



New South Wales

## Stock Foods Amendment Bill 1996

### Explanatory note

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

#### Overview of Bill

The object of this Bill is to amend the *Stock Foods Act 1940* as follows:

- (a) to repeal provisions that require the registration of stock foods,
  - (b) to repeal provisions that require the labelling of packages of stock food that is pet food,
  - (c) to repeal provisions that imply certain warranties in respect of the sale or delivery of chaff and in respect of invoices, agreements, circulars and advertisements for stock food,
  - (d) to replace a provision that requires the giving of an invoice when stock food is sold with a provision that requires an information statement to be provided when stock food is supplied in bulk,
  - (e) to broaden an existing provision that enables the regulations to fix the maximum amount of foreign ingredients that can be contained in a stock food to enable the Minister to issue temporary orders to fix new or different maximum foreign ingredient concentrations,
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- (f) to allow the regulations to regulate or prohibit the incorporation of veterinary chemical products in stock foods to produce medicated stock foods,
- (g) to allow the Director-General of the Department of Agriculture to issue permits to allow the supply of stock foods in circumstances that would ordinarily constitute a contravention of provisions for package labelling, maximum foreign ingredient concentrations, medicated stock food controls or withdrawal from sale directions,
- (h) to broaden existing and proposed new controls to cover not only sales of stock food as at present but also the broader class of transactions encompassed by supply (as used in the Agvet Code and Agvet Regulations),
- (i) to enable the regulations to make provision by applying, adopting or incorporating publications as in force for the time being,
- (j) to increase the powers of inspectors to enable them to require the production of and inspect and take copies of records required by or under the Act and to enable them to require a person to state the person's name and address, and to make other minor amendments to the powers of inspectors,
- (k) to revise terminology in the Act to make it consistent with the terminology used in the Agvet Code and Agvet Regulations (which contain uniform provisions for the regulation of agricultural and veterinary chemicals throughout Australia),
- (l) to revise penalties for the offences with which the amendments are concerned and related offences so that the maximum penalty will be 50 penalty units when the offence is committed by an individual and 100 penalty units when the offence is committed by a body corporate,
- (m) to make minor miscellaneous amendments,
- (n) to make consequential amendments and savings and transitional provisions.

### Outline of provisions

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

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

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

## **Schedule 1     Amendments**

**Schedule 1 [1]** replaces the definition section of the Act to remove obsolete definitions and bring other definitions into line with terminology used in the Agvet Code and Agvet Regulations.

**Schedule 1 [2]** makes the following amendments:

- (a) Section 4 will be repealed. That section currently creates a presumption and an offence with respect to sales and deliveries of chaff (in effect requiring the chaff to be hay chaff unless the contrary is specified).
- (b) Sections 5–5C will be repealed. Those sections currently require manufactured stock foods and by-products to be registered.
- (c) Section 6 will be replaced. The section currently requires packages of manufactured stock foods and by-products to be labelled in a certain way. The new section will require the labelling of packages of stock food for food producing species and horses (so that packages of pet food will not be required to be labelled) and packages of any stock food supplement (including pet stock food supplement). Labels will have to be in accordance with the regulations.
- (d) A new section 6A will be inserted requiring suppliers of bulk stock food to provide the customer with a written statement about the stock food that complies with the regulations.

**Schedule 1 [3]** will replace section 7 (which currently allows the regulations to prescribe the maximum proportion of foreign ingredients that may be present in a stock food). The section will be broadened to allow the Minister to make temporary orders of up to 60 days duration to further restrict or impose new restrictions on the presence of foreign ingredients in stock food.

**Schedule 1 [4]** makes the following amendments:

- (a) Sections 8–11 will be repealed. Those sections impose requirements on invoices, agreements, circulars and advertisements with respect to stock foods and provide that statements made in them constitute a warranty to the customer. Section 11 creates a number of offences that relate to various provisions in the Act. To the extent that the offences will still be relevant they will be transferred to the various provisions that create the offences.

- (b) A new section 8 will be inserted to allow the regulations to regulate or prohibit the incorporation of veterinary chemical products in stock foods to produce medicated stock food. It will be an offence to supply a stock food in contravention of the regulations.
- (c) A new section 9 will be inserted to allow the Director-General of the Department of Agriculture to issue permits to allow the sale of stock food or stock food supplement in circumstances that would otherwise constitute a contravention of provisions of the Act that regulate packaging, foreign ingredient concentrations or veterinary chemical product content or that require the withdrawal of stock food from sale.

