5 (2) Where an inspector gives a detention notice under subsection (1) in respect of stock which he only suspects are residue affected, he shall take for analysis specimens from those stock or a random sample of those stock or exercise any other power conferred on him by this Act for the purpose of ascertaining whether those stock are residue affected.

10 (3) Where an inspector gives a detention notice to a person under subsection (1)—

(a) an officer prescribed for the purposes of section 8 (1) or an inspector authorised by him; or

(b) that inspector,

15 may, by a further notice in writing given to that person, revoke the detention notice or release any of the stock from being subject to the detention notice.

(4) A person contravenes this section if—

20 (a) he does not comply with the requirements of a detention notice given to him under subsection (1);
or

25 (b) he moves stock that, to his knowledge, are subject to a detention notice given to some other person under subsection (1) from the place specified in the notice.

Penalty: \$500.

Stock (Chemical Residues).

8. (1) The Minister or a prescribed officer may, personally or by an authorised agent, give to a person who owns or is in charge of—

Minister or prescribed officer may give notice for detention of residue affected stock.

- (a) particular stock which are residue affected; or
- 5 (b) any stock which are on the same holding as residue affected stock and which, in the opinion of the Minister or prescribed officer, are likely to be residue affected,

a notice that requires that person, except as provided in 10 section 9—

- (c) to keep those stock at a specified place; and
- (d) where any of those stock are not situated at the place specified in the notice at the time the notice is given, to move them to that place.

15 (2) A detention notice given by an inspector under section 7 shall be deemed to have been revoked in respect of any stock to which it relates that are subject to a detention notice given by the Minister or a prescribed officer under subsection (1).

20 (3) Where a detention notice is given to a person under subsection (1)—

- (a) the Minister or any officer prescribed for the purposes of subsection (1); or
- 25 (b) an inspector authorised by the Minister or by any such prescribed officer,

may, by a further notice in writing given to that person, revoke the detention notice or release any of the stock from being subject to the detention notice.

(4)

Stock (Chemical Residues).

(4) An inspector is an authorised agent for the purposes of subsection (1) but this subsection does not operate to prevent the Minister or a prescribed officer from appointing any other authorised agent.

- 5 (5) A person contravenes this section if—
- (a) he does not comply with the requirements of a detention notice given to him under subsection (1); or
- 10 (b) he moves stock that, to his knowledge, are subject to a detention notice given to some other person under subsection (1) from the place specified in the notice.

Penalty: \$1,000.

15 **9.** (1) An inspector may issue a permit in or to the effect of the prescribed form to the owner or person in charge of stock subject to a detention notice authorising him to move, in accordance with any terms and conditions specified in the permit, all or any of the stock from the place at which they are kept pursuant to the detention notice to another

20 place, specified in the permit, at which they are to be kept or at which they are to be slaughtered.

Permits for movement of stock subject to detention notice.

(2) Where stock are subject to a detention notice given under section 8, an inspector shall not issue a permit under subsection (1) to move those stock to a place for

25 slaughter without the approval of the Minister or an officer prescribed for the purposes of section 8 (1).

10. (1) Where any stock have been moved contrary to the provisions of this Act or any regulation, notice or order made, given or served under this Act, the stock may be seized

30 by an inspector or by a member of the police force.

Power to seize stock.

(2)

Stock (Chemical Residues).

(2) Any stock seized under subsection (1) shall be disposed of in the manner prescribed by the regulations.

11. (1) Where, in the opinion of the Minister, there is no reasonable possibility that particular residue affected stock would ever cease to be residue affected, he may order—

Destruction of residue affected stock, etc.

(a) any owner or any person in charge of the stock;
or

(b) any owner or occupier of land on which the stock are kept or pastured,

to destroy or dispose of the stock in such manner and under such conditions as may be specified in the order.

(2) Where, in the opinion of the Minister, stock are likely to become residue affected by feeding on particular fodder, he may order the owner or person in possession of that fodder to destroy or dispose of it in such manner and under such circumstances as may be specified in the order.

(3) If a person fails to comply with the requirements of an order under subsection (1) or (2), the Minister may, by his authorised agents, enter upon the land on which the stock are or fodder is situated and carry out those requirements.

(4) Any costs and expenses incurred by the Minister in the exercise of his powers under subsection (3) upon non-compliance with an order are recoverable in a court of competent jurisdiction as a debt to the Crown owed by the person on whom the order was served.

(5) Compensation is not payable in respect of the destruction or disposal of any stock or fodder in the course of exercising the powers conferred by this section.



Stock (Chemical Residues).

12. (1) Where the Minister is of the opinion that the grazing of stock on particular land is likely to cause the stock to become residue affected, the Minister may, by notification published in the Gazette, restrict or absolutely prohibit the grazing on that land of all or any class of stock.

Restriction or prohibition on grazing stock on certain land.

(2) The Minister may by a like notification vary or revoke any notification published under this section.

(3) A person contravenes this section if he fails to comply with any requirements of a notification published under this section.

Penalty: \$500.

13. An order or notice required by this Act or the regulations to be served on or given to any person may be served or given by leaving it at his usual or last known place of residence or business or may be served or given personally or by post addressed to his last known place of residence or business or in such manner as may be prescribed.

Orders and notices generally.

14. (1) In any proceedings arising under this Act or the regulations, a certificate purporting to be signed by a person appointed as an analyst by the Minister by notification published in the Gazette for the purposes of this Act, and—

Evidence.

(a) certifying that he has examined any stock or carcass, or any specimens obtained from any stock or carcass, or any sample of soil, pasture or fodder or any article submitted to him by the Minister, the Chief of the Division of Animal Industry or an inspector; and

(b) certifying the result of the examination and any conclusions arrived at by him as a result of that examination,

shall,

Stock (Chemical Residues).

shall, without proof of the signature or appointment of the person signing the certificate, be admissible and be evidence of the matters certified in the certificate.

5 (2) In any prosecution for an offence under this Act or the regulations in respect of stock, proof that a detention notice was given under this Act shall be evidence that the notice had not been revoked at the time of the alleged offence in so far as it related to the stock.

10 (3) A copy of a notice given to a person on a particular day in the manner prescribed by this Act that—

(a) purports to be a detention notice; and

(b) bears a signature purporting to be the signature of the Minister, an officer prescribed for the purposes of section 8 (1) or an inspector,

15 is, without proof of the signature or of the official character of the signatory, evidence that the notice was given to that person on that day by the Minister, an officer prescribed for the purposes of section 8 (1) or an inspector, as the case may be.

20 15. Proceedings for offences under this Act or the regulations shall be disposed of in a court of petty sessions held before a stipendiary magistrate sitting alone. Offences— jurisdiction of the court.

25 16. (1) The Governor may make regulations, not inconsistent with this Act, prescribing any matter which is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

(2)

Stock (Chemical Residues).

(2) Without limiting the generality of subsection (1), the Governor may make regulations for or with respect to—

- 5 (a) prescribing the form of detention notices or permits given or issued under this Act;
- (b) the procedures to be adopted by an inspector when taking for analysis specimens or samples under section 5; and
- 10 (c) prescribing and regulating the branding, marking, ear-marking or tagging of stock subject to a detention notice.

(3) The regulations may impose a penalty not exceeding \$500 for an offence arising under the regulations.

