

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, 24 January, 1978.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1978.

An Act to amend the Stock Foods and Medicines Act, 1940, to alter the periods of registration of stock foods and medicines, to make further provisions relating to the refusal and cancellation of registration, to enable the withdrawal from sale of certain stock foods, and for certain other purposes; and to validate certain matters.

BE

Stock Foods and Medicines (Amendment).

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 :—

5 **1.** This Act may be cited as the "Stock Foods and Short title. Medicines (Amendment) Act, 1978".

2. (1) Except as provided in subsections (2), (3) and Commence- (4), this Act shall commence on the date of assent to this ment. Act.

10 (2) Section 4 shall, in its application to a provision of Schedules 1-5, commence on the day on which that provision commences.

(3) Schedule 1 shall commence on 1st May, 1978, or on such earlier day as may be appointed by the Governor
15 in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Schedule 4 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.

20 **3.** This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT, 1940, RELATING TO REGISTRATION PERIODS.

25 SCHEDULE 2.—AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT, 1940, RELATING TO THE REFUSAL AND CANCELLATION OF REGISTRATION.

SCHEDULE

Stock Foods and Medicines (Amendment).

SCHEDULE 3.—AMENDMENT TO THE STOCK FOODS AND MEDICINES ACT, 1940, RELATING TO THE WITHDRAWAL FROM SALE OF STOCK FOOD.

5 SCHEDULE 4.—AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT, 1940, RELATING TO THE LABELLING AND ADVERTISING OF STOCK MEDICINES.

SCHEDULE 5.—MISCELLANEOUS AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT, 1940.

10 SCHEDULE 6.—VALIDATING PROVISIONS.

4. The Stock Foods and Medicines Act, 1940, is amended in the manner set forth in Schedules 1–5. Amendment of Act No. 19, 1940.

5. Schedule 6 has effect. Validating provisions.

SCHEDULE 1.

Sec. 4.

15 AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT, 1940, RELATING TO REGISTRATION PERIODS.

(1) Section 3, definitions of “Registration periods” and “Registration year”—

After the definition of “Prescribed”, insert :—

20 “Registration periods” means the period of 3 years commencing on 1st July, 1978, and the periods of 3 years commencing on 1st July in each third year after 1st July, 1978.

SCHEDULE

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

5 “Registration year”, in relation to a registration
effected under this Act, means a period of 1
year commencing on 1st July during which, or
during part of which, the registration is in
force.

(2) (a) Section 5 (1)—

10 Omit “Every wholesale dealer in any manufac-
tured stock food or in any by-product shall
within thirty days after the commencement of
this Act or within thirty days after the date of his
15 commencing in business or trade as a wholesale
dealer in such stock food or by-product (which-
ever is the later date) and thereafter in each year
on or before the thirtieth day of June make to
the Under Secretary of the Department of Agri-
20 culture”, insert instead “Every person who
intends to be a wholesale dealer in any manufac-
tured stock food or in any by-product may,
before he commences in business or trade as a
wholesale dealer in such stock food or by-
product, make to the Director-General”.

25 (b) Section 5 (1) (b)—

Omit “which he then sells or which he then
proposes to sell during the period ending on the
next following thirtieth day of June”, insert
30 instead “which he proposes to sell during the
registration period in respect of which the
application is made”.

SCHEDULE

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

(c) Section 5 (1A), (1B), (1C), (1D)—

5 After section 5 (1), insert :—

10 (1A) Subject to subsections (1B) and (1C), a
wholesale dealer in any registered stock food or
by-product may, on or before the prescribed date
immediately preceding each registration period
or, where no date is prescribed, before the com-
mencement of each registration period, make to
the Director-General an application for renewal
of the registration of that stock food or by-
product.

15 (1B) Subject to subsection (1C), where a
date is prescribed under subsection (1A) in rela-
tion to a registration period, a wholesale dealer
in any stock food or by-product the registration
of which was effected after that date but before
20 the commencement of the registration period
may, before the commencement of the registra-
tion period, make to the Director-General an
application for renewal of the registration of that
stock food or by-product.

25 (1C) The Director-General may accept an
application for renewal of the registration of a
stock food or by-product notwithstanding that
the application was not made within the time
30 prescribed by or under subsection (1A) or (1B)
and on that acceptance the application shall be
deemed to have been made within the time
prescribed.

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

5 (1D) An application under subsection (1A) shall be in or to the effect of the prescribed form and shall contain the particulars set out in paragraphs (a) to (f), inclusive, of subsection (1).

(d) Section 5 (2)—

10 Omit “Every such application”, insert instead “An application under subsection (1), (1A) or (1B)”.

(e) Section 5 (2) (b)—

Omit the paragraph, insert instead :—

15 (b) the prescribed fee, which shall be applied as the annual fee—

(i) in the case of an application under subsection (1)—for the registration year in which the application is approved; and

20 (ii) in the case of an application under subsection (1A) or (1B)—for the first registration year of the registration period in respect of which the application is made.

SCHEDULE

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

(f) Section 5 (2A), (2B)—

5 After section 5 (2), insert :—

(2A) After the registration or renewal of
registration of any manufactured stock food or
any by-product the prescribed annual fee is
payable by the person who applied for registra-
10 tion or renewal in respect of each registration
year after the first such year in each registration
period.

(2B) If a fee payable by a person under sub-
section (2A) in respect of a registration year is
15 not paid on or before 30th June in the year
preceding the registration year, the Director-
General may, by notice in writing served on that
person, cancel the registration in respect of which
the fee is payable.

20 (g) Section 5 (3)—

Omit "after the thirtieth day of June in any year".

(h) Section 5 (4), (5)—

Omit section 5 (4), insert instead :—

(4) Subject to this Act, the registration or
25 renewal of the registration of any manufactured
stock food or by-product shall—

(a) in the case of a registration—take effect
on the date of approval of the applica-
30 tion for registration or, where an appeal
has been lodged against the refusal of

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

5 an application and the appeal has been
upheld, on the date when the appeal
is so upheld; and

(b) in the case of a renewal of registration
—take effect on the first day of the
10 registration period in respect of which
the application for renewal is made,

and shall continue in force until the end of the
registration period in respect of which that
registration or renewal of registration is effected.

(5) Where a person ceases to be a wholesale
15 dealer in a manufactured stock food or by-
product registered by him under this Act—

(a) he may, in writing, request the
Director-General to cancel the regis-
20 tration of the manufactured stock food
or by-product; and

(b) the Director-General shall cancel that
registration with effect from the date
of receipt of that request.

(3) (a) Section 13 (1)—

25 Omit “Every wholesale dealer in any stock
medicine shall within thirty days after the com-
mencement of this Act or within thirty days after
the date of his commencing in business or trade

SCHEDULE

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

5 as such (whichever is the later date) and there-
after in each year on or before the thirtieth day
of June make to the Under Secretary of the
Department of Agriculture”, insert instead
10 “Every person who intends to be a wholesale
dealer in any stock medicine may, before he
commences in business or trade as a wholesale
dealer in such stock medicine, make to the
Director-General”.

(b) Section 13 (1A), (1B), (1C), (1D)—

After section 13 (1), insert :—

15 (1A) Subject to subsections (1B) and (1C),
a wholesale dealer in any stock medicine may, on
or before the prescribed date immediately pre-
ceding each registration period or, where no date
20 is prescribed, before the commencement of each
registration period, make to the Director-General
an application for renewal of the registration of
that stock medicine.

25 (1B) Subject to subsection (1C), where a
date is prescribed under subsection (1A) in
relation to a registration period, a wholesale
dealer in any stock medicine the registration of
which was effected after that date but before the
30 commencement of the registration period may,
before the commencement of the registration
period, make to the Director-General an appli-
cation for renewal of the registration of that
stock medicine.

SCHEDULE

SCHEDULE

*Stock Foods and Medicines (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

5 (1C) The Director-General may accept an
application for renewal of the registration of a
stock medicine notwithstanding that the applica-
tion was not made within the time prescribed by
or under subsection (1A) or (1B) and on that
10 acceptance the application shall be deemed to
have been made within the time prescribed.

(1D) An application under subsection (1A)
shall be in or to the effect of the prescribed form
and shall contain the particulars set out in para-
graphs (a) to (f), inclusive, of subsection (1).

15 (c) Section 13 (2)—

Omit "Every such application", insert instead
"An application under subsection (1), (1A) or
(1B)".

(d) Section 13 (2) (b)—

20 Omit the paragraph, insert instead :—

(b) the prescribed fee, which shall be applied
as the annual fee—

25 (i) in the case of an application
under subsection (1)—for the
registration year in which the
application is approved; and

30 (ii) in the case of an application
under subsection (1A) or (1B)
—for the first registration year of
the registration period in respect
of which the application is made.

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

(e) Section 13 (2A), (2B)—

5 After section 13 (2), insert :—

(2A) After the registration or renewal of registration of any stock medicine the prescribed annual fee is payable by the person who applied for registration or renewal in respect of each registration year after the first such year in each registration period.

(2B) If a fee payable by a person under subsection (2A) in respect of a registration year is not paid on or before 30th June in the year preceding that registration year, the Director-General may, by notice in writing served on that person, cancel the registration in respect of which the fee is payable.