**Schedule 1 [5] and [6]** are examples of amendments that change “sale” and “sell” throughout the Act to “supply” to cover a broader class of transactions, which is consistent with the Agvet Code and Agvet Regulations. Other provisions of the Act are amended to the same effect in the course of the other amendments being made to those provisions.

**Schedule 1 [7]** lowers the maximum penalty for the offence of contravening an order of the Minister to withdraw stock food from sale. The current maximum penalty is 200 penalty units for an individual or 400 penalty units for a corporation. The new penalty will be 50 penalty units for an individual or 100 penalty units for a corporation. This level of penalty will be made consistent for related offences in the Act.

**Schedule 1 [8]** provides that an inspector can have assistance when exercising the powers of an inspector.

**Schedule 1 [9]** changes “sale” to “supply” in the provisions dealing with powers of inspectors.

**Schedule 1 [10]** allows an inspector to require a person to state the person’s name and address and to require the production of and take copies of and extracts from records required to be kept by or under the Act.

**Schedule 1 [11]** makes it clear that the powers of an inspector to seize and remove articles can be exercised separately (that is, an inspector need not remove an article that the inspector has seized).

**Schedule 1 [12]** increases from 6 months to 12 months the period for which an article or substance seized by an inspector can be retained.

**Schedule 1 [13]** corrects a typographical error.

**Schedule 1 [14]** changes “sale” to “supply” in the provisions dealing with powers of inspectors to demand information.

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**Schedule 1 [15]** removes the requirement that a certificate of an analyst under the Act be in a form approved by the Director-General.

**Schedule 1 [16]** broadens the power of a court to order forfeiture of stock food on convicting a person for certain offences against the Act so that the power will apply to conviction for any offence against the Act or the regulations.

**Schedule 1 [17]** broadens the existing offence provision concerned with the obstruction of inspectors so that it will cover the additional powers being conferred on inspectors by the Bill. The provision will require an inspector to warn a person that it is an offence not to comply with a requirement by the inspector to state the person's name and address.

**Schedule 1 [18]** is consequential on the repeal of provisions requiring the registration of stock foods.

**Schedule 1 [19] and [20]** repeal certain regulation making powers that are obsolete or will be redundant.

**Schedule 1 [21]** provides a power for the regulations to adopt or incorporate publications as in force for the time being (that is, as amended from time to time).

**Schedule 1 [22]** is consequential on the repeal of provisions requiring the registration of stock foods.

**Schedule 1 [23] and [24]** insert savings and transitional provisions and a savings and transitional regulation making power.



First print



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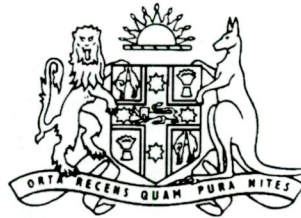
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New South Wales

## Stock Foods Amendment Bill 1996

No. , 1996

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### **A Bill for**

An Act to amend the *Stock Foods Act 1940* to remove provisions for the registration of stock foods and to make further provision with respect to the labelling of stock foods, restrictions on foreign ingredients in and additions to stock foods, and powers of inspectors; and for other purposes.

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Stock Foods Amendment Act 1996*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.      5

**3 Amendment of Stock Foods Act 1940 No 19**

The *Stock Foods Act 1940* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

### [1] Section 3

Omit the section. Insert instead:

#### 3 Definitions

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In this Act:

*Agvet Code* means the *Agvet Code of New South Wales*.

*Agvet Regulations* means the *Agvet Regulations of New South Wales*.

*analyst* means a person authorised under section 20 to be an analyst for the purposes of this Act. 10

*animal* has the same meaning as in the *Agvet Code*.

*block* or *lick* has the same meaning as in the *Agvet Regulations*.

*Director-General* means the Director-General of the Department of Agriculture holding office as such under Part 2 of the *Public Sector Management Act 1988*. 15

*food-producing species* has the same meaning as in the *Agvet Code*.

*foreign ingredient* means any substance, or other thing, that is declared by the regulations to be a foreign ingredient. 20

*inspector* means a person authorised under section 20 to be an inspector for the purposes of this Act.

