

Western Australia

Veterinary Chemical Control and Animal Feeding Stuffs Act 1976

**Veterinary Chemical Control and Animal
Feeding Stuffs Regulations 2006**

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Veterinary Chemical Control and Animal Feeding Stuffs Regulations 2006

CONTENTS

Part 1 — Preliminary

- | | | |
|----|---------------------------------|---|
| 1. | Citation | 1 |
| 2. | Terms used in these regulations | 1 |

Part 2 — Veterinary chemical products

Division 1 — Use of veterinary chemical products by veterinary surgeons

- | | | |
|-----|---|----|
| 3. | Use by injection of registered veterinary chemical product | 6 |
| 4. | Use by veterinary surgeon of registered veterinary chemical product | 6 |
| 5. | Use by veterinary surgeon of unregistered veterinary chemical product | 7 |
| 6. | Authorised use of low risk chemical by veterinary surgeon | 7 |
| 7. | Use by veterinary surgeon with authority of CVO | 8 |
| 8. | Supply of veterinary chemical product by veterinary surgeon | 8 |
| 9. | Use of antibiotics on bees | 8 |
| 10. | Statement to be given by veterinary surgeon | 9 |
| 11. | Production of statements | 10 |

Division 2 — Use of veterinary chemical products by persons who are not veterinary surgeons		
12.	Use of registered veterinary chemical product by person who is not veterinary surgeon	10
13.	Use of unregistered veterinary chemical product by person who is not veterinary surgeon	10
14.	Use of registered veterinary chemical product in way stated in veterinary surgeon's statement	11
15.	Statement to be given to person in charge of animal	12
16.	Statement must be kept, and produced if required	12
17.	Record requirement	13
Division 3 — Withholding periods		
18.	Applicable withholding period	14
19.	Identification of animal to which withholding period applies	14
20.	Buyer of trade species animal to be informed of withholding period	15
21.	Observance of withholding period	16
Division 4 — Miscellaneous		
22.	Exemption for authorised use	16
Part 3 — Animal feeding stuffs		
23.	Standards for animal feeding stuffs (section 14)	17
24.	Production, holding and storage of manufactured stock food for the purposes of sale (section 11)	18
25.	Holding and storage of manufactured stock food for purposes other than sale	18
26.	Labelling requirements as to restricted animal material in manufactured stock food (section 53)	18
27.	Labelling requirements for manufactured stock food (section 53)	20
28.	Labelling requirements for manufactured stock food for export (section 53)	22
29.	Limits on use of animal feeding stuffs containing restricted animal material	23
30.	Sale after expiry date of animal feeding stuffs	24
31.	Ministerial notice regarding contaminated stock food	24
32.	Sale of animal feeding stuff contrary to label	25

33.	Storage of animal feeding stuffs	25
34.	Label not to be removed or statements obscured	26
Part 4 — Hormonal growth promotants		
35.	Prescribed animal	27
36.	Prescribed substances to which Part VA applies	27
37.	Prescribed ear punch mark	27
38.	Application of prescribed ear punch mark	27
39.	Retail purchasers of HGPs	28
40.	Treating stock	28
41.	Identification of treated stock	29
42.	Declared untreated stock	30
43.	Alternate method of declaring untreated stock	32
44.	Purchaser must retain tags and invoices	32
45.	Misuse of tags	32
46.	Other declaration systems	33
47.	Alteration of tags or documents	33
48.	False or misleading particulars	33
Part 5 — General provisions		
49.	Certificate of appointment of inspector (section 37)	34
50.	Certificate of analysis (section 47)	34
Part 6 — Repeal and transitional provision		
51.	Repeals	35
52.	Transitional: documents and other matters under former regulations	35

**Schedule 1 — Substances prohibited
in animal feeding stuffs**

**Schedule 2 — Maximum amounts of
adulterants**

**Schedule 3 — Maximum amount of
certain substances**

**Schedule 4 — Publications for
determining daily nutritional
requirements of animals**

**Schedule 5 — Substances to which
Part VA of the Act applies**

Schedule 6 — Forms

Notes

Compilation table	48
Provisions that have not come into operation	48

Veterinary Chemical Control and Animal Feeding Stuffs Regulations 2006

Part 1 — Preliminary

1. Citation

These regulations are the *Veterinary Chemical Control and Animal Feeding Stuffs Regulations 2006*¹.

