

## VETERINARY MEDICINES ACT 1987

### No. 40 of 1987

#### TABLE OF PROVISIONS

- |  |   |
|--|---|
| <p style="text-align: center;"><b>PART I</b></p> <p style="text-align: center;"><b>PRELIMINARY</b></p> <ol style="list-style-type: none"> <li>1. Short title.</li> <li>2. Commencement.</li> <li>3. Interpretation.</li> </ol> <p style="text-align: center;"><b>PART II</b></p> <p style="text-align: center;"><b>ADMINISTRATION</b></p> <ol style="list-style-type: none"> <li>4. Veterinary Medicines Board and Registrar of Veterinary Medicines.</li> <li>5. Membership of Board.</li> <li>6. Functions and powers of Board.</li> <li>7. Meetings of Board.</li> <li>8. Validity of proceedings, &amp;c.</li> <li>9. Appointment, functions, and powers of Registrar.</li> </ol> <p style="text-align: center;"><b>PART III</b></p> <p style="text-align: center;"><b>REGISTRATION OF VETERINARY MEDICINES</b></p> <ol style="list-style-type: none"> <li>10. Registration.</li> <li>11. Renewal of registration.</li> <li>12. Transfer of registration.</li> <li>13. Alteration of registration.</li> <li>14. Consideration of applications.</li> <li>15. Suspension and cancellation by Board of registration.</li> <li>16. Cancellation of registration at request of registrant.</li> </ol> | <ol style="list-style-type: none"> <li>17. Appeal against refusal, alteration, or cancellation.</li> <li>18. Confidentiality of prescriptions, &amp;c.</li> <li>19. Testing permits.</li> </ol> <p style="text-align: center;"><b>PART IV</b></p> <p style="text-align: center;"><b>DEALINGS WITH VETERINARY MEDICINES</b></p> <ol style="list-style-type: none"> <li>20. Particulars on packages and labels.</li> <li>21. Sale, &amp;c., of unregistered preparations prohibited.</li> <li>22. Expiry dates.</li> <li>23. Storage instructions.</li> <li>24. Veterinary medicines not to be sold unless in conformity with registered prescription or composition.</li> <li>25. False claims or statements in relation to veterinary medicines.</li> <li>26. Breach of conditions of testing permit.</li> </ol> <p style="text-align: center;"><b>PART V</b></p> <p style="text-align: center;"><b>MISCELLANEOUS</b></p> <ol style="list-style-type: none"> <li>27. Appointment of inspectors.</li> <li>28. Powers of inspectors.</li> <li>29. Approval of analysts and bacteriologists.</li> <li>30. Tampering with samples.</li> </ol> |
|--|---|

31. Certificate of analyst or bacteriologist to be evidence.
32. Costs of analysis or examination.
33. Certificate not to be disputed unless notice given.
34. Certificate of registration or non-registration.
35. Service of documents.
36. Regulations.
37. Consequential amendments of *Poisons Act 1971, Therapeutic Goods and Cosmetics Act 1976, and Stock Medicines and Fertilizers Act 1950.*
38. Transitional.

SCHEDULE 1

AMENDMENTS OF THE STOCK MEDICINES AND FERTILIZERS ACT 1950



## VETERINARY MEDICINES ACT 1987

No. 40 of 1987

\*\*\*\*\*

**AN ACT to make fresh provision with respect to the control of the sale and use of veterinary medicines, to amend the Poisons Act 1971, the Therapeutic Goods and Cosmetics Act 1976, and the Stock Medicines and Fertilizers Act 1950, and for incidental purposes.**

[Royal Assent 8 May 1987]

**BE** 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:—

### PART I

#### PRELIMINARY

**1**—This Act may be cited as the *Veterinary Medicines Act 1987*. Short title.

**2**—(1) This section and section 1 shall commence on the day on which this Act receives the Royal assent. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on 1st July 1987.

Interpretation..

**3**—In this Act, unless the contrary intention appears—

- “ analyst ” means the Government Analyst or a person who is for the time being approved as an analyst under section 29;
- “ animal ” means any member of the animal kingdom other than man;
- “ bacteriologist ” means a person who is for the time being approved as a bacteriologist under section 29;
- “ biological product ” includes—
  - (a) any vaccine, serum, or virus, whether living or dead;
  - (b) any enzyme, gland extract, or diagnostic agent;
  - or
  - (c) any other product of bacterial growth;
- “ Board ” means the Veterinary Medicines Board established by section 4;
- “ Chairman ” means the Chairman of the Board;
- “ Director ” means the Director of Agriculture;
- “ exempt preparation ” means a preparation, or a preparation included in a class of preparations, that is prescribed for the purposes of this definition;
- “ functions ” includes duties;
- “ inspector ” means a person for the time being holding office as an inspector under section 27;
- “ package ”, in relation to a preparation (including a veterinary medicine), includes anything by which it is covered or in which it is cased, enclosed, contained, or packed;
- “ pharmaceutical chemist ” has the same meaning as in the *Pharmacy Act* 1908;
- “ preparation ” includes—
  - (a) any biological product or other substance; and
  - (b) any mixture or compound of—
    - (i) biological products;
    - (ii) other substances; or
    - (iii) biological products and other substances;
- “ Register ” means the Register of Veterinary Medicines maintained in accordance with section 9 (2) (a);