(f) Section 13 (3)—

20 Omit “after the thirtieth day of June in any year”.

(g) Section 13 (4)—

Omit “Under Secretary of the Department of Agriculture”, insert instead “Director-General”.

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

(h) Section 13 (5), (6)—

5 Omit section 13 (5), insert instead :—

(5) Subject to this Act, the registration or
renewal of registration of a stock medicine
shall—

10 (a) in the case of a registration—take
effect on the date of approval of the
application for registration or, where
an appeal has been lodged against the
refusal of an application and the
15 appeal has been upheld, on the date
when the appeal is so upheld; and

(b) in the case of a renewal of registration
—take effect on the first day of the
20 registration period in respect of which
the application for renewal is made,

and shall continue in force until the end of the
registration period in respect of which that
registration or renewal of registration is effected.

(6) Where a person ceases to be a wholesale
25 dealer in a stock medicine registered by him
under this Act—

(a) he may, in writing, request the Direc-
tor-General to cancel the registration
of the stock medicine; and

30 (b) the Director-General shall cancel that
registration with effect from the date
of receipt of that request.

Stock Foods and Medicines (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION OF
REGISTRATION.

5 (1) Sections 5A, 5B, 5C—

After section 5, insert :—

5A. (1) Where an application for registration, or renewal of the registration, of a manufactured stock food or by-product is made under section 5, the Director-General may—

10

(a) register the manufactured stock food or by-product or renew that registration, as the case may be; or

15

(b) if the manufactured stock food or by-product is, or appears to him to be, unfit for use as a stock food, refuse that application.

20

(2) The registration of a manufactured stock food or by-product may be renewed notwithstanding that the registration would, but for this subsection, have expired and, when so renewed, shall be deemed to have taken effect on the first day of the registration period in respect of which the application for renewal was made

25

5B. (1) The Director-General may, at any time, review the registration of a manufactured stock food or by-product.

30

(2) The Director-General may, at the time of review of the registration of a manufactured stock food or by-product under subsection (1), cancel that registration if, in his opinion, he would not have registered the stock food or by-product if an application for registration had been made at that time.

Stock Foods and Medicines (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION
OF REGISTRATION—*continued.*

5 (3) Subject to this Act, a cancellation referred
to in subsection (2) shall take effect—

(a) where no appeal is made under section 5c
within the time prescribed—on the expira-
tion of that time; or

10 (b) where an appeal is lodged under section 5c
but the appeal is dismissed—on the date of
that dismissal.

(4) Where the Director-General cancels the
15 registration of a manufactured stock food or by-
product under subsection (2), he may, if in his opinion
it is in the public interest to do so, suspend, by notice
in writing served on the wholesale dealer in that
manufactured stock food or by-product, that registra-
20 tion until the expiration of the time prescribed for the
making of an appeal or, where an appeal is lodged,
until the time of determination of the appeal.

(5) A registration of a manufactured stock
food or by-product shall be deemed not to be in force
during any period of its suspension.

25 5c. (1) Where an application for registration, or
renewal of the registration, of a manufactured stock
food or by-product is refused under section 5A or the
registration of a manufactured stock food or by-
product is cancelled under section 5B (2), the
30 Director-General shall serve on the applicant or the
wholesale dealer in that stock food or by-product a
notice in writing of that refusal or cancellation and
of the grounds of that refusal or cancellation.

SCHEDULE

Stock Foods and Medicines (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION
OF REGISTRATION—*continued.*

5 (2) The applicant or wholesale dealer, as the
case may be, may, within the time prescribed, appeal
against a refusal or cancellation referred to in sub-
section (1) to the District Court.

10 (3) The District Court may summon witnesses,
hear evidence and determine an appeal under this
section having regard to this Part, the regulations, the
circumstances of the case and the public interest.

15 (4) The decision of the District Court on an
appeal under this section shall be binding on the
Director-General and the appellant and shall be
carried into effect accordingly.

20 (5) The District Court may award costs in
an appeal under this section and such costs may be
enforced and recovered in like manner to costs
awarded in a judgment of the District Court.

(2) Section 15—

Omit the section, insert instead :—

25 15. (1) Every application for registration, or
renewal of the registration, of any stock medicine shall
be submitted by the Director-General to the Board for
its report and recommendation thereon.

Applications for
registration
to be
submitted
to Board.

Stock Foods and Medicines (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION
OF REGISTRATION—*continued.*

5 (2) The Board may, where an application is
submitted to it under subsection (1) in respect of a
stock medicine, recommend to the Director-General
that the stock medicine be registered or the registra-
10 tion of the stock medicine be renewed, as the case
may be, or that the application be refused.

(3) Where the Board recommends that an
application for registration, or renewal of the registra-
15 tion, of a stock medicine be refused, the recommenda-
tion shall be accompanied by a statement of the
grounds upon which the recommendation was based.

(4) The Director-General may, on the recom-
20 mendation of the Board, register, or renew the
registration of, a stock medicine or refuse an applica-
tion for registration, or renewal of the registration, of
a stock medicine.

(5) The registration of a stock medicine may
25 be renewed notwithstanding that the registration
would, but for this subsection, have expired and, when
so renewed, shall be deemed to have taken effect on
the first day of the registration period in respect of
which the application for renewal was made.

(3) Section 15A—

After section 15, insert :—

30 15A. (1) The Board may, at any time, review the registration of a stock medicine. Cancellat-
tion of
registration.

Stock Foods and Medicines (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION
OF REGISTRATION—*continued.*

5 (2) The Board may, at the time of review of
the registration of a stock medicine under subsection
 (1), recommend to the Director-General that the
 registration of that stock medicine be cancelled if, in
10 its opinion, it would not have recommended registra-
tion of that stock medicine if an application for regis-
tration had been made at that time.

15 (3) The Director-General may, on receipt of
a recommendation referred to in subsection (2) in
respect of the registration of a stock medicine, cancel
that registration.

 (4) A cancellation referred to in subsection
 (3) shall take effect—
 (a) where no appeal is made under section 16
 within the time prescribed—on the expira-
20 tion of that time; or
 (b) where an appeal is lodged under section 16
 within the time prescribed but the appeal is
 dismissed—on the date of that dismissal.

25 (5) Where the Board recommends the can-
cellation of the registration of a stock medicine under
 subsection (3), it may, if in its opinion it is in the
 public interest to do so, recommend the suspension of
 that registration until the expiration of the time pre-
30 scribed for the making of an appeal or, where an
 appeal is lodged, until the time of determination of
 the appeal.

*Stock Foods and Medicines (Amendment).*SCHEDULE 2—*continued.*AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION
OF REGISTRATION—*continued.*

- 5 (6) The Director-General may, on receipt of
a recommendation referred to in subsection (5) in
respect of the registration of a stock medicine, sus-
pend, by notice in writing served on the wholesale
dealer in the stock medicine, that registration in
10 accordance with that recommendation.

(7) A registration of a stock medicine shall
be deemed not to be in force during any period of its
suspension.

- (4) (a) Section 16 (1), (2)—

- 15 Omit the subsections, insert instead :—
- (1) Where an application for registration, or
renewal of the registration, of a stock medicine
is refused under section 15 (4) or the registra-
tion of a stock medicine is cancelled under
20 section 15A (3), the Director-General shall serve
on the applicant or the wholesale dealer in that
stock medicine, as the case may be, a notice in
writing of that refusal or cancellation and of the
grounds of that refusal or cancellation.
- 25 (2) The applicant or wholesale dealer, as the
case may be, may, within the time prescribed,
appeal against a refusal or cancellation referred
to in subsection (1) to the District Court.

Stock Foods and Medicines (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION
OF REGISTRATION—*continued.*

5 (b) Section 16 (3)—

Omit "Such judge", insert instead "The District Court".

(c) Section 16 (4)—

Omit the subsection, insert instead :—

10

(4) The decision of the District Court on an appeal under this section shall be binding on the Director-General and the appellant and shall be carried into effect accordingly.

(d) Section 16 (5)—

15

Omit "If in any decision under this section costs are awarded," insert instead "The District Court may award costs in an appeal under this section and".

Stock Foods and Medicines (Amendment).

SCHEDULE 3.

Sec. 4.

AMENDMENT TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE WITHDRAWAL FROM SALE OF
STOCK FOOD.

5 Section 11A—

After section 11, insert :—

10 11A. (1) The Minister, or any person authorised by him either generally or specifically for the purposes of this section, may, by notice in writing served on any person, order that person to withdraw from sale any stock food which is or appears to the Minister or that authorised person, as the case may be, to be unfit for use as a stock food.

15 (2) An order made under subsection (1) shall remain in force until—

- (a) where the order was made by the Minister—the Minister by instrument in writing withdraws the order; or
- 20 (b) where the order was made by an authorised person—the Minister or that person by instrument in writing withdraws the order.

25 (3) A person who has been served with an order under subsection (1) shall not, while the order is in force, sell any stock food to which the order relates.

Stock Foods and Medicines (Amendment).

SCHEDULE 4. Sec. 4.

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE LABELLING AND ADVERTISING
OF STOCK MEDICINES.

