



New South Wales

# Stock Medicines Amendment Bill 1995

## 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 Medicines Act 1989*:

- (a) as a consequence of the enactment of the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*, which applies the *Agvet Code* as a law of this State, and
  - (b) to place certain limitations on the exemptions specified in the Act to the offence of having possession of an unregistered stock medicine, of using a registered stock medicine in a manner that is contrary to the instructions on the package and of selling stock medicines in certain circumstances, and
  - (c) to change the offence of using a stock medicine labelled "Not for use in food producing animals" on food producing stock to the offence of using, on food producing stock, a registered stock medicine labelled so as to indicate in whatever terms, that it is not to be so used, and
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- (d) to impose certain requirements as to the giving of written instructions by veterinary surgeons who prescribe, supply or authorise the supply of certain stock medicines, and
- (e) to require an owner of stock of a food producing species that has been treated with a stock medicine to inform any person who is going to sell the stock for the owner when any relevant withholding period will expire, and
- (f) to make it an offence for a person to sell stock of a food producing species which has been treated with a stock medicine unless the person first informs the buyer when any relevant withholding period will expire, and
- (g) to change the periods for which property seized under the Act can be held, and
- (h) to make other minor and consequential amendments.

## 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 Medicines Act 1989*.

## Schedule 1 Amendments

### Amendments relating to the Agvet legislation

**Schedule 1 (1)** inserts definitions of *supply* and *sell* that are consistent with the *Agvet Code*. Schedule 1 (2) contains a consequential amendment.

**Schedule 1 (3)** enables a veterinary surgeon or a person acting under the instructions of a veterinary surgeon to do an act or omit to do an act that would otherwise be an offence under Part 4 of the *Agvet Code* (dealing with the control of agricultural and veterinary chemicals) if that act or omission would have constituted an offence under the *Stock Medicines Act 1989* from which the veterinary surgeon or person is exempted by that Act. The new provision does not exempt a person from the requirements of any other law.

### **Offences relating to use, prescription or supply of stock medicines**

Section 37 prohibits a person having possession of an unregistered stock medicine, except in certain circumstances. **Schedule 1 (4) and (5)** limit those exceptions to unregistered stock medicines that are not for use on stock of a food producing species.

Section 38 (2) prohibits a person using an unregistered stock medicine on stock that is not of a food producing species except if it was prescribed or supplied by a veterinary surgeon in certain circumstances. **Schedule 1 (6) and (7)** provide that the exception only relates to stock medicines that are registered human pharmaceuticals or have been compounded by the veterinary surgeon who prescribes or supplies them. **Schedule 1 (1)** includes a definition of *registered human pharmaceutical*.

Section 39 (1) prohibits a person using a registered stock medicine labelled "Not for use in food producing animals" on stock of a food producing species, except in certain circumstances. **Schedule 1 (8)** changes that offence to using, on stock of a food producing species, a registered stock medicine labelled so as to indicate, in whatever terms, that it is not for use on stock that produces or is to be used as food for human consumption.

Section 39 (2) prohibits a person using a registered stock medicine in a manner that is contrary to the instructions on the package, except in certain circumstances. One of those circumstances is if the stock medicine is used in accordance with written instructions given by a veterinary surgeon. **Schedule 1 (9)** requires those written instructions to be given under section 40 (2) which lists the matters that must be included in the instructions.

Section 40 prohibits a veterinary surgeon prescribing, supplying or authorising the supply of an unregistered stock medicine, or a registered stock medicine for use in a manner contrary to the instructions on the package, unless the veterinary surgeon gives certain written instructions to the person for whom it is prescribed or the supplier. **Schedule 1 (11)** requires those written instructions to be given each time a veterinary surgeon prescribes, supplies or authorises the supply of a stock medicine in those circumstances. **Schedule 1 (12)** requires a veterinary surgeon to supply those written instructions both to the person for whom the stock medicine is prescribed and to the supplier. **Schedule 1 (12)** also requires additional information to be included in those instructions. **Schedule 1 (13)** imposes an additional requirement that the prescription, supply or authorisation to

supply given by a veterinary surgeon in those circumstances must be done in the course of the veterinary surgeon's profession and for the purpose of dealing with a particular condition of an animal or animals under the veterinary surgeon's care. **Schedule 1 (13)** also prevents a veterinary surgeon from prescribing, supplying or authorising for supply in any circumstances an unregistered stock medicine if it is for use on an animal of a food producing species. **Schedule 1 (10)** contains a consequential amendment.

### **Withholding periods**

**Schedule 1 (14)** requires an owner of food producing stock to inform a person who is going to sell the stock as to whether the stock has been treated with a stock medicine and, if so, when any relevant withholding period specified by the veterinary surgeon who prescribed the stock medicine or on the label for the stock medicine will expire.

**Schedule 1 (14)** also makes it an offence for a person to sell stock of a food producing species that has been treated with a stock medicine unless the person has informed the buyer of any relevant withholding period specified by the veterinary surgeon who prescribed the stock medicine or on the label for the stock medicine.

There is a defence to the offences created by **Schedule 1 (14)** of not knowing or having reasonable grounds for suspecting that the stock had been treated with a stock medicine and that the relevant withholding period had not expired.

**Schedule 1 (1)** defines *withholding period* as the minimum period which should elapse between the last administration of a stock medicine and the slaughter for human consumption of an animal to which it has been administered or the harvesting of wool, fibre, milk or eggs or the release of honey for human consumption from an animal to which the stock medicine has been administered.