*medicated stock food* has the same meaning as medicated stockfood in the *Agvet Regulations*. 25

*package* includes anything in which a stock food or stock food supplement is cased, covered, enclosed, contained or packed.

*premix* has the same meaning as in the *Agvet Regulations*. 30

*stock* means any animal that is prescribed by the regulations as stock for the purposes of this Act.

*stock food* has the same meaning as stockfood in the Agvet Regulations and also includes any block, lick, premix, stockfood supplement and any substance prescribed by the regulations as stock food, but does not include any stock medicine and does not include any substance prescribed by the regulations as not being a stock food. 5

*stock medicine* means a stock medicine registered under the *Stock Medicines Act 1989*.

*stockfood supplement* has the same meaning as in the Agvet Regulations. 10

*supply* has the same meaning as in the Agvet Code.

*veterinary chemical product* has the same meaning as in the Agvet Code.

[2] **Sections 4–6A** 15

Omit sections 4–6. Insert instead:

**6 Packages of stock food and supplement to be labelled**

(1) A person must not in the course of carrying on any business supply any of the following stock foods in a package unless the package has on it, or on a label securely and conspicuously attached to it, the particulars required by the regulations: 20

(a) stock food for any food-producing species or horses,

(b) stock food supplement for any stock (whether or not food-producing species or horses). 25

Maximum penalty: 50 penalty units or, for an offence by a body corporate, 100 penalty units.

(2) This section does not apply to a supply by retail of a portion of the contents of a package labelled as required by this section when the supply is without alteration of, or addition to, that portion of the contents. 30

(3) This section applies to anything supplied in the form of a block as if the block were a package.

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**6A Supplier of bulk stock foods to provide customer with information statement**

- (1) A person who in the course of carrying on any business supplies to another person any stock food in bulk must at the time of delivery provide to the person who takes delivery of the stock food a written statement about the stock food that complies with the regulations. 5
- Maximum penalty: 50 penalty units or, for an offence by a body corporate, 100 penalty units.
- (2) The regulations may make provision for or with respect to the form of and the matters to be specified in the statement required by this section. 10
- (3) For the purposes of this section, stock food is supplied in bulk whenever it is supplied otherwise than in a package. However, this section does not apply to a supply by retail of a portion of the contents of a package labelled as required by section 6 when the supply is without alteration of, or addition to, that portion of the contents. 15
- (4) Stock food supplied in the form of a block is taken not to be a supply of stock food in bulk. 20
- (5) The written statement required by this section need not be a separate statement and can be included as part of an invoice.

**[3] Section 7**

Omit the section. Insert instead: 25

**7 Restrictions on foreign ingredients**

- (1) The regulations may prescribe the proportion or amount of any foreign ingredient that may be contained in stock food. A proportion or amount so prescribed for a foreign ingredient is the maximum allowable proportion or amount of the foreign ingredient for the purposes of this section. 30

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- (2) The Minister may by order published in the Gazette set the proportion or amount of a foreign ingredient that may be contained in a stock food (whether or not a maximum allowable proportion or amount of the foreign ingredient is prescribed by the regulations). 5
- (3) A proportion or amount set by an order in force under this section applies as the maximum allowable proportion or amount of the foreign ingredient for the purposes of this section and so applies instead of any proportion or amount prescribed by the regulations (to the extent of any inconsistency between what is prescribed by the regulations and what is set by the order). 10
- (4) A person must not in the course of carrying on any business supply to another person a stock food that contains more than the maximum allowable proportion or amount of a foreign ingredient. 15
- Maximum penalty: 50 penalty units or, for an offence by a body corporate, 100 penalty units.
- (5) A regulation or order under this section can be made so as to apply to all stock food, to a particular kind of stock food, to stock food for a particular species, or to a particular kind of stock food for a particular species. 20
- (6) An order under this section commences on the date it is published in the Gazette or on such later date as may be specified in the order for its commencement and remains in force for 60 days after it commences unless it is repealed sooner. 25
- (7) An order cannot be made under this section if it is wholly or partially to the same or substantially the same effect as a previous order under this section that commenced less than 6 months before the later order would commence. 30

**[4] Sections 8–11**

Omit the sections. Insert instead:

**8 Addition of veterinary chemical products to stock foods**

- (1) The regulations may make provision for or with respect to regulating or prohibiting the incorporation of a veterinary chemical product in a stock food to produce a medicated stock food. 5
- (2) A person must not in the course of carrying on any business supply a medicated stock food that incorporates a veterinary chemical product in contravention of the regulations. 10

Maximum penalty: 50 penalty units or, for an offence by a body corporate, 100 penalty units.