(4) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

(5) The regulations may authorise any matter or thing to be from time to time determined, applied or regulated by the Minister, the Chief of the Division of Animal
20 Industry, an inspector or any other officer specified therein, either generally or for any class of cases or in a particular case.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

[16c]

Section 10 (continued)

(1) The Director may, subject to the provisions of this section,

10-

(a) prescribing the form of application forms to be used
given or issued under this Act;

5

(b) the procedure to be adopted for the taking of samples
taken for analysis, specimens of samples under
section 2; and

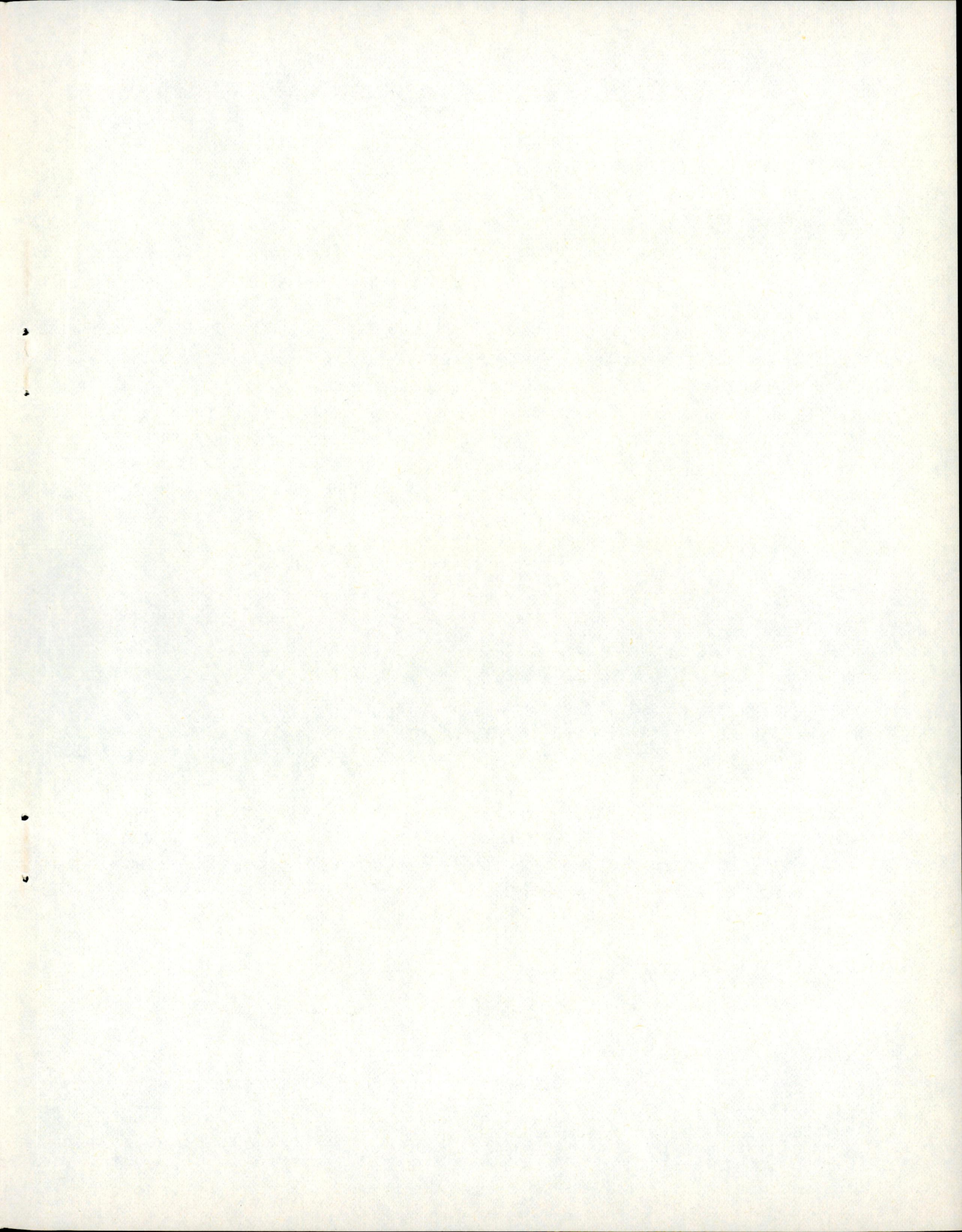
(c) prescribing and regulating the printing, printing
and printing of labels to be used in
determination of...

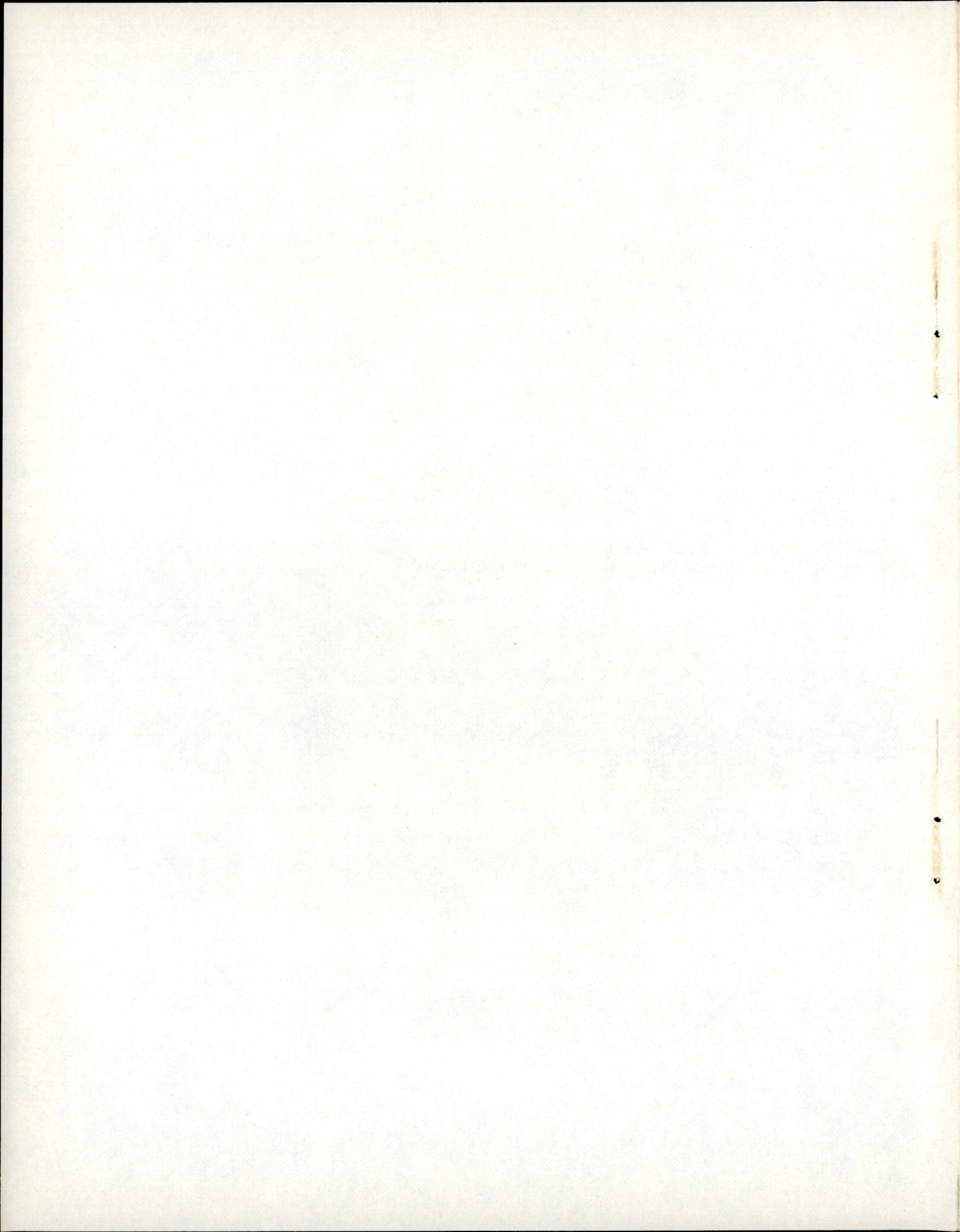
10

(3) The regulations may provide for the taking of samples
under section 2 for the purpose of analysis.

(4) Regulations may be made for the purpose of
15 partly, according to such section as may be provided in
regulations.

(5) The regulations may, in relation to any case
thing to be done to be done to be done to be done to be done
issued by the Director, the Director of the Department of
20 Industries in respect of any case, or in respect of any
either generally or in any particular case.





No. , 1975.

A BILL

To prevent the slaughter for human consumption of stock which contain certain concentrations of residues of chemicals; to prevent stock becoming affected by those residues; and for purposes connected therewith.

[MR CRAWFORD—18 March, 1975.]

BE

Stock (Chemical Residues).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Stock (Chemical Residues) Act, 1975". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

10 (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. In this Act, except in so far as the context or subject-
15 matter otherwise indicates or requires— Interpretation.

"carcass" includes any portion of a carcass and the hide, skin, hair, wool or viscera of any stock;

20 "Chief of the Division of Animal Industry" means the person for the time being holding office or acting as the Chief of the Division of Animal Industry of the Department of Agriculture;

"detention notice" means a notice in force under section 7 or 8;

25 "holding" means any land or collection of lands which are contiguous to each other or separated only by a road, river, creek or watercourse and which constitute and are worked as one property;
"inspector"

Stock (Chemical Residues).

