NORTHERN TERRITORY OF AUSTRALIA

STOCK (CONTROL OF HORMONAL GROWTH PROMOTANTS) REGULATIONS

As in force at 11 December 2001

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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*.

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 – 17β
Compudose 400	Oestradiol – 17β
Finaplix	Trenbolone acetate

Trade names	Active ingredients
Ralgro	Zeranol (resorcyclic acid lactone)
Revalor	renbolone acetate and oestradiol – 17β
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 (resorcycic 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 that 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.

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.

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

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

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Stock (Control of Hormonal Growth Promotants) Regulations* (SL No. 4, 1993)**

Notified	1 April 1993
Commenced	1 April 1993

***Amendments of Stock (Control of Hormonal Growth Promotants) Regulations* (SL No. 35, 1994)**

Notified	12 October 1994
Commenced	12 October 1994

***Amendments of Stock (Control of Hormonal Growth Promotants) Regulations* (SL No. 11, 1997)**

Notified	9 April 1997
Commenced	9 April 1997

***Statute Law Revision Act 1998* (Act No. 11, 1998)**

Assent date	30 March 1998
Commenced	30 March 1998

***Statute Law Revision Act (No. 2) 2001* (Act No. 62, 2001)**

Assent date	11 December 2001
Commenced	11 December 2001

3 LIST OF AMENDMENTS

r 2	amd No. 35, 1994, r 2
r 7	amd Act No. 62, 2001, r 17
r 12	amd No. 35, 1994, r 3
r 13	sub No. 35, 1994, r 4
r 14	rep No. 35, 1994, r 5
r 15	amd No. 35, 1994, r 6
r 15A	ins No. 35, 1994, r 7
r 22	ins No. 11, 1997, r 1

sch 2	amd No. 35, 1994, r 8; Act No. 11, 1998, s 9
sch 3	ins No. 11, 1997, r 2