**9 Permits to allow supply of non-complying stock foods and supplements**

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- (1) The Director-General may issue a permit to a person that allows the person to do any one or more of the following things:
  - (a) to supply stock food or stock food supplement in a package that does not comply with section 6, 20
  - (b) to supply stock food that contains a greater proportion or amount of a foreign ingredient than any maximum allowable proportion or amount applicable under section 7,
  - (c) to supply a medicated stock food that incorporates a veterinary chemical product in contravention of the regulations under section 8, 25
  - (d) to supply stock food that an order under section 11A would otherwise prevent from being supplied.
- (2) The following provisions apply to permits: 30
  - (a) a permit may be granted subject to conditions,
  - (b) a permit remains in force for the period specified in it, unless it is revoked earlier,

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- (c) the Director-General may at any time revoke a permit by giving notice of revocation to the permit holder.
- (3) Anything done by a person in accordance with the terms and conditions of a permit in force under this section does not constitute a contravention of section 6, 7, 8 or 11A (as appropriate to the terms of the permit). In any proceedings for a contravention of any of those sections, the onus is on the defendant to establish that something was done in accordance with the terms and conditions of a permit. 5  
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- [5] Section 11A Withdrawal of stock food from supply**  
Omit "sale" from section 11A (1). Insert instead "supply".
- [6] Section 11A (3)**  
Omit "sell". Insert instead "supply". 15
- [7] Section 11A**  
Insert at the end of the section:  
Maximum penalty: 50 penalty units or, for an offence by a body corporate, 100 penalty units.
- [8] Section 21 Powers of inspectors** 20  
Omit "Any inspector may:" from section 21 (1).  
Insert instead "Any inspector may, with or without assistance, do any one or more of the following:".
- [9] Section 21 (1) (a) and (b)**  
Omit "sale" wherever occurring. Insert instead "supply". 25



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**[10] Section 21 (1) (b1), (b2)**

Insert after section 21 (1) (b):

(b1) require any person that the inspector finds on any such land, building, premises, place, vehicle, ship, vessel, aeroplane or other means of transport and whom the inspector believes on reasonable grounds to be involved in the making, manufacture, supply, storage, delivery, preparation for supply, or conveyance of any stock food, to state his or her full name and residential address, 5  
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(b2) require the production of, inspect, and take copies of or extracts from, any record the keeping of which is required by this Act, the regulations or the terms of a permit or order issued under this Act, 15

**[11] Section 21 (1) (e)**

Omit "seize and remove".  
Insert instead "seize, or seize and remove,".

**[12] Section 22 Retention and disposal of seized property**

Omit "6 months" from section 22 (1) (a). 20  
Insert instead "12 months".

**[13] Section 22 (2) (a)**

Omit "many". Insert instead "may".

**[14] Section 24 Inspector may demand information**

Omit section 24 (1). Insert instead: 25

(1) An inspector may at any time require a person to whom any stock food has been supplied or a person who has supplied any stock food:

(a) to state the name and address of the person who supplied the stock food or to whom the stock food was supplied, or 30

- (b) to furnish such other information in connection with the supply of the stock food as the inspector may reasonably require, or
  - (c) to produce to the inspector any invoice, agreement, statement, circular or advertisement given or received in connection with the supply of the stock food and permit the inspector to inspect, and take copies of or extracts from, any such invoice, agreement, statement, circular or advertisement. 5  
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- [15] Section 25 Certificate of analyst to be evidence**  
Omit "in or to the effect of a form approved by the Director-General".
- [16] Section 26 Forfeiture of stock foods**  
Omit the first sentence of section 26 (1). 15  
Insert instead "If a person is convicted of an offence against this Act or the regulations, the court may order forfeiture to the Crown of any stock food to which the conviction relates."
- [17] Section 28**  
Omit the section. Insert instead: 20  
**28 Obstruction of inspectors**
  - (1) A person must not:
    - (a) prevent, delay, obstruct or hinder an inspector from or in the execution or performance of the inspector's powers, authorities, duties and functions under this Act, or 25
    - (b) fail to comply with a requirement of an inspector under this Part to the extent that the person is capable of complying with it.