“inspector” means an inspector appointed under the Stock Diseases Act, 1923;

“occupier”, in relation to land, includes any person having the charge, control or management of the land;

“regulations” means regulations made under this Act;

“residue” means—

(a) a substance remaining in the body tissues or secretions of stock resulting from the use of or contact with any pesticide, drug or other chemical, whether of the same or of a different kind or nature; or

(b) a natural secretion which is present in the body tissues of stock in an abnormal concentration;

“residue affected”, in relation to stock, means stock in respect of which a declaration under section 4 is in force;

“stock” means—

(a) bulls, oxen, steers, cows, heifers, calves, rams, ewes, wethers, lambs, goats, kids and swine; and

(b) other animals or birds of a kind used for the food of man that the Minister, by order published in the Gazette, declares to be stock for the purposes of this Act.

4. (1) The Governor may, by order published in the Gazette, declare that stock which contain in a specified class of their body tissues or secretions more than a specified concentration of a specified residue and which, in his opinion, are thereby unfit, or are thereby likely to become unfit, for sale or export for human consumption, are residue affected.

Residue affected stock may be declared.

(2)

Stock (Chemical Residues).

(2) The Governor may, in an order under subsection (1), specify different concentrations of a residue for different classes of stock.

5. (1) An inspector may—

Powers of inspectors.

- 5 (a) enter any land, building, vehicle, vessel or aeroplane for the purpose of searching for or examining any stock or of exercising any other power conferred on him by this Act or the regulations;
- (b) take from—
- 10 (i) any head of stock; or
- (ii) any carcass,
- a specimen of any kind for the purpose of ascertaining whether that head of stock is, or whether that carcass is derived from a head of stock that was,
- 15 residue affected;
- (c) take samples from the soil or pasture of any land or from any fodder for the purpose of ascertaining whether that soil, pasture or fodder is capable of causing stock to become residue affected;
- 20 (d) order the owner or person in charge of stock or the occupier of any land on which any stock are kept or pastured—
- (i) to muster them at a specified place on the land or, where in the opinion of the inspector no facilities suitable for the purpose of the order exist on the land, at a specified place on other land, for the purpose of examination or of enabling the inspector to take any specimens from them or to exercise
- 25 any other power conferred on him by this Act or the regulations; and
- 30

(ii)

Stock (Chemical Residues).

- (ii) to provide such assistance as the inspector may reasonably require for the purposes of subparagraph (i);
 - (e) in respect of travelling stock—
 - 5 (i) detain them for the purpose of examination or of enabling the inspector to take any specimens from them or to exercise any other power conferred on him by this Act or the regulations; or
 - 10 (ii) order the owner or person in charge of the stock to take them to a specified place for that purpose; and
 - (f) demand from any person he finds committing an offence against this Act or the regulations or any person whom, on reasonable grounds, he suspects of having committed any such offence, his name and place of abode.
 - 15
 - (2) A person shall not—
 - 20 (a) threaten, assault or wilfully delay or obstruct an inspector in the exercise of his powers under this Act or the regulations;
 - (b) fail to comply with the requirements of an order under subsection (1) (d) or (e); or
 - 25 (c) upon a demand being made under subsection (1) (f), fail or refuse to state his name or place of abode or state a name that is not his name or state a place of abode that is not his place of abode.
- Penalty: \$500.
- 30 (3) If a person fails to comply with the requirements of an order under subsection (1) (d) or (e), an inspector may carry out those requirements, with or without assistance.
- (4)

Stock (Chemical Residues).

5 (4) The costs and expenses incurred by an inspector in the exercise of his powers under subsection (3) upon non-compliance with an order are recoverable in a court of competent jurisdiction as a debt to the Crown owed by the person on whom the order was served.

10 6. (1) Where an inspector at any reasonable time informs a person he is making inquiries for the purposes of this Act in relation to any stock which are residue affected or which the inspector suspects to be or to have been residue affected that person shall not—

Questions by inspectors.

(a) fail to answer any question being a question relating to those stock put to him by the inspector; or

(b) make a reply to any such question that is false or misleading in any material particular.

15 Penalty: \$500.

20 (2) A person referred to in subsection (1) is not excused from answering a question put to him pursuant to that subsection on the ground that the answer might tend to incriminate him but neither the question nor the answer is admissible in evidence against him in criminal proceedings other than proceedings under subsection (1).

25 7. (1) An inspector may give to a person who owns or is in charge of stock which are residue affected or which the inspector suspects are residue affected a notice that requires that person, except as provided in section 9—

Temporary notice for detention of residue affected stock.

(a) to keep those stock at a specified place for a specified period (not exceeding forty days); and

(b)

Stock (Chemical Residues).

(b) where any of those stock are not situated at the place specified in the notice at the time the notice is given, to move them to that place.

5 (2) Where an inspector gives a detention notice under subsection (1) in respect of stock which he only suspects are residue affected, he shall take for analysis specimens from those stock or a random sample of those stock or exercise any other power conferred on him by this Act for the purpose of ascertaining whether those stock are residue affected.

10 (3) Where an inspector gives a detention notice to a person under subsection (1)—

(a) an officer prescribed for the purposes of section 8 (1) or an inspector authorised by him; or

(b) that inspector,

15 may, by a further notice in writing given to that person, revoke the detention notice or release any of the stock from being subject to the detention notice.

(4) A person contravenes this section if—

20 (a) he does not comply with the requirements of a detention notice given to him under subsection (1); or

(b) he moves stock that, to his knowledge, are subject to a detention notice given to some other person under subsection (1) from the place specified in the notice.

25

Penalty: \$500.

8.

Stock (Chemical Residues).

8. (1) The Minister or a prescribed officer may, personally or by an authorised agent, give to a person who owns or is in charge of—

Minister or prescribed officer may give notice for detention of residue affected stock.

- (a) particular stock which are residue affected; or
- 5 (b) any stock which are on the same holding as residue affected stock and which, in the opinion of the Minister or prescribed officer, are likely to be residue affected,

a notice that requires that person, except as provided in 10 section 9—

- (c) to keep those stock at a specified place; and
- (d) where any of those stock are not situated at the place specified in the notice at the time the notice is given, to move them to that place.

15 (2) A detention notice given by an inspector under section 7 shall be deemed to have been revoked in respect of any stock to which it relates that are subject to a detention notice given by the Minister or a prescribed officer under subsection (1).

20 (3) Where a detention notice is given to a person under subsection (1)—

- (a) the Minister or any officer prescribed for the purposes of subsection (1); or
- 25 (b) an inspector authorised by the Minister or by any such prescribed officer,

may, by a further notice in writing given to that person, revoke the detention notice or release any of the stock from being subject to the detention notice.

(4)

Stock (Chemical Residues).

(4) An inspector is an authorised agent for the purposes of subsection (1) but this subsection does not operate to prevent the Minister or a prescribed officer from appointing any other authorised agent.

- 5 (5) A person contravenes this section if—
- (a) he does not comply with the requirements of a detention notice given to him under subsection (1); or
- 10 (b) he moves stock that, to his knowledge, are subject to a detention notice given to some other person under subsection (1) from the place specified in the notice.

Penalty: \$1,000.

15 9. (1) An inspector may issue a permit in or to the effect of the prescribed form to the owner or person in charge of stock subject to a detention notice authorising him to move, in accordance with any terms and conditions specified in the permit, all or any of the stock from the place at which they are kept pursuant to the detention notice to another place, specified in the permit, at which they are to be kept or at which they are to be slaughtered.

Permits
for move-
ment of
stock
subject to
detention
notice.

25 (2) Where stock are subject to a detention notice given under section 8, an inspector shall not issue a permit under subsection (1) to move those stock to a place for slaughter without the approval of the Minister or an officer prescribed for the purposes of section 8 (1).

30 10. (1) Where any stock have been moved contrary to the provisions of this Act or any regulation, notice or order made, given or served under this Act, the stock may be seized by an inspector or by a member of the police force.

Power
to seize
stock.

(2)

Stock (Chemical Residues).

(2) Any stock seized under subsection (1) shall be disposed of in the manner prescribed by the regulations.

11. (1) Where, in the opinion of the Minister, there is no reasonable possibility that particular residue affected stock would ever cease to be residue affected, he may order—

Destruction of residue affected stock, etc.

(a) any owner or any person in charge of the stock;
or

(b) any owner or occupier of land on which the stock are kept or pastured,

10 to destroy or dispose of the stock in such manner and under such conditions as may be specified in the order.

