

Stock Foods Regulation 2005

Part 1 – Preliminary

1 Name of Regulation

This Regulation is the *Stock Foods Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

This Regulation replaces the *Stock Foods Regulation 1997* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation: "**label**" has the same meaning as in the Agvet Code. "**manufactured stock food**" means stock food that has undergone a manufacturing process, but does not include hay, straw, chaff or any stock food that consists entirely of milk or products derived from milk. "**MRL Standard**" means the document entitled *Maximum Residue Limits: the MRL Standard--maximum residue limits in food and animal feedstuff* being a document published in March 2005 by the Australian Pesticides & Veterinary Medicines Authority, together with such amendments to that document as are from time to time published in the Agricultural and Veterinary Chemicals Gazette. An up-to-date copy of *Maximum Residue Limits: the MRL Standard--maximum residue limits in food and animal feedstuff* is provided on the website of the Australian Pesticides & Veterinary Medicines Authority (at www.apvma.gov.au). "**restricted animal material**" means the following:

- (a) tissue, blood or feathers derived from the carcass of an animal, including any substance produced from or containing any such tissue, blood or feathers (but not including tallow or gelatin),
- (b) any tallow that has been used for cooking meat, poultry or fish (unless it has subsequently been filtered to remove all particulate matter).

Milk products are not regarded as restricted animal material as they are not tissue or blood derived from the carcass of an animal. "**ruminant**" means an animal that has a rumen, and includes an animal belonging to any of the following classes of animal, namely, cattle, sheep, goats and deer. "**tallow**" means any product (including, but not limited to, a product known as tallow, yellow grease or acid oil) containing rendered fats and oils from any animal, or containing used cooking oil, being a product that complies with a specification of 2 per cent maximum moisture plus insoluble impurities. "**the Act**" means the *Stock Foods Act 1940*.

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

4 Definition of "foreign ingredient": section 3

(1) The substances and things referred to in:

- (a) Column 1 of Schedule 1, or
- (b) the first column of Table 4 to the MRL Standard,

are declared to be foreign ingredients for the purposes of the Act.

(2) In addition, in relation only to stock food for pigs, the additional substances set out in clause 60 (1) of the *Stock Diseases Regulation 2004* are declared to be foreign ingredients for the purposes of the Act.

5 Definition of "stock": section 3

The following are prescribed as stock for the purposes of the Act:

- (a) horses,

(b) animals belonging to food-producing species.

6 Definition of "stock food": section 3

(1) Meal derived from restricted animal material is prescribed as stock food for the purposes of the Act.

(2) Any substance:

(a) that is of a kind generally supplied otherwise than for use as stock food, and

(b) that, in a particular supply, is not represented as being suitable for use as stock food,

is prescribed as not being stock food for the purposes of the Act in relation to that supply.

(3) Any substance:

(a) that is labelled for use for horses, and

(b) that is a vitamin, mineral or other type of supplement or premix, and

(c) that does not contain any restricted animal material,

is prescribed as not being stock food for the purposes of the Act.

Part 2 – Labels and written statements for stock foods

7 Labelling of packages generally: section 6

A package of any manufactured stock food must have on it, or on a label securely and conspicuously attached to it:

(a) a statement indicating the particular class of stock, and the age or stage of production of such stock, that the stock food will maintain or for which it will promote the growth or productive capacity, and

(b) if the stock food contains more than 30 grams per kilogram of urea:

(i) a statement of the proportion (in grams per kilogram) of urea in the stock food, and

(ii) a warning that the stock food may be poisonous for some classes of stock, and

(iii) directions as to the proper use of the stock food, and

(c) if the stock food contains more than 5 grams per kilogram of added salt, a statement of the proportion (in grams per kilogram) of salt added to the stock food.

Examples of a class of stock might include stock of a particular species, or of a type within a species. Examples of an age or stage of production of stock might include weaner pigs, broiler chickens or lactating cows.

8 Labelling of packages of stock food: section 6

(1) A package of any manufactured stock food containing restricted animal material must have on it, or on a label securely and conspicuously attached to it, the following statement:

This product contains restricted animal material--DO NOT FEED TO CATTLE, SHEEP, GOATS, DEER OR OTHER RUMINANTS.