Maximum penalty: 50 penalty units or, for an offence by a body corporate, 100 penalty units. 30

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- (2) A person is not guilty of an offence under this section in respect of a failure to comply with a requirement of an inspector to state the person's full name and residential address unless it is established that at the time of making the requirement concerned the inspector informed the person that it is an offence to fail to comply with the requirement. 5
- [18] Section 34 Certificate of registration or non-registration**  
Omit the section.
- [19] Section 35 Regulations** 10  
Omit section 35 (2) (a).
- [20] Section 35 (2) (c) and (d)**  
Omit the paragraphs.
- [21] Section 35 (4)**  
Insert at the end of section 35: 15
- (4) The regulations may apply, adopt or incorporate, with or without modification the provisions of any other law, or of any publication as in force on a specified day or as in force for the time being.
- [22] Section 36 Refund of fees** 20  
Omit the section.

**[23] Schedule 1**

Omit the heading to the Schedule. Insert instead:

**Schedule 1 Savings and transitional provisions**

(Section 39)

**Part 1 General**

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**1 Savings and transitional regulations**

- (1) The regulations may include provisions of a savings or transitional nature consequent on the enactment of the following Acts:

*Stock Foods Amendment Act 1996*

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- (2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of assent to the Act concerned or from a later date.

- (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

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- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or

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- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

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**Part 2 Stock Foods and Medicines (Amendment) Act 1986**

**[24] Schedule 1**

Re-number existing clauses 1–6 as clauses 2–7.

**[25] Schedule 1**

Insert after clause 7 as so re-numbered:

**Part 3 Stock Foods Amendment Act 1996**

**8 Meaning of "1996 Amending Act"**

In this Part:

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*1996 Amending Act* means the *Stock Foods Amendment Act 1996*.

**9 Retention and disposal of seized property**

The amendment made to section 22 by the 1996 Amending Act does not apply to anything seized before the commencement of the amendment.

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**10 Forfeiture of stock foods**

The amendment made to section 26 by the 1996 Amending Act does not apply in respect of an offence committed before the commencement of the amendment.

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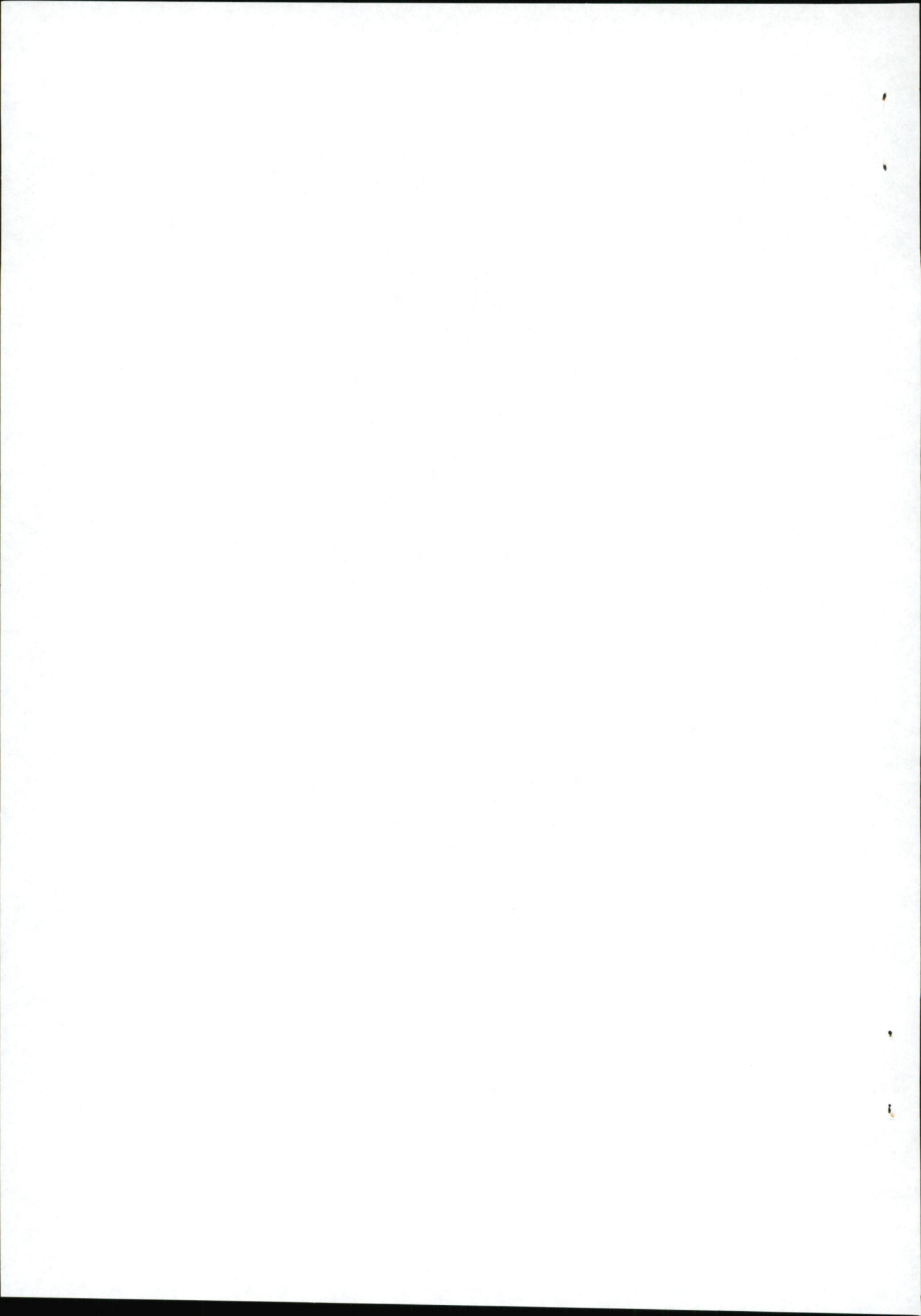
New South Wales