(2) Where, in the opinion of the Minister, stock are likely to become residue affected by feeding on particular fodder, he may order the owner or person in possession of that fodder to destroy or dispose of it in such manner and under such circumstances as may be specified in the order.

(3) If a person fails to comply with the requirements of an order under subsection (1) or (2), the Minister may, by his authorised agents, enter upon the land on which the stock are or fodder is situated and carry out those requirements.

(4) Any costs and expenses incurred by the Minister in the exercise of his powers under subsection (3) upon non-compliance with an order are recoverable in a court of competent jurisdiction as a debt to the Crown owed by the person on whom the order was served.

(5) Compensation is not payable in respect of the destruction or disposal of any stock or fodder in the course of exercising the powers conferred by this section.

Stock (Chemical Residues).

12. (1) Where the Minister is of the opinion that the grazing of stock on particular land is likely to cause the stock to become residue affected, the Minister may, by notification published in the Gazette, restrict or absolutely prohibit the grazing on that land of all or any class of stock.

Restriction or prohibition on grazing stock on certain land.

(2) The Minister may by a like notification vary or revoke any notification published under this section.

(3) A person contravenes this section if he fails to comply with any requirements of a notification published under this section.

Penalty: \$500.

13. An order or notice required by this Act or the regulations to be served on or given to any person may be served or given by leaving it at his usual or last known place of residence or business or may be served or given personally or by post addressed to his last known place of residence or business or in such manner as may be prescribed.

Orders and notices generally.

14. (1) In any proceedings arising under this Act or the regulations, a certificate purporting to be signed by a person appointed as an analyst by the Minister by notification published in the Gazette for the purposes of this Act, and—

Evidence.

(a) certifying that he has examined any stock or carcass, or any specimens obtained from any stock or carcass, or any sample of soil, pasture or fodder or any article submitted to him by the Minister, the Chief of the Division of Animal Industry or an inspector; and

(b) certifying the result of the examination and any conclusions arrived at by him as a result of that examination,

shall,

Stock (Chemical Residues).

shall, without proof of the signature or appointment of the person signing the certificate, be admissible and be evidence of the matters certified in the certificate.

5 (2) In any prosecution for an offence under this Act or the regulations in respect of stock, proof that a detention notice was given under this Act shall be evidence that the notice had not been revoked at the time of the alleged offence in so far as it related to the stock.

10 (3) A copy of a notice given to a person on a particular day in the manner prescribed by this Act that—

(a) purports to be a detention notice; and

(b) bears a signature purporting to be the signature of the Minister, an officer prescribed for the purposes of section 8 (1) or an inspector,

15 is, without proof of the signature or of the official character of the signatory, evidence that the notice was given to that person on that day by the Minister, an officer prescribed for the purposes of section 8 (1) or an inspector, as the case may be.

20 15. Proceedings for offences under this Act or the regulations shall be disposed of in a court of petty sessions held before a stipendiary magistrate sitting alone. Offences— jurisdiction of the court.

25 16. (1) The Governor may make regulations, not inconsistent with this Act, prescribing any matter which is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

(2)

Stock (Chemical Residues).

(2) Without limiting the generality of subsection (1), the Governor may make regulations for or with respect to—

- 5 (a) prescribing the form of detention notices or permits given or issued under this Act;
- (b) the procedures to be adopted by an inspector when taking for analysis specimens or samples under section 5; and
- 10 (c) prescribing and regulating the branding, marking, ear-marking or tagging of stock subject to a detention notice.

(3) The regulations may impose a penalty not exceeding \$500 for an offence arising under the regulations.

15 (4) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

20 (5) The regulations may authorise any matter or thing to be from time to time determined, applied or regulated by the Minister, the Chief of the Division of Animal Industry, an inspector or any other officer specified therein, either generally or for any class of cases or in a particular case.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

[16c]

Short (Central Register)

(2) Without limiting the generality of subsection (1), the Governor may make regulations for or with respect to—

(a) prescribing the form of declaration in form of permit given or issued under this Act;

(b) the procedure to be followed by an applicant when taking any application for a permit under section 5; and

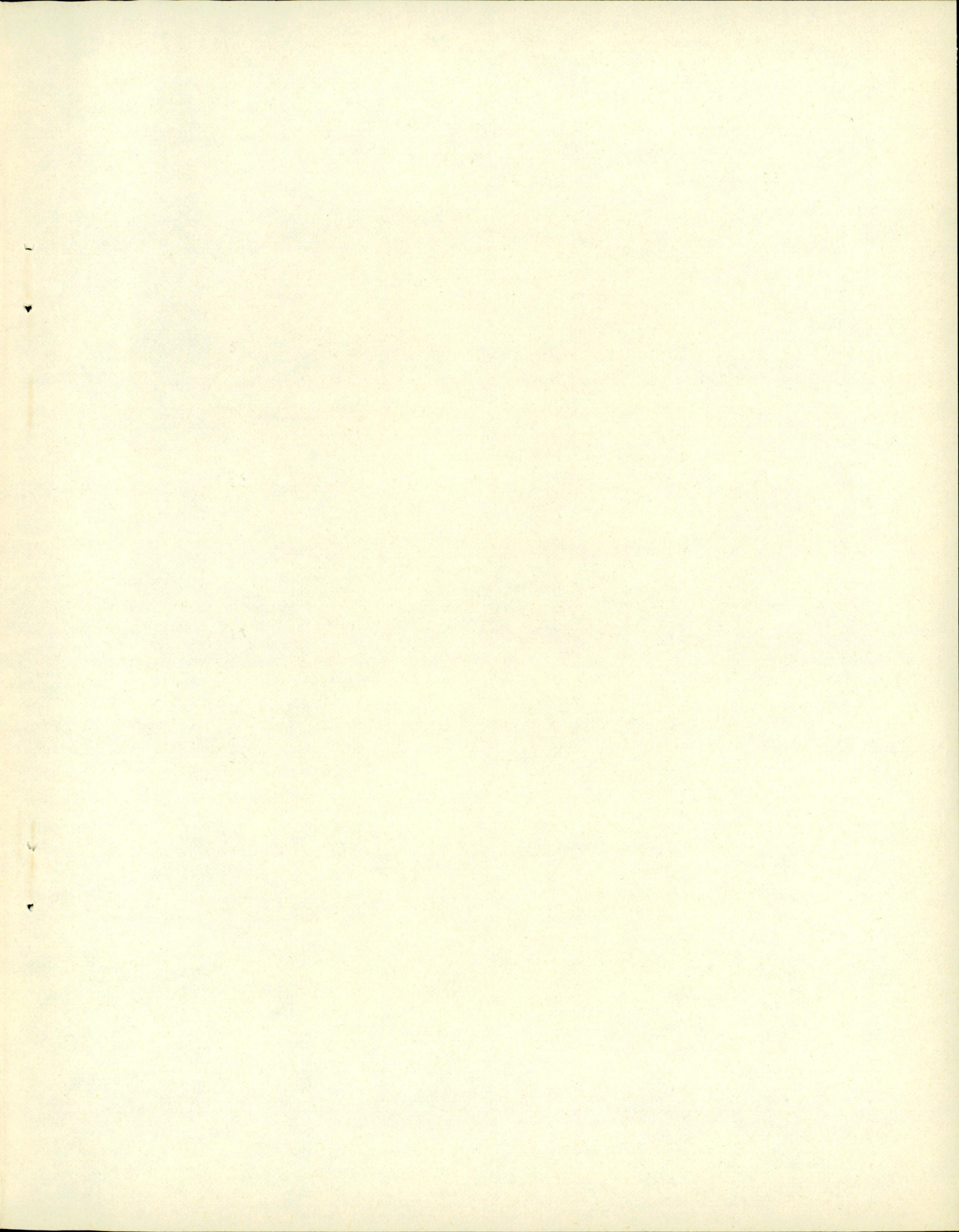
(c) prescribing and regulating the manner of marking, marking, and marking of stock and of a declaration notice.

(1) The regulations made under this section shall extend to any person who is engaged in the business of—

(A) carrying on any business of the kind mentioned in section 5; and

(B) The regulations made under this section shall extend to any person who is engaged in the business of—
that to be from the person determined by the regulations made by the Minister under section 5; and
in relation to any other person who is engaged in the business of—
order made by the Minister under section 5.