5 (1) (a) Section 17 (1), (1A)—

Omit section 17 (1), insert instead :—

10 (1) Every package of a registered stock
medicine shall bear thereon or on a label securely
and conspicuously affixed to the package the
words "Registered under the Stock Foods and
Medicines Act, 1940", together with such par-
ticulars as may be prescribed.

(1A) A regulation made for the purposes of
subsection (1)—

15 (a) may prescribe different particulars in
respect of different kinds or descrip-
tions of packages; and

20 (b) may provide that the regulation shall
not apply to packages of such kinds or
descriptions as may be prescribed.

(b) Section 17 (2)—

Omit "such package or label", insert instead
"package, or label affixed to a package, of a
registered stock medicine".

25 (2) (a) Section 19 (1)—

Omit "wholesale dealer in any registered stock
medicine who", insert instead "person who, for
the purpose of selling a registered stock medi-
cine".

Stock Foods and Medicines (Amendment).

SCHEDULE 4—continued.

**AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE LABELLING AND ADVERTISING
OF STOCK MEDICINES—continued.**

5 (b) Section 19 (1) (a)—

Omit the paragraph.

(c) Section 19 (1) (b)—

10 Omit “as to the efficacy of such registered stock
medicine”, insert instead “, or makes or causes
to be made any verbal claim or statement, as to
the efficacy of that registered stock medicine”.

(d) Section 19 (1) (b)—

Omit “such stock medicine;”, insert instead “that
stock medicine; or”.

15 (e) Section 19 (1) (c)—

Omit “with respect to such registered stock medi-
cine”, insert instead “, or makes or causes to be
made any verbal claim or statement, with respect
to that registered stock medicine”.

Stock Foods and Medicines (Amendment).

SCHEDULE 5.

Sec. 4.

MISCELLANEOUS AMENDMENTS TO THE STOCK FOODS AND
MEDICINES ACT, 1940.

(1) (a) Section 3, definition of "Director-General"—

5 After the definition of "Chaff", insert :—

"Director-General" means the person holding
office or acting as Director-General of the
Department of Agriculture.

(b) Section 3, definition of "Stock"—

10 Omit "or pigeon", insert instead ", pigeon, cat,
fish, cockatoo, parrot, budgerigar, canary, galah,
finch or parakeet and any kind or species of
animal or bird prescribed for the purposes of this
definition".

15 (c) Section 3, definition of "Stock medicine"—

Omit—

"of progeny,

but does not include—

20 (i) any such substance, mixture, com-
pound or product bona fide prescribed
by a veterinary surgeon in the course
of the practice of his profession as
such or supplied by him for any stock
25 for the time being under his profes-
sional care or charge; or

SCHEDULE

Stock Foods and Medicines (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT, 1940—*continued.*

5 (ii) any such substance, mixture or compound bona fide extemporaneously prepared for a specific case by a pharmaceutical chemist in the ordinary course of his business.”

Insert instead “of progeny.”

10 (2) (a) Section 12 (2) (a)—

Omit “Chief Chemist”, insert instead “Director of Pesticides and Environmental Studies”.

(b) Section 12 (8)—

15 Omit “a fee of four dollars twenty cents”, insert instead “the prescribed fee”.

(c) Section 12 (9)—

After section 12 (8), insert :—

20 (9) Section 39 (1) of the Interpretation Act, 1897, applies in respect of the Board as if the Board had been constituted by or under an Act passed after the commencement of the Interpretation (Amendment) Act, 1969.

(3) Section 16 (8)—

25 Omit “a fee of ten dollars fifty cents”, insert instead “the prescribed fee”.

Stock Foods and Medicines (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE STOCK FOODS AND
MEDICINES ACT, 1940—*continued.*

(4) (a) Section 18—

5 Omit “after the expiration of a period of six
months after the commencement of this Act”.

(b) Section 18 (2)—

At the end of section 18, insert :—

10 (2) Subsection (1) (a) does not apply to the
sale of a stock medicine where the stock medicine
was—

15 (a) bona fide prescribed by a veterinary
surgeon in the course of the practice
of his profession as a veterinary
surgeon;

(b) supplied by a veterinary surgeon for
any stock for the time being under his
professional care and charge; or

20 (c) bona fide extemporaneously prepared
for a specific case by a pharmaceutical
chemist in the ordinary course of his
business as a pharmaceutical chemist.

(5) Section 19 (2)—

25 Omit “Under Secretary of the Department of Agricul-
ture”, insert instead “Director-General”.

*Stock Foods and Medicines (Amendment).*SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE STOCK FOODS AND
MEDICINES ACT, 1940—*continued.*

- (6) Section 33 (1)—
- 5 Omit “Under Secretary of the Department of Agriculture”, insert instead “Director-General”.
- (7) (a) Section 34—
- Omit “Under Secretary of the Department of Agriculture”, insert instead “Director-General”.
- 10 (b) Section 34—
- Omit “said Under Secretary”, insert instead “Director-General”.
- (8) Section 35 (4)—
- Omit the subsection, insert instead :—
- 15 (4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
- (9) Sections 36, 37—
- 20 After section 35, insert :—
36. If, in the opinion of the Director-General, the ^{Refund of} circumstances so warrant, the Director-General ^{fees.} may—
- 25 (a) on the refusal of an application under this Act—refund to the applicant any or all of the fee paid in respect of the application; and

*Stock Foods and Medicines (Amendment).*SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE STOCK FOODS AND
MEDICINES ACT, 1940—*continued.*

- 5 (b) on the cancellation of the registration of a
manufactured stock food or by-product or
of a stock medicine under this Act—refund
to the person who applied for that registra-
tion any or all of that part of the fee paid in
10 respect of that registration that is attribu-
table to the term of that registration remain-
ing after that cancellation.

37. (1) A notice under this Act may be served on a person— Service
of notices.

- 15 (a) by delivering it personally to that person;
(b) by delivering it to the place last known to
the Director-General as his place of abode
or business and by leaving it there with
some person for him; or
- 20 (c) subject to subsection (2), by posting it in
an envelope duly stamped and addressed to
that person at the place last known to the
Director-General as his place of abode or
business.

- 25 (2) Where a notice is served as referred to in
subsection (1) (c), the notice shall be deemed to
have been served at such time after the posting of the
notice as is prescribed or, where no such time is pre-
scribed, at the time when the notice would be delivered
in the ordinary course of post.

Stock Foods and Medicines (Amendment).

SCHEDULE 6.

Sec. 5.

VALIDATING PROVISIONS.

(1) Any act or proceeding of the Stock Medicines Board before the date of assent to this Act shall be deemed not to have been
5 invalidated by reason that the Director of Pesticides and Environmental Studies of the Department of Agriculture has acted as a member of the Board.

(2) Any vacancy in the office, defect in the appointment or
10 disqualification of a member of the Stock Medicines Board before the date of assent to this Act shall be deemed not to have invalidated any act or proceeding of the Board.

(3) Anything done by a person holding office or acting as the Director-General of the Department of Agriculture, being a thing—

15 (a) done under a provision of the Stock Foods and Medicines Act, 1940, amended by this Act;

(b) done before the commencement of the provision of this Act amending that provision; and

20 (c) that could have been done by that person had the reference or references to the Under Secretary of the Department of Agriculture in that provision as then in force been replaced by a reference or references to that person,

is validated.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

[32c]

**STOCK FOODS AND MEDICINES
(AMENDMENT) ACT, 1978, No. 12**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 12, 1978.

An Act to amend the Stock Foods and Medicines Act, 1940, to alter the periods of registration of stock foods and medicines, to make further provisions relating to the refusal and cancellation of registration, to enable the withdrawal from sale of certain stock foods, and for certain other purposes; and to validate certain matters. [Assented to, 6th March, 1978.]

Stock Foods and Medicines (Amendment).

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 Foods and Medicines (Amendment) Act, 1978".

Commence-
ment. **2.** (1) Except as provided in subsections (2), (3) and (4), this Act shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of Schedules 1–5, commence on the day on which that provision commences.

(3) Schedule 1 shall commence on 1st May, 1978, or on such earlier day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Schedule 4 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.

Schedules. **3.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT, 1940, RELATING TO REGISTRATION PERIODS.

SCHEDULE 2.—AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT, 1940, RELATING TO THE REFUSAL AND CANCELLATION OF REGISTRATION.

Stock Foods and Medicines (Amendment).

SCHEDULE 3.—AMENDMENT TO THE STOCK FOODS AND MEDICINES ACT, 1940, RELATING TO THE WITHDRAWAL FROM SALE OF STOCK FOOD.

SCHEDULE 4.—AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT, 1940, RELATING TO THE LABELLING AND ADVERTISING OF STOCK MEDICINES.

SCHEDULE 5.—MISCELLANEOUS AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT, 1940.

SCHEDULE 6.—VALIDATING PROVISIONS.

4. The Stock Foods and Medicines Act, 1940, is amended in the manner set forth in Schedules 1-5. Amendment of Act No. 19, 1940.

5. Schedule 6 has effect. Validating provisions.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT, 1940, RELATING TO REGISTRATION PERIODS.

(1) Section 3, definitions of "Registration periods" and "Registration year"—

After the definition of "Prescribed", insert :—

"Registration periods" means the period of 3 years commencing on 1st July, 1978, and the periods of 3 years commencing on 1st July in each third year after 1st July, 1978.