2. Terms used in these regulations

- (1) In these regulations, unless the contrary intention appears —
animal includes bird and aquaculture species;

APVMA means the Australian Pesticides and Veterinary Medicines Authority continued by the *Agricultural and Veterinary Chemicals (Administration) Act 1992* of the Commonwealth;

aquaculture species means fish, crustaceans and molluscs;

bulk, in relation to the sale of an animal feeding stuff, has the meaning given by subregulation (2);

Chief Veterinary Officer means the person holding or acting in the office of Chief Veterinary Officer of the Department;

complete stock food means a manufactured stock food that is designed to provide the complete nutritional requirements of an animal;

Department means the department in the Public Service principally assisting the Minister in the administration of the Act;

expiry date, in relation to an animal feeding stuff, means the date after which the animal feeding stuff will not retain sufficient strength and potency to fulfil the claims as to efficacy for any purpose made on its behalf;

Form means a form in Schedule 6;

hormonal growth promotant or **HGP** means a substance prescribed under regulation 36 as a substance to which Part VA of the Act applies;

invoice means a statement in writing issued for the purposes of section 57 of the Act;

label restraint means a statement, on a registered veterinary chemical product's approved label under the heading "Restraint" or "Restraints", about the situations in which the use of the product is restricted;

major trade species animal means cattle, sheep, pig, domestic chicken (meat or layer bird) or bee;

premix means an animal feeding stuff that consists of vitamins, minerals or veterinary chemical products but does not include added fibre, protein or urea;

prescribe, in relation to a veterinary chemical product, means give to a person a written instruction for the supply to that person of the veterinary chemical product by —

- (a) a pharmacist; or
- (b) another person licensed or authorised under the *Poisons Act 1964* to supply a poison, as defined in that Act, that is a veterinary chemical product;

prescribed ear punch mark means the ear punch mark prescribed under regulation 37;

property identification number means a unique number, or combination of numerals and letters, allocated by an officer of

the Department, that identifies a farm, station, or other property on which stock are kept from time to time;

restricted animal material means any material that consists of or contains matter from an animal, but does not include gelatin, milk, milk products, tallow or used cooking oil;

ruminant means alpaca, buffalo, camel, cattle, deer, goat, llama or sheep or any other animal that chews its cud;

single, in relation to an animal, has a meaning affected by subregulation (4);

supply has the meaning given by the Agvet Code of Western Australia;

tallow means any product (including, but not limited to, any product known as tallow, yellow grease or acid oil) which —

- (a) contains rendered fats and oils from any animal; and
- (b) complies with a specification of 2% maximum M+I (moisture plus insoluble impurities) as measured by American Oil Chemists' Society's "Official Methods and Recommended Practices of the AOCS" as published from time to time;

trade species animal means —

- (a) cattle, sheep, pig, domestic poultry (for example, chickens, turkeys, ducks, geese), ostrich, emu, deer, goat, bee and aquaculture species; or
- (b) an animal kept or used to produce hide, hair or fleece; or
- (c) any other animal that produces food for human or animal consumption or is used as food for human or animal consumption;

unregistered veterinary chemical product means a veterinary chemical product that is not a registered veterinary chemical product and includes, for example —

- (a) a human pharmaceutical product; and
- (b) a chemical product intended for use as an agricultural chemical product;

r. 2

used cooking oil means oil previously used for the purposes of cooking which —

- (a) has been filtered or otherwise treated to remove visible particulate matter; and
- (b) complies with a specification of 2% maximum M+I (moisture plus insoluble impurities) as measured by American Oil Chemists' Society's "Official Methods and Recommended Practices of the AOCS" as published from time to time;

withholding period, in relation to the use of a veterinary chemical product, means the minimum period that needs to elapse between —

- (a) the last use of the veterinary chemical product in relation to an animal; and
- (b) the slaughter for human consumption of the animal or the collection of wool, fibre, milk, eggs or other food products, or the release of honey, from the animal,

in order to ensure that the product's residues fall to or below the maximum limit that the APVMA permits.

- (2) For the purposes of these regulations, an animal feeding stuff is sold in bulk if at the time it is supplied to the buyer it is not in a container that itself is supplied to the buyer.
- (3) A reference in these regulations to an owner of stock or an animal includes a reference to a person who, while the owner is absent from a property, is in charge of the husbandry of stock or other animals on that property.
- (4) For the purposes of these regulations, a veterinary chemical product is used on a single animal if the animal is —
 - (a) an animal that is —
 - (i) a uniquely identified animal on its own; and
 - (ii) individually dealt with by a veterinary surgeon;or

- (b) an animal that is —
 - (i) a uniquely identified animal from a group of animals; and
 - (ii) the only animal in the group of animals, and, if there are other animals on the same property as the group of animals, on that property, on which the veterinary chemical product is being used.