(2) A package of any manufactured stock food that does not contain restricted animal material must have on it, or on a label securely and conspicuously attached to it, the following statement:

This product does not contain restricted animal material.

(3) The lettering in any statement referred to in subclause (1) or (2):

(a) must:

(i) if the statement is on a woven bag--be prominently displayed in letters of at least 10 millimetres in height, or

(ii) in any other case--be prominently displayed in letters of at least 3 millimetres in height, and

(b) must be printed on a background of contrasting colour.

(4) If the statement referred to in subclause (1) or (2) is on a label, the label must measure at least 45 millimetres by 120 millimetres.

9 Offence to remove or interfere with label

A person must not, without reasonable excuse, remove, alter, obliterate or deface, or cause or permit the removal, alteration, obliteration or defacement of, any statement on, or any label attached to, a package of manufactured stock food in accordance with section 6 of the Act.

Maximum penalty: 10 penalty units.

10 Written statements concerning stock food supplied in bulk

A written statement about stock food that is supplied in bulk must contain the same information as is required by clauses 7 and 8 to appear on a label of stock food of the same kind supplied in a package.

11 Offence to remove or interfere with written statement

A person must not, without reasonable excuse, alter, obliterate or deface, or cause or permit the alteration, obliteration or defacement of, any written statement provided in accordance with section 6A of the Act.

Maximum penalty: 10 penalty units.

Part 3 – Miscellaneous

12 Restrictions on foreign ingredients: section 7

For the purposes of section 7 of the Act:

- (a) the maximum proportion or amount of any foreign ingredient specified in Column 1 of Schedule 1 that may be contained in stock food of a kind specified in Column 2 of that Schedule is the proportion or amount (if any) specified in Column 3 of that Schedule, and
- (b) the maximum proportion or amount of any foreign ingredient specified in the first column of Table 4 to the MRL Standard that may be contained in stock food of a kind specified in the second column of that Table is the proportion or amount (if any) specified in the third column of that Table, and
- (c) the maximum proportion or amount of any foreign ingredient specified in clause 60 (1) of the *Stock Diseases Regulation 2004* that may be contained in stock food for pigs is nil (that is, such stock food must not contain any such foreign ingredient).

13 Taking of samples: section 21

- (1) For the purposes of section 21 (1) of the Act, a sample of stock food must weigh at least one kilogram or, if the bulk from which it is taken weighs less than one kilogram, must comprise the whole of the bulk.
- (2) A sample may be taken from any part of the bulk and portions of a sample may be taken from different parts of the bulk so long as the portions are properly mixed before the sample is divided.
- (3) For the purposes of section 21 (3) of the Act, delivery of a sample to an analyst may be effected by causing the sample to be delivered to the analyst by any means.
- (4) For the purposes of section 21 (4) of the Act, the part of a sample retained 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 the Director-General directs the inspector as to the manner in which the sample is to be disposed of.

13A Penalty notice offences

For the purposes of section 32A of the Act:

- (a) each offence arising under a provision specified in Column 1 of Schedule 2 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 2, 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 2.

14 Savings

Any act, matter or thing that, immediately before the repeal of the *Stock Foods Regulation 1997*, had effect under that Regulation is taken to have effect under this Regulation.

Schedule 1 Foreign ingredients

(Clauses 4 and 12)

Part 1 – Prohibited substances

	Column 1	Column 2	Column 3
	Foreign ingredient	Kind of stock food	Proportion or amount
1	Clenbuterol	All stock foods	Nil
2	Restricted animal material	Stock food for ruminants	Nil

Part 2 – Weed seeds and plants

	Column 1	Column 2	Column 3
	Foreign ingredient	Kind of stock food	Proportion or amount
1	Amsinckia spp. (Yellow burweed)	Grain	100 seeds per kilogram
2	Argemone mexicana (Mexican poppy)	Grain	20 seeds per kilogram
3	Crotalaria spp. (Rattlepods)	All stock foods	Nil seeds or plant parts
4	Datura spp. (Thornapples)	Grain	5 seeds per kilogram
5	Echium plantagineum (Paterson's curse)	Grain	100 seeds per kilogram
6	Heliotropium europaeum (Common heliotrope) or Heliotropium amplexicaule (Blue heliotrope), or both Heliotropium europaeum (Common heliotrope) and Heliotropium amplexicaule (Blue heliotrope)	Grain	20 seeds of either species, or of a combination of both species, per kilogram
7	Ricinus communis (Castor-oil plant)	All stock foods	Nil seeds or plant parts
8	Sesbania cannibina (Sesbania pea)	Grain	200 seeds per kilogram