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

“Registration year”, in relation to a registration effected under this Act, means a period of 1 year commencing on 1st July during which, or during part of which, the registration is in force.

(2) (a) Section 5 (1)—

Omit “Every wholesale dealer in any manufactured stock food or in any by-product shall within thirty days after the commencement of this Act or within thirty days after the date of his commencing in business or trade as a wholesale dealer in such stock food or by-product (whichever is the later date) and thereafter in each year on or before the thirtieth day of June make to the Under Secretary of the Department of Agriculture”, insert instead “Every person who intends to be a wholesale dealer in any manufactured stock food or in any by-product may, before he commences in business or trade as a wholesale dealer in such stock food or by-product, make to the Director-General”.

(b) Section 5 (1) (b)—

Omit “which he then sells or which he then proposes to sell during the period ending on the next following thirtieth day of June”, insert instead “which he proposes to sell during the registration period in respect of which the application is made”.

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

(c) Section 5 (1A), (1B), (1C), (1D)—

After section 5 (1), insert :—

(1A) Subject to subsections (1B) and (1C), a wholesale dealer in any registered stock food or by-product may, on or before the prescribed date immediately preceding each registration period or, where no date is prescribed, before the commencement of each registration period, make to the Director-General an application for renewal of the registration of that stock food or by-product.

(1B) Subject to subsection (1C), where a date is prescribed under subsection (1A) in relation to a registration period, a wholesale dealer in any stock food or by-product the registration of which was effected after that date but before the commencement of the registration period may, before the commencement of the registration period, make to the Director-General an application for renewal of the registration of that stock food or by-product.

(1C) The Director-General may accept an application for renewal of the registration of a stock food or by-product notwithstanding that the application was not made within the time prescribed by or under subsection (1A) or (1B) and on that acceptance the application shall be deemed to have been made within the time prescribed.

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

(1D) An application under subsection (1A) shall be in or to the effect of the prescribed form and shall contain the particulars set out in paragraphs (a) to (f), inclusive, of subsection (1).

(d) Section 5 (2)—

Omit “Every such application”, insert instead “An application under subsection (1), (1A) or (1B)”.

(e) Section 5 (2) (b)—

Omit the paragraph, insert instead :—

(b) the prescribed fee, which shall be applied as the annual fee—

(i) in the case of an application under subsection (1)—for the registration year in which the application is approved; and

(ii) in the case of an application under subsection (1A) or (1B)—for the first registration year of the registration period in respect of which the application is made.

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

(f) Section 5 (2A), (2B)—

After section 5 (2), insert :—

(2A) After the registration or renewal of registration of any manufactured stock food or any by-product the prescribed annual fee is payable by the person who applied for registration or renewal in respect of each registration year after the first such year in each registration period.

(2B) If a fee payable by a person under subsection (2A) in respect of a registration year is not paid on or before 30th June in the year preceding the registration year, the Director-General may, by notice in writing served on that person, cancel the registration in respect of which the fee is payable.

(g) Section 5 (3)—

Omit “after the thirtieth day of June in any year”.

(h) Section 5 (4), (5)—

Omit section 5 (4), insert instead :—

(4) Subject to this Act, the registration or renewal of the registration of any manufactured stock food or by-product shall—

(a) in the case of a registration—take effect on the date of approval of the application for registration or, where an appeal has been lodged against the refusal of

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

an application and the appeal has been upheld, on the date when the appeal is so upheld; and

- (b) in the case of a renewal of registration—take effect on the first day of the registration period in respect of which the application for renewal is made,

and shall continue in force until the end of the registration period in respect of which that registration or renewal of registration is effected.

(5) Where a person ceases to be a wholesale dealer in a manufactured stock food or by-product registered by him under this Act—

- (a) he may, in writing, request the Director-General to cancel the registration of the manufactured stock food or by-product; and
- (b) the Director-General shall cancel that registration with effect from the date of receipt of that request.

(3) (a) Section 13 (1)—

Omit “Every wholesale dealer in any stock medicine shall within thirty days after the commencement of this Act or within thirty days after the date of his commencing in business or trade

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

as such (whichever is the later date) and thereafter in each year on or before the thirtieth day of June make to the Under Secretary of the Department of Agriculture”, insert instead “Every person who intends to be a wholesale dealer in any stock medicine may, before he commences in business or trade as a wholesale dealer in such stock medicine, make to the Director-General”.

(b) Section 13 (1A), (1B), (1C), (1D)—

After section 13 (1), insert :—

(1A) Subject to subsections (1B) and (1C), a wholesale dealer in any stock medicine may, on or before the prescribed date immediately preceding each registration period or, where no date is prescribed, before the commencement of each registration period, make to the Director-General an application for renewal of the registration of that stock medicine.

(1B) Subject to subsection (1C), where a date is prescribed under subsection (1A) in relation to a registration period, a wholesale dealer in any stock medicine the registration of which was effected after that date but before the commencement of the registration period may, before the commencement of the registration period, make to the Director-General an application for renewal of the registration of that stock medicine.

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

(1C) The Director-General may accept an application for renewal of the registration of a stock medicine notwithstanding that the application was not made within the time prescribed by or under subsection (1A) or (1B) and on that acceptance the application shall be deemed to have been made within the time prescribed.

(1D) An application under subsection (1A) shall be in or to the effect of the prescribed form and shall contain the particulars set out in paragraphs (a) to (f), inclusive, of subsection (1).

(c) Section 13 (2)—

Omit “Every such application”, insert instead “An application under subsection (1), (1A) or (1B)”.

(d) Section 13 (2) (b)—

Omit the paragraph, insert instead :—

(b) the prescribed fee, which shall be applied as the annual fee—

- (i) in the case of an application under subsection (1)—for the registration year in which the application is approved; and
- (ii) in the case of an application under subsection (1A) or (1B)—for the first registration year of the registration period in respect of which the application is made.

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

(e) Section 13 (2A), (2B)—

After section 13 (2), insert :—

(2A) After the registration or renewal of registration of any stock medicine the prescribed annual fee is payable by the person who applied for registration or renewal in respect of each registration year after the first such year in each registration period.

(2B) If a fee payable by a person under subsection (2A) in respect of a registration year is not paid on or before 30th June in the year preceding that registration year, the Director-General may, by notice in writing served on that person, cancel the registration in respect of which the fee is payable.

(f) Section 13 (3)—

Omit “after the thirtieth day of June in any year”.

(g) Section 13 (4)—

Omit “Under Secretary of the Department of Agriculture”, insert instead “Director-General”.

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

(h) Section 13 (5), (6)—

Omit section 13 (5), insert instead :—

(5) Subject to this Act, the registration or renewal of registration of a stock medicine shall—

- (a) in the case of a registration—take effect on the date of approval of the application for registration or, where an appeal has been lodged against the refusal of an application and the appeal has been upheld, on the date when the appeal is so upheld; and
- (b) in the case of a renewal of registration—take effect on the first day of the registration period in respect of which the application for renewal is made,

and shall continue in force until the end of the registration period in respect of which that registration or renewal of registration is effected.

(6) Where a person ceases to be a wholesale dealer in a stock medicine registered by him under this Act—

- (a) he may, in writing, request the Director-General to cancel the registration of the stock medicine; and
- (b) the Director-General shall cancel that registration with effect from the date of receipt of that request.

Stock Foods and Medicines (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION OF
REGISTRATION.

(1) Sections 5A, 5B, 5C—

After section 5, insert :—

5A. (1) Where an application for registration, or renewal of the registration, of a manufactured stock food or by-product is made under section 5, the Director-General may—

Registration or refusal to register.

- (a) register the manufactured stock food or by-product or renew that registration, as the case may be; or
- (b) if the manufactured stock food or by-product is, or appears to him to be, unfit for use as a stock food, refuse that application.

(2) The registration of a manufactured stock food or by-product may be renewed notwithstanding that the registration would, but for this subsection, have expired and, when so renewed, shall be deemed to have taken effect on the first day of the registration period in respect of which the application for renewal was made.

5B. (1) The Director-General may, at any time, review the registration of a manufactured stock food or by-product.

Cancellation of registration.

(2) The Director-General may, at the time of review of the registration of a manufactured stock food or by-product under subsection (1), cancel that registration if, in his opinion, he would not have registered the stock food or by-product if an application for registration had been made at that time.

Stock Foods and Medicines (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION
OF REGISTRATION—*continued.*

(3) Subject to this Act, a cancellation referred to in subsection (2) shall take effect—

- (a) where no appeal is made under section 5c within the time prescribed—on the expiration of that time; or
- (b) where an appeal is lodged under section 5c but the appeal is dismissed—on the date of that dismissal.

(4) Where the Director-General cancels the registration of a manufactured stock food or by-product under subsection (2), he may, if in his opinion it is in the public interest to do so, suspend, by notice in writing served on the wholesale dealer in that manufactured stock food or by-product, that registration until the expiration of the time prescribed for the making of an appeal or, where an appeal is lodged, until the time of determination of the appeal.

(5) A registration of a manufactured stock food or by-product shall be deemed not to be in force during any period of its suspension.

Appeal
against
refusal or
cancellation.

5c. (1) Where an application for registration, or renewal of the registration, of a manufactured stock food or by-product is refused under section 5A or the registration of a manufactured stock food or by-product is cancelled under section 5B (2), the Director-General shall serve on the applicant or the wholesale dealer in that stock food or by-product a notice in writing of that refusal or cancellation and of the grounds of that refusal or cancellation.

Stock Foods and Medicines (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION
OF REGISTRATION—*continued.*

(2) The applicant or wholesale dealer, as the case may be, may, within the time prescribed, appeal against a refusal or cancellation referred to in subsection (1) to the District Court.

(3) The District Court may summon witnesses, hear evidence and determine an appeal under this section having regard to this Part, the regulations, the circumstances of the case and the public interest.

(4) The decision of the District Court on an appeal under this section shall be binding on the Director-General and the appellant and shall be carried into effect accordingly.

(5) The District Court may award costs in an appeal under this section and such costs may be enforced and recovered in like manner to costs awarded in a judgment of the District Court.

(2) Section 15—

Omit the section, insert instead :—

15. (1) Every application for registration, or renewal of the registration, of any stock medicine shall be submitted by the Director-General to the Board for its report and recommendation thereon.

Applica-
tions for
registration
to be
submitted
to Board.

Stock Foods and Medicines (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION
OF REGISTRATION—*continued.*

(2) The Board may, where an application is submitted to it under subsection (1) in respect of a stock medicine, recommend to the Director-General that the stock medicine be registered or the registration of the stock medicine be renewed, as the case may be, or that the application be refused.

(3) Where the Board recommends that an application for registration, or renewal of the registration, of a stock medicine be refused, the recommendation shall be accompanied by a statement of the grounds upon which the recommendation was based.

(4) The Director-General may, on the recommendation of the Board, register, or renew the registration of, a stock medicine or refuse an application for registration, or renewal of the registration, of a stock medicine.

(5) The registration of a stock medicine may be renewed notwithstanding that the registration would, but for this subsection, have expired and, when so renewed, shall be deemed to have taken effect on the first day of the registration period in respect of which the application for renewal was made.

(3) Section 15A—

After section 15, insert :—

15A. (1) The Board may, at any time, review the registration of a stock medicine.

Cancellation of registration.

Stock Foods and Medicines (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION
OF REGISTRATION—*continued.*

(2) The Board may, at the time of review of the registration of a stock medicine under subsection (1), recommend to the Director-General that the registration of that stock medicine be cancelled if, in its opinion, it would not have recommended registration of that stock medicine if an application for registration had been made at that time.

(3) The Director-General may, on receipt of a recommendation referred to in subsection (2) in respect of the registration of a stock medicine, cancel that registration.

(4) A cancellation referred to in subsection (3) shall take effect—

- (a) where no appeal is made under section 16 within the time prescribed—on the expiration of that time; or
- (b) where an appeal is lodged under section 16 within the time prescribed but the appeal is dismissed—on the date of that dismissal.

(5) Where the Board recommends the cancellation of the registration of a stock medicine under subsection (3), it may, if in its opinion it is in the public interest to do so, recommend the suspension of that registration until the expiration of the time prescribed for the making of an appeal or, where an appeal is lodged, until the time of determination of the appeal.

Stock Foods and Medicines (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION
OF REGISTRATION—*continued.*

(6) The Director-General may, on receipt of a recommendation referred to in subsection (5) in respect of the registration of a stock medicine, suspend, by notice in writing served on the wholesale dealer in the stock medicine, that registration in accordance with that recommendation.

(7) A registration of a stock medicine shall be deemed not to be in force during any period of its suspension.

(4) (a) Section 16 (1), (2)—

Omit the subsections, insert instead :—

(1) Where an application for registration, or renewal of the registration, of a stock medicine is refused under section 15 (4) or the registration of a stock medicine is cancelled under section 15A (3), the Director-General shall serve on the applicant or the wholesale dealer in that stock medicine, as the case may be, a notice in writing of that refusal or cancellation and of the grounds of that refusal or cancellation.

(2) The applicant or wholesale dealer, as the case may be, may, within the time prescribed, appeal against a refusal or cancellation referred to in subsection (1) to the District Court.

Stock Foods and Medicines (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION
OF REGISTRATION—*continued.*

(b) Section 16 (3)—

Omit "Such judge", insert instead "The District Court".

(c) Section 16 (4)—

Omit the subsection, insert instead :—

(4) The decision of the District Court on an appeal under this section shall be binding on the Director-General and the appellant and shall be carried into effect accordingly.

(d) Section 16 (5)—

Omit "If in any decision under this section costs are awarded," insert instead "The District Court may award costs in an appeal under this section and".

Stock Foods and Medicines (Amendment).

Sec. 4.

SCHEDULE 3.

AMENDMENT TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE WITHDRAWAL FROM SALE OF
STOCK FOOD.

Section 11A—

After section 11, insert:—

Withdrawal
of stock
food
from
sale.

11A. (1) The Minister, or any person authorised by him either generally or specifically for the purposes of this section, may, by notice in writing served on any person, order that person to withdraw from sale any stock food which is or appears to the Minister or that authorised person, as the case may be, to be unfit for use as a stock food.

(2) An order made under subsection (1) shall remain in force until—

(a) where the order was made by the Minister—the Minister by instrument in writing withdraws the order; or

(b) where the order was made by an authorised person—the Minister or that person by instrument in writing withdraws the order.

(3) A person who has been served with an order under subsection (1) shall not, while the order is in force, sell any stock food to which the order relates.

Stock Foods and Medicines (Amendment).

SCHEDULE 4.

Sec. 4.

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE LABELLING AND ADVERTISING
OF STOCK MEDICINES.

(1) (a) Section 17 (1), (1A)—

Omit section 17 (1), insert instead :—

(1) Every package of a registered stock medicine shall bear thereon or on a label securely and conspicuously affixed to the package the words "Registered under the Stock Foods and Medicines Act, 1940", together with such particulars as may be prescribed.

(1A) A regulation made for the purposes of subsection (1)—

(a) may prescribe different particulars in respect of different kinds or descriptions of packages; and

(b) may provide that the regulation shall not apply to packages of such kinds or descriptions as may be prescribed.

(b) Section 17 (2)—

Omit "such package or label", insert instead "package, or label affixed to a package, of a registered stock medicine".

(2) (a) Section 19 (1)—

Omit "wholesale dealer in any registered stock medicine who", insert instead "person who, for the purpose of selling a registered stock medicine".

Stock Foods and Medicines (Amendment).

 SCHEDULE 4—*continued.*

 AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
 1940, RELATING TO THE LABELLING AND ADVERTISING
 OF STOCK MEDICINES—*continued.*

(b) Section 19 (1) (a)—

Omit the paragraph.

(c) Section 19 (1) (b)—

Omit “as to the efficacy of such registered stock medicine”, insert instead “, or makes or causes to be made any verbal claim or statement, as to the efficacy of that registered stock medicine”.

(d) Section 19 (1) (b)—

Omit “such stock medicine;”, insert instead “that stock medicine; or”.

(e) Section 19 (1) (c)—

Omit “with respect to such registered stock medicine”, insert instead “, or makes or causes to be made any verbal claim or statement, with respect to that registered stock medicine”.

Stock Foods and Medicines (Amendment).

SCHEDULE 5.

Sec. 4.

MISCELLANEOUS AMENDMENTS TO THE STOCK FOODS AND
MEDICINES ACT, 1940.

(1) (a) Section 3, definition of "Director-General"—

After the definition of "Chaff", insert :—

"Director-General" means the person holding
office or acting as Director-General of the
Department of Agriculture.

(b) Section 3, definition of "Stock"—

Omit "or pigeon", insert instead " , pigeon, cat,
fish, cockatoo, parrot, budgerigar, canary, galah,
finch or parakeet and any kind or species of
animal or bird prescribed for the purposes of this
definition".

(c) Section 3, definition of "Stock medicine"—

Omit—

"of progeny,

but does not include—

- (i) any such substance, mixture, com-
pound or product bona fide prescribed
by a veterinary surgeon in the course
of the practice of his profession as
such or supplied by him for any stock
for the time being under his profes-
sional care or charge; or

Stock Foods and Medicines (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE STOCK FOODS AND
MEDICINES ACT, 1940—*continued.*

- (ii) any such substance, mixture or compound bona fide extemporaneously prepared for a specific case by a pharmaceutical chemist in the ordinary course of his business.”.

Insert instead “of progeny.”.

(2) (a) Section 12 (2) (a)—

Omit “Chief Chemist”, insert instead “Director of Pesticides and Environmental Studies”.

(b) Section 12 (8)—

Omit “a fee of four dollars twenty cents”, insert instead “the prescribed fee”.

(c) Section 12 (9)—

After section 12 (8), insert :—

(9) Section 39 (1) of the Interpretation Act, 1897, applies in respect of the Board as if the Board had been constituted by or under an Act passed after the commencement of the Interpretation (Amendment) Act, 1969.

(3) Section 16 (8)—

Omit “a fee of ten dollars fifty cents”, insert instead “the prescribed fee”.

Stock Foods and Medicines (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE STOCK FOODS AND
MEDICINES ACT, 1940—*continued.*

(4) (a) Section 18—

Omit “after the expiration of a period of six months after the commencement of this Act”.

(b) Section 18 (2)—

At the end of section 18, insert :—

(2) Subsection (1) (a) does not apply to the sale of a stock medicine where the stock medicine was—

(a) bona fide prescribed by a veterinary surgeon in the course of the practice of his profession as a veterinary surgeon;

(b) supplied by a veterinary surgeon for any stock for the time being under his professional care and charge; or

(c) bona fide extemporaneously prepared for a specific case by a pharmaceutical chemist in the ordinary course of his business as a pharmaceutical chemist.

(5) Section 19 (2)—

Omit “Under Secretary of the Department of Agriculture”, insert “Director-General”.

Stock Foods and Medicines (Amendment).

SCHEDULE 5—*continued.*
 MISCELLANEOUS AMENDMENTS TO THE STOCK FOODS AND
 MEDICINES ACT, 1940—*continued.*

(6) Section 33 (1)—

Omit “Under Secretary of the Department of Agriculture”, insert instead “Director-General”.

(7) (a) Section 34—

Omit “Under Secretary of the Department of Agriculture”, insert instead “Director-General”.

(b) Section 34—

Omit “said Under Secretary”, insert instead “Director-General”.

(8) Section 35 (4)—

Omit the subsection, insert instead :—

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(9) Sections 36, 37—

After section 35, insert :—

Refund of
fees.

36. If, in the opinion of the Director-General, the circumstances so warrant, the Director-General may—

- (a) on the refusal of an application under this Act—refund to the applicant any or all of the fee paid in respect of the application;
and

Stock Foods and Medicines (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE STOCK FOODS AND
MEDICINES ACT, 1940—*continued.*

(b) on the cancellation of the registration of a manufactured stock food or by-product or of a stock medicine under this Act—refund to the person who applied for that registration any or all of that part of the fee paid in respect of that registration that is attributable to the term of that registration remaining after that cancellation.

37. (1) A notice under this Act may be served on **Service of notices.**
a person—

- (a) by delivering it personally to that person;
- (b) by delivering it to the place last known to the Director-General as his place of abode or business and by leaving it there with some person for him; or
- (c) subject to subsection (2), by posting it in an envelope duly stamped and addressed to that person at the place last known to the Director-General as his place of abode or business.

(2) Where a notice is served as referred to in subsection (1) (c), the notice shall be deemed to have been served at such time after the posting of the notice as is prescribed or, where no such time is prescribed, at the time when the notice would be delivered in the ordinary course of post.

Stock Foods and Medicines (Amendment).

Sec. 5.

SCHEDULE 6.

VALIDATING PROVISIONS.

(1) Any act or proceeding of the Stock Medicines Board before the date of assent to this Act shall be deemed not to have been invalidated by reason that the Director of Pesticides and Environmental Studies of the Department of Agriculture has acted as a member of the Board.

(2) Any vacancy in the office, defect in the appointment or disqualification of a member of the Stock Medicines Board before the date of assent to this Act shall be deemed not to have invalidated any act or proceeding of the Board.

(3) Anything done by a person holding office or acting as the Director-General of the Department of Agriculture, being a thing—

- (a) done under a provision of the Stock Foods and Medicines Act, 1940, amended by this Act;
- (b) done before the commencement of the provision of this Act amending that provision; and
- (c) that could have been done by that person had the reference or references to the Under Secretary of the Department of Agriculture in that provision as then in force been replaced by a reference or references to that person,

is validated.

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

A. R. CUTLER,

Governor.

Government House,

Sydney, 6th March, 1978.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

**STOCK FOODS AND MEDICINES
(AMENDMENT) ACT, 1978, No. 12**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 12, 1978.

An Act to amend the Stock Foods and Medicines Act, 1940, to alter the periods of registration of stock foods and medicines, to make further provisions relating to the refusal and cancellation of registration, to enable the withdrawal from sale of certain stock foods, and for certain other purposes; and to validate certain matters. [Assented to, 6th March, 1978.]

Stock Foods and Medicines (Amendment).

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 Foods and Medicines (Amendment) Act, 1978".

Commence-
ment. **2.** (1) Except as provided in subsections (2), (3) and (4), this Act shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of Schedules 1–5, commence on the day on which that provision commences.

(3) Schedule 1 shall commence on 1st May, 1978, or on such earlier day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Schedule 4 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.

Schedules. **3.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT, 1940, RELATING TO REGISTRATION PERIODS.

SCHEDULE 2.—AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT, 1940, RELATING TO THE REFUSAL AND CANCELLATION OF REGISTRATION.

Stock Foods and Medicines (Amendment).

SCHEDULE 3.—AMENDMENT TO THE STOCK FOODS AND MEDICINES ACT, 1940, RELATING TO THE WITHDRAWAL FROM SALE OF STOCK FOOD.

SCHEDULE 4.—AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT, 1940, RELATING TO THE LABELLING AND ADVERTISING OF STOCK MEDICINES.

SCHEDULE 5.—MISCELLANEOUS AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT, 1940.

SCHEDULE 6.—VALIDATING PROVISIONS.

4. The Stock Foods and Medicines Act, 1940, is amended in the manner set forth in Schedules 1–5. Amendment of Act No. 19, 1940.

5. Schedule 6 has effect. Validating provisions.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT, 1940, RELATING TO REGISTRATION PERIODS.

(1) Section 3, definitions of “Registration periods” and “Registration year”—

After the definition of “Prescribed”, insert :—

“Registration periods” means the period of 3 years commencing on 1st July, 1978, and the periods of 3 years commencing on 1st July in each third year after 1st July, 1978.

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

“Registration year”, in relation to a registration effected under this Act, means a period of 1 year commencing on 1st July during which, or during part of which, the registration is in force.

(2) (a) Section 5 (1)—

Omit “Every wholesale dealer in any manufactured stock food or in any by-product shall within thirty days after the commencement of this Act or within thirty days after the date of his commencing in business or trade as a wholesale dealer in such stock food or by-product (whichever is the later date) and thereafter in each year on or before the thirtieth day of June make to the Under Secretary of the Department of Agriculture”, insert instead “Every person who intends to be a wholesale dealer in any manufactured stock food or in any by-product may, before he commences in business or trade as a wholesale dealer in such stock food or by-product, make to the Director-General”.

(b) Section 5 (1) (b)—

Omit “which he then sells or which he then proposes to sell during the period ending on the next following thirtieth day of June”, insert instead “which he proposes to sell during the registration period in respect of which the application is made”.

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

(c) Section 5 (1A), (1B), (1C), (1D)—

After section 5 (1), insert :—

(1A) Subject to subsections (1B) and (1C), a wholesale dealer in any registered stock food or by-product may, on or before the prescribed date immediately preceding each registration period or, where no date is prescribed, before the commencement of each registration period, make to the Director-General an application for renewal of the registration of that stock food or by-product.

(1B) Subject to subsection (1C), where a date is prescribed under subsection (1A) in relation to a registration period, a wholesale dealer in any stock food or by-product the registration of which was effected after that date but before the commencement of the registration period may, before the commencement of the registration period, make to the Director-General an application for renewal of the registration of that stock food or by-product.

(1C) The Director-General may accept an application for renewal of the registration of a stock food or by-product notwithstanding that the application was not made within the time prescribed by or under subsection (1A) or (1B) and on that acceptance the application shall be deemed to have been made within the time prescribed.

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

(1D) An application under subsection (1A) shall be in or to the effect of the prescribed form and shall contain the particulars set out in paragraphs (a) to (f), inclusive, of subsection (1).

(d) Section 5 (2)—

Omit “Every such application”, insert instead “An application under subsection (1), (1A) or (1B)”.

(e) Section 5 (2) (b)—

Omit the paragraph, insert instead :—

(b) the prescribed fee, which shall be applied as the annual fee—

(i) in the case of an application under subsection (1)—for the registration year in which the application is approved; and

(ii) in the case of an application under subsection (1A) or (1B)—for the first registration year of the registration period in respect of which the application is made.

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

(f) Section 5 (2A), (2B)—

After section 5 (2), insert :—

(2A) After the registration or renewal of registration of any manufactured stock food or any by-product the prescribed annual fee is payable by the person who applied for registration or renewal in respect of each registration year after the first such year in each registration period.

(2B) If a fee payable by a person under subsection (2A) in respect of a registration year is not paid on or before 30th June in the year preceding the registration year, the Director-General may, by notice in writing served on that person, cancel the registration in respect of which the fee is payable.

(g) Section 5 (3)—

Omit “after the thirtieth day of June in any year”.

(h) Section 5 (4), (5)—

Omit section 5 (4), insert instead :—

(4) Subject to this Act, the registration or renewal of the registration of any manufactured stock food or by-product shall—

(a) in the case of a registration—take effect on the date of approval of the application for registration or, where an appeal has been lodged against the refusal of

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

an application and the appeal has been upheld, on the date when the appeal is so upheld; and

- (b) in the case of a renewal of registration—take effect on the first day of the registration period in respect of which the application for renewal is made,

and shall continue in force until the end of the registration period in respect of which that registration or renewal of registration is effected.