1975
1975



STOCK (CHEMICAL RESIDUES) BILL, 1975

EXPLANATORY NOTE

THE Bill generally makes provision for preventing the slaughter of stock which are unfit, or are likely to become unfit, for sale or export for human consumption because of the presence in the stock of certain concentrations of residues of chemicals.

The Bill contains the following provisions :—

1. Clause 1 specifies the short title.
2. Clause 2 provides for the commencement of the proposed Act.
3. Clause 3 is an interpretation provision and, among other definitions, contains a definition of residue, which is a substance remaining in the body tissues or secretions of stock resulting from the use of or contact with any pesticide, drug or other chemical or which is a natural secretion present in the body tissues of stock in an abnormal concentration.
4. Clause 4 empowers the Governor to declare, by order published in the Gazette, that stock which are unfit or likely to become unfit for sale or export for human consumption because of the presence in the stock of certain concentrations of residues are residue affected for the purposes of the proposed Act.
5. Clause 5 specifies the powers of inspectors and provides for the consequences of a failure to comply with a requirement made in the exercise of those powers.
6. Clause 6 requires a person to answer certain questions put to him by an inspector.
7. Clause 7 empowers an inspector to give a temporary notice for the detention of stock which are residue affected or suspected of being residue affected.
8. Clause 8 empowers the Minister or a prescribed officer to give a notice for the detention of stock which are residue affected or which are on the same holding as residue affected stock and are likely to be residue affected.
9. Clause 9 provides that an inspector may issue a permit for the movement of stock subject to a detention notice to another place for detention or, under certain conditions, to a place for slaughter.
10. Clause 10 empowers an inspector or a member of the police force to seize stock being moved contrary to the provisions of the proposed Act or any regulation, notice or order made, given or served under the proposed Act.
11. Clause 11 empowers the Minister to order the destruction or disposal of residue affected stock or fodder in certain circumstances and provides for the consequences of a failure to comply with such an order.

12. Clause 12 enables the Minister to restrict or absolutely prohibit the grazing of stock on land that is likely to cause the stock to become residue affected.

13. Clause 13 prescribes the manner in which orders and notices under the proposed Act may be served on or given to any person.

14. Clause 14 makes provision of an evidentiary nature with regard to certain scientific examinations and with regard to detention notices.

15. Clause 15 specifies that proceedings for offences under the proposed Act shall be disposed of summarily.

16. Clause 16 is the regulation-making power.

Bill enacted by the Council and by the authority of the Senate and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

This Act may be cited as the Stock (Chemical Residues) Act 1975.

No. 1975.

A BILL

To prevent the slaughter for human consumption of stock which contain certain concentrations of residues of chemicals; to prevent stock becoming affected by those residues; and for purposes connected therewith.

[MR CRAWFORD—18 March, 1975.]

BE

Stock (Chemical Residues).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Stock (Chemical Residues) Act, 1975". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

10 (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

15 3. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

"carcass" includes any portion of a carcass and the hide, skin, hair, wool or viscera of any stock;

20 "Chief of the Division of Animal Industry" means the person for the time being holding office or acting as the Chief of the Division of Animal Industry of the Department of Agriculture;

"detention notice" means a notice in force under section 7 or 8;

25 "holding" means any land or collection of lands which are contiguous to each other or separated only by a road, river, creek or watercourse and which constitute and are worked as one property;
"inspector"

Stock (Chemical Residues).

“inspector” means an inspector appointed under the Stock Diseases Act, 1923 ;

5 “occupier”, in relation to land, includes any person having the charge, control or management of the land ;

“regulations” means regulations made under this Act ;

“residue” means—

10 (a) a substance remaining in the body tissues or secretions of stock resulting from the use of or contact with any pesticide, drug or other chemical, whether of the same or of a different kind or nature; or

15 (b) a natural secretion which is present in the body tissues of stock in an abnormal concentration ;

“residue affected”, in relation to stock, means stock in respect of which a declaration under section 4 is in force ;

“stock” means—

20 (a) bulls, oxen, steers, cows, heifers, calves, rams, ewes, wethers, lambs, goats, kids and swine ; and

25 (b) other animals or birds of a kind used for the food of man that the Minister, by order published in the Gazette, declares to be stock for the purposes of this Act.

4. (1) The Governor may, by order published in the Gazette, declare that stock which contain in a specified class of their body tissues or secretions more than a specified concentration of a specified residue and which, in his opinion, are thereby unfit, or are thereby likely to become unfit, for sale or export for human consumption, are residue affected.

(2)

Residue affected stock may be declared.

Stock (Chemical Residues).

(2) The Governor may, in an order under subsection (1), specify different concentrations of a residue for different classes of stock.

5. (1) An inspector may—

Powers of
inspectors.

- 5 (a) enter any land, building, vehicle, vessel or aeroplane for the purpose of searching for or examining any stock or of exercising any other power conferred on him by this Act or the regulations;
- (b) take from—
- 10 (i) any head of stock; or
- (ii) any carcass,
- 15 a specimen of any kind for the purpose of ascertaining whether that head of stock is, or whether that carcass is derived from a head of stock that was, residue affected;
- (c) take samples from the soil or pasture of any land or from any fodder for the purpose of ascertaining whether that soil, pasture or fodder is capable of causing stock to become residue affected;
- 20 (d) order the owner or person in charge of stock or the occupier of any land on which any stock are kept or pastured—
- (i) to muster them at a specified place on the land or, where in the opinion of the inspector no facilities suitable for the purpose of the order exist on the land, at a specified place on other land, for the purpose of examination or of enabling the inspector to take any specimens from them or to exercise any other power conferred on him by this
- 25
- 30

(ii)

Stock (Chemical Residues).

- (ii) to provide such assistance as the inspector may reasonably require for the purposes of subparagraph (i);
- (e) in respect of travelling stock—
 - 5 (i) detain them for the purpose of examination or of enabling the inspector to take any specimens from them or to exercise any other power conferred on him by this Act or the regulations; or
 - 10 (ii) order the owner or person in charge of the stock to take them to a specified place for that purpose; and
- (f) demand from any person he finds committing an offence against this Act or the regulations or any person whom, on reasonable grounds, he suspects of having committed any such offence, his name and place of abode.
 - 15
- (2) A person shall not—
 - 20 (a) threaten, assault or wilfully delay or obstruct an inspector in the exercise of his powers under this Act or the regulations;
 - (b) fail to comply with the requirements of an order under subsection (1) (d) or (e); or
 - 25 (c) upon a demand being made under subsection (1) (f), fail or refuse to state his name or place of abode or state a name that is not his name or state a place of abode that is not his place of abode.

Penalty: \$500.

(3) If a person fails to comply with the requirements of an order under subsection (1) (d) or (e), an inspector may carry out those requirements, with or without assistance.

(4)

Stock (Chemical Residues).

(4) The costs and expenses incurred by an inspector in the exercise of his powers under subsection (3) upon non-compliance with an order are recoverable in a court of competent jurisdiction as a debt to the Crown owed by the person
5 on whom the order was served.

6. (1) Where an inspector at any reasonable time Questions by inspectors. informs a person he is making inquiries for the purposes of this Act in relation to any stock which are residue affected or which the inspector suspects to be or to have been residue
10 affected that person shall not—

(a) fail to answer any question being a question relating to those stock put to him by the inspector; or

(b) make a reply to any such question that is false or misleading in any material particular.

15 Penalty: \$500.

(2) A person referred to in subsection (1) is not excused from answering a question put to him pursuant to that subsection on the ground that the answer might tend to incriminate him but neither the question nor the answer is
20 admissible in evidence against him in criminal proceedings other than proceedings under subsection (1).

7. (1) An inspector may give to a person who owns or is Temporary notice for detention of residue affected stock. in charge of stock which are residue affected or which the inspector suspects are residue affected a notice that requires
25 that person, except as provided in section 9—

(a) to keep those stock at a specified place for a specified period (not exceeding forty days); and

(b)

Stock (Chemical Residues).

(b) where any of those stock are not situated at the place specified in the notice at the time the notice is given, to move them to that place.

5 (2) Where an inspector gives a detention notice under subsection (1) in respect of stock which he only suspects are residue affected, he shall take for analysis specimens from those stock or a random sample of those stock or exercise any other power conferred on him by this Act for the purpose of ascertaining whether those stock are residue affected.