# Stock Foods Amendment Act 1996 No 105

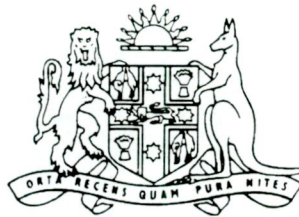
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# Stock Foods Amendment Act 1996 No 105

Act No 105, 1996

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An Act to amend the *Stock Foods Act 1940* to remove provisions for the registration of stock foods and to make further provision with respect to the labelling of stock foods, restrictions on foreign ingredients in and additions to stock foods, and powers of inspectors; and for other purposes. [Assented to 26 November 1996]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Stock Foods Amendment Act 1996*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

**3 Amendment of Stock Foods Act 1940 No 19**

The *Stock Foods Act 1940* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

### [1] Section 3

Omit the section. Insert instead:

#### 3 Definitions

In this Act:

*Agvet Code* means the *Agvet Code of New South Wales*.

*Agvet Regulations* means the *Agvet Regulations of New South Wales*.

*analyst* means a person authorised under section 20 to be an analyst for the purposes of this Act.

*animal* has the same meaning as in the *Agvet Code*.

*block* or *lick* has the same meaning as in the *Agvet Regulations*.

*Director-General* means the Director-General of the Department of Agriculture holding office as such under Part 2 of the *Public Sector Management Act 1988*.

*food-producing species* has the same meaning as in the *Agvet Code*.

*foreign ingredient* means any substance, or other thing, that is declared by the regulations to be a foreign ingredient.

*inspector* means a person authorised under section 20 to be an inspector for the purposes of this Act.

*medicated stock food* has the same meaning as medicated stockfood in the *Agvet Regulations*.

*package* includes anything in which a stock food or stock food supplement is cased, covered, enclosed, contained or packed.

*premix* has the same meaning as in the *Agvet Regulations*.

*stock* means any animal that is prescribed by the regulations as stock for the purposes of this Act.

*stock food* has the same meaning as stockfood in the Agvet Regulations and also includes any block, lick, premix, stockfood supplement and any substance prescribed by the regulations as stock food, but does not include any stock medicine and does not include any substance prescribed by the regulations as not being a stock food.

*stock medicine* means a stock medicine registered under the *Stock Medicines Act 1989*.

*stockfood supplement* has the same meaning as in the Agvet Regulations.

*supply* has the same meaning as in the Agvet Code.

*veterinary chemical product* has the same meaning as in the Agvet Code.

