STOCK FOODS ACT AMENDMENT BILL 1972

Legislative Council, 2 August 1972, page 473

Second reading

**The Hon. T. M. CASEY (Minister of Agriculture):** I move:

*That this Bill be now read a second time.*

Honourable members will be aware that it is common practice to treat grain intended for use as seed with certain herbicides or insecticides to enhance its use as seed. For some time the responsible authorities in this matter have been concerned to ensure that such of these substances as are potentially dangerous to human beings are not available for human consumption, either directly or indirectly as a result of the consumption of the meat of stock that have been fed with treated grain. The form of the legislative scheme arising from this concern will be apparent from an examination of the clauses of this Bill.

Clauses 1 and 2 are formal. Clause 3 amends section 3 of the principal Act, the Stock Foods Act, 1941, as amended by (a) removing the limb of the definition of “manufactured stock food” that deals with substances that are in fact stock medicines, with a view to leaving them to be dealt with under the Stock Medicines Act; and (b) inserting a definition of “seed grain” in that section. With respect to the definition of seed grain, I would draw honourable members’ attention to the fact that it is rather a restrictive one. Thus, not all grain that is used as seed grain will fall within the definition but only grain that has been treated by a prescribed substance or in a prescribed manner. It follows from the considerations that have given rise to this measure that the prescriptions would generally be confined to substances and methods of treatment that would render the grain potentially unfit for human consumption. Clause 4 amends section 7 of the principal Act and provides for an appropriate regulation-making power. In the nature of things, regulations made under this provision are subject to the scrutiny of this Council. In addition, the maximum penalty for a breach of the regulations has been increased from the equivalent of $40 to $100. This increase in the maximum penalty is, it is felt, consistent with the maximum at present prevailing for offences of the nature envisaged.

Clause 5 amends section 8 of the principal Act, which deals with the duties of sellers of stock food and again provides for a similar increase in penalty. Clause 6 is the operative clause in the Bill and proposes a new section 8 a in the principal Act. Briefly, three separate offences are provided for by this section: (a) that of feeding seed grain (in the restrictive sense defined) to livestock; (b) that of selling or delivering seed grain, as defined, except for the purposes of use as seed; and (c) that of mixing seed grain with other grain except for the purposes of using the resultant mixture as seed. The need for the creation of the first two offences is apparent, but it is also felt that considerable dangers can arise from mixing contaminated grain with noncontaminated grain.

It remains to draw attention to proposed new subsections (3) and (5). New subsection (3) casts a burden on the seller or supplier of seed grain, as defined, to satisfy himself that the grain so sold or supplied will be used as seed and seems a reasonable burden in the circumstances of the measure. New subsection (5) in effect absolves persons who deal with seed grain in ignorance of the fact that the grain is in fact seed grain as defined. Clauses 7, 8 and 9 make amendments consequential on the amendments proposed by clause 6, and clause 10 merely brings a citation of an Act up to date.

The Hon. C. R. STORY secured the adjournment of the debate