### **Retention and disposal of seized property**

**Schedule 1 (15)** changes from 6 months to 12 months the time for which something seized under the Act may be retained. A Local Court has power to grant an extension of that time on application made by or on behalf of the Minister and may order the return of the thing seized on application by the person from whom it was seized or the owner.

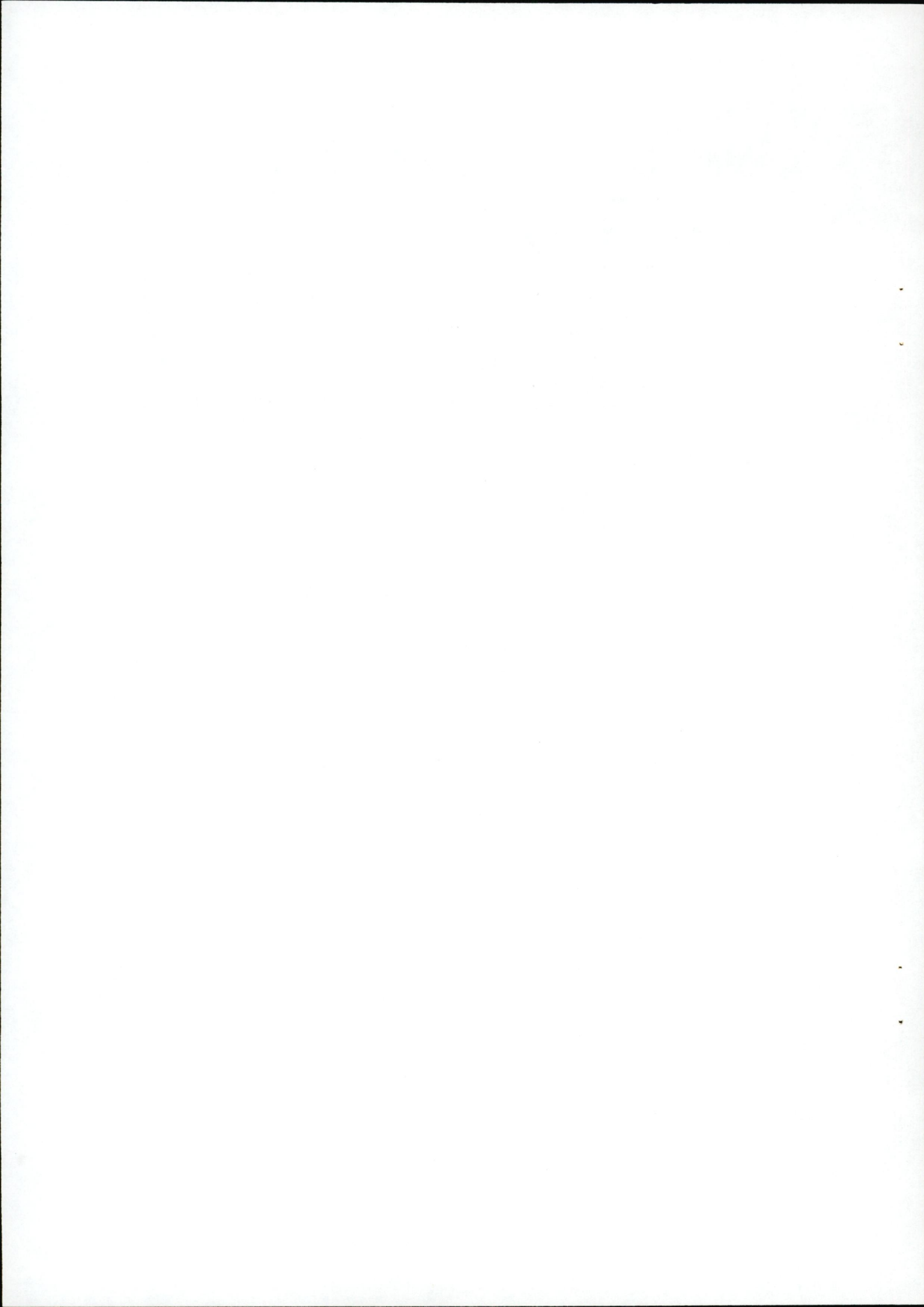
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### **Savings and transitional provisions**

**Schedule 1 (17)** enables regulations to be made of a savings and transitional nature consequent on the enactment of the proposed Act. **Schedule 1 (18)** provides that the amendments relating to retention and forfeiture of seized property do not apply to property seized before the commencement of the amendments.