**[2] Sections 4–6A**

Omit sections 4–6. Insert instead:

**6 Packages of stock food and supplement to be labelled**

- (1) A person must not in the course of carrying on any business supply any of the following stock foods in a package unless the package has on it, or on a label securely and conspicuously attached to it, the particulars required by the regulations:
  - (a) stock food for any stock (whether or not food-producing species or horses),
  - (b) stock food supplement for any stock (whether or not food-producing species or horses).

Maximum penalty: 50 penalty units or, for an offence by a body corporate, 100 penalty units.

- (2) This section does not apply to a supply by retail of a portion of the contents of a package labelled as required by this section when the supply is without alteration of, or addition to, that portion of the contents.
- (3) This section applies to anything supplied in the form of a block as if the block were a package.

**6A Supplier of bulk stock foods to provide customer with information statement**

- (1) A person who in the course of carrying on any business supplies to another person any stock food in bulk must at the time of delivery provide to the person who takes delivery of the stock food a written statement about the stock food that complies with the regulations.

Maximum penalty: 50 penalty units or, for an offence by a body corporate, 100 penalty units.

- (2) The regulations may make provision for or with respect to the form of and the matters to be specified in the statement required by this section.
- (3) For the purposes of this section, stock food is supplied in bulk whenever it is supplied otherwise than in a package. However, this section does not apply to a supply by retail of a portion of the contents of a package labelled as required by section 6 when the supply is without alteration of, or addition to, that portion of the contents.
- (4) Stock food supplied in the form of a block is taken not to be a supply of stock food in bulk.
- (5) The written statement required by this section need not be a separate statement and can be included as part of an invoice.

**[3] Section 7**

Omit the section. Insert instead:

**7 Restrictions on foreign ingredients**

- (1) The regulations may prescribe the proportion or amount of any foreign ingredient that may be contained in stock food. A proportion or amount so prescribed for a foreign ingredient is the maximum allowable proportion or amount of the foreign ingredient for the purposes of this section.

- (2) The Minister may by order published in the Gazette set the proportion or amount of a foreign ingredient that may be contained in a stock food (whether or not a maximum allowable proportion or amount of the foreign ingredient is prescribed by the regulations).
- (3) A proportion or amount set by an order in force under this section applies as the maximum allowable proportion or amount of the foreign ingredient for the purposes of this section and so applies instead of any proportion or amount prescribed by the regulations (to the extent of any inconsistency between what is prescribed by the regulations and what is set by the order).
- (4) A person must not in the course of carrying on any business supply to another person a stock food that contains more than the maximum allowable proportion or amount of a foreign ingredient.  
  
Maximum penalty: 50 penalty units or, for an offence by a body corporate, 100 penalty units.
- (5) A regulation or order under this section can be made so as to apply to all stock food, to a particular kind of stock food, to stock food for a particular species, or to a particular kind of stock food for a particular species.
- (6) An order under this section commences on the date it is published in the Gazette or on such later date as may be specified in the order for its commencement and remains in force for 60 days after it commences unless it is repealed sooner.
- (7) An order cannot be made under this section if it is wholly or partially to the same or substantially the same effect as a previous order under this section that commenced less than 6 months before the later order would commence.

**[4] Sections 8–11**

Omit the sections. Insert instead:

**8 Addition of veterinary chemical products to stock foods**

- (1) The regulations may make provision for or with respect to regulating or prohibiting the incorporation of a veterinary chemical product in a stock food to produce a medicated stock food.
- (2) A person must not in the course of carrying on any business supply a medicated stock food that incorporates a veterinary chemical product in contravention of the regulations.

Maximum penalty: 50 penalty units or, for an offence by a body corporate, 100 penalty units.

**[5] Section 11A Withdrawal of stock food from supply**

Omit “sale” from section 11A (1). Insert instead “supply”.

**[6] Section 11A (3)**

Omit “sell”. Insert instead “supply”.

**[7] Section 11A**

Insert at the end of the section:

Maximum penalty: 50 penalty units or, for an offence by a body corporate, 100 penalty units.

**[8] Section 21 Powers of inspectors**

Omit “Any inspector may:” from section 21 (1).

Insert instead “Any inspector may, with or without assistance, do any one or more of the following:”.

**[9] Section 21 (1) (a) and (b)**

Omit “sale” wherever occurring. Insert instead “supply”.