10 (3) Where an inspector gives a detention notice to a person under subsection (1)—

(a) an officer prescribed for the purposes of section 8 (1) or an inspector authorised by him; or

(b) that inspector,

15 may, by a further notice in writing given to that person, revoke the detention notice or release any of the stock from being subject to the detention notice.

(4) A person contravenes this section if—

20 (a) he does not comply with the requirements of a detention notice given to him under subsection (1); or

(b) he moves stock that, to his knowledge, are subject to a detention notice given to some other person under subsection (1) from the place specified in the notice.

25

Penalty: \$500.

8.

Stock (Chemical Residues).

8. (1) The Minister or a prescribed officer may, personally or by an authorised agent, give to a person who owns or is in charge of—

Minister or prescribed officer may give notice for detention of residue affected stock.

- (a) particular stock which are residue affected; or
- 5 (b) any stock which are on the same holding as residue affected stock and which, in the opinion of the Minister or prescribed officer, are likely to be residue affected,

a notice that requires that person, except as provided in 10 section 9—

- (c) to keep those stock at a specified place; and
- (d) where any of those stock are not situated at the place specified in the notice at the time the notice is given, to move them to that place.

15 (2) A detention notice given by an inspector under section 7 shall be deemed to have been revoked in respect of any stock to which it relates that are subject to a detention notice given by the Minister or a prescribed officer under subsection (1).

20 (3) Where a detention notice is given to a person under subsection (1)—

- (a) the Minister or any officer prescribed for the purposes of subsection (1); or
- 25 (b) an inspector authorised by the Minister or by any such prescribed officer,

may, by a further notice in writing given to that person, revoke the detention notice or release any of the stock from being subject to the detention notice.

(4)

Stock (Chemical Residues).

(4) An inspector is an authorised agent for the purposes of subsection (1) but this subsection does not operate to prevent the Minister or a prescribed officer from appointing any other authorised agent.

- 5 (5) A person contravenes this section if—
- (a) he does not comply with the requirements of a detention notice given to him under subsection (1); or
 - 10 (b) he moves stock that, to his knowledge, are subject to a detention notice given to some other person under subsection (1) from the place specified in the notice.

Penalty: \$1,000.

9. (1) An inspector may issue a permit in or to the effect of the prescribed form to the owner or person in charge of stock subject to a detention notice authorising him to move, in accordance with any terms and conditions specified in the permit, all or any of the stock from the place at which they are kept pursuant to the detention notice to another place, specified in the permit, at which they are to be kept or at which they are to be slaughtered.

Permits for movement of stock subject to detention notice.

(2) Where stock are subject to a detention notice given under section 8, an inspector shall not issue a permit under subsection (1) to move those stock to a place for slaughter without the approval of the Minister or an officer prescribed for the purposes of section 8 (1).

10. (1) Where any stock have been moved contrary to the provisions of this Act or any regulation, notice or order made, given or served under this Act, the stock may be seized by an inspector or by a member of the police force.

Power to seize stock.

Stock (Chemical Residues).

(2) Any stock seized under subsection (1) shall be disposed of in the manner prescribed by the regulations.

11. (1) Where, in the opinion of the Minister, there is no reasonable possibility that particular residue affected stock would ever cease to be residue affected, he may order— Destruction of residue affected stock, etc.

(a) any owner or any person in charge of the stock;
or

(b) any owner or occupier of land on which the stock are kept or pastured,

10 to destroy or dispose of the stock in such manner and under such conditions as may be specified in the order.

(2) Where, in the opinion of the Minister, stock are likely to become residue affected by feeding on particular fodder, he may order the owner or person in possession of 15 that fodder to destroy or dispose of it in such manner and under such circumstances as may be specified in the order.

(3) If a person fails to comply with the requirements of an order under subsection (1) or (2), the Minister may, by his authorised agents, enter upon the land on which the 20 stock are or fodder is situated and carry out those requirements.

(4) Any costs and expenses incurred by the Minister in the exercise of his powers under subsection (3) upon non-compliance with an order are recoverable in a court of 25 competent jurisdiction as a debt to the Crown owed by the person on whom the order was served.

(5) Compensation is not payable in respect of the destruction or disposal of any stock or fodder in the course of exercising the powers conferred by this section.

Stock (Chemical Residues).

12. (1) Where the Minister is of the opinion that the grazing of stock on particular land is likely to cause the stock to become residue affected, the Minister may, by notification published in the Gazette, restrict or absolutely prohibit the
5 grazing on that land of all or any class of stock.

Restriction or prohibition on grazing stock on certain land.

(2) The Minister may by a like notification vary or revoke any notification published under this section.

(3) A person contravenes this section if he fails to comply with any requirements of a notification published
10 under this section.

Penalty: \$500.

13. An order or notice required by this Act or the regulations to be served on or given to any person may be served or given by leaving it at his usual or last known place of
15 residence or business or may be served or given personally or by post addressed to his last known place of residence or business or in such manner as may be prescribed.

Orders and notices generally.

14. (1) In any proceedings arising under this Act or the regulations, a certificate purporting to be signed by a
20 person appointed as an analyst by the Minister by notification published in the Gazette for the purposes of this Act, and—

Evidence.

(a) certifying that he has examined any stock or carcass, or any specimens obtained from any stock or carcass, or any sample of soil, pasture or fodder
25 or any article submitted to him by the Minister, the Chief of the Division of Animal Industry or an inspector; and

(b) certifying the result of the examination and any conclusions arrived at by him as a result of that
30 examination,

shall,

Stock (Chemical Residues).

shall, without proof of the signature or appointment of the person signing the certificate, be admissible and be evidence of the matters certified in the certificate.

5 (2) In any prosecution for an offence under this Act or the regulations in respect of stock, proof that a detention notice was given under this Act shall be evidence that the notice had not been revoked at the time of the alleged offence in so far as it related to the stock.

10 (3) A copy of a notice given to a person on a particular day in the manner prescribed by this Act that—

(a) purports to be a detention notice; and

(b) bears a signature purporting to be the signature of the Minister, an officer prescribed for the purposes of section 8 (1) or an inspector,

15 is, without proof of the signature or of the official character of the signatory, evidence that the notice was given to that person on that day by the Minister, an officer prescribed for the purposes of section 8 (1) or an inspector, as the case may be.

20 15. Proceedings for offences under this Act or the regulations shall be disposed of in a court of petty sessions held before a stipendiary magistrate sitting alone. Offences—
jurisdiction
of the court.

25 16. (1) The Governor may make regulations, not inconsistent with this Act, prescribing any matter which is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

(2)

Stock (Chemical Residues).

(2) Without limiting the generality of subsection (1), the Governor may make regulations for or with respect to—

- 5 (a) prescribing the form of detention notices or permits given or issued under this Act;
- (b) the procedures to be adopted by an inspector when taking for analysis specimens or samples under section 5; and
- 10 (c) prescribing and regulating the branding, marking, ear-marking or tagging of stock subject to a detention notice.

(3) The regulations may impose a penalty not exceeding \$500 for an offence arising under the regulations.

15 (4) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

20 (5) The regulations may authorise any matter or thing to be from time to time determined, applied or regulated by the Minister, the Chief of the Division of Animal Industry, an inspector or any other officer specified therein, either generally or for any class of cases or in a particular case.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975
[16c]

Act (Chapter 1973)

(1) The Governor may make regulations for or with respect to...

(2) prescribing the form of any instrument or certificate...

(3) the procedure to be adopted in the investigation...