First print



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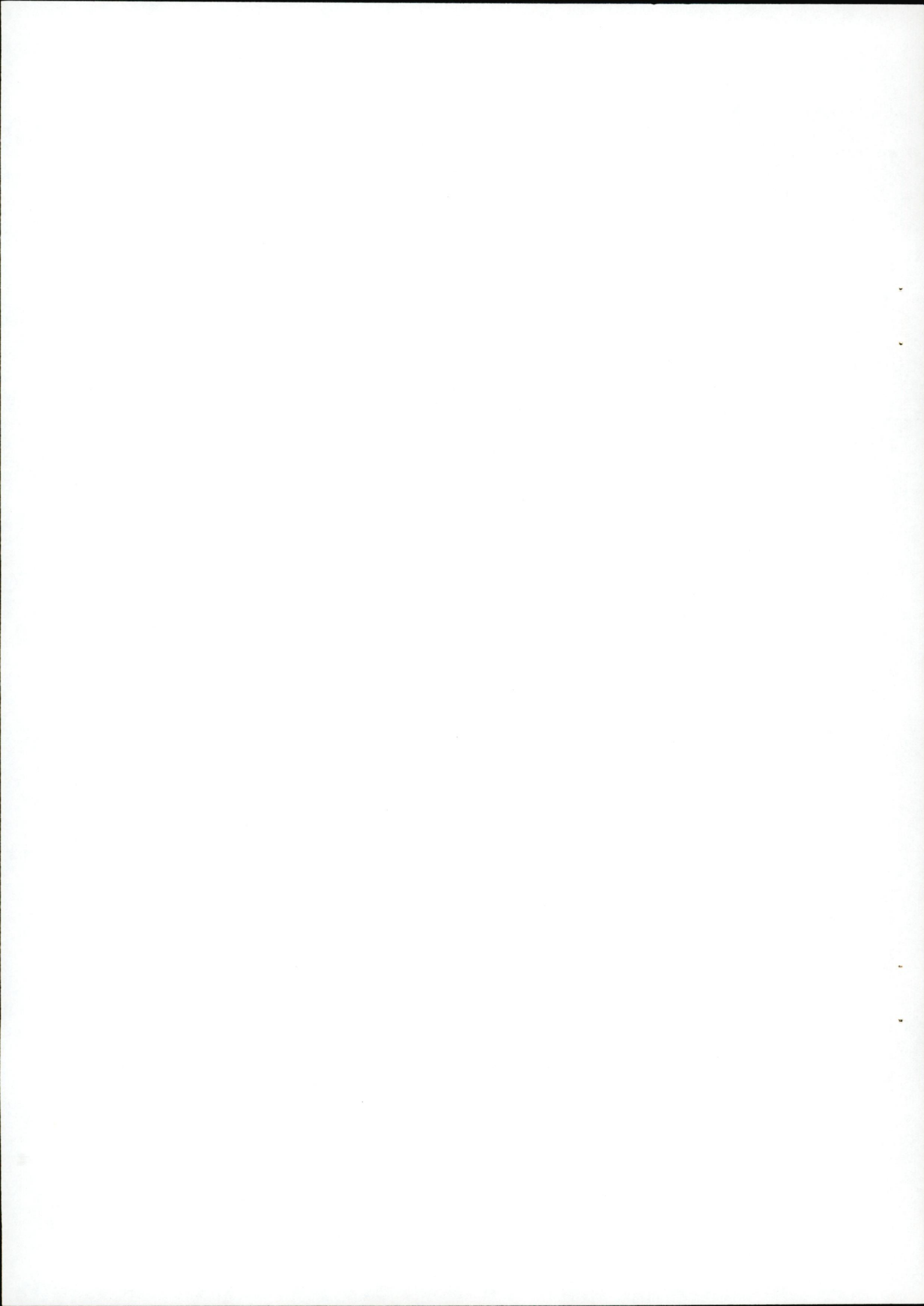
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New South Wales

# Stock Medicines Amendment Bill 1995

No. , 1995

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## **A Bill for**

An Act to amend the *Stock Medicines Act 1989* with respect to offences involving possession, use, supply and prescription of certain stock medicines; and for other purposes.

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

**1 Name of Act**

This Act is the *Stock Medicines Amendment Act 1995*.

**2 Commencement**

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

**3 Amendment of Stock Medicines Act 1989 No 182**

The *Stock Medicines Act 1989* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

### [1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

**registered human pharmaceutical** means a therapeutic good (as defined in the *Therapeutic Goods Act 1989* of the Commonwealth) that is listed or registered in the Australian Register of Therapeutic Goods maintained under that Act. 5

**supply** includes do, or cause or permit the doing of, any of the following: 10

- (a) sell,
- (b) give,
- (c) offer to do an act that would be a supply (including an act referred to in any of the above paragraphs). 15

**withholding period**, in relation to a stock medicine, means the minimum period which should elapse between the last administration of the stock medicine and:

- (a) the slaughter for human consumption of an animal to which the stock medicine has been administered, or 20
- (b) the harvesting of wool, fibre, milk or eggs or the release of honey for human consumption from an animal to which the stock medicine has been administered. 25

### [2] Section 3 (1)

Omit the definition of *sell*. Insert instead:

*sell* includes do, or cause or permit the doing of, any of the following:

- (a) expose for sale,
- (b) send or deliver for sale or on sale,
- (c) dispose of under a hire purchase agreement, 5
- (d) exchange,
- (e) offer to do an act that would be a sale (including an act referred to in any of the above paragraphs),

and, for example, includes supply under a contract for work or labour that also involves the supply of any thing. 10

[3] **Section 6A**

Insert after section 6:

**6A Application of Agvet Code to veterinary surgeons and persons acting under the instructions of veterinary surgeons** 15

(1) The object of this section is to expressly permit veterinary surgeons, and persons acting under the instructions of veterinary surgeons, to do things that other provisions of this Act impliedly permit them to do, and so to exempt them from certain offences arising under Part 4 of the *Agvet Code*. 20

(2) For the purposes of section 73 of the *Agvet Code*, it is declared that a veterinary surgeon is permitted to do anything:

- (a) that constitutes an offence under this Act, or 25
- (b) that would constitute such an offence (but for regulations under the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994* suspending provisions of this Act),

if the provision giving rise to the offence expressly excludes the veterinary surgeon from the application of that provision. 30

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- (3) Subsection (2) does not exempt a person from the requirements of any other Act or law.
- (4) In this section:  
*do* includes omit to do.  
*veterinary surgeon* includes a person acting under the instructions of a veterinary surgeon. 5
- [4] Section 37 Possession of certain stock medicines**
- Insert “(not being an animal or animals of a food producing species)” after “care” in section 37 (1) (a).
- [5] Section 37 (1) (b)** 10
- Insert “for use otherwise than on an animal or animals of a food producing species” after “profession”.
- [6] Section 38 Use of unregistered stock medicines**
- Omit section 38 (2) (a). Insert instead:
- (a) the person is a veterinary surgeon who uses the stock medicine in the course of the practice of his or her profession and the stock medicine is a registered human pharmaceutical or has been compounded by the veterinary surgeon, or 15
- [7] Section 38 (2) (b) (iii)**
- Insert at the end of section 38 (2) (b) (ii): 20
- , and
- (iii) is a registered human pharmaceutical or has been compounded by the veterinary surgeon.

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- [8] Section 39 Use of registered stock medicine contrary to label**
- Omit "labelled 'NOT FOR USE IN FOOD PRODUCING ANIMALS' " from section 39 (1).  
Insert instead "labelled so as to indicate (in whatever terms) that it is not for use on stock that produces, or is to be used as, food for human consumption,". 5
- [9] Section 39 (2) (b)**
- Insert "under section 40 (2)" after "surgeon".
- [10] Section 40 Prescription or supply of stock medicine by veterinary surgeon** 10
- Section 40 (1)**
- Omit "subsection (2)".  
Insert instead "subsections (2)-(4)".
- [11] Section 40 (2)** 15
- Omit "When". Insert instead "Each time".
- [12] Section 40 (2)**
- Omit "or who is authorised to supply the stock medicine, written instructions".  
Insert instead "and to the person who is authorised to supply the stock medicine, written instructions, signed and dated by the veterinary surgeon and including the veterinary surgeon's name and address,". 20
- [13] Section 40 (3), (4)**
- Insert after section 40 (2): 25

- 
- (3) A veterinary surgeon must not prescribe, supply or authorise the supply of such a stock medicine unless it is done in the course of the practice of his or her profession and for the purpose of dealing with a particular condition of an animal or animals under his or her care. 5
- (4) A veterinary surgeon must not prescribe, supply or authorise the supply of an unregistered stock medicine for use on stock of a food producing species.

**[14] Section 40A**

Insert after section 40: 10

**40A Buyer of stock to be informed of withholding period**

- (1) An owner of stock of a food producing species must, if the stock has been treated with a stock medicine and there is a relevant withholding period for the stock medicine that has not expired, inform any person with whom the owner has made arrangements to sell the stock on behalf of the owner: 15
- (a) that the stock has been so treated, and
- (b) when the relevant withholding period will expire.
- Maximum penalty: 200 penalty units or, for an offence by a corporation, 400 penalty units. 20
- (2) A person must not sell any stock of a food producing species that has been treated with a stock medicine for which there is a relevant withholding period that has not expired unless the person informs any buyer or potential buyer, orally or in writing, before the sale: 25
- (a) that the stock has been so treated, and
- (b) when the relevant withholding period will expire.
- Maximum penalty: 200 penalty units or, for an offence by a corporation, 400 penalty units. 30

- (3) It is a defence to a prosecution for an offence against subsection (1) or (2) that the person did not know, and did not have reasonable grounds for suspecting, at the time of the commission of the offence, that the stock concerned had been treated with a stock medicine and that the relevant withholding period had not expired. 5
- (4) In this section, *relevant withholding period* means:
- (a) the withholding period specified under section 40 (2) by the veterinary surgeon who prescribed or supplied the stock medicine or authorised the stock medicine to be supplied for the treatment of the stock, or 10
- (b) if paragraph (a) does not apply, the withholding period (if any) specified on the label on the package containing the stock medicine. 15

**[15] Section 52 Retention and disposal of seized property**

Omit section 52 (1). Insert instead:

- (1) In this section, *prescribed period* for any substance, article or container seized under section 50 (1) (e) means the period of 12 months commencing from the time of seizure of the substance, article or container and includes any extension of that period granted under this section. 20

**[16] Section 52 (5)–(7)**

Insert after section 52 (4): 25

- (5) A Local Court may extend the prescribed period for any substance, article or container on application by or on behalf of the Minister.
- (6) A Local Court may order the return of any substance, article or container seized under section 50 (1) (e) to the owner or person from whom it was seized on the application of the owner or person. 30
- (7) For the purposes of this section, a Local Court is to be constituted by a Magistrate sitting alone.



**[17] Schedule 2 Savings and transitional provisions**

Insert "Stock Medicines Amendment Act 1995" at the end of clause 2 (1).