(5) Where a person ceases to be a wholesale dealer in a manufactured stock food or by-product registered by him under this Act—

- (a) he may, in writing, request the Director-General to cancel the registration of the manufactured stock food or by-product; and
- (b) the Director-General shall cancel that registration with effect from the date of receipt of that request.

(3) (a) Section 13 (1)—

Omit “Every wholesale dealer in any stock medicine shall within thirty days after the commencement of this Act or within thirty days after the date of his commencing in business or trade

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

as such (whichever is the later date) and thereafter in each year on or before the thirtieth day of June make to the Under Secretary of the Department of Agriculture”, insert instead “Every person who intends to be a wholesale dealer in any stock medicine may, before he commences in business or trade as a wholesale dealer in such stock medicine, make to the Director-General”.

(b) Section 13 (1A), (1B), (1C), (1D)—

After section 13 (1), insert :—

(1A) Subject to subsections (1B) and (1C), a wholesale dealer in any stock medicine may, on or before the prescribed date immediately preceding each registration period or, where no date is prescribed, before the commencement of each registration period, make to the Director-General an application for renewal of the registration of that stock medicine.

(1B) Subject to subsection (1C), where a date is prescribed under subsection (1A) in relation to a registration period, a wholesale dealer in any stock medicine the registration of which was effected after that date but before the commencement of the registration period may, before the commencement of the registration period, make to the Director-General an application for renewal of the registration of that stock medicine.

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

(1C) The Director-General may accept an application for renewal of the registration of a stock medicine notwithstanding that the application was not made within the time prescribed by or under subsection (1A) or (1B) and on that acceptance the application shall be deemed to have been made within the time prescribed.

(1D) An application under subsection (1A) shall be in or to the effect of the prescribed form and shall contain the particulars set out in paragraphs (a) to (f), inclusive, of subsection (1).

(c) Section 13 (2)—

Omit “Every such application”, insert instead “An application under subsection (1), (1A) or (1B)”.

(d) Section 13 (2) (b)—

Omit the paragraph, insert instead :—

(b) the prescribed fee, which shall be applied as the annual fee—

- (i) in the case of an application under subsection (1)—for the registration year in which the application is approved; and
- (ii) in the case of an application under subsection (1A) or (1B)—for the first registration year of the registration period in respect of which the application is made.

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

(e) Section 13 (2A), (2B)—

After section 13 (2), insert :—

(2A) After the registration or renewal of registration of any stock medicine the prescribed annual fee is payable by the person who applied for registration or renewal in respect of each registration year after the first such year in each registration period.

(2B) If a fee payable by a person under subsection (2A) in respect of a registration year is not paid on or before 30th June in the year preceding that registration year, the Director-General may, by notice in writing served on that person, cancel the registration in respect of which the fee is payable.

(f) Section 13 (3)—

Omit “after the thirtieth day of June in any year”.

(g) Section 13 (4)—

Omit “Under Secretary of the Department of Agriculture”, insert instead “Director-General”.

Stock Foods and Medicines (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO REGISTRATION PERIODS—*continued.*

(h) Section 13 (5), (6)—

Omit section 13 (5), insert instead :—

(5) Subject to this Act, the registration or renewal of registration of a stock medicine shall—

- (a) in the case of a registration—take effect on the date of approval of the application for registration or, where an appeal has been lodged against the refusal of an application and the appeal has been upheld, on the date when the appeal is so upheld; and
- (b) in the case of a renewal of registration—take effect on the first day of the registration period in respect of which the application for renewal is made,

and shall continue in force until the end of the registration period in respect of which that registration or renewal of registration is effected.

(6) Where a person ceases to be a wholesale dealer in a stock medicine registered by him under this Act—

- (a) he may, in writing, request the Director-General to cancel the registration of the stock medicine; and
 - (b) the Director-General shall cancel that registration with effect from the date of receipt of that request.
-

Stock Foods and Medicines (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION OF
REGISTRATION.

(1) Sections 5A, 5B, 5C—

After section 5, insert :—

5A. (1) Where an application for registration, or renewal of the registration, of a manufactured stock food or by-product is made under section 5, the Director-General may—

Registration or refusal to register.

- (a) register the manufactured stock food or by-product or renew that registration, as the case may be; or
- (b) if the manufactured stock food or by-product is, or appears to him to be, unfit for use as a stock food, refuse that application.

(2) The registration of a manufactured stock food or by-product may be renewed notwithstanding that the registration would, but for this subsection, have expired and, when so renewed, shall be deemed to have taken effect on the first day of the registration period in respect of which the application for renewal was made.

5B. (1) The Director-General may, at any time, review the registration of a manufactured stock food or by-product.

Cancellation of registration.

(2) The Director-General may, at the time of review of the registration of a manufactured stock food or by-product under subsection (1), cancel that registration if, in his opinion, he would not have registered the stock food or by-product if an application for registration had been made at that time.

Stock Foods and Medicines (Amendment).

 SCHEDULE 2—*continued.*

 AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
 1940, RELATING TO THE REFUSAL AND CANCELLATION
 OF REGISTRATION—*continued.*

(3) Subject to this Act, a cancellation referred to in subsection (2) shall take effect—

- (a) where no appeal is made under section 5c within the time prescribed—on the expiration of that time; or
- (b) where an appeal is lodged under section 5c but the appeal is dismissed—on the date of that dismissal.

(4) Where the Director-General cancels the registration of a manufactured stock food or by-product under subsection (2), he may, if in his opinion it is in the public interest to do so, suspend, by notice in writing served on the wholesale dealer in that manufactured stock food or by-product, that registration until the expiration of the time prescribed for the making of an appeal or, where an appeal is lodged, until the time of determination of the appeal.

(5) A registration of a manufactured stock food or by-product shall be deemed not to be in force during any period of its suspension.

Appeal
 against
 refusal or
 cancella-
 tion.

5c. (1) Where an application for registration, or renewal of the registration, of a manufactured stock food or by-product is refused under section 5A or the registration of a manufactured stock food or by-product is cancelled under section 5B (2), the Director-General shall serve on the applicant or the wholesale dealer in that stock food or by-product a notice in writing of that refusal or cancellation and of the grounds of that refusal or cancellation.

Stock Foods and Medicines (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION
OF REGISTRATION—*continued.*

(2) The applicant or wholesale dealer, as the case may be, may, within the time prescribed, appeal against a refusal or cancellation referred to in subsection (1) to the District Court.

(3) The District Court may summon witnesses, hear evidence and determine an appeal under this section having regard to this Part, the regulations, the circumstances of the case and the public interest.

(4) The decision of the District Court on an appeal under this section shall be binding on the Director-General and the appellant and shall be carried into effect accordingly.

(5) The District Court may award costs in an appeal under this section and such costs may be enforced and recovered in like manner to costs awarded in a judgment of the District Court.

(2) Section 15—

Omit the section, insert instead :—

15. (1) Every application for registration, or renewal of the registration, of any stock medicine shall be submitted by the Director-General to the Board for its report and recommendation thereon.

Applica-
tions for
registration
to be
submitted
to Board.

Stock Foods and Medicines (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION
OF REGISTRATION—*continued.*

(2) The Board may, where an application is submitted to it under subsection (1) in respect of a stock medicine, recommend to the Director-General that the stock medicine be registered or the registration of the stock medicine be renewed, as the case may be, or that the application be refused.

(3) Where the Board recommends that an application for registration, or renewal of the registration, of a stock medicine be refused, the recommendation shall be accompanied by a statement of the grounds upon which the recommendation was based.

(4) The Director-General may, on the recommendation of the Board, register, or renew the registration of, a stock medicine or refuse an application for registration, or renewal of the registration, of a stock medicine.

(5) The registration of a stock medicine may be renewed notwithstanding that the registration would, but for this subsection, have expired and, when so renewed, shall be deemed to have taken effect on the first day of the registration period in respect of which the application for renewal was made.

(3) Section 15A—

After section 15, insert :—

Cancell-
ation of
registration.

15A. (1) The Board may, at any time, review the registration of a stock medicine.

Stock Foods and Medicines (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION
OF REGISTRATION—*continued.*

(2) The Board may, at the time of review of the registration of a stock medicine under subsection (1), recommend to the Director-General that the registration of that stock medicine be cancelled if, in its opinion, it would not have recommended registration of that stock medicine if an application for registration had been made at that time.

(3) The Director-General may, on receipt of a recommendation referred to in subsection (2) in respect of the registration of a stock medicine, cancel that registration.

(4) A cancellation referred to in subsection (3) shall take effect—

- (a) where no appeal is made under section 16 within the time prescribed—on the expiration of that time; or
- (b) where an appeal is lodged under section 16 within the time prescribed but the appeal is dismissed—on the date of that dismissal.

(5) Where the Board recommends the cancellation of the registration of a stock medicine under subsection (3), it may, if in its opinion it is in the public interest to do so, recommend the suspension of that registration until the expiration of the time prescribed for the making of an appeal or, where an appeal is lodged, until the time of determination of the appeal.

Stock Foods and Medicines (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION
OF REGISTRATION—*continued.*

(6) The Director-General may, on receipt of a recommendation referred to in subsection (5) in respect of the registration of a stock medicine, suspend, by notice in writing served on the wholesale dealer in the stock medicine, that registration in accordance with that recommendation.

(7) A registration of a stock medicine shall be deemed not to be in force during any period of its suspension.