- “registrant”, in relation to a veterinary medicine, means the person in whose name that veterinary medicine is, for the time being, registered;
- “Registrar” means the person for the time being holding, or acting in, the office of Registrar of Veterinary Medicines established by section 4;
- “registration period” means—
- (a) the period commencing on 1st July 1987 and ending on 30th June 1989; and
  - (b) each succeeding period of 3 years;
- “sell” includes—
- (a) offer or expose for sale;
  - (b) keep or have in possession for sale;
  - (c) agree to sell;
  - (d) send, forward, or deliver for sale;
  - (e) distribute or supply by way of sample;
  - (f) barter or exchange; and
  - (g) authorize, direct, cause, attempt, or permit a sale or an act referred to in paragraph (a), (b), (c), (d), (e), or (f);
- “veterinary medicine” means a preparation that is, for the time being, registered under this Act;
- “veterinary surgeon” means a veterinary surgeon registered under the *Veterinary Act* 1918;
- “veterinary use” means use, by way of administration to an animal, for—
- (a) the diagnosis, cure, alleviation, or prevention of injury to, or disease in, that animal;
  - (b) the improvement of the condition or appearance of that animal or of its capacity for work or the production of foodstuffs or other materials; or
  - (c) the alteration of the physiological state of that animal, including, in particular, the induction and maintenance of anaesthesia and the application of hormone therapy.
-

## PART II

## ADMINISTRATION

Veterinary  
Medicines  
Board and  
Registrar of  
Veterinary  
Medicines.

**4**—For the purposes of this Act, there are established—

- (a) a board to be known as the Veterinary Medicines Board; and
- (b) an office of Registrar of Veterinary Medicines.

Membership  
of Board.

**5**—(1) The Board shall consist of 3 members, as follows:—

- (a) a Chairman appointed by the Director, by instrument in writing, from among the veterinary officers employed in the Department of Agriculture;
- (b) the Registrar;
- (c) a member appointed by the Director-General of Health Services, by instrument in writing, from among the employees employed in the Department of Health Services.

(2) A member of the Board shall hold office as such a member in conjunction with his office as an employee in the State Service.

Functions and  
powers of  
Board.

**6**—(1) In addition to the functions conferred or imposed on it by any other provision of this Act, the Board has the following functions:—

- (a) subject to the directions of the Minister, the general administration of this Act;
- (b) the provision to the Minister of advice on the workings of this Act.

(2) The Board may do all things necessary or convenient to be done for or in connection with, or as incidental to, the performance of its functions under this Act.

(3) The generality of subsection (2) shall not be taken to be limited by any other provision of this Act conferring a power on the Board.

Meetings of  
Board.

**7**—(1) The Registrar shall, at the request of another member, and may, of his own motion, convene a meeting of the Board.

(2) Subject to subsection (3), the Registrar shall give at least 48 hours' notice in writing of a meeting to all members, and any such notice shall include an agenda of business intended to be dealt with at the meeting.

(3) A member may waive all or any of the requirements of subsection (2) in relation to the giving of notice of a meeting to him.

(4) Two members shall form a quorum at any duly convened meeting of the Board.

(5) Questions arising at a meeting of the Board shall be determined by a majority of votes of the members present and voting.

(6) The Chairman, or, if the Chairman is not present, a member elected by the members present, shall preside at a meeting of the Board.

(7) The member presiding at a meeting of the Board has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(8) The Board shall cause full and accurate minutes to be kept of proceedings at its meetings.

(9) The procedure for the calling of, and for the conduct of business at, meetings of the Board shall, subject to any procedure that is specified in this section, be as determined by the Board.

**8—**(1) All acts and proceedings of the Board or of any person acting pursuant to any direction of the Board are, notwithstanding the subsequent discovery of any defect in the appointment of any member, as valid as if the member had been duly appointed and as if the Board had been fully constituted. Validity of proceedings, etc.

(2) Where a member of the Board or an inspector does or purports to do, or omits or purports to omit to do, any act or thing in good faith for the purpose of administering or executing this Act, he shall not be personally subjected to any action, liability, claim, or demand in respect of that act or omission.

Appointment,  
functions, and  
powers of  
Registrar.

9—(1) The Director shall, by instrument in writing, appoint a veterinary officer employed in the Department of Agriculture to be the Registrar of Veterinary Medicines.

(2) In addition to the functions conferred or imposed on him by any other provision of this Act, the Registrar has the following functions:—

- (a) to maintain a register to be known as the Register of Veterinary Medicines;
- (b) to investigate any complaint or charge alleging that any person has contravened or failed to comply with the provisions of this Act.

(3) The Registrar may do all things necessary or convenient to be done for or in connection with, or as incidental to, the performance of his functions under this Act.

(4) The generality of subsection (3) shall not be taken to be limited by any other provision of this Act conferring a power on the Registrar.

(5) The Registrar shall, in the discharge of any function, or the exercise of any power, under this Act be subject to the direction of the Board.