**[18] Schedule 2, Part 4**

Insert after Part 3:

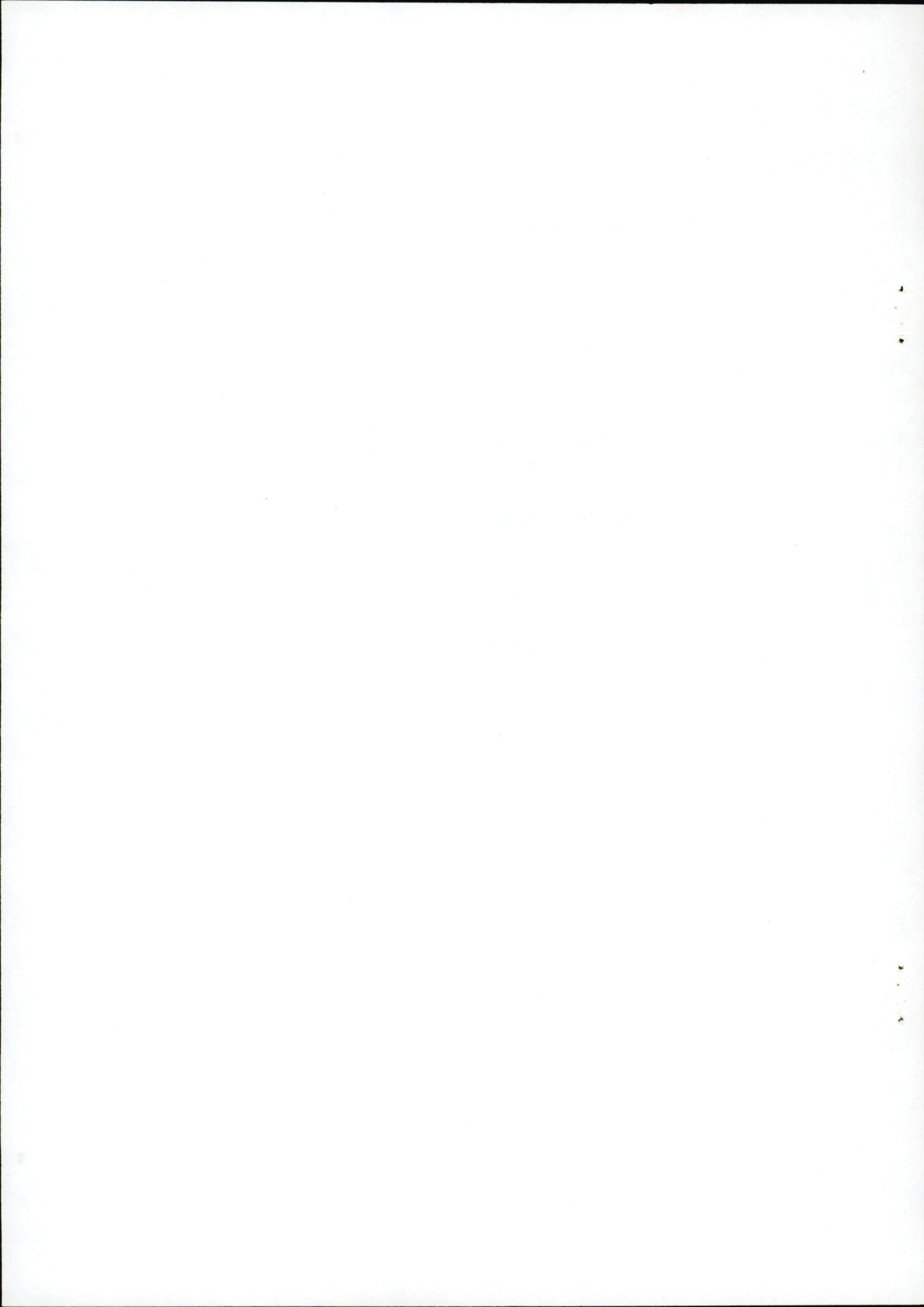
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**Part 4 Provisions consequent on enactment of  
Stock Medicines Amendment Act 1995**

**16 Retention and disposal of seized property**

The amendment made to section 52 by Schedule 1 (15) to the *Stock Medicines Amendment Act 1995* does not apply to any substance, article or container seized before the commencement of that amendment.

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## STOCK MEDICINES (AMENDMENT) BILL 1995

MR PRESIDENT

I MOVE THAT THE BILL BE READ A SECOND TIME.

THIS BILL AMENDS THE STOCK MEDICINES ACT. THE PURPOSE OF THE BILL IS TO EFFECT CONSEQUENTIAL AMENDMENTS TO THE ACT WHICH RELATE TO THE TRANSFER OF RESPONSIBILITY FOR THE REGISTRATION OF AGRICULTURAL AND VETERINARY CHEMICALS TO THE COMMONWEALTH, AND FOR ADDITIONAL AMENDMENTS TO IMPROVE THE ADMINISTRATION OF THE ACT.

THE BILL ALSO PROVIDES FOR AMENDMENTS TO THE STOCK MEDICINES ACT TO ENSURE THAT THE ORIGINAL INTENT OF THE ACT TO CONTROL THE USE OF AGRICULTURAL AND VETERINARY CHEMICALS IS NOT DIMINISHED BY THE TRANSFER OF THE REGISTRATION FUNCTION TO THE COMMONWEALTH.

THE AGRICULTURAL AND VETERINARY CHEMICALS (NEW SOUTH WALES) ACT 1994 HAS ADOPTED THE COMMONWEALTH AGVET CODE AS A LAW OF NEW SOUTH WALES.