**[10] Section 21 (1) (b1), (b2)**

Insert after section 21 (1) (b):

- (b1) require any person that the inspector finds on any such land, building, premises, place, vehicle, ship, vessel, aeroplane or other means of transport and whom the inspector believes on reasonable grounds to be involved in the making, manufacture, supply, storage, delivery, preparation for supply, or conveyance of any stock food, to state his or her full name and residential address,
- (b2) require the production of, inspect, and take copies of or extracts from, any record the keeping of which is required by this Act, the regulations or the terms of a permit or order issued under this Act,

**[11] Section 21 (1) (e)**

Omit "seize and remove".

Insert instead "seize, or seize and remove,".

**[12] Section 22 Retention and disposal of seized property**

Omit "6 months" from section 22 (1) (a).

Insert instead "12 months".

**[13] Section 22 (2) (a)**

Omit "many". Insert instead "may".

**[14] Section 24 Inspector may demand information**

Omit section 24 (1). Insert instead:

- (1) An inspector may at any time require a person to whom any stock food has been supplied or a person who has supplied any stock food:



- (a) to state the name and address of the person who supplied the stock food or to whom the stock food was supplied, or
- (b) to furnish such other information in connection with the supply of the stock food as the inspector may reasonably require, or
- (c) to produce to the inspector any invoice, agreement, statement, circular or advertisement given or received in connection with the supply of the stock food and permit the inspector to inspect, and take copies of or extracts from, any such invoice, agreement, statement, circular or advertisement.

**[15] Section 25 Certificate of analyst to be evidence**

Omit "in or to the effect of a form approved by the Director-General".

**[16] Section 26 Forfeiture of stock foods**

Omit the first sentence of section 26 (1).

Insert instead "If a person is convicted of an offence against this Act or the regulations, the court may order forfeiture to the Crown of any stock food to which the conviction relates."

**[17] Section 28**

Omit the section. Insert instead:

**28 Obstruction of inspectors**

- (1) A person must not:
  - (a) prevent, delay, obstruct or hinder an inspector from or in the execution or performance of the inspector's powers, authorities, duties and functions under this Act, or

- (b) fail to comply with a requirement of an inspector under this Part to the extent that the person is capable of complying with it.

Maximum penalty: 50 penalty units or, for an offence by a body corporate, 100 penalty units.

- (2) A person is not guilty of an offence under this section in respect of a failure to comply with a requirement of an inspector to state the person's full name and residential address unless it is established that at the time of making the requirement concerned the inspector informed the person that it is an offence to fail to comply with the requirement.

**[18] Section 34 Certificate of registration or non-registration**

Omit the section.

**[19] Section 35 Regulations**

Omit section 35 (2) (a).

**[20] Section 35 (2) (c) and (d)**

Omit the paragraphs.

**[21] Section 35 (4)**

Insert at the end of section 35:

- (4) The regulations may apply, adopt or incorporate, with or without modification the provisions of any other law, or of any publication as in force on a specified day or as in force for the time being.

**[22] Section 36 Refund of fees**

Omit the section.

**[23] Schedule 1**

Omit the heading to the Schedule. Insert instead:

**Schedule 1 Savings and transitional provisions**

(Section 39)

**Part 1 General**

**1 Savings and transitional regulations**

- (1) The regulations may include provisions of a savings or transitional nature consequent on the enactment of the following Acts:

*Stock Foods Amendment Act 1996*

- (2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of assent to the Act concerned or from a later date.
- (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

**Part 2 Stock Foods and Medicines (Amendment) Act 1986**

**[24] Schedule 1**

Re-number existing clauses 1–6 as clauses 2–7.

**[25] Schedule 1**

Insert after clause 7 as so re-numbered:

**Part 3 Stock Foods Amendment Act 1996**

**8 Meaning of "1996 Amending Act"**

In this Part:

*1996 Amending Act* means the *Stock Foods Amendment Act 1996*.

**9 Retention and disposal of seized property**

The amendment made to section 22 by the 1996 Amending Act does not apply to anything seized before the commencement of the amendment.

**10 Forfeiture of stock foods**

The amendment made to section 26 by the 1996 Amending Act does not apply in respect of an offence committed before the commencement of the amendment.

[Minister's second reading speech made in—  
Legislative Assembly on 23 October 1996  
Legislative Council on 30 October 1996]

BY AUTHORITY