

Animal Preparations Bill

EXPLANATORY MEMORANDUM

PART 1—PRELIMINARY

Clause 1 sets out the purpose of the Bill.

Clause 2 provides for the Bill to come into operation on a day or days to be proclaimed, other than section 37 which comes into operation on the day this Bill receives Royal Assent.

Clause 3 sets out definitions of a number of terms used in the Bill and other ancillary matters.

Clause 4 sets out the objects of the Bill.

Clause 5 provides for the Governor in Council to exempt by proclamation, either conditionally or unconditionally, any preparation from the provisions of the Bill or the regulations.

Clause 6 provides for the Bill to bind the Crown.

PART 2—CONTROL OVER ANIMAL PREPARATIONS

Clause 7 provides procedures for the registration of an animal preparation.

Clause 8 provides for the registration and a temporary registration period of an animal preparation.

Clause 9 sets out procedures for the renewal of registration of an animal preparation.

Clause 10 provides procedures for approval for changes to a registered animal preparation or to make any other change of a prescribed nature with respect to an animal preparation.

Clause 11 makes it an offence to sell an animal preparation that does not have an approved label or advice note.

Clause 12 provides that a statement appearing on a label or advice note accompanying an animal preparation at the time of sale or delivery to a purchaser, has effect as a warranty by the seller, as to the accuracy of the statement.

Clause 13 provides procedures for a wholesale dealer to apply for cancellation of registration of an animal preparation.

Clause 14 provides for the Chief Administrator to cancel registration of an animal preparation and the procedure for notification of the cancellation.

Clause 15 provides for review of a decision by the Chief Administrator, to the Administrative Appeals Tribunal, for refusing to register or renew registration of an animal preparation or for the cancellation of registration.

Clause 16 provides for the Governor in Council to prohibit the sale and use of an animal preparation.

Clause 17 provides for the Chief Administrator to issue a permit for the purchase and use of an animal preparation that is not registered or is prohibited from sale and use.

Clause 18

Sub-clause (1) makes it an offence to sell or use an animal preparation that:

(i) is not registered;

(ii) has a change of the kind referred to in Clause 10 (1) of the Bill which has not been approved;

(iii) does not comply with any standard as prescribed under Clause 34 (1) (k) of the Bill.

Sub-clause (2) sets out the circumstances in which a person will not be guilty of an offence for the sale or use of an animal preparation that is not registered.

Sub-clause (3) makes it an offence in an application to the Chief Administrator to make a false or misleading statement.

Clause 19 makes it an offence for a wholesale dealer in an animal preparation to fail to notify the Board after becoming aware of any deficiency in the formulation of the preparation, any contamination of the preparation or any adverse reaction to the preparation by people or animals.

Clause 20

Sub-clause (1) empowers the Chief Administrator to make an order requiring a wholesale dealer to withdraw an animal preparation from sale and to recall any preparation sold and to destroy the stocks.

Sub-clause (2) provides that the Chief Administrator may only make an order in the specified circumstances.

Sub-clause (3) makes it an offence for a wholesale dealer to contravene an order made under sub-clause (1).

Clause 21 provides for confidentiality of information and makes it an offence to divulge the information acquired other than for the purposes of the Bill.

PART 3—ANIMAL PREPARATIONS BOARD

Clause 22 establishes the Animal Preparations Board.

Clause 23 provides for the appointment of the members of the Board.

Clause 24 provides for the appointment of the Chairperson of the Board.

Clause 25 sets out procedures for meetings of the Board.

Clause 26 sets out the functions of the Board.

Clause 27 provides that the Board must submit an annual report to the Minister.

PART 4—ENFORCEMENT

Clause 28 provides for the appointment of authorized officers by the Chief Administrator for the purposes of the Bill and the regulations.

Clause 29 provides for the Chief Administrator to approve an analyst for the purposes of the Bill and the regulations.

Clause 30 provides for the Chief Administrator of the Board to send an approved analyst information about an animal preparation for testing and reporting. The report obtained by the Chief Administrator or the Board is confidential. The clause further provides for an offence if the contents of the report are divulged.

Clause 31 empowers authorised officers to prosecute for offences against the Bill or the regulations.

Clause 32 is an evidentiary provision.

Clause 33 empowers the Chief Administrator to delegate his powers.

Clause 34 provides for matters in respect of which regulations may be made by the Governor in Council.

Clause 35 provides for guidelines issued by the Minister to be published in the *Government Gazette*.

PART 6—REPEALS, AMENDMENTS AND TRANSITIONAL PROVISIONS

Clause 36

Sub-clauses (1) to (3) provide for the repeal of the—

Stock Foods Act 1958;

Stock Medicines Act 1958;

Sheep Branding Fluids Act 1963.

Sub-clauses (4) to (7) provide for consequential amendments to other Acts.

Clause 37 provides for the continuance of the Stock Medicines Board until *Clause 22* of the Bill becomes operational.

Clause 38 contains transitional provisions.

