

# Stock (Chemical Residues) Regulation 1995

As at 1 September 2003

## 1 Name of Regulation

This Regulation may be cited as the *Stock (Chemical Residues) Regulation 1995* .

## 2 Commencement

This Regulation commences on 1 September 1995.

## 3 Definitions

In this Regulation:

**the Act** means the *Stock (Chemical Residues) Act 1975* .

## 4 (Repealed)

### 5 Disposal of seized stock: section 10

- (1) For the purposes of section 10 (2) of the Act, the prescribed manner for disposing of stock seized under section 10 (1) of the Act is as provided by this clause.
- (2) The stock may be disposed of by the delivery of the stock to:
  - (a) the owner of the stock, or
  - (b) a person nominated by the owner of the stock, or
  - (c) the person who was in charge of the stock when the stock were seized.
- (3) However, the stock may be disposed of under subclause (2) only if:
  - (a) the delivery is approved by the Minister or by the Director-General, the Chief, Division of Animal Industries or the Program Manager, Quality Assurance, and
  - (b) payment is made to the Minister or to the Director-General, the Chief, Division of Animal Industries or the Program Manager, Quality Assurance for the costs and expenses incurred in connection with the seizure, keeping and delivery of the stock, as certified by an inspector.
- (4) Stock not disposed of in accordance with subclause (2) may be disposed of by way of sale in such manner as the Minister or Chief, Division of Animal Industries, may direct.
- (5) The balance of the proceeds of the sale of stock disposed of under subclause (4) (less the costs and expenses incurred in connection with the seizure, keeping and sale of the stock, as certified by an inspector) must be paid to such person as the Minister may direct.

### 5A Reporting of test results indicating stock are chemically affected: section 12C (a)

- (1) For the purposes of section 12C (a) of the Act, subclauses (2) and (3) prescribe the manner, form and time in which particulars of test results indicating that stock are chemically affected must be furnished under that section.
- (2) The owner of a laboratory or other facility that carried out the tests indicating that stock are chemically affected must cause a written report to be prepared containing the following particulars in respect of each sample that indicates that stock are chemically affected:
  - (a) the date the sample was taken,
  - (b) the date the sample was submitted to the laboratory or other facility,
  - (c) the name and address of the person who submitted the sample,
  - (d) the species of stock from which the sample was taken,
  - (e) if known--the name, address and telephone and facsimile numbers of the owner of the stock from which the sample was taken,

- (f) if known--details identifying the property from which the stock came, including the address of the property, the rural lands protection district in which the property is situated, and the particulars of identification for the stock in accordance with the *Stock Diseases Act 1923* ,
  - (g) the test method used or an identifying code for that test method,
  - (h) a description of the tissue or other material tested,
  - (i) any chemical residue identified which causes the stock to be categorised as chemically affected,
  - (j) the level of any chemical residue so identified.
- (3) A report referred to in subclause (2) must:
- (a) specify the name of the laboratory or other facility that carried out the testing, and
  - (b) contain an identifying number allocated in respect of the report by the laboratory or other facility, and
  - (c) be signed and dated by the analyst who has responsibility for the contents of the report, and
  - (d) be furnished in person (including by courier), or by facsimile or other electronic means, and
  - (e) be furnished as soon as possible on the day that the test results indicating that stock are chemically affected become available (or such later time as the office holder to whom the report is to be furnished may agree to in writing, but not being later than 24 hours after the test results become available).
- (4) For the purposes of section 12C (a) of the Act, the following office holders are prescribed in relation to the furnishing of particulars as contained in a report referred to in subclause (2):
- (a) Manager, Animal Residue Programs, National Residue Survey, Commonwealth Department of Agriculture, Fisheries and Forestry--in relation to a report of a kind notified by the Director-General of the Department of Agriculture to the owner of the laboratory or other facility concerned,
  - (b) State Residue Coordinator, Department of Agriculture--in all other cases.

#### **5B Reporting of test results indicating stock are not chemically affected: section 12C (b)**

For the purposes of section 12C (b) of the Act, the following office holders are prescribed in relation to the furnishing of particulars of test results indicating that stock are not chemically affected:

- (a) Manager, Animal Residue Programs, National Residue Survey, Commonwealth Department of Agriculture, Fisheries and Forestry,
- (b) State Residue Coordinator, Department of Agriculture.

#### **5C Powers of inspectors to survey land**

For the purpose of determining the particular land that may be the subject of a notice under section 7 or 8 of the Act, or of a notification under section 12 of the Act, an inspector may make a survey, plan, map or diagram of the land.

#### **5D Prescribed persons: section 13A**

The class of persons who are inspectors (not being officers of the Department of Agriculture) are prescribed for the purposes of section 13A (2) (b) of the Act.

#### **6 Data relating to the identification of stock**

Data recorded under a scheme of identification of stock established under the *Stock Diseases Act 1923* may be released under that Act for use for the purposes of the *Stock (Chemical Residues) Act 1975* .

#### **6A Branding of stock: sec 16**

Stock the subject of a detention notice may be branded, marked, earmarked or tagged by an inspector in such manner as the inspector may determine.

## 7 Repeal

(1) The *Stock (Chemical Residues) Regulation 1975* is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the *Stock (Chemical Residues) Regulation 1975*, had effect under that Regulation is taken to have effect under this Regulation.

## Historical notes

Table of amending instruments *Stock (Chemical Residues) Regulation 1995* published in Gazette No 105 of 1.9.1995, p 5933 and amended in Gazette No 63 of 28.5.1999, p 3661 and as follows: *Stock (Chemical Residues) Amendment (Stock Identification) Regulation 2000* (GG No 100 of 2.8.2000, p 7143) *Stock (Chemical Residues) Amendment (Stock Branding) Regulation 2000* (GG No 155 of 1.12.2000, p 12076) *Stock (Chemical Residues) Amendment (Prescribed Officers) Regulation 2001* (GG No 25 of 18.1.2002, p 191)

Table of amendments

1.2002.

.1.2002.

1.2002.

5B 5.1999.

2000.

1.2002.

.8.2000.

2.2000.