CONSEQUENTIAL AMENDMENTS OF THE STOCK MEDICINES ACT ARE NECESSARY TO ENSURE THAT THE CONTROL OF USE PROVISIONS OF THE ACT CAN HAVE EFFECT IN RELATION TO THE SUPPLY AND SALE OF AGRICULTURAL AND VETERINARY CHEMICAL UNIFORMLY TO THE PROVISIONS RELATING TO SUPPLY AND SALE UNDER THE AGVET CODE.

THIS WILL BE ACHIEVED BY ADDING THE PROPOSED DEFINITIONS OF SUPPLY AND SALE TO THE STOCK MEDICINES ACT WHICH IS CONSISTENT WITH THE DEFINITIONS OF SUPPLY AND SALE UNDER THE AGVET CODE.

IN ADDITION A NEW SECTION 6A IS PROPOSED TO ENSURE THAT THE EXEMPTIONS FROM OFFENCES WHICH APPLY TO VETERINARY SURGEONS UNDER THE STOCK MEDICINES ACT ALSO APPLY AS EXEMPTIONS FROM OFFENCES FOR VETERINARY SURGEONS UNDER THE AGVET CODE.

THE STOCK MEDICINES (AMENDMENT) BILL 1995 CONTAINS SIGNIFICANT AMENDMENTS RELATING TO THE USE OF STOCK MEDICINES ON STOCK OF A FOOD PRODUCING SPECIES AND TO THE PRESCRIPTION SUPPLY AND SALE OF STOCK MEDICINES BY VETERINARY SURGEONS.

THE RESPONSIBILITY OF GOVERNMENT TO PROTECT PUBLIC HEALTH DEMANDS CLEAR RESTRICTIONS UPON THE USE OF STOCK MEDICINES PARTICULARLY WHEN USED ON STOCK WHICH ARE TO BE USED AS FOOD FOR HUMAN CONSUMPTION.



THE STRENGTHENING OF THESE RESTRICTIONS IS NECESSARY, FOR EXAMPLE, THE PROPOSED AMENDMENT UNDER SCHEDULE 1(7) OF THE STOCK MEDICINES (AMENDMENT) BILL 1994 WILL BROADEN THE PROHIBITION, UNDER SECTION 39(1) OF THE ACT, OF USING A REGISTERED STOCK MEDICINE ON STOCK OF A FOOD PRODUCING SPECIES WHEN THE LABEL INDICATES THAT IT IS NOT TO BE USED ON STOCK THAT PRODUCE FOODS FOR HUMAN CONSUMPTION.

FOR THE SAME REASONS OF PUBLIC HEALTH THE PROVISIONS RELATING TO WITHHOLDING PERIODS HAVE ALSO BEEN STRENGTHENED. THE PROPOSED AMENDMENT UNDER SCHEDULE 1(13) OF THE BILL REQUIRES AN OWNER OF FOOD PRODUCING STOCK TO INFORM A PERSON WHO IS GOING TO SELL THE STOCK AS TO WHETHER THE STOCK HAS BEEN TREATED WITH A STOCK MEDICINES AND WHEN ANY WITHHOLDING PERIOD WILL EXPIRE.

BECAUSE THE AGVET CODE PROVIDES EXEMPTION FOR VETERINARY SURGEONS IN RELATION TO THE SALE AND SUPPLY OF STOCK MEDICINES THE PROVISIONS RELATING TO VETERINARY SURGEONS IN THE STOCK MEDICINES ACT HAVE BEEN REVIEWED WITH A VIEW TO GIVING A MORE COMPREHENSIVE DEFINITION OF THE CIRCUMSTANCES WHERE VETERINARY SURGEONS MAY SELL OR SUPPLY STOCK MEDICINES.





FOR EXAMPLE, THE PROPOSED AMENDMENT UNDER SCHEDULE 1(12) OF THE BILL PROHIBITS A VETERINARY SURGEON FROM PRESCRIBING, SUPPLYING OR AUTHORISING FOR SUPPLY IN ANY CIRCUMSTANCES AN UNREGISTERED STOCK MEDICINE IF IT IS FOR USE ON AN ANIMAL OF A FOOD PRODUCING SPECIES.

THE PROPOSED AMENDMENTS IN THIS BILL REFLECTS THE COMMITMENT OF GOVERNMENT AND ITS DETERMINED EFFORTS TO PROTECT THE PUBLIC HEALTH OF THE PEOPLE OF NEW SOUTH WALES ENSURING THE EFFECTIVE CONTROL OF USE OF AGRICULTURAL AND VETERINARY CHEMICALS.

I COMMEND THE BILL TO THE HOUSE.





