

NORTHERN TERRITORY OF AUSTRALIA
STOCK (CONTROL OF HORMONAL GROWTH PROMOTANTS) REGULATIONS
As in force at 11 December 2001
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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Regulations as in force at 11 December 2001. Any amendments that may come into operation after that date are not included.

STOCK (CONTROL OF HORMONAL GROWTH PROMOTANTS) REGULATIONS

Regulations under the Stock (Control of Hormonal Growth Promotants) Act

1. Citation
These Regulations may be cited as the Stock (Control of Hormonal Growth Promotants) Regulations. (See back note 1)
2. Interpretation

(1) In these Regulations, unless the contrary intention appears -

"approved" means approved by the Chief Inspector;

"Form" means a form in Schedule 2;

"retail sale" means a sale otherwise than by way of wholesale;

"wholesale" means a sale to another person for the purposes of sale by that other person.

(2) A reference in these regulations to an owner of stock or a purchaser of stock includes a reference to a person who is acting for the owner of the stock or (except for the purposes of regulation 15(1A)) the purchaser of the stock, as the case may be.

3. Prescribed substances

The following substances are prescribed substances:

Trade names

Active ingredients

Compudose 200

Oestradiol - 17?

Compudose 400

Oestradiol - 17?

Finaplix

Trenbolone acetate

Ralgro

Zeranol (resorcylic acid lactone)

Revalor

Trenbolone acetate and oestradiol - 17?

Steerex

Oestradiol benzoate and progesterone

Synovex C Calf Growth 120 Promotant

Oestradiol benzoate and progesterone

Synovex H Heifer Growth and Finishing Implants

Oestradiol benzoate and testosterone propionate

Synovex S Steer Growth and Finishing Implants

Oestradiol benzoate and progesterone

Zerapel

Zeranol (resorcylic acid lactone)

4. Application for registration by sellers of prescribed substances

(1) A person who desires to be registered as a seller of a prescribed substance shall apply to the Chief Inspector in the form of the approved form.

(2) A seller may be registered as a wholesaler or as a retailer or both as a wholesaler and a retailer.

(3) An application under subregulation (1) shall be accompanied by the prescribed fee.

5. Registration of sellers

The Chief Inspector shall register a person as a wholesaler or retailer, or both wholesaler and retailer, of prescribed substances if the Chief Inspector is satisfied that -

(a) the person is capable of maintaining satisfactory records of purchases and sales of prescribed substances;

(b) the person is capable of maintaining systems of controls for the safe custody of prescribed substances;

(c) the person understands the duties imposed under the Act and these Regulations on the sellers and purchasers of prescribed substances.

6. Duties of wholesaler

(1) A person who sells a prescribed substance by way of wholesale shall enter in a register in a form approved by the Chief Inspector the following information:

- (a) the name of the seller;
 - (b) the name and amount of each prescribed substance sold by the seller;
 - (c) the manufacturer's batch number for the prescribed substance;
 - (d) the name and address of each purchaser of the prescribed substance;
 - (e) the date of each sale,
- and such other information as the Chief Inspector directs.

(2) The information referred to in subregulation (1) shall be entered in the register immediately the order for the prescribed substance is taken by the seller and shall be confirmed by the seller before delivery is made.

7. Duties of retailers

(1) A person who sells a prescribed substance by way of retail sale shall enter in a register approved by the Chief Inspector the following information:

- (a) the name of the seller;
 - (b) the name and amount of each prescribed substance sold by the seller;
 - (c) the manufacturer's batch number for the prescribed substance;
 - (d) the name and address of each registered user who purchases the prescribed substance, and
 - (e) the date of the sale,
- and such other information as the Chief Inspector directs.

(2) The information referred to in subregulation (1) shall be entered in the register immediately after the sale is made.

8. Returns by sellers

A person who sells prescribed substances shall forward to the Chief Inspector not later than the tenth day of each month a return in the form of the approved form of all purchases and sales of prescribed substances made by that person during the previous month.

9. Declaration by purchaser

(1) A person who purchases a prescribed substance by way of retail sale for the purpose of treating stock shall make and sign a declaration in the form of Form 1.

(2) A person who sells a prescribed substance by way of retail sale shall make 2 copies of every declaration made in subregulation (1) and shall -

- (a) retain the original declaration for a period of 3 years; and
- (b) give one copy of the declaration to the purchaser.

10. Duties in relation to treating stock

(1) An owner of stock shall ensure that stock are treated only under his or her own personal supervision and shall ensure that immediately after stock is treated -

- (a) each animal is marked with an ear punch mark consisting of an equilateral triangle; and
- (b) a record is made of the animals so treated in a register in a form approved by the Chief Inspector.

(2) Any marking of an animal under subregulation (1) shall be made only -

- (a) with a punch of the type approved by the Chief Inspector; and
- (b) in the manner approved by the Chief Inspector.

(3) The register referred to in subregulation (1)(b) shall be kept in a place of safe custody by the person who is the owner of

the stock at the time of treatment and shall be retained for a period of 3 years after the last entry in the register is made.

11. Duties in relation to treated stock

A person who is the owner of stock that are treated shall ensure that any stock treated with a prescribed substance are permanently identifiable by means of the mark prescribed under regulation 10.

12. Records to be kept by owner of treated stock

(1) A person who is or becomes the owner of stock that have been treated with a prescribed substance shall make and keep a record of -

(a) the numbers of any treated stock that have been purchased and the source or sources of each purchase;

(b) the numbers of any treated stock that have been sold and the person or persons to whom the sales have been made; and

(c) the number of stock owned by him or her that have been treated while on any property owned by him or her.

(2) A record made under subregulation (1) shall be retained by the owner of stock for a period of not less than 3 years.

13. Duties of owner of untreated stock

(1) An owner of stock which have not, at any time, been treated by a prescribed substance shall not sell, consign to an agent for sale or consign to an abattoir for slaughter that stock as being untreated stock unless this regulation is complied with.

(2) Where the owner of untreated stock sells the stock directly to another person, the owner shall declare in respect of the animals he or she sells, in an approved form, that each animal has not at any time been treated by a prescribed substance.

(3) Where the owner of untreated stock consigns the stock to an agent for sale -

(a) in the case of cattle, each animal shall have affixed to it a pink eartag, or a pink tailtag, bearing the words "HGP free"; or

(b) in the case of buffalo, either -

(i) each animal shall have affixed to it a pink eartag, or a pink tailtag, bearing the words "HGP free"; or

(ii) the owner shall declare in respect of the animals he or she consigns, in an approved form, that each animal has not at any time been treated by a prescribed substance.

(4) Where the owner of untreated stock consigns the stock to an abattoir for slaughter -

(a) in the case of cattle, each animal shall have affixed to it a pink eartag, or a pink tailtag, bearing the words "HGP free"; or

(b) in the case of buffalo, either -

(i) each animal shall have affixed to it a pink eartag, or a pink tailtag bearing the words "HGP free"; or

(ii) each animal shall be (not more than 7 days before it is slaughtered) marked by a brand pursuant to the Brands Act and, in addition, the owner shall declare in respect of each animal he or she consigns, in an approved form, that the animal has not at any time been treated by a prescribed substance.

(5) Where an owner of stock makes a declaration referred to in subregulation (3)(b)(ii) or (4)(b)(ii), the owner shall -

(a) if the owner sells the stock directly to another person, ensure that the purchaser of the stock is given or sent, as soon as practicable after the sale, the original declaration; or

(b) in any other case, ensure that the stock referred to in the declaration are accompanied by the original declaration (to enable the declaration to be delivered to the purchaser of the stock).

(6) The owner of stock referred to in subregulation (5) shall retain a duplicate copy of the declaration for not less than 2 years commencing on and from the date of the sale.

14. [Repealed]

15. Duties of agents

(1) Subject to subregulation (2A), where stock referred to in regulation 13(3)(a) or (b)(i) is consigned to an agent for sale and then sold, the agent responsible for the sale of the stock shall, as soon as practicable after the sale, state in writing, in an approved form, that at the time of the sale each animal identified by the agent's statement had affixed to it a pink eartag, or a pink tailtag, bearing the words "HGP free".

(1A) The stock the subject of an agent's statement referred to in subregulation (1) shall be identified in the statement by reference to the number and type of stock, the property consigned from, the date of sale, the lot sold in and the name of the purchaser of the stock.

(1B) Subject to subregulation (2A) and notwithstanding subregulation (1), the agent responsible for the sale of the stock referred to in regulation 13 shall, as soon as practicable after the sale -

(a) if the stock is sold in one lot, take the original declaration made pursuant to regulation 13(3)(b)(ii) (if any), or the agent's statement referred to in subregulation (1), in respect of the stock (as the case may be) and give or send it to the purchaser of the stock; or

(b) if the stock is sold in more than one lot, make a copy of the declaration or the agent's statement referred to in paragraph (a) (as the case may be) for the purposes of each lot and give or send a copy of the declaration or agent's statement to the purchaser of each lot.

(2) An agent referred to in subregulation (1B) who -

(a) has sold stock in one lot, shall retain a copy of the original declaration or a copy of the original agent's statement (as the case may be) in respect of the stock; or

(b) has sold stock in more than one lot, shall retain the original declaration or the original agent's statement (as the case may be) in respect of the stock,

for not less than 2 years commencing on and from the date of the sale of the stock.

(2A) This regulation does not apply to stock referred to in regulation 13(3) which the agent sells to an abattoir for slaughter.