Part 2 — Veterinary chemical products

Division 1 — Use of veterinary chemical products by veterinary surgeons

3. Use by injection of registered veterinary chemical product

A veterinary surgeon must not use a registered veterinary chemical product by injection, or prescribe, supply or recommend a registered veterinary chemical product for use by injection, on an animal unless the approved label gives instructions for use by injection.

Penalty: a fine of \$5 000.

4. Use by veterinary surgeon of registered veterinary chemical product

(1) A veterinary surgeon must not use a registered veterinary chemical product, or prescribe, supply or recommend a registered veterinary chemical product for use, on a trade species animal other than in a way stated in the instructions on the approved label for containers for the product unless, subject to subregulation (2) —

- (a) there are instructions for use on a major trade species animal mentioned on the label; or
- (b) the veterinary surgeon uses, prescribes, supplies or recommends for use, the product on —
 - (i) a single major trade species animal; or
 - (ii) any animal that is not a major trade species animal;

or

- (c) the veterinary chemical product is used, or prescribed, supplied or recommended for use, in a way authorised under regulation 7.

Penalty: a fine of \$5 000.

- (2) Subregulation (1) does not allow a use, or a prescription, supply or recommendation for use by injection unless the approved label gives instructions for use by injection.

5. Use by veterinary surgeon of unregistered veterinary chemical product

A veterinary surgeon must not use an unregistered veterinary chemical product, or prescribe, supply or recommend an unregistered veterinary chemical product for use, on a trade species animal unless the unregistered veterinary chemical product is used, or prescribed, supplied or recommended for use —

- (a) on a single trade species animal; or
- (b) in a way authorised under regulation 6 or 7.

Penalty: a fine of \$5 000.

6. Authorised use of low risk chemical by veterinary surgeon

- (1) In this regulation —

low risk chemical means —

- (a) bicarbonate soda; or
- (b) common salt; or
- (c) a reserved chemical product within the meaning of the Agvet Code of Western Australia.

- (2) A veterinary surgeon may use an unregistered veterinary chemical product, or prescribe, supply or recommend an unregistered veterinary chemical product for use, on a trade species animal if —

- (a) the product is constituted wholly by a low risk chemical; and
- (b) a pharmacologically equivalent registered veterinary chemical product with instructions for use for the particular animal species being dealt with is not reasonably available in the particular circumstances.

7. Use by veterinary surgeon with authority of CVO

A veterinary surgeon may, with the prior written permission of the Chief Veterinary Officer —

- (a) use a registered veterinary chemical product, or prescribe, supply or recommend a registered veterinary chemical product for use, other than in a way stated in the instructions on the approved label for containers for the product, on a trade species animal; or
- (b) use an unregistered veterinary chemical product, or prescribe, supply or recommend an unregistered veterinary chemical product for use, on a trade species animal.

8. Supply of veterinary chemical product by veterinary surgeon

A veterinary surgeon must not prescribe or supply a veterinary chemical product unless it is done in the course of the practice of his or her profession and for the purpose of dealing with a particular condition of an animal under the care of the veterinary surgeon.

Penalty: a fine of \$5 000.

9. Use of antibiotics on bees

- (1) Nothing in this Division authorises a veterinary surgeon to use an antibiotic, or prescribe, supply or recommend an antibiotic for use, on a bee, a hive or apiary equipment without the prior written approval of the Director.
- (2) A veterinary surgeon who uses an antibiotic, or prescribes, supplies or recommends an antibiotic for use, on a bee, a hive or apiary equipment without the prior written approval of the Director commits an offence.

Penalty: a fine of \$5 000.

10. Statement to be given by veterinary surgeon

- (1) This regulation applies to a veterinary surgeon who prescribes or supplies or recommends for use, on a trade species animal under the care of the veterinary surgeon, either of the following —
- (a) a registered veterinary chemical product to be used other than in a way stated in the instructions on the approved label for containers for the product;
 - (b) an unregistered veterinary chemical product.
- (2) The veterinary surgeon must give to the person for or to whom the veterinary chemical product is prescribed, supplied or recommended a written statement as to —
- (a) the species of animal to be dealt with; and
 - (b) the amount of the product supplied; and
 - (c) the dosage; and
 - (d) the frequency of the dosage; and
 - (e) the treatment period; and
 - (f) the manner of administration; and
 - (g) whether or not there is a withholding period applicable to the administration of the product and, if there is, the length of that period; and
 - (h) the location and identification (if any) of the particular animal dealt with or to be dealt with; and
 - (i) details to identify the particular animal dealt with or to be dealt with; and
 - (j) the name of the person for or to whom the veterinary chemical product is prescribed, supplied or recommended; and
 - (k) the name and address of the owner of the animal dealt with or to be dealt with.

