

STOCK MEDICINES ACT AMENDMENT ACT, 1973¹

being

Stock Medicines Act Amendment Act, 1973, No. 33 of 1973 [Assented to 4th October, 1973]¹.

An Act to amend the Stock Medicines Act, 1939, as amended.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Stock Medicines Act Amendment Act, 1973". Short titles.

(2) The Stock Medicines Act, 1939, as amended by this Act and by all other amendments, if any, amending the same prior to the commencement of this Act, may be cited as the "Stock Medicines Act, 1939-1973".

(3) The Stock Medicines Act, 1939, as amended by all other amendments, if any, amending the same prior to the commencement of this Act, is hereinafter referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation¹. Commencement.

3. Section 3 of the principal Act is amended—

Amendment of
principal Act,
s. 3—

(a) by inserting after the definition of "dealer" the following definition:— Interpretation.

"expiry day" in relation to a registered stock medicine means the day on which, pursuant to this Act, the registration of that stock medicine expires;

(b) by inserting after the definition of "Minister" the following definition:—

"registration period" in relation to the registration of a stock medicine, means—

(a) the period commencing on and including the day on which the Stock Medicines Act Amendment Act, 1973, comes into operation and concluding on and including the day fixed by proclamation under subsection (2) of this section;

and

(b) each consecutive period of three years that occurs after that day;

¹ As on 3rd February, 1976, this Act has not come into operation.

(c) by inserting in the definition of "sell" after the passage "or offering or exposing for sale," the passage "or advertising for sale,";

and

(d) by inserting after the present contents thereof, as amended by this section (which are hereby designated subsection (1) thereof) the following subsection:—

(2) The Governor may, by proclamation, fix a day as being the day on which the first registration period under this Act shall conclude.

Amendment of
principal Act,
s. 4—

4. Section 4 of the principal Act is amended—

Exemptions
from Act.

(a) by inserting in subsection (1) after the passage "any stock medicine", first occurring, the passage ", not being a stock medicine that has been compounded by any manufacturer for sale or use";

and

(b) by inserting in subsection (1) after the passage "nor to any" the word "such".

Amendment of
principal Act,
s. 7—

5. Section 7 of the principal Act is amended—

Application for
registration of
stock medicine.

(a) by striking out from subsection (1) the passage "in every year on or before the thirtieth day of June of that year" and inserting in lieu thereof the passage "on or before the expiry day";

(b) by striking out from paragraph (b) of subsection (3) the passage "of five shillings" and inserting in lieu thereof the passage "calculated in accordance with subsection (3a) of this section";

(c) by striking out the proviso to subsection (3);

(d) by inserting immediately after subsection (3) the following subsection:—

(3a) In the case of an application for registration in respect of a registration period—

(a) that has not commenced or of which more than two years have yet to elapse, the fee shall be fifteen dollars;

(b) of which more than one year but two years or less has yet to elapse, the fee shall be ten dollars;

and

(c) of which one year or less than one year has yet to elapse, the fee shall be five dollars.;

and

(e) by striking out from subsection (4) the passage "after the thirtieth day of June in any year".

Repeal of s. 8
of principal Act.

6. Section 8 of the principal Act is repealed.

7. Section 10 of the principal Act is amended by striking out subsections (2) and (3) and inserting in lieu thereof the following subsections:—

Amendment of principal Act, s. 10—
Register of registered stock medicine.

(2) A copy of the register of registered stock medicines (omitting the prescriptions or compositions thereof) shall be kept and maintained at the office of the chief inspector and shall be available for public inspection without fee.

(3) The registration of any stock medicine—

(a) that was in force immediately before the commencement of the Stock Medicines Act Amendment Act, 1973, shall expire on the last day of the registration period that commenced on the day on which that Act came into operation;

and

(b) that was effected on or after the commencement of the Stock Medicines Act Amendment Act, 1973, shall expire on the last day of the registration period in respect of which it was registered.

(4) On and after the expiry day the registration of a stock medicine shall cease to have any further force or effect and unless that stock medicine has again been registered under this Act that stock medicine shall cease to be a registered stock medicine for the purposes of this Act.

8. Section 14 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 14 of principal Act and enactment of section in its place—

14. (1) Where the board is satisfied on such evidence as it considers reasonable that the use or continued use of a registered stock medicine—

Cancellation of the registration of a stock medicine.

(a) constitutes or may constitute a danger to public health;
(b) does not achieve or may not achieve the results claimed for that use;

(c) constitutes or may constitute a danger to stock;

or

(d) affects or may affect the export from this State of products derived directly or indirectly from the animals or birds in respect of which it is intended for use,

the board may by notice published in the *Gazette* cancel the registration of that stock medicine.

(2) Upon the publication of a notice referred to in subsection (1) of this section the registered stock medicine in respect of which that notice was so published shall cease to be a registered stock medicine for the purposes of this Act.

9. Section 15 of the principal Act is amended by striking out subsection (5) and inserting in lieu thereof the following subsections:—

Amendment of principal Act, s. 15—
Powers of inspectors.

(5) The inspector shall—

(a) retain one such part;
(b) forward one such part to an approved authority for analysis;

and

- (c) deliver one such part to the vendor or the person apparently in charge of the lot from which the samples are taken if such vendor or person is present at the time of sampling.

(5a) In subsection (5) of this section "approved authority" means a person or body approved of in writing by the Minister as a person or body authorized to undertake analysis for the purposes of this Act.

Amendment of
principal Act,
s. 19—
Regulations.

10. Section 19 of the principal Act is amended—

- (a) by inserting after paragraph (a) the following paragraphs:—

(aa) prohibiting the administration of any prescribed substance or mixture to stock;

(ab) prohibiting the application of any prescribed substance to stock;

(ac) prescribing the amounts of any prescribed substance or mixtures that may be administered to or applied to prescribed stock;

(ad) prescribing the conditions under which any prescribed stock medicine may be sold;;

- (b) by striking out from paragraph (b) the passage "and notices by dealers under section 14";

- (c) by striking out the word "and" immediately following paragraph (c);
and

- (d) by inserting after paragraph (d) the following word and paragraph:—
and

(e) prescribing or providing for penalties not exceeding one hundred dollars for any breach of or failure to comply with any provision of the regulations.