(6) The power of the Board, under subsection (5), to give directions to the Registrar shall be taken, in all cases, to include the power to require the Registrar to refer to the Board for investigation, review, consideration, or determination any matter or class of matters otherwise required or permitted by this Act to be investigated, reviewed, considered, or determined by the Registrar, and a reference in this Act to the Registrar, in relation to a matter so investigated, reviewed, considered, or determined by the Board, shall be read as a reference to the Board.



## PART III

## REGISTRATION OF VETERINARY MEDICINES

**10**—(1) Subject to this Part, a preparation may be registered as Registration. a veterinary medicine under this Act in the name of any person upon the making by that person of an application, in writing, in that behalf to the Registrar.

(2) An application under this section—

(a) shall set out—

- (i) the name and place of business of the applicant;
- (ii) the distinctive name of the preparation;
- (iii) the name of the manufacturer, and the place of manufacture, of the preparation;
- (iv) a description, in accordance with subsection (3), of the composition of the preparation;
- (v) a statement, in accordance with subsection (4), of the veterinary use or uses for which the preparation is claimed by the applicant to be effective; and
- (vi) full directions for the use and application of the preparation for the veterinary use, or each of the veterinary uses, referred to in subparagraph (v);

(b) may stipulate a day before which the registration of the preparation as a veterinary medicine is not to have effect;

(c) shall be signed, in the presence of a witness, by or on behalf of the applicant;

(d) shall be accompanied by—

- (i) the prescribed application fee; and
- (ii) the prescribed registration fee; and

(e) shall comply with such other requirements as are prescribed.

(3) A description referred to in subsection (2) (a) (iv) shall specify, in relation to the preparation to which it relates—

(a) the extent to which it is constituted by biological products and by matter other than biological products;

- (b) in relation to the constituent part (if any) that comprises a biological product or a combination of biological products—
  - (i) the name of each such biological product; and
  - (ii) in relation to each such biological product, the name and concentration of the specific organism, product, or ingredient that is claimed by the applicant to be the active principle of that biological product; and
- (c) in relation to the constituent part (if any) that comprises matter other than a biological product—
  - (i) the formula according to which that constituent part is made; and
  - (ii) identification of the substances referred to in that formula that are claimed by the applicant to be active constituents.

(4) A statement referred to in subsection (2) (a) (v) shall specify each veterinary use for which the preparation is claimed to be effective, by reference to—

- (a) the injuries which it is claimed to cure or alleviate;
- (b) the disease which it is claimed to diagnose, cure, alleviate, or prevent;
- (c) the parasite or pest which it is claimed to destroy; or
- (d) the improvement in condition or increase in capacity which it is claimed to effect,

as the case may be, and to the species or type of animal in respect of which it is claimed so to be effective.

(5) Subject to this Act, the registration of a veterinary medicine—

- (a) shall take effect on the day on which—
  - (i) the Board approves the application for registration; or
  - (ii) an appeal against the refusal of the application by the Board is upheld,

as the case requires, or, where a later day is specified for that purpose in the application, on that later day; and

(b) shall expire on the last day of the registration period during which it takes effect or, where it takes effect on or after 1st April in a year in which a registration period ends, on the last day of the next succeeding registration period.

(6) The Registrar shall, in relation to an application under this section for the registration of a preparation as a veterinary medicine, refund to the applicant—

- (a) where the application is refused and the refusal is not set aside on appeal, the whole of the fee paid in respect of the application under subsection (2) (d) (ii);
- (b) where the preparation is registered as a veterinary medicine with effect from a day that is not more than one year earlier than the last day of a registration period, an amount equal to two-thirds of the fee so paid; and
- (c) where the preparation is so registered with effect from a day that is more than one year, but not more than 2 years, earlier than the last day of a registration period, an amount equal to one-third of the fee so paid.

**11**—(1) Subject to this Act, the registration of a veterinary medicine may be renewed upon the making by the registrant of an application, in writing, in that behalf to the Registrar. Renewal of registration.

(2) An application under this section—

- (a) shall be made before 1st April in the year in which the registration to which it relates will, unless cancelled or renewed, expire;
- (b) shall specify—
  - (i) the name and place of business of the applicant; and
  - (ii) the distinctive name, as registered, of the veterinary medicine;
- (c) shall be signed, in the presence of a witness, by or on behalf of the applicant;

- (d) shall be accompanied by the prescribed registration fee; and
- (e) shall comply with such other requirements as are prescribed.

(3) Subject to this Act, a renewal of the registration of a veterinary medicine shall take effect on the first day, and expire on the last day, of the registration period next succeeding the making of the application for that renewal.

Transfer of  
registration.

**12**—(1) Subject to this section, the registration of a veterinary medicine may be transferred from the person in whose name it is for the time being registered (in this section referred to as “the transferor”) to another person (in this section referred to as “the transferee”) upon the making by the transferor and the transferee of an application, in writing, in that behalf to the Registrar.

(2) An application under this section—

(a) shall set out—

- (i) the distinctive name, as registered, of the veterinary medicine; and
- (ii) the name and place of business of the transferor and the transferee, respectively;

(b) may stipulate a day before which the transfer is not to have effect;

(c) shall be signed, in each case in the presence of a witness, by or on behalf of both the transferor and the transferee; and

(d) shall be accompanied by the prescribed transfer fee.