Penalty: a fine of \$5 000.

r. 11

- (3) The veterinary surgeon must keep a copy of the statement for 3 years.

Penalty: a fine of \$5 000.

11. Production of statements

- (1) An inspector may —
- (a) require a veterinary surgeon to produce for inspection a statement given by the veterinary surgeon under regulation 10; and
 - (b) inspect and take copies of the statement.
- (2) A veterinary surgeon must comply with a requirement under subregulation (1)(a).

Penalty: a fine of \$1 000.

Division 2 — Use of veterinary chemical products by persons who are not veterinary surgeons

12. Use of registered veterinary chemical product by person who is not veterinary surgeon

- (1) A person, other than a veterinary surgeon, must not use a registered veterinary chemical product on a trade species animal other than in a way stated in the instructions on the approved label for containers for the product.

Penalty: a fine of \$5 000.

- (2) Subregulation (1) does not apply if the veterinary chemical product is used in a way authorised under regulation 14(2), (3) or (4).

13. Use of unregistered veterinary chemical product by person who is not veterinary surgeon

- (1) A person, other than a veterinary surgeon, must not use an unregistered veterinary chemical product on a trade species animal.

Penalty: a fine of \$5 000.

- (2) Subregulation (1) does not apply if the veterinary chemical product is used in a way authorised under regulation 14(6).

14. Use of registered veterinary chemical product in way stated in veterinary surgeon's statement

- (1) In this regulation —

label precaution means a statement, on a registered veterinary chemical product's approved label, usually under the heading "precautions", that includes the words "do not", "should not", "must not" or "only".

- (2) A person, other than a veterinary surgeon, may use a registered veterinary chemical product on a trade species animal other than in a way stated in the instructions on the approved label for containers for the product if the person uses the product in the way stated in a written statement given under regulation 10(2) by the veterinary surgeon who prescribed, supplied or recommended the product.
- (3) A person, other than a veterinary surgeon, may use a registered veterinary chemical product intended for use on a major trade species animal on another major trade species animal if the person uses the product in the way stated in a written statement given under regulation 10(2) by the veterinary surgeon who prescribed, supplied or recommended the product.
- (4) Subject to subregulation (5), a person, other than a veterinary surgeon, may use a registered veterinary chemical product other than in a way stated in the instructions on the approved label for containers for the product, if —
- (a) instructions for use on a major trade species animal are mentioned on the label; and
 - (b) the person uses the product on a trade species animal which is not a major trade species animal.

r. 15

- (5) Subregulation (4) does not allow a use —
 - (a) contrary to a label restraint or label precaution on the label; or
 - (b) by injection unless the label gives instructions for use by injection.
- (6) A person, other than a veterinary surgeon, may use an unregistered veterinary chemical product on a trade species animal in the way stated in a written statement given under regulation 10(2) by the veterinary surgeon who prescribed, supplied or recommended the product.

15. Statement to be given to person in charge of animal

If the person given a statement under regulation 10(2) is not usually in charge of the animal, the person given the statement must give a copy of the statement to the person usually in charge of the animal.

Penalty: a fine of \$5 000.

16. Statement must be kept, and produced if required

- (1) A person given a statement under regulation 10(2) or 15 must keep the statement for 3 years.
Penalty: a fine of \$5 000.
- (2) An inspector may —
 - (a) require a person to produce for inspection a statement required to be kept by that person under subregulation (1); and
 - (b) inspect and take copies of the statement.
- (3) A person must comply with a requirement under subregulation (2).

Penalty: a fine of \$1 000.

17. Record requirement

- (1) A person, other than a veterinary surgeon, who uses a veterinary chemical product on a major trade species animal must keep a record of treatment including —

- (a) the veterinary chemical product used; and
- (b) details to identify the particular animal; and
- (c) the dosage administered; and
- (d) the dates the dosage is administered.

Penalty: a fine of \$5 000.

- (2) A person, other than a veterinary surgeon, who uses a veterