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**VETERINARY MEDICINES AMENDMENT ACT 1993**

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**No. 80 of 1993**

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**AN ACT to amend the *Veterinary Medicines Act 1987*****[Royal Assent 23 November 1993]**

**B**E it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**Short title**

1—This Act may be cited as the *Veterinary Medicines Amendment Act 1993*.

**Commencement**

2—This Act commences on the day on which it receives the Royal Assent.

### Principal Act

3—In this Act, the *Veterinary Medicines Act 1987\** is referred to as the Principal Act.

### Part IVA inserted

4—After Part IV of the Principal Act, the following Part is inserted:—

## PART IVA

### HORMONAL GROWTH PROMOTANTS

#### Interpretation

26A—For the purposes of this part, “**hormonal growth promotant**” means a hormonal preparation registered under Part III which is claimed in the application for its registration to promote growth in cattle.

#### Sale of hormonal growth promotant

26B—A person must not sell a hormonal growth promotant unless the person is registered as a seller.

Penalty: Fine not exceeding 50 penalty units.

#### Application to be seller of hormonal growth promotant

26C—(1) A person who wishes to be registered as a seller of a hormonal growth promotant may apply to the Registrar.

(2) An application is to be in a form approved by the Registrar and is to include the following details:—

- (a) the name and place of business of the applicant;
- (b) the name of the hormonal growth promotant to be sold;
- (c) any other prescribed details.

(3) An application is to be accompanied by the prescribed fee.

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\* No. 40 of 1987. Amended by No. 97 of 1987 and No. 5 of 1990.

**Certificate of registration**

26D—(1) On receipt of an application under section 26C, the Registrar may—

- (a) grant the application with or without conditions; or
- (b) refuse to grant the application.

(2) If the Registrar refuses to grant the application, the Registrar is to advise the applicant by notice in writing of the reasons for that refusal.

(3) If the Registrar grants the application, the Registrar is to issue a certificate of registration.

**Appeal**

26E—(1) An applicant may appeal to a magistrate against the refusal of the Registrar to grant an application under section 26D.

(2) An appeal is to be instituted within 30 days of receipt of a notice under section 26D (2).

- (3) At the hearing of the appeal, the magistrate may—
- (a) dismiss the appeal; or
  - (b) direct the Registrar to grant the application.

**Records**

26F—(1) The seller of a hormonal growth promotant is to keep in relation to each hormonal growth promotant sold a separate record containing the following details:—

- (a) the name of the hormonal growth promotant;
- (b) the amount of hormonal growth promotant sold;
- (c) the date of sale of the hormonal growth promotant;
- (d) the name and address of the person to whom the hormonal growth promotant was sold;
- (e) any other prescribed details.

(2) The purchaser of a hormonal growth promotant is to keep in relation to each hormonal growth promotant purchased a record containing the following details:—

- (a) the name of the hormonal growth promotant;
- (b) the amount of hormonal growth promotant purchased;
- (c) the date of purchase of the hormonal growth promotant;
- (d) the name and address of the person from whom the hormonal growth promotant was purchased;
- (e) any other prescribed details.

(3) A person who treats an animal with a hormonal growth promotant is to keep in relation to each hormonal growth promotant used a record containing the following details:—

- (a) the name of the hormonal growth promotant used;
- (b) the amount of hormonal growth promotant used;
- (c) the date of use of the hormonal growth promotant;
- (d) the type or class of animal treated with the hormonal growth promotant;
- (e) the number of animals treated with the hormonal growth promotant;
- (f) any other prescribed details.

(4) If a person sells an animal treated with a hormonal growth promotant, that person is to keep a record containing the following details:—

- (a) the type or class of animal sold;
- (b) the date of sale of the animal;
- (c) the place of sale of the animal;
- (d) the name and address of the purchaser of the animal, if known;
- (e) any other prescribed details.

(5) If a person purchases an animal treated with a hormonal growth promotant, that person is to keep a record containing the following details:—

- (a) the type or class of animal purchased;
- (b) the date of purchase of the animal;
- (c) the place of purchase of the animal;
- (d) the name and address of the seller of the animal, if known;
- (e) any other prescribed details.

(6) Any person who is in possession of a hormonal growth promotant is to keep a current record containing the following details:—

- (a) the name of the hormonal growth promotant;
- (b) the amount of hormonal growth promotant in the person's possession.

(7) The Registrar may inspect and audit any record kept under this section after giving 24 hours' notice to the keeper of the record.

(8) A person required to keep a record under this section is required to keep the record for 2 years.

### **Declaration of use**

26G—(1) A person who purchases a hormonal growth promotant must make a declaration of use at the time of purchase in a form approved by the Registrar declaring that—

- (a) the hormonal growth promotant is to be implanted into animals specified in the declaration; and
- (b) the person will permanently identify all treated animals in a manner approved by the Registrar.

Penalty: Fine not exceeding 20 penalty units.

(2) The declaration of use is also to contain the following details:—

- (a) the name of the hormonal growth promotant;
- (b) the amount of hormonal growth promotant purchased;

- (c) the date of purchase of the hormonal growth promotant;
- (d) the name and address of the seller of the hormonal growth promotant;
- (e) the number of the tail tag as registered under the *Stock (Brands and Movement) Act 1984* of any animal to be treated with the hormonal growth promotant.

(3) A person must not use a hormonal growth promotant other than in accordance with the declaration of use.

Penalty: Fine not exceeding 20 penalty units.

#### **Declaration of non-use**

26H—(1) A person who does not use a hormonal growth promotant may make a declaration of non-use in a form approved by the Registrar.

(2) A declaration of non-use is to contain the following details:—

- (a) the number of the tail tag as registered under the *Stock (Brands and Movement) Act 1984* of any animal which is not to be treated with a hormonal growth promotant;
- (b) a statement that the person will not treat any specified animal with a hormonal growth promotant for 12 months from the date of the declaration.

(3) A declaration of non-use is in force for a period of 12 months unless sooner cancelled under subsection (7).

(4) If a person holds a declaration of non-use that is in force, that person must not—

- (a) purchase a hormonal growth promotant; or
- (b) treat an animal specified in the declaration with a hormonal growth promotant.

Penalty: Fine not exceeding 20 penalty units.

(5) A person, by notice in writing, may request the Registrar to cancel a declaration of non-use.



(6) A notice under subsection (3) is to—

(a) be lodged with the Registrar; and

(b) contain a signed statement that the person intends to treat an animal specified in the declaration of non-use with a hormonal growth promotant.

(7) On receipt of a notice under subsection (5) the Registrar is to cancel the declaration of non-use.

### **Identification of cattle**

26i—A person who treats an animal, or causes an animal to be treated, with a hormonal growth promotant must mark the animal in a manner approved by the Registrar.

Penalty: Fine not exceeding 10 penalty units.

### **False or misleading statements**

26j—A person must not, in any application, record or declaration under this Part—

(a) make a statement knowing it to be false or misleading; or

(b) omit any matter from a statement knowing that without that matter the statement is misleading.

Penalty: Fine not exceeding 10 penalty units.

### **Cancellation of registration**

26k—The Registrar may cancel the registration of a seller of a hormonal growth promotant who fails to—

(a) comply with a condition of the registration; or

(b) keep a record as required under section 26f.

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*[Second reading presentation speech made in:—  
House of Assembly on 13 October 1993  
Legislative Council on 26 October 1993]*