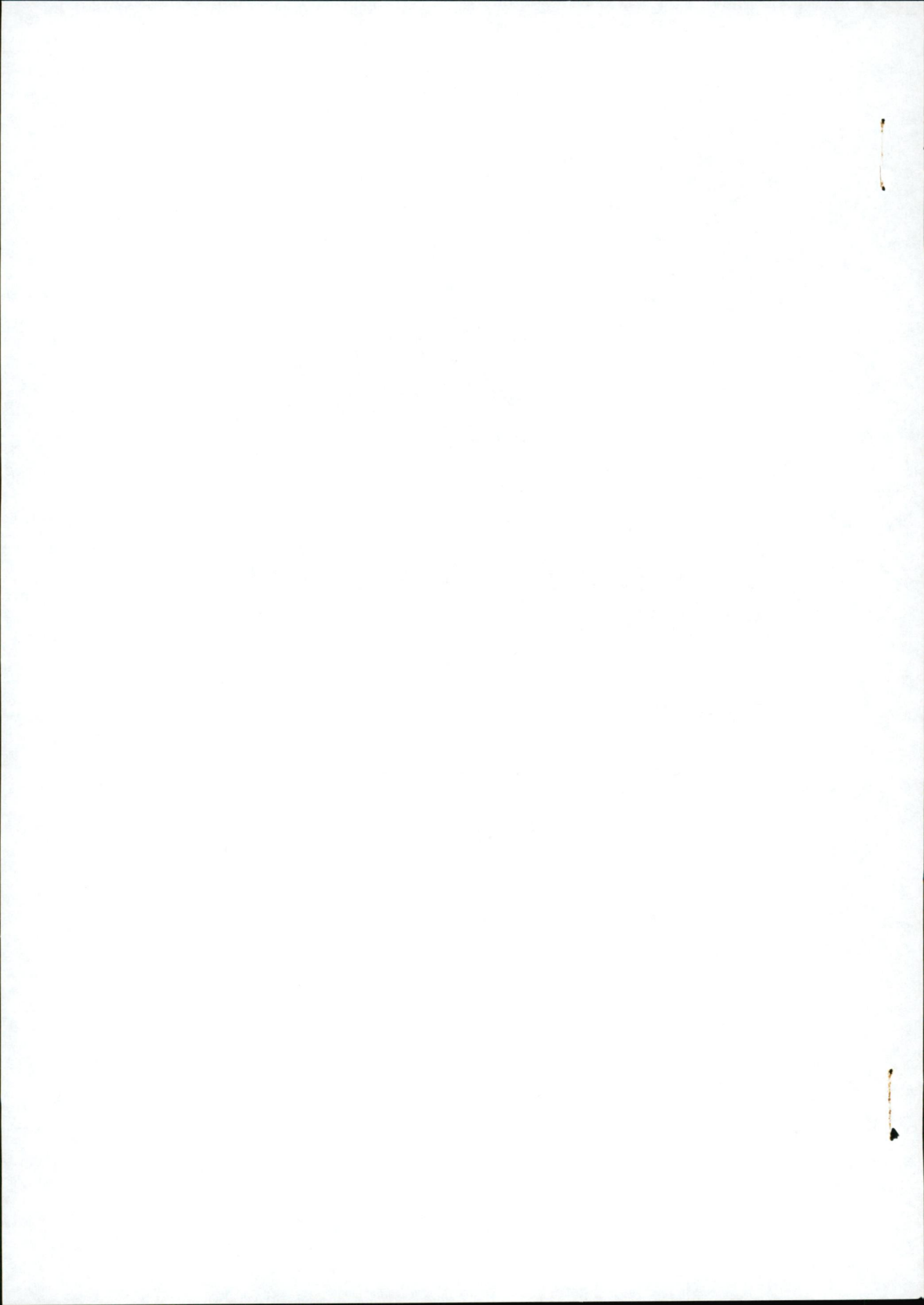
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# Stock Medicines Amendment Act 1995 No 47

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New South Wales

# **Stock Medicines Amendment Act 1995 No 47**

Act No 47, 1995

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An Act to amend the *Stock Medicines Act 1989* with respect to offences involving possession, use, supply and prescription of certain stock medicines; and for other purposes. [Assented to 26 October 1995]

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

**1 Name of Act**

This Act is the *Stock Medicines Amendment Act 1995*.

**2 Commencement**

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

**3 Amendment of Stock Medicines Act 1989 No 182**

The *Stock Medicines Act 1989* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

### [1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

**registered human pharmaceutical** means a therapeutic good (as defined in the *Therapeutic Goods Act 1989* of the Commonwealth) that is listed or registered in the Australian Register of Therapeutic Goods maintained under that Act.

**supply** includes do, or cause or permit the doing of, any of the following:

- (a) sell,
- (b) give,
- (c) offer to do an act that would be a supply (including an act referred to in any of the above paragraphs).

**withholding period**, in relation to a stock medicine, means the minimum period which should elapse between the last administration of the stock medicine and:

- (a) the slaughter for human consumption of an animal to which the stock medicine has been administered, or
- (b) the harvesting of wool, fibre, milk or eggs or the release of honey for human consumption from an animal to which the stock medicine has been administered.

### [2] Section 3 (1)

Omit the definition of *sell*. Insert instead:

*sell* includes do, or cause or permit the doing of, any of the following:

- (a) expose for sale,
- (b) send or deliver for sale or on sale,
- (c) dispose of under a hire purchase agreement,
- (d) exchange,
- (e) offer to do an act that would be a sale (including an act referred to in any of the above paragraphs),

and, for example, includes supply under a contract for work or labour that also involves the supply of any thing.

**[3] Section 6A**

Insert after section 6:

**6A Application of Agvet Code to veterinary surgeons and persons acting under the instructions of veterinary surgeons**

- (1) The object of this section is to expressly permit veterinary surgeons, and persons acting under the instructions of veterinary surgeons, to do things that other provisions of this Act impliedly permit them to do, and so to exempt them from certain offences arising under Part 4 of the *Agvet Code*.
- (2) For the purposes of section 73 of the *Agvet Code*, it is declared that a veterinary surgeon is permitted to do anything:
  - (a) that constitutes an offence under this Act, or
  - (b) that would constitute such an offence (but for regulations under the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994* suspending provisions of this Act),

if the provision giving rise to the offence expressly excludes the veterinary surgeon from the application of that provision.