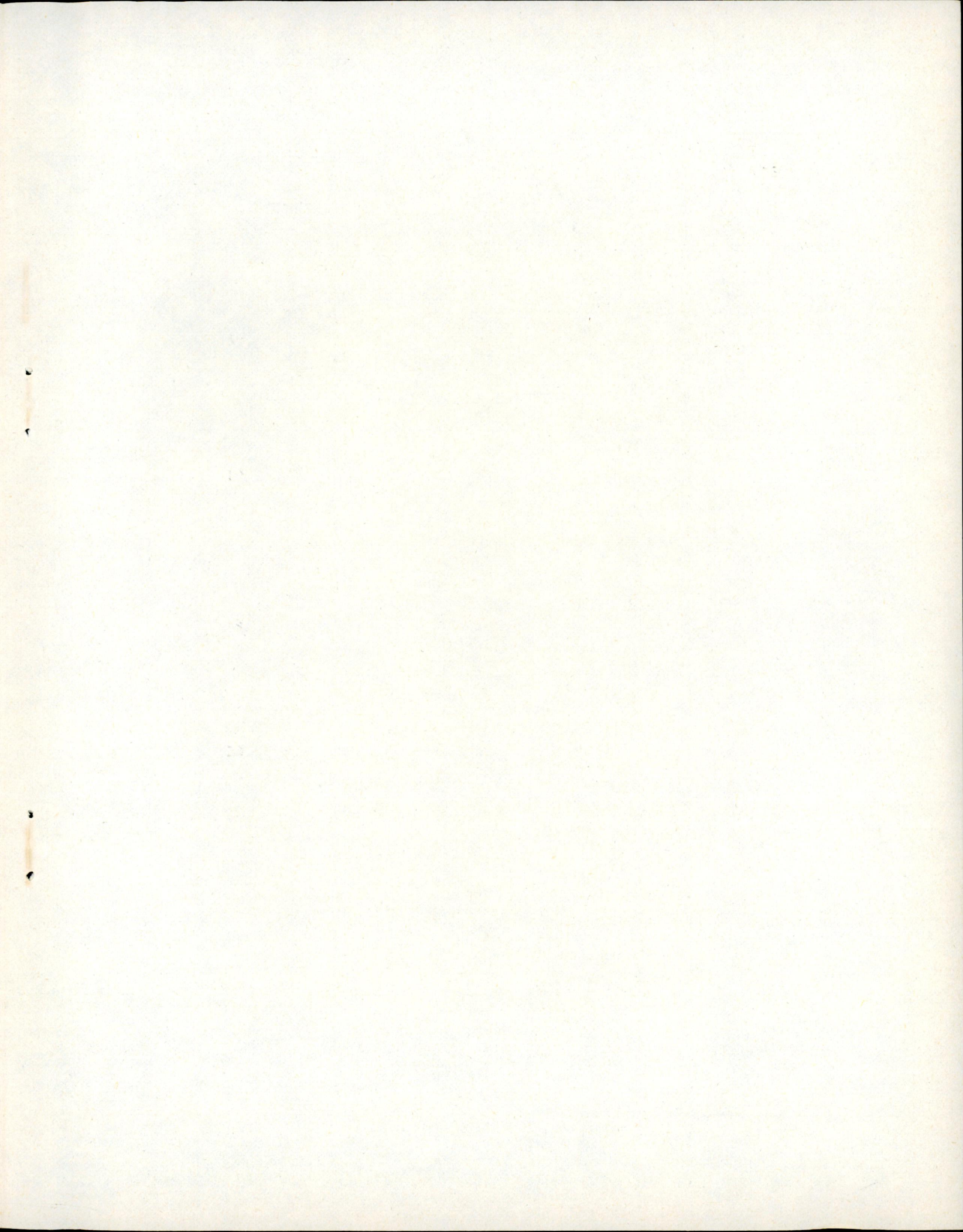
(4) prescribing and revising the classes of...

(5) The regulations may make a provision...

(6) Regulations may be made in relation to...

(7) The regulations may authorise any person...

1973



I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 25 March, 1975.*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 26, 1975.

An Act to prevent the slaughter for human consumption of stock which contain certain concentrations of residues of chemicals; to prevent stock becoming affected by those residues; and for purposes connected therewith.
[Assented to, 14th April, 1975.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

H. G. COATES,
Acting Chairman of Committees of the Legislative Assembly.

Stock (Chemical Residues).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short
title.

1. This Act may be cited as the "Stock (Chemical Residues) Act, 1975".

Commence-
ment.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Interpre-
tation.

3. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"carcass" includes any portion of a carcass and the hide, skin, hair, wool or viscera of any stock;

"Chief of the Division of Animal Industry" means the person for the time being holding office or acting as the Chief of the Division of Animal Industry of the Department of Agriculture;

"detention notice" means a notice in force under section 7 or 8;

"holding" means any land or collection of lands which are contiguous to each other or separated only by a road, river, creek or watercourse and which constitute and are worked as one property;

"inspector"

Stock (Chemical Residues).

“inspector” means an inspector appointed under the Stock Diseases Act, 1923;

“occupier”, in relation to land, includes any person having the charge, control or management of the land;

“regulations” means regulations made under this Act;

“residue” means—

(a) a substance remaining in the body tissues or secretions of stock resulting from the use of or contact with any pesticide, drug or other chemical, whether of the same or of a different kind or nature; or

(b) a natural secretion which is present in the body tissues of stock in an abnormal concentration;

“residue affected”, in relation to stock, means stock in respect of which a declaration under section 4 is in force;

“stock” means—

(a) bulls, oxen, steers, cows, heifers, calves, rams, ewes, wethers, lambs, goats, kids and swine; and

(b) other animals or birds of a kind used for the food of man that the Minister, by order published in the Gazette, declares to be stock for the purposes of this Act.

4. (1) The Governor may, by order published in the Gazette, declare that stock which contain in a specified class of their body tissues or secretions more than a specified concentration of a specified residue and which, in his opinion, are thereby unfit, or are thereby likely to become unfit, for sale or export for human consumption, are residue affected.

Residue
affected
stock
may be
declared.

(2)

Stock (Chemical Residues).

(2) The Governor may, in an order under subsection (1), specify different concentrations of a residue for different classes of stock.

Powers of
inspectors.

5. (1) An inspector may—

(a) enter any land, building, vehicle, vessel or aeroplane for the purpose of searching for or examining any stock or of exercising any other power conferred on him by this Act or the regulations;

(b) take from—

(i) any head of stock; or

(ii) any carcass,

a specimen of any kind for the purpose of ascertaining whether that head of stock is, or whether that carcass is derived from a head of stock that was, residue affected;

(c) take samples from the soil or pasture of any land or from any fodder for the purpose of ascertaining whether that soil, pasture or fodder is capable of causing stock to become residue affected;

(d) order the owner or person in charge of stock or the occupier of any land on which any stock are kept or pastured—

(i) to muster them at a specified place on the land or, where in the opinion of the inspector no facilities suitable for the purpose of the order exist on the land, at a specified place on other land, for the purpose of examination or of enabling the inspector to take any specimens from them or to exercise any other power conferred on him by this Act or the regulations; and

(ii)

Stock (Chemical Residues).

- (ii) to provide such assistance as the inspector may reasonably require for the purposes of subparagraph (i);
- (e) in respect of travelling stock—
 - (i) detain them for the purpose of examination or of enabling the inspector to take any specimens from them or to exercise any other power conferred on him by this Act or the regulations; or
 - (ii) order the owner or person in charge of the stock to take them to a specified place for that purpose; and
- (f) demand from any person he finds committing an offence against this Act or the regulations or any person whom, on reasonable grounds, he suspects of having committed any such offence, his name and place of abode.

(2) A person shall not—

- (a) threaten, assault or wilfully delay or obstruct an inspector in the exercise of his powers under this Act or the regulations;
- (b) fail to comply with the requirements of an order under subsection (1) (d) or (e); or
- (c) upon a demand being made under subsection (1) (f), fail or refuse to state his name or place of abode or state a name that is not his name or state a place of abode that is not his place of abode.

Penalty: \$500.

(3) If a person fails to comply with the requirements of an order under subsection (1) (d) or (e), an inspector may carry out those requirements, with or without assistance.

(4)

Stock (Chemical Residues).

(4) The costs and expenses incurred by an inspector in the exercise of his powers under subsection (3) upon non-compliance with an order are recoverable in a court of competent jurisdiction as a debt to the Crown owed by the person on whom the order was served.

Questions by
inspectors.

6. (1) Where an inspector at any reasonable time informs a person he is making inquiries for the purposes of this Act in relation to any stock which are residue affected or which the inspector suspects to be or to have been residue affected that person shall not—

(a) fail to answer any question being a question relating to those stock put to him by the inspector; or

(b) make a reply to any such question that is false or misleading in any material particular.

Penalty: \$500.

(2) A person referred to in subsection (1) is not excused from answering a question put to him pursuant to that subsection on the ground that the answer might tend to incriminate him but neither the question nor the answer is admissible in evidence against him in criminal proceedings other than proceedings under subsection (1).

Temporary
notice for
detention
of residue
affected
stock.

7. (1) An inspector may give to a person who owns or is in charge of stock which are residue affected or which the inspector suspects are residue affected a notice that requires that person, except as provided in section 9—

(a) to keep those stock at a specified place for a specified period (not exceeding forty days); and

(b)

Stock (Chemical Residues).