15A. Purchaser to retain declaration or statement

The purchaser of stock sold as untreated stock under regulation 13 shall retain the declaration or agent's statement he or she receives in accordance with regulation 13(5) or 15(1B) (being either the original or a copy) in respect of the stock for not less than 2 years commencing on and from the date of purchasing the stock.

16. Declaration systems

(1) Notwithstanding anything in these regulations, for the purpose of facilitating the attainment of the objects of the Act, the Chief Inspector may devise or approve of systems of declarations and returns that ensure that treated stock and carcasses are separately identifiable from untreated stock and carcasses.

(2) A person who complies with the provisions of a system devised or approved by the Chief Inspector under subregulation (1) is deemed to comply with the relevant provisions of these Regulations.

17. Period of registration

Registration of a person under these Regulations is valid for a period of 1 year commencing from the date of registration and may be renewed on application and payment of the prescribed fee to the Chief Inspector.

18. Suspension or cancellation of registration

The Chief Inspector may suspend or cancel the registration of a person who is registered under these Regulations if the Chief Inspector is satisfied that the person has contravened or failed to comply with these Regulations.

19. Declaration not to be defaced

A person shall not alter, obliterate or deface a declaration made under these Regulations.

20. Fees

The fees set out in Schedule 1 are payable in relation to the matters set out in that Schedule.

21. Offences

A person who contravenes or fails to comply with these regulations commits an offence.

Penalty: \$5,000.

22. Infringement offences and penalties

(1) An offence in Column 1 of Schedule 3 is an infringement offence for the purposes of section 23A(1) of the Act.

(2) The penalty specified in Column 2 of Schedule 3 is the prescribed penalty payable under section 23A(2) of the Act for an alleged offence against the provision specified opposite in Column 1.

SCHEDULE 1

FEES

Registration or renewal of seller of prescribed substances
\$200.

SCHEDULE 2

FORMS

FORM 1

NORTHERN TERRITORY OF AUSTRALIA

Stock (Control of Hormonal Growth Promotants) Act

DECLARATION BY PURCHASER AT POINT OF RETAIL SALE OF HGP'S

Name of owner/authorised representative

Address

I, being the owner/authorised representative of the owner (delete as applicable), responsible for the husbandry of the livestock on the properties assigned the tail tag numbers detailed below declare that the

No. of doses

Specify HGP brand/type

doses of

have today been purchased from

Name of retailer

Address

and will be implanted into cattle bearing or covered by
Tail Tag No(s)

and that I will permanently identify all treated animals by the
prescribed ear punch mark at the time of their implantation.
Signature and Date

/ /

NOTE: The prescribed ear punch mark shall be in the form of an equal
sided triangle with sides of 20 millimetres.

The mark is to be applied so as to leave a space on all sides within
the margin of the ear.

Either the left or right ear may be so marked.

If an animal has previously been treated with HGP's and has been ear
punched with the prescribed mark, there is no requirement to again
identify the animal with this mark.

Only approved ear punches may be used for applying this prescribed ear
mark. Approved ear punches are available from registered retailers of
HGP's.

Copies of this form to be held for auditing purposes for 3 years

Original (pink copy) - to be retained by Retailer

Duplicate (white copy) - to be retained by Purchaser

FORM 2 [Omitted]

SCHEDULE 3

Regulation 22

INFRINGEMENT OFFENCES AND PENALTIES

Column 1

Infringement Offence

Column 2

Prescribed Penalty

\$

Regulation 8 of the Stock (Control of Hormonal Growth Promotants)
Regulations

200

Regulation 12 of the Stock (Control of Hormonal Growth Promotants)
Regulations

200

Regulation 15 of the Stock (Control of Hormonal Growth Promotants)
Regulations

200

Notes

1. The Stock (Control of Hormonal Growth Promotants) Regulations,
in force under the Stock (Control of Hormonal Growth Promotants) Act,
comprise the Regulations 1993, No. 4 and amendments made by other
legislation, the details of which are specified in the following table:

Year and number

Date made

Date notified in the Gazette

Date of commencement

1993, No. 4

31 Mar 1993

1 Apr 1993

1 Apr 1993
1994, No. 35
30 Sept 1994
12 Oct 1994
12 Oct 1994
1997, No. 11
27 Mar 1997
9 Apr 1997
9 Apr 1997
Act No. 11, 1998
-
-
30 Mar 1998
Act No. 62, 2001
-
-
11 Dec 2001

Table of Amendments
Regulation

2.	Amended by 1994, No. 35
7.	Amended by Act No. 62, 2001
12.	Amended by 1994, No. 35
13.	Substituted by 1994, No. 35
14.	Repealed by 1994, No. 35
15.	Amended by 1994, No. 35
15A.	Inserted by 1994, No. 35
22.	Inserted by 1997, No. 11
Schedule 2	Amended by 194, No. 35; Act No. 11, 1998
Schedule 3	Inserted by 1997, No. 11