

Stock Medicines Regulation 2010

[2010-452]



New South Wales

Status information

Currency of version

Current version for 1 July 2017 to date (accessed 29 June 2019 at 01:06)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced. See [Historical Notes](#)

Staged repeal status

This legislation is currently due to be automatically repealed under the *Subordinate Legislation Act 1989* on 1 September 2019

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the *Interpretation Act 1987*.

File last modified 10 August 2018.

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Historical notes

Stock Medicines Regulation 2010



New South Wales

1 Name of Regulation

This Regulation is the *Stock Medicines Regulation 2010*.

2 Commencement

This Regulation commences on 1 September 2010 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Stock Medicines Regulation 2005* which is repealed on 1 September 2010 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

stock food has the same meaning as in the **Biosecurity Act 2015**.

the Act means the *Stock Medicines Act 1989*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Use of stock food that has been treated with stock medicine

(1) A person who supplies stock food to another person, knowing that the food has been treated with a stock medicine:

(a) must ensure that the person supplied is aware that the food has been so treated, and

(b) must provide the person supplied with the written details concerning the use of the stock medicine that were obtained by the supplier when the supplier obtained the food or when the supplier obtained the stock medicine with which the food has been treated.

(2) The written details must include details of the relevant withholding period (within the meaning of Part 5 of the Act) for the stock medicine.

Maximum penalty: 50 penalty units.

5 Major food producing species

For the purposes of the definition of *major food producing species* in section 3 (1) of the Act, the following types of stock are prescribed:

(a) bees,

- (b) ducks,
- (c) farmed fish, farmed crustaceans and farmed molluscs,
- (d) geese,
- (e) goats,
- (f) turkeys.

6 Records to be kept by veterinary practitioners

- (1) For the purposes of section 39E of the Act, the following particulars are to be recorded by veterinary practitioners:
 - (a) the date on which the use, supply or prescription of the stock medicine occurred,
 - (b) details to identify the particular stock on which the stock medicine was used,
 - (c) the name of the owner of the stock or the person in charge of the stock,
 - (d) particulars to identify the stock medicine,
 - (e) the name of the active constituent of the stock medicine,
 - (f) the type of stock for which the stock medicine is intended,
 - (g) the withholding period (including that there was no withholding period if the veterinary practitioner considered none was required),
 - (h) the dosage rate,
 - (i) the frequency of treatment,
 - (j) the length of treatment,
 - (k) the manner of administration.
- (2) The records required by section 39E of the Act must be retained by the veterinary practitioner for a period of not less than 2 years from the date on which the use, supply or prescription of the stock medicine occurred.

Note. Section 39E of the Act requires certain records to be kept by a veterinary practitioner in accordance with the regulations. The maximum penalty for a failure to keep records in accordance with the regulations is 100 penalty units.

7 Advertising

- (1) This clause applies to any stock medicine containing a substance included in Schedule Three, Four or Eight of the Poisons List proclaimed under section 8 of the *Poisons and Therapeutic Goods Act 1966*.
- (2) For the purposes of section 43 (1) of the Act, a person must not advertise a stock medicine to which this clause applies otherwise than in a journal whose circulation is generally limited to, or

in a document intended for distribution exclusively to, veterinary practitioners, pharmacists or wholesalers of stock medicines.

Note. Section 43 (1) of the Act provides that a person must not contravene any prohibition or requirement made by the regulations relating to the advertising of stock medicines or their uses. The maximum penalty for a failure to comply with any such prohibition or requirement is 200 penalty units, or 400 penalty units if the offence is committed by a corporation.

8 Taking of samples

- (1) For the purposes of section 50 (5) of the Act, an inspector may deliver a package containing a sample to an analyst by any means that provides evidence of a chain of custody.
- (2) For the purposes of section 50 (6) of the Act, the package kept by an inspector must be kept:
 - (a) in the possession of the inspector, or
 - (b) in a place to which only the inspector, and persons authorised by the inspector, have access, until such time as the inspector determines that the package is no longer required to be kept.

9 Penalty notices

For the purposes of section 60A of the Act:

- (a) each offence arising under a provision specified in Column 1 of Schedule 1 is prescribed as a penalty notice offence, and
- (b) the prescribed penalty for such an offence is:
 - (i) in the case of a penalty payable by an individual—the amount specified in relation to the offence in Column 2 of Schedule 1, and
 - (ii) in the case of a penalty payable by a corporation—the amount specified in relation to the offence in Column 3 of Schedule 1.

10 Savings

Any act, matter or thing that, immediately before the repeal of the *Stock Medicines Regulation 2005*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Penalty notices

(Clause 9)

Column 1	Column 2	Column 3
Provision	Penalty for an individual \$	Penalty for a corporation \$
Offence under the Act		
Section 37 (1)	1,100	2,200
Section 38 (1)	1,100	2,200
Section 39 (1)	1,100	2,200

Section 39C (1)	550	1,100
Section 39C (2)	550	1,100
Section 39C (3)	550	1,100
Section 39D (1)	1,100	2,200
Section 39E	550	1,100
Section 39F	550	1,100
Section 40 (2)	1,100	2,200
Section 40A (1)	1,100	2,200
Section 40A (1A)	1,100	2,200
Section 40A (2)	1,100	2,200
Section 40B (1)	1,100	2,200
Section 43 (1)	1,100	2,200
Section 46 (6)	1,100	2,200
Section 54 (2)	550	1,100
Offence under this Regulation		
Clause 4 (1)	550	1,100

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments

Stock Medicines Regulation 2010 (452). LW 20.8.2010. Date of commencement, 1.9.2010, cl 2. This Regulation has been amended as follows:

2015 No 24 **◀Biosecurity▶ Act ▶2015**. Assented to 22.9.2015.
Date of commencement of Sch 8.37, 1.7.2017, sec 2 and 2017 (227) LW 2.6.2017.

Table of amendments

Cl 3 Am 2015 No 24, Sch 8.37.