(3) The Registrar shall, by notice in writing given to both the transferor and the transferee, acknowledge receipt by him of an application under subsection (2), and the veterinary medicine to which it relates shall be taken for all purposes to be registered in the name of the transferee with effect from—

(a) the day on which the application was received by the Registrar; or

(b) the day (if any) specified in the application in accordance with subsection (2) (b),

whichever is the later day.

**13**—(1) Subject to this section, the particulars, as registered, of a veterinary medicine may be altered upon the making by the registrant of an application, in writing, in that behalf to the Registrar. Alteration of registration.

(2) An application under this section—

(a) shall set out—

(i) the distinctive name, as registered, of the veterinary medicine; and

(ii) particulars of the proposed alteration;

(b) may stipulate a date before which the alteration of the registration is not to have effect;

(c) shall be signed, in the presence of a witness, by or on behalf of the applicant;

(d) shall be accompanied by the prescribed application fee; and

(e) shall comply with such other requirements as are prescribed.

(3) Subject to this Act, an alteration of the particulars, as registered, of a veterinary medicine shall take effect on the day on which—

(a) the Board approves the application for the change; or

(b) an appeal against the refusal of the application by the Board is upheld,

as the case requires, or, where a later day is specified for that purpose in the application, on that later day.

(4) Where the particulars, as registered, of a veterinary medicine are altered in accordance with this section, a preparation that, immediately before the day on which that alteration took effect, complied with the requirements applicable under this Act in relation to that veterinary medicine shall not, on or after that day, be taken, by reason only of that alteration, not to comply with those requirements.

**14**—(1) The Registrar shall, as soon as practicable after receiving an application under section 10, 11, or 13, consider the application and determine, accordingly, that the application be either approved or refused. Consideration of applications.

(2) The Registrar shall, as soon as practicable after the making of a determination under subsection (1)—

- (a) give to the applicant notice in writing of the determination, including, where the determination is that the application be refused, a statement of the grounds for the refusal; and
- (b) where the determination is that the application be approved, make such entry, or alteration to an entry, in the Register as is appropriate.

Suspension and  
cancellation by  
Board of  
registration.

**15**—(1) Where it appears to the Board, on reasonable grounds, that there are doubts as to the appropriateness of the continued registration of a veterinary medicine, the Board may, by resolution, determine that that registration be suspended.

(2) The Registrar shall, as soon as practicable after the making of a determination under subsection (1) in relation to the registration of a veterinary medicine—

- (a) give to the registrant notice in writing of the determination; and
- (b) carry out a review of the registration and make a report to the Board of the results of the review.

(3) The suspension of the registration of a veterinary medicine has effect during the period—

- (a) commencing at the expiration of the day on which notice is given to the registrant under subsection (2) (a); and
- (b) ending—
  - (i) at the expiration of the day on which notice is given to the registrant under subsection (5) of the lifting of the suspension;
  - (ii) on the taking effect, under subsection (6), of the alteration or cancellation of the registration;
  - (iii) at the expiration of the day on which an appeal under section 17 against the alteration, cancellation, or suspension of the registration is upheld; or
  - (iv) at such time as is specified in a determination by a magistrate under section 17 (3), as the case requires.

(4) Upon consideration of a report of the Registrar under subsection (2) (b) or under paragraph (b) of this subsection, the Board shall, by resolution, determine—

- (a) that the suspension of the registration be lifted;
- (b) that the Registrar carry out, and make a report to it on, a further review of that registration;
- (c) that the registration be altered in such manner as is specified in the resolution; or
- (d) that the registration be cancelled.

(5) The Registrar shall, as soon as practicable after the making by the Board of a determination under subsection (4), give to the registrant notice in writing of the determination, including, where the determination is that the registration be altered or cancelled, a statement of the grounds for the alteration or cancellation.

(6) The alteration or cancellation, under this section, of the registration of a veterinary medicine shall take effect—

- (a) if no appeal is instituted under section 17 within the period specified in section 17 (1), at the expiration of the last day of that period; or
- (b) if an appeal is instituted under section 17 within that period but the appeal is dismissed, at the expiration of the day on which it is dismissed.

(7) No action shall lie for the refund of any part of the fee paid under section 10 (2) (d) (ii) or 11 (2) (d) in relation to a registration cancelled under this section.

**16—**(1) The registrant in relation to a veterinary medicine may, by notice in writing given to the Registrar, request the cancellation of the registration of that veterinary medicine with effect from such day (if any) as is specified in the notice.

Cancellation of registration at request of registrant.

(2) The cancellation, under this section, of the registration of a veterinary medicine shall take effect at the expiration of—

- (a) the day on which the request is received by the Registrar;  
or
- (b) where a later day is specified in the request, that later day.

(3) No action shall lie for the refund of any part of the fee paid under section 10 (2) (d) (ii) or 11 (2) (d) in relation to a registration cancelled under this section.

Appeal against refusal, alteration, or cancellation.

**17—(1) Where—**

- (a) the Registrar determines, under section 14 (1), that an application for the registration, or the renewal of the registration, of a veterinary medicine be refused; or
- (b) the Board determines, under section 15 (4), that the registration of a veterinary medicine be altered or cancelled,

the applicant or the registrant, as the case may be, may, not later than 28 days after the giving of notice of that determination, appeal to a magistrate against that determination.