Part 3 – Toxic compounds

	Column 1	Column 2	Column 3
	Foreign ingredient	Kind of stock food	Proportion or amount
1	Aflatoxin B1	Grain and crushed grain	0.01 grams per tonne
2	Aflatoxin B1	Manufactured stock foods for beef cattle and sheep	0.05 grams per tonne
3	Aflatoxin B1	Manufactured stock foods for weaner or suckling pigs	0.01 grams per tonne
4	Aflatoxin B1	Manufactured stock foods for pigs other than weaner or suckling pigs	0.05 grams per tonne
5	Aflatoxin B1	Manufactured stock foods for dairy cows	0.02 grams per tonne
6	Aflatoxin B1	Manufactured stock foods for ducks	0.001 grams per tonne
7	Aflatoxin B1	Manufactured stock foods for layer chickens	0.02 grams per tonne
8	Aflatoxin B1	Manufactured stock foods for poultry other than ducks or layer chickens	0.01 grams per tonne
9	Polychlorinated biphenyls	All stock foods	0.05 grams per tonne
10	Polybrominated biphenyls	All stock foods	Nil
11	Aldrin	Manufactured stock foods	0.01 grams per tonne
12	Chlordane	Manufactured stock foods	0.01 grams per tonne
13	DDT, TDE and DDE (any combination)	Manufactured stock foods	0.05 grams per tonne
14	Dieldrin	Manufactured stock foods	0.01 grams per tonne
15	Endrin	Manufactured stock foods	0.03 grams per tonne
16	HCB	Manufactured stock foods	0.01 grams per tonne
17	Heptachlor	Manufactured stock foods	0.02 grams per tonne
18	Lindane (gamma BHC)	Manufactured stock foods	0.1 grams per tonne
19	Any combination of the substances listed in items 11-18	Manufactured stock foods	0.1 grams per tonne
20	Ergots (<i>Claviceps</i> spp.) (including all fruiting bodies) other than sorghum ergot (<i>Claviceps africana</i>)	All stock foods	200 grams per tonne
21	Cadmium	Stock food for pigs	0.5 grams per tonne
22	Lead	All stock foods	0.2 grams per tonne

23	Mercury	Fish meal for pigs or poultry	0.4 grams per tonne
24	Mercury	Stock food other than fish meal for pigs or poultry	0.02 grams per tonne
25	Sorghum ergot (<i>Claviceps africana</i>)	All stock foods	3,000 grams per tonne

Schedule 2 Penalty notice offences

(Clause 13A)

Column 1	Column 2	Column 3
Provision	Penalty for an individual	Penalty for a corporation
	Offence under the Act	
Section 6 (1)	\$275	\$550
Section 6A (1)	\$275	\$550
Section 7 (4)	\$275	\$550
Section 8 (2)	\$275	\$550
Section 11A (3)	\$275	\$550
Section 23	\$1,100	\$2,200
Section 29	\$275	\$550
Section 30	\$1,100	\$2,200
	Offence under this Regulation	
Clause 9	\$110	\$220
Clause 11	\$110	\$220

Historical notes

The following abbreviations are used in the Historical notes:

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

Table of amending instruments *Stock Foods Regulation 2005 (502)*. GG No 107 of 26.8.2005, p 5853. Date of commencement, 1.9.2005, cl 2. This Regulation has been amended as follows:

2007	(222)	<i>Stock Foods Amendment (Penalty Notice Offences) Regulation 2007</i> . GG No 71 of 31.5.2007, p 3039. Date of commencement, 31.5.2007, cl 2.
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Table of amendments

Cl 13A	Ins 2007 (222), Sch 1 [1].
Sch 2	Ins 2007 (222), Sch 1 [2].