- (b) where any of those stock are not situated at the place specified in the notice at the time the notice is given, to move them to that place.

(2) Where an inspector gives a detention notice under subsection (1) in respect of stock which he only suspects are residue affected, he shall take for analysis specimens from those stock or a random sample of those stock or exercise any other power conferred on him by this Act for the purpose of ascertaining whether those stock are residue affected.

(3) Where an inspector gives a detention notice to a person under subsection (1)—

- (a) an officer prescribed for the purposes of section 8 (1) or an inspector authorised by him; or
- (b) that inspector,

may, by a further notice in writing given to that person, revoke the detention notice or release any of the stock from being subject to the detention notice.

(4) A person contravenes this section if—

- (a) he does not comply with the requirements of a detention notice given to him under subsection (1);
or
- (b) he moves stock that, to his knowledge, are subject to a detention notice given to some other person under subsection (1) from the place specified in the notice.

Penalty: \$500.

Stock (Chemical Residues).

Minister or prescribed officer may give notice for detention of residue affected stock.

8. (1) The Minister or a prescribed officer may, personally or by an authorised agent, give to a person who owns or is in charge of—

- (a) particular stock which are residue affected; or
- (b) any stock which are on the same holding as residue affected stock and which, in the opinion of the Minister or prescribed officer, are likely to be residue affected,

a notice that requires that person, except as provided in section 9—

- (c) to keep those stock at a specified place; and
- (d) where any of those stock are not situated at the place specified in the notice at the time the notice is given, to move them to that place.

(2) A detention notice given by an inspector under section 7 shall be deemed to have been revoked in respect of any stock to which it relates that are subject to a detention notice given by the Minister or a prescribed officer under subsection (1).

(3) Where a detention notice is given to a person under subsection (1)—

- (a) the Minister or any officer prescribed for the purposes of subsection (1); or
- (b) an inspector authorised by the Minister or by any such prescribed officer,

may, by a further notice in writing given to that person, revoke the detention notice or release any of the stock from being subject to the detention notice.

(4)

Stock (Chemical Residues).

(4) An inspector is an authorised agent for the purposes of subsection (1) but this subsection does not operate to prevent the Minister or a prescribed officer from appointing any other authorised agent.

(5) A person contravenes this section if—

- (a) he does not comply with the requirements of a detention notice given to him under subsection (1); or
- (b) he moves stock that, to his knowledge, are subject to a detention notice given to some other person under subsection (1) from the place specified in the notice.

Penalty: \$1,000.

9. (1) An inspector may issue a permit in or to the effect of the prescribed form to the owner or person in charge of stock subject to a detention notice authorising him to move, in accordance with any terms and conditions specified in the permit, all or any of the stock from the place at which they are kept pursuant to the detention notice to another place, specified in the permit, at which they are to be kept or at which they are to be slaughtered. Permits for movement of stock subject to detention notice.

(2) Where stock are subject to a detention notice given under section 8, an inspector shall not issue a permit under subsection (1) to move those stock to a place for slaughter without the approval of the Minister or an officer prescribed for the purposes of section 8 (1).

10. (1) Where any stock have been moved contrary to the provisions of this Act or any regulation, notice or order made, given or served under this Act, the stock may be seized by an inspector or by a member of the police force. Power to seize stock.

(2)

Stock (Chemical Residues).

(2) Any stock seized under subsection (1) shall be disposed of in the manner prescribed by the regulations.

Destruction of residue affected stock, etc.

11. (1) Where, in the opinion of the Minister, there is no reasonable possibility that particular residue affected stock would ever cease to be residue affected, he may order—

(a) any owner or any person in charge of the stock;
or

(b) any owner or occupier of land on which the stock are kept or pastured,

to destroy or dispose of the stock in such manner and under such conditions as may be specified in the order.

(2) Where, in the opinion of the Minister, stock are likely to become residue affected by feeding on particular fodder, he may order the owner or person in possession of that fodder to destroy or dispose of it in such manner and under such circumstances as may be specified in the order.

(3) If a person fails to comply with the requirements of an order under subsection (1) or (2), the Minister may, by his authorised agents, enter upon the land on which the stock are or fodder is situated and carry out those requirements.

(4) Any costs and expenses incurred by the Minister in the exercise of his powers under subsection (3) upon non-compliance with an order are recoverable in a court of competent jurisdiction as a debt to the Crown owed by the person on whom the order was served.

(5) Compensation is not payable in respect of the destruction or disposal of any stock or fodder in the course of exercising the powers conferred by this section.

Stock (Chemical Residues).

12. (1) Where the Minister is of the opinion that the grazing of stock on particular land is likely to cause the stock to become residue affected, the Minister may, by notification published in the Gazette, restrict or absolutely prohibit the grazing on that land of all or any class of stock.

Restriction or prohibition on grazing stock on certain land.

(2) The Minister may by a like notification vary or revoke any notification published under this section.

(3) A person contravenes this section if he fails to comply with any requirements of a notification published under this section.

Penalty: \$500.

13. An order or notice required by this Act or the regulations to be served on or given to any person may be served or given by leaving it at his usual or last known place of residence or business or may be served or given personally or by post addressed to his last known place of residence or business or in such manner as may be prescribed.

Orders and notices generally.

14. (1) In any proceedings arising under this Act or the regulations, a certificate purporting to be signed by a person appointed as an analyst by the Minister by notification published in the Gazette for the purposes of this Act, and—

Evidence.

(a) certifying that he has examined any stock or carcass, or any specimens obtained from any stock or carcass, or any sample of soil, pasture or fodder or any article submitted to him by the Minister, the Chief of the Division of Animal Industry or an inspector; and

(b) certifying the result of the examination and any conclusions arrived at by him as a result of that examination,

(2)

shall,

Stock (Chemical Residues).

shall, without proof of the signature or appointment of the person signing the certificate, be admissible and be evidence of the matters certified in the certificate.

(2) In any prosecution for an offence under this Act or the regulations in respect of stock, proof that a detention notice was given under this Act shall be evidence that the notice had not been revoked at the time of the alleged offence in so far as it related to the stock.

(3) A copy of a notice given to a person on a particular day in the manner prescribed by this Act that—

(a) purports to be a detention notice; and

(b) bears a signature purporting to be the signature of the Minister, an officer prescribed for the purposes of section 8 (1) or an inspector,

is, without proof of the signature or of the official character of the signatory, evidence that the notice was given to that person on that day by the Minister, an officer prescribed for the purposes of section 8 (1) or an inspector, as the case may be.

Offences—
jurisdiction
of the court.

15. Proceedings for offences under this Act or the regulations shall be disposed of in a court of petty sessions held before a stipendiary magistrate sitting alone.

Regulations.

16. (1) The Governor may make regulations, not inconsistent with this Act, prescribing any matter which is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2)

Stock (Chemical Residues).

(2) Without limiting the generality of subsection (1), the Governor may make regulations for or with respect to—

- (a) prescribing the form of detention notices or permits given or issued under this Act;
- (b) the procedures to be adopted by an inspector when taking for analysis specimens or samples under section 5; and
- (c) prescribing and regulating the branding, marking, ear-marking or tagging of stock subject to a detention notice.

(3) The regulations may impose a penalty not exceeding \$500 for an offence arising under the regulations.

(4) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

(5) The regulations may authorise any matter or thing to be from time to time determined, applied or regulated by the Minister, the Chief of the Division of Animal Industry, an inspector or any other officer specified therein, either generally or for any class of cases or in a particular case.

In the name and on behalf of Her Majesty I assent to this Act.

L. W. STREET,
Lieutenant-Governor.

*Government House,
Sydney, 14th April, 1975.*

2000 (Official Number)

(1) The Governor may make regulations for or with respect to—

(a) prescribing the form of statements to be prepared and of issues under this Act;

(b) the procedure to be adopted by an inspector when making the annual statement of accounts under section 23 and

(c) prescribing that, whenever the Director is required to issue a statement of accounts to a person, a copy of the statement shall be sent to the Director.

(2) The regulations may provide for the issue of a statement of accounts to a person under the regulations.

(3) Regulations may be made, so far as they relate to the issue of a statement of accounts, as to the form and content of the statement.

(4) The regulations may provide for the issue of a statement of accounts to a person under the regulations.

in the name and on behalf of the Director.

W. STREET,
Lieutenant-Governor.

Government House,
Sydney, 14th April, 1975.