(3) Subsection (2) does not exempt a person from the requirements of any other Act or law.

(4) In this section:

*do* includes omit to do.

*veterinary surgeon* includes a person acting under the instructions of a veterinary surgeon.

**[4] Section 37 Possession of certain stock medicines**

Insert “(not being an animal or animals of a food producing species)” after “care” in section 37 (1) (a).

**[5] Section 37 (1) (b)**

Insert “for use otherwise than on an animal or animals of a food producing species” after “profession”.

**[6] Section 38 Use of unregistered stock medicines**

Omit section 38 (2) (a). Insert instead:

(a) the person is a veterinary surgeon who uses the stock medicine in the course of the practice of his or her profession and the stock medicine is a registered human pharmaceutical or has been compounded by the veterinary surgeon, or

**[7] Section 38 (2) (b) (iii)**

Insert at the end of section 38 (2) (b) (ii):

, and

(iii) is a registered human pharmaceutical or has been compounded by the veterinary surgeon.

**[8] Section 39 Use of registered stock medicine contrary to label**

Omit "labelled 'NOT FOR USE IN FOOD PRODUCING ANIMALS' " from section 39 (1).

Insert instead "labelled so as to indicate (in whatever terms) that it is not for use on stock that produces, or is to be used as, food for human consumption,".

**[9] Section 39 (2) (b)**

Insert "under section 40 (2)" after "surgeon".

**[10] Section 40 Prescription or supply of stock medicine by veterinary surgeon**

**Section 40 (1)**

Omit "subsection (2)".

Insert instead "subsections (2)-(4)".

**[11] Section 40 (2)**

Omit "When". Insert instead "Each time".

**[12] Section 40 (2)**

Omit "or who is authorised to supply the stock medicine, written instructions".

Insert instead "and to the person who is authorised to supply the stock medicine, written instructions, signed and dated by the veterinary surgeon and including the veterinary surgeon's name and address,".

**[13] Section 40 (3), (4)**

Insert after section 40 (2):

- (3) A veterinary surgeon must not prescribe, supply or authorise the supply of such a stock medicine unless it is done in the course of the practice of his or her profession and for the purpose of dealing with a particular condition of an animal or animals under his or her care.
- (4) A veterinary surgeon must not prescribe, supply or authorise the supply of an unregistered stock medicine for use on stock of a food producing species.

**[14] Section 40A**

Insert after section 40:

**40A Buyer of stock to be informed of withholding period**

- (1) An owner of stock of a food producing species must, if the stock has been treated with a stock medicine and there is a relevant withholding period for the stock medicine that has not expired, inform any person with whom the owner has made arrangements to sell the stock on behalf of the owner:

- (a) that the stock has been so treated, and
- (b) when the relevant withholding period will expire.

Maximum penalty: 200 penalty units or, for an offence by a corporation, 400 penalty units.

- (2) A person must not sell any stock of a food producing species that has been treated with a stock medicine for which there is a relevant withholding period that has not expired unless the person informs any buyer or potential buyer, orally or in writing, before the sale:

- (a) that the stock has been so treated, and
- (b) when the relevant withholding period will expire.

Maximum penalty: 200 penalty units or, for an offence by a corporation, 400 penalty units.

- (3) It is a defence to a prosecution for an offence against subsection (1) or (2) that the person did not know, and did not have reasonable grounds for suspecting, at the time of the commission of the offence, that the stock concerned had been treated with a stock medicine and that the relevant withholding period had not expired.
- (4) In this section, *relevant withholding period* means:
- (a) the withholding period specified under section 40 (2) by the veterinary surgeon who prescribed or supplied the stock medicine or authorised the stock medicine to be supplied for the treatment of the stock, or
  - (b) if paragraph (a) does not apply, the withholding period (if any) specified on the label on the package containing the stock medicine.

**[15] Section 52 Retention and disposal of seized property**

Omit section 52 (1). Insert instead:

- (1) In this section, *prescribed period* for any substance, article or container seized under section 50 (1) (e) means the period of 12 months commencing from the time of seizure of the substance, article or container and includes any extension of that period granted under this section.

**[16] Section 52 (5)–(7)**

Insert after section 52 (4):

- (5) A Local Court may extend the prescribed period for any substance, article or container on application by or on behalf of the Minister.
- (6) A Local Court may order the return of any substance, article or container seized under section 50 (1) (e) to the owner or person from whom it was seized on the application of the owner or person.
- (7) For the purposes of this section, a Local Court is to be constituted by a Magistrate sitting alone.

**[17] Schedule 2 Savings and transitional provisions**

Insert "Stock Medicines Amendment Act 1995" at the end of clause 2 (1).

**[18] Schedule 2, Part 4**

Insert after Part 3:

**Part 4 Provisions consequent on enactment of  
Stock Medicines Amendment Act 1995**

**16 Retention and disposal of seized property**

The amendment made to section 52 by Schedule 1 (15) to the *Stock Medicines Amendment Act 1995* does not apply to any substance, article or container seized before the commencement of that amendment.

[Minister's second reading speech made in—  
Legislative Assembly on 31 May 1995  
Legislative Council on 11 October 1995]