(2) Where the Board determines, under section 15 (1), that the registration of veterinary medicine be suspended, the registrant may, not earlier than 14 days after the giving of notice of the determination to the registrant under section 15 (2) (a) and not later than the giving of notice of a determination under section 15 (4) (a), (c), or (d) to the registrant under section 15 (5), appeal to a magistrate against the first-mentioned determination.

(3) At the hearing of an appeal under this section, the magistrate, unless he dismisses the appeal, may set aside the determination appealed against and make a determination in substitution for the determination so set aside, and, where the determination set aside is a determination suspending the registration of a veterinary medicine, the substitute determination may make provision as to the expiration of any continued period of suspension and conditions upon which the suspension may be continued.

(4) The magistrate shall cause a copy of his decision in relation to an appeal under this section to be served on the appellant and on the Registrar.

(5) The decision of a magistrate on the hearing of an appeal under this section is final, and any determination made in substitution for a determination set aside under subsection (3) shall have effect as if it were a determination of the Registrar or the Board.



(6) A magistrate may award costs in an appeal under this section and costs so awarded may be enforced and recovered in the same way as costs awarded in a judgment of the Court of Requests.

**18**—(1) Subject to subsection (2), a person who, directly or indirectly, otherwise than in the performance of his duties, or in the exercise of his powers or functions, under this Act, makes a record of, or divulges or communicates to any person any information with respect to the prescription or composition of a veterinary medicine that is contained in an application under section 10 or 13 is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$5 000.

Confidentiality  
of prescriptions  
&c.

(2) Subsection (1) does not apply to the divulging by a person of information in accordance with—

- (a) the permission in writing of the person by whom the application in which the information is contained was made or, where the veterinary medicine to which the information relates has, since the making of that application, become registered in the name of another person or successively registered in the names of other persons (whether or not that medicine remains so registered), the permission in writing of that other person or the last of those other persons; or
- (b) a direction in writing of the Minister.

**19**—(1) The Registrar may, upon the making by a person of an application, in writing, in that behalf, grant to that person a permit to supply a preparation to other persons for the purpose of being experimentally put to veterinary use.

Testing permits.

(2) Subsections (2) (other than paragraph (d)), (3), and (4) of section 10 apply, with such modifications as the case requires, to an application under this section as if it were an application for registration under that section.

(3) An application under this section shall be accompanied by the prescribed application fee.

(4) A permit granted under this section shall, unless sooner revoked, have effect for such period as is specified in the permit and is subject to such conditions as are so specified.

## PART IV

## DEALINGS WITH VETERINARY MEDICINES

Particulars on packages and labels.

**20**—(1) A person shall not sell a veterinary medicine unless it is enclosed in a package that complies with the following requirements:—

(a) there shall be inscribed on the package, or on a label that is securely and conspicuously affixed to the package—

(i) the words “Registered under the *Veterinary Medicines Act 1987 (Tasmania)*” or words to that effect that are, for the time being, approved by the Registrar in relation to that veterinary medicine; and

(ii) such particulars as may be prescribed;

(b) there shall not be inscribed on the package, or on any label affixed or otherwise attached to the package, any reference to this Act other than in accordance with paragraph (a).

(2) A regulation made for the purposes of subsection (1) (a) (ii)—

(a) may prescribe different particulars in respect of different kinds or descriptions of packages; and

(b) may provide that the regulations shall not apply to packages of specified kinds or descriptions, or in specified circumstances.

(3) A person shall not publish, circulate, or distribute, or cause to be published, circulated, or distributed, in relation to a veterinary medicine any written or printed matter which contains a reference to this Act other than the words referred to in subsection (1) (a) (i).

(4) A person who contravenes subsection (1) or (3) is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500.

Sale, &c., of unregistered preparations prohibited.

**21**—(1) Subject to subsection (3), a person who—

(a) sells a preparation (other than an exempt preparation or a preparation that is registered under this Act as a veterinary medicine) as a veterinary medicine;

- (b) uses any means or device that is calculated to induce a person purchasing such a preparation to believe that the preparation is suitable for veterinary use;
- (c) passes off, or holds out, such a preparation as being suitable for veterinary use; or
- (d) passes off, or holds out, a preparation (including an exempt preparation) that is not registered as a veterinary medicine as being so registered,

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500.

(2) For the purposes of subsection (1) (a), a preparation shall be taken to be sold as a veterinary medicine if it is sold in such circumstances as to indicate that it is intended for veterinary use.

(3) It is a defence to a prosecution for an offence under subsection (1) (a) that the preparation was—

- (a) prescribed by a veterinary surgeon in the course of the practice of his profession as a veterinary surgeon;
- (b) supplied by a veterinary surgeon for any animal for the time being under his professional care and charge;
- (c) extemporaneously prepared for a specific case by a pharmaceutical chemist in the ordinary course of his business as a pharmaceutical chemist; or
- (d) supplied in pursuance of, and in accordance with the conditions specified in, a permit granted under section 19.

**22**—Where the inscriptions on the package containing a veterinary medicine include, either in pursuance of section 20 or otherwise, a statement to the effect that the medicine should not be used after a specified date, a person who—

- (a) sells that medicine after that date; or
- (b) alters or obscures that statement or removes it from the package,

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$1 000.

**23**—Where the inscriptions on the package containing a veterinary medicine include, either in pursuance of section 20 or otherwise, a statement to the effect that the medicine should be stored in a particular manner, a person who—

**Expiry dates.**

**Storage instructions.**

- (a) sells any quantity of that medicine that has been stored otherwise than in that manner; or
- (b) alters or obscures that statement or removes it from the package,

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$1 000.

Veterinary medicines not to be sold unless in conformity with registered prescription or composition.

**24**—(1) Subject to subsection (2), a person who sells under the registered name of a veterinary medicine a preparation which does not conform with the registered prescription or composition of that veterinary medicine is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$5 000.

(2) It is a defence to a prosecution for an offence against subsection (1) that the person charged—

- (a) was not, at any material time, either—
  - (i) the registrant in relation to, or the manufacturer of, the veterinary medicine under the registered name of which he sold the preparation; or
  - (ii) the manufacturer of the preparation; and
- (b) did not know that the preparation did not conform with the registered prescription or composition.

False claims or statements in relation to veterinary medicines.

**25**—(1) A person who, for the purpose of selling a veterinary medicine, publishes, circulates, or distributes, or causes to be published, circulated, or distributed, any written matter containing a claim or statement, or makes or causes to be made an oral claim or statement in relation to that veterinary medicine, being—

- (a) a claim or statement as to the efficacy of that veterinary medicine for use for a purpose other than the purpose or purposes registered in relation to that veterinary medicine; or
- (b) a claim or statement which is false or misleading in any material particular,

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$5 000.

(2) A person who sells a veterinary medicine in respect of which a claim or statement as to its efficacy for use for any purpose other than the purpose or purposes registered in relation to that veterinary

medicine has been made by him or with his consent either orally or in any written matter relating to that veterinary medicine is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$5 000.

(3) If the registrant in relation to a veterinary medicine is convicted of an offence against subsection (1) or (2) in respect of that veterinary medicine, the Registrar may cancel the registration of that veterinary medicine.

**26**—A person who fails to comply with a condition to which a permit granted under section 19 is subject, being a condition applicable to him, is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$5 000.

Breach of conditions of testing permit.

---

## PART V

### MISCELLANEOUS

**27**—(1) The Director may, by instrument in writing, appoint such employees employed in the Department of Agriculture as he considers necessary to be inspectors under this Act.

Appointment of inspectors.

(2) A person appointed as an inspector under subsection (1) holds that office in conjunction with his office as an employee under the *Tasmanian State Service Act* 1984.

(3) A police officer within the meaning of the *Police Regulation Act* 1898 has all the powers and authorities conferred by this Act upon an inspector, and a reference in this Act to an inspector shall, unless the contrary intention appears, be taken to include such a police officer.

**28**—(1) In this section, “relevant goods” means—

Powers of inspectors.

- (a) goods that are, or purport to be, veterinary medicines;
- (b) goods, being preparations that are, or purport to be, suitable for veterinary use; and
- (c) goods that, in the opinion of an inspector, are being used, or are likely to be used, in the manufacture of goods of the kinds referred to in paragraphs (a) and (b).

(2) Subject to subsection (6), for the purpose of ascertaining whether a person has contravened or failed to comply with this Act, an inspector may, at any reasonable time, enter premises which

he has reasonable grounds to believe are used by that person for the purposes of, or in connection with, the manufacturing, storing, or selling of relevant goods and may—

- (a) inspect those premises;
- (b) make inquiries of any person on or in those premises;
- (c) inspect any vehicle which he reasonably believes to be used for conveying relevant goods;
- (d) without payment, take samples of—
  - (i) relevant goods; and
  - (ii) material which he reasonably believes may be used for or in connection with the packaging or labelling of relevant goods;
- (e) submit samples referred to in paragraph (d) for examination or analysis as prescribed;
- (f) take photographs of those premises or their contents;
- (g) where, in relation to any relevant goods found on those premises, it is, in his opinion, likely that a contravention of, or failure to comply with, this Act has occurred, is occurring, or will occur—
  - (i) take possession of those relevant goods; or
  - (ii) by notice in writing served on the occupier of those premises, declare those relevant goods to be subject to official control; and
- (b) take possession of any documents relating to relevant goods in relation to which it is, in his opinion, likely that a contravention of, or failure to comply with, this Act has occurred, is occurring, or will occur.

(3) A person shall not move, alter, or interfere with goods that are, in accordance with a notice under subsection (2) (g) (ii), subject to official control, except as authorized by this Act or by that notice.

(4) A person shall not—

- (a) obstruct, hinder, threaten, or assault an inspector in the exercise of his powers under subsection (2); or
- (b) provide false or misleading information to an inspector.

(5) A person who contravenes subsection (3) or (4) is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$5 000.

(6) Nothing in this section authorizes the exercise by an inspector of any of his powers under subsection (2) in any portion of a building, being a portion of that building that is used for residential purposes, except—

(a) with the permission of the occupier of that portion of the building; or

(b) in pursuance of a warrant granted under subsection (7).

(7) Where a justice is satisfied, on an application made by an inspector, that it is reasonably necessary for the purposes of this Act that the inspector should exercise his powers under subsection (2) in a portion of a building, being a portion of that building that is used for residential purposes, he may grant a warrant authorizing that inspector, with such assistance as he thinks necessary, to enter that portion of that building during such hours of the day or night as the warrant specifies or, if the warrant so specifies, at any time, if necessary by force, for the purpose of the exercise by the inspector of his powers under subsection (2).

**29**—The Director may, by instrument in writing, approve as an analyst or bacteriologist for the purposes of this Act—

Approval of analysts and bacteriologists.

(a) an appropriately qualified person; or

(b) a body or institution the staff of which includes appropriately qualified persons.

**30**—A person who tampers with a sample or part of a sample taken under this Act is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$5 000.

Tampering with samples.

**31**—In proceedings for an offence against this Act, a certificate in accordance with the prescribed form purporting to be given by an analyst or bacteriologist and specifying the result of an analysis or examination carried out by that analyst or bacteriologist shall be admissible and be evidence of that result.

Certificate of analyst or bacteriologist to be evidence.

**32**—Where, in proceedings leading to a conviction for an offence against this Act, the results of an analysis by an analyst or an examination by a bacteriologist have been used in evidence, the

Costs of analysis or examination.

reasonable expenses of and incidental to that analysis or examination may be awarded against the defendant as part of the costs of the prosecution.

Certificate  
not to be  
disputed unless  
notice given.

**33**—Where a copy of a certificate referred to in section 31 is served upon a person who is charged with the commission of an offence against this Act, it shall not be competent for that person on the hearing of the charge to dispute the accuracy of any statement contained in the certificate unless, within 7 days after service on him of the copy of the certificate, or within such further time as the court hearing the charge, on application made either before or after the expiration of that period of 7 days, allows, he has given notice in writing to the Registrar that he intends to dispute the accuracy of the certificate.

Certificate of  
registration or  
non-registration.

**34**—In any legal proceedings under this Act, the production of a certificate purporting to be signed by the Registrar and stating that a preparation is or is not registered under this Act as a veterinary medicine shall be admissible and be evidence that that preparation is or is not so registered, without proof of the signature of the Registrar.

Service of  
documents.

**35**—Where, under this Act, a document or notice is required or authorized to be served on a person by the Registrar, the document or notice may be served—

- (a) by delivering it to him personally; or
- (b) by sending it by post to his place of residence or employment.

Regulations.

**36**—(1) The Governor may make regulations for the purposes of this Act.

(2) Without limiting subsection (1), regulations may be made for or with respect to—

- (a) the manner in which applications for registration may be made;
- (b) forms for the purposes of this Act;
- (c) the issue and use of certificates of registration;
- (d) the kinds of particulars to be entered, and the kinds of entries to be made, in the Register;
- (e) the prohibition of the registration as a veterinary medicine, or of the putting to a veterinary use, of a preparation that—



- (i) consists of, or contains any quantity or a quantity or proportion in excess of a specified quantity or proportion, of a specified substance; or
  - (ii) does not conform to specified standards of strength, quality, or quantity;
- (f) the restriction of the uses to which veterinary medicines may be put;
  - (g) the manner in which particulars relating to a veterinary medicine shall be written on or affixed to the package containing that veterinary medicine;
  - (h) the recall from sale of veterinary medicines and other preparations purporting to be suitable for veterinary use;
    - (i) the manner of taking and the method of analysing or examining samples; and
    - (j) fees to be paid under this Act.

(3) Regulations under this section may be made subject to such conditions, or be made so as to apply differently according to such factors, as may be specified in the regulations or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified.

(4) Regulations under this section may make provision, in relation to preparations for which registration has been, is, or may be sought under both this Act and the *Pesticides Act* 1968, for the use, in connection with any application made under this Act in relation to that preparation, of forms or other documents used, or to be used, for the purposes of that Act and for the remission, in whole or in part, of fees otherwise payable under this Act.

(5) Regulations under this section may provide that it is an offence, punishable on summary conviction, for a person to contravene or fail to comply with any of the regulations and may provide in respect of any such offence for the imposition of a penalty not exceeding \$1 000 and, in the case of a continuing offence, a further penalty not exceeding \$10 for each day during which the offence continues.

(6) Regulations under this section may adopt, either wholly or in part, and either specifically or by reference and with or without modification, any of a prescribed authority's standards, rules, recommendations, codes of practice or other codes, or specifications specified in the regulations and relating to a matter with which the regulations deal, whether the standard, rule, recommendation, code, or specification is published or issued before or after the commencement of this Act.

(7) In subsection (6), "prescribed authority" means the Standards Association of Australia, the British Standards Institution, the National Health and Medical Research Council of Australia, or a like body specified in the regulations.

(8) A reference in subsection (6) to a standard, rule, recommendation, code of practice or other code, or specification includes a reference to an addition to, or amendment of, that standard, rule, recommendation, code, or specification, whether the addition or amendment is published or issued before or after the commencement of this Act.

Consequential amendments of Poisons Act 1971, Therapeutic Goods and Cosmetics Act 1976, and Stock Medicines and Fertilizers Act 1950.

**37—**(1) Section 93 (6) of the *Poisons Act 1971* is amended by omitting "the *Stock Medicines and Fertilizers Act 1950*," and substituting "the *Fertilizers Act 1950*, the *Veterinary Medicines Act 1987*,".

(2) Section 3 of the *Therapeutic Goods and Cosmetics Act 1976* is amended by omitting paragraph (b) and substituting the following paragraphs:—

(b) the *Fertilizers Act 1950*;

(ba) the *Veterinary Medicines Act 1987*;

(3) The *Stock Medicines and Fertilizers Act 1950* is amended as specified in Schedule 1.

Transitional.

**38—**(1) The person who was, on 30th June 1987, the holder of the office of Registrar of Stock Medicines under the *Stock Medicines and Fertilizers Act 1950* shall be taken, for the purposes of this Act, to have been appointed on 1st July 1987 under section 9 (1) as the Registrar of Veterinary Medicines.

(2) The appointment to the office of Registrar of Fertilizers of the person who was, on 30th June 1987, the holder of that office under the *Stock Medicines and Fertilizers Act 1950* shall be taken, for the purposes of the *Fertilizers Act 1950*, not to have been affected by the amendment of section 4 of the first-mentioned Act effected by this Act.

(3) Notwithstanding the amendments of the *Stock Medicines and Fertilizers Act 1950* made by this Act, the provisions of that Act continue to apply, subject to subsections (4) and (5), in relation to—

- (a) an application to register a stock medicine made under that Act before 1st July 1987; and
- (b) any appeal arising out of a refusal of such an application (including a refusal made in pursuance of those provisions as applied by this subsection),

as if those amendments had not been made.

(4) For the purposes of the application of subsection (3)—

- (a) a function exercisable under the *Stock Medicines and Fertilizers Act 1950* by the Stock Medicines Board shall be exercisable, on and after 1st July 1987, by the Veterinary Medicines Board; and
- (b) a function exercisable under that Act by the Registrar of Stock Medicines shall be exercisable, on and after 1st July 1987, by the Registrar of Veterinary Medicines.

(5) A preparation which—

- (a) was, on 30th June 1987, registered under Part II of the *Stock Medicines and Fertilizers Act 1950*; or
- (b) is, on or after 1st July 1987, registered under that Part as applied by subsection (3),

shall, subject to any requirement of regulations made for the purposes of this subsection, be deemed, for the purposes of this Act, to be registered as a veterinary medicine with effect from 1st July 1987 or the day on which it is so registered, whichever is the later day, until 31st December 1987, and section 11 of this Act applies, subject to such modifications as are specified in regulations made for the purposes of this subsection, to the renewal of that registration.

---

## SCHEDULE 1

Section 37 (3)

## AMENDMENTS OF THE STOCK MEDICINES AND FERTILIZERS ACT 1950

Provision amended	Amendment
Title	Omit " <i>stock medicines and</i> ".
Section 1 (1)	Omit " <i>Stock Medicines and</i> ".
Section 3 (definition of "dealer")	Omit "stock medicines or".
Section 3 (definition of "package")	Omit "stock medicine or".
Section 3 (definition of "Registrar")	Omit "the Registrar of Stock Medicines or the Registrar of Fertilizers, as appropriate," and substitute "the Registrar of Fertilizers".
Section 3 (definition of "stock")	Omit the definition.
Section 3 (definition of "stock medicine")	Omit the definition.
Section 3 (definition of "wholesale dealer")	Omit "stock medicine or".
Section 4 (1)	Omit the subsection and substitute the following subsection:— (1) The Director of Agriculture may appoint an employee in the Department of Agriculture as Registrar of Fertilizers, and an employee so appointed may hold office as Registrar in conjunction with his position in the State Service.
Part II	Omit the Part.
Section 25 (1)	(1) Omit "stock medicine or" (twice occurring).
Section 25 (2)	(2) Omit "stock medicine, fertilizer," and substitute "fertilizer".
Section 25 (3)	Omit "stock medicine, fertilizer," and substitute "fertilizer".
Section 25 (4)	Omit "stock medicine, fertilizer," and substitute "fertilizer".
Section 25 (5)	Omit "stock medicine, fertilizer," (twice occurring) and substitute "fertilizer".
Section 26 (1)	Omit "stock medicine or".
Section 26 (2)	Omit "stock medicine or".
Section 27	Omit "stock medicine or" (twice occurring).
Section 29	Omit "stock medicine or" (twice occurring).
Section 30 (1)	Omit "stock medicine or" (thrice occurring).
Section 31 (1)	Omit "stock medicine or".

Provision amended	Amendment
Section 31 (2)	Omit " stock medicine or ".
Section 35 (a)	Omit " stock medicine or ".
Section 35 (b)	Omit " the words ' stock medicine ' or ".
Section 35 (c)	Omit " stock medicine or ".
Section 35 (d)	Omit " stock medicine or ".
Section 35	Omit " registered as a stock medicine or " and substitute " registered as a ".
Section 36	Omit " stock medicine or " (twice occurring).
Section 39	(1) Omit " the Stock Medicines Board or ".
	(2) Omit " any such Board or " and substitute " the Board or any ".
Section 41 (2)	Omit " stock medicine or ".