(4) (a) Section 16 (1), (2)—

Omit the subsections, insert instead :—

(1) Where an application for registration, or renewal of the registration, of a stock medicine is refused under section 15 (4) or the registration of a stock medicine is cancelled under section 15A (3), the Director-General shall serve on the applicant or the wholesale dealer in that stock medicine, as the case may be, a notice in writing of that refusal or cancellation and of the grounds of that refusal or cancellation.

(2) The applicant or wholesale dealer, as the case may be, may, within the time prescribed, appeal against a refusal or cancellation referred to in subsection (1) to the District Court.

Stock Foods and Medicines (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE REFUSAL AND CANCELLATION
OF REGISTRATION—*continued.*

(b) Section 16 (3)—

Omit "Such judge", insert instead "The District Court".

(c) Section 16 (4)—

Omit the subsection, insert instead :—

(4) The decision of the District Court on an appeal under this section shall be binding on the Director-General and the appellant and shall be carried into effect accordingly.

(d) Section 16 (5)—

Omit "If in any decision under this section costs are awarded," insert instead "The District Court may award costs in an appeal under this section and".

Stock Foods and Medicines (Amendment).

Sec. 4.

SCHEDULE 3.

AMENDMENT TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE WITHDRAWAL FROM SALE OF
STOCK FOOD.

Section 11A—

After section 11, insert:—

Withdrawal
of stock
food
from
sale.

11A. (1) The Minister, or any person authorised by him either generally or specifically for the purposes of this section, may, by notice in writing served on any person, order that person to withdraw from sale any stock food which is or appears to the Minister or that authorised person, as the case may be, to be unfit for use as a stock food.

(2) An order made under subsection (1) shall remain in force until—

(a) where the order was made by the Minister—the Minister by instrument in writing withdraws the order; or

(b) where the order was made by an authorised person—the Minister or that person by instrument in writing withdraws the order.

(3) A person who has been served with an order under subsection (1) shall not, while the order is in force, sell any stock food to which the order relates.

Stock Foods and Medicines (Amendment).

SCHEDULE 4.

Sec. 4.

AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
1940, RELATING TO THE LABELLING AND ADVERTISING
OF STOCK MEDICINES.

(1) (a) Section 17 (1), (1A)—

Omit section 17 (1), insert instead :—

(1) Every package of a registered stock medicine shall bear thereon or on a label securely and conspicuously affixed to the package the words "Registered under the Stock Foods and Medicines Act, 1940", together with such particulars as may be prescribed.

(1A) A regulation made for the purposes of subsection (1)—

(a) may prescribe different particulars in respect of different kinds or descriptions of packages; and

(b) may provide that the regulation shall not apply to packages of such kinds or descriptions as may be prescribed.

(b) Section 17 (2)—

Omit "such package or label", insert instead "package, or label affixed to a package, of a registered stock medicine".

(2) (a) Section 19 (1)—

Omit "wholesale dealer in any registered stock medicine who", insert instead "person who, for the purpose of selling a registered stock medicine".

Stock Foods and Medicines (Amendment).

 SCHEDULE 4—*continued.*

 AMENDMENTS TO THE STOCK FOODS AND MEDICINES ACT,
 1940, RELATING TO THE LABELLING AND ADVERTISING
 OF STOCK MEDICINES—*continued.*

(b) Section 19 (1) (a)—

Omit the paragraph.

(c) Section 19 (1) (b)—

Omit “as to the efficacy of such registered stock medicine”, insert instead “, or makes or causes to be made any verbal claim or statement, as to the efficacy of that registered stock medicine”.

(d) Section 19 (1) (b)—

Omit “such stock medicine;”, insert instead “that stock medicine; or”.

(e) Section 19 (1) (c)—

Omit “with respect to such registered stock medicine”, insert instead “, or makes or causes to be made any verbal claim or statement, with respect to that registered stock medicine”.

Stock Foods and Medicines (Amendment).

SCHEDULE 5.

Sec. 4.

MISCELLANEOUS AMENDMENTS TO THE STOCK FOODS AND
MEDICINES ACT, 1940.

(1) (a) Section 3, definition of "Director-General"—

After the definition of "Chaff", insert :—

"Director-General" means the person holding
office or acting as Director-General of the
Department of Agriculture.

(b) Section 3, definition of "Stock"—

Omit "or pigeon", insert instead " , pigeon, cat,
fish, cockatoo, parrot, budgerigar, canary, galah,
finch or parakeet and any kind or species of
animal or bird prescribed for the purposes of this
definition".

(c) Section 3, definition of "Stock medicine"—

Omit—

"of progeny,

but does not include—

- (i) any such substance, mixture, com-
pound or product bona fide prescribed
by a veterinary surgeon in the course
of the practice of his profession as
such or supplied by him for any stock
for the time being under his profes-
sional care or charge; or

Stock Foods and Medicines (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE STOCK FOODS AND
MEDICINES ACT, 1940—*continued.*

- (ii) any such substance, mixture or compound bona fide extemporaneously prepared for a specific case by a pharmaceutical chemist in the ordinary course of his business.”

Insert instead “of progeny.”

(2) (a) Section 12 (2) (a)—

Omit “Chief Chemist”, insert instead “Director of Pesticides and Environmental Studies”.

(b) Section 12 (8)—

Omit “a fee of four dollars twenty cents”, insert instead “the prescribed fee”.

(c) Section 12 (9)—

After section 12 (8), insert :—

(9) Section 39 (1) of the Interpretation Act, 1897, applies in respect of the Board as if the Board had been constituted by or under an Act passed after the commencement of the Interpretation (Amendment) Act, 1969.

(3) Section 16 (8)—

Omit “a fee of ten dollars fifty cents”, insert instead “the prescribed fee”.

Stock Foods and Medicines (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE STOCK FOODS AND
MEDICINES ACT, 1940—*continued.*

(4) (a) Section 18—

Omit “after the expiration of a period of six months after the commencement of this Act”.

(b) Section 18 (2)—

At the end of section 18, insert:—

(2) Subsection (1) (a) does not apply to the sale of a stock medicine where the stock medicine was—

(a) bona fide prescribed by a veterinary surgeon in the course of the practice of his profession as a veterinary surgeon;

(b) supplied by a veterinary surgeon for any stock for the time being under his professional care and charge; or

(c) bona fide extemporaneously prepared for a specific case by a pharmaceutical chemist in the ordinary course of his business as a pharmaceutical chemist.

(5) Section 19 (2)—

Omit “Under Secretary of the Department of Agriculture”, insert instead “Director-General”.

Stock Foods and Medicines (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE STOCK FOODS AND
MEDICINES ACT, 1940—*continued.*

(6) Section 33 (1)—

Omit "Under Secretary of the Department of Agriculture", insert instead "Director-General".

(7) (a) Section 34—

Omit "Under Secretary of the Department of Agriculture", insert instead "Director-General".

(b) Section 34—

Omit "said Under Secretary", insert instead "Director-General".

(8) Section 35 (4)—

Omit the subsection, insert instead :—

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(9) Sections 36, 37—

After section 35, insert :—

Refund of
fees.

36. If, in the opinion of the Director-General, the circumstances so warrant, the Director-General may—

- (a) on the refusal of an application under this Act—refund to the applicant any or all of the fee paid in respect of the application;
and

Stock Foods and Medicines (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE STOCK FOODS AND
MEDICINES ACT, 1940—*continued.*

(b) on the cancellation of the registration of a manufactured stock food or by-product or of a stock medicine under this Act—refund to the person who applied for that registration any or all of that part of the fee paid in respect of that registration that is attributable to the term of that registration remaining after that cancellation.

37. (1) A notice under this Act may be served on a person— Service of notices.

- (a) by delivering it personally to that person;
- (b) by delivering it to the place last known to the Director-General as his place of abode or business and by leaving it there with some person for him; or
- (c) subject to subsection (2), by posting it in an envelope duly stamped and addressed to that person at the place last known to the Director-General as his place of abode or business.

(2) Where a notice is served as referred to in subsection (1) (c), the notice shall be deemed to have been served at such time after the posting of the notice as is prescribed or, where no such time is prescribed, at the time when the notice would be delivered in the ordinary course of post.

Stock Foods and Medicines (Amendment).

Sec. 5.

SCHEDULE 6.

VALIDATING PROVISIONS.

(1) Any act or proceeding of the Stock Medicines Board before the date of assent to this Act shall be deemed not to have been invalidated by reason that the Director of Pesticides and Environmental Studies of the Department of Agriculture has acted as a member of the Board.

(2) Any vacancy in the office, defect in the appointment or disqualification of a member of the Stock Medicines Board before the date of assent to this Act shall be deemed not to have invalidated any act or proceeding of the Board.

(3) Anything done by a person holding office or acting as the Director-General of the Department of Agriculture, being a thing—

(a) done under a provision of the Stock Foods and Medicines Act, 1940, amended by this Act;

(b) done before the commencement of the provision of this Act amending that provision; and

(c) that could have been done by that person had the reference or references to the Under Secretary of the Department of Agriculture in that provision as then in force been replaced by a reference or references to that person,

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

A. R. CUTLER,
Governor.

Government House,
Sydney, 6th March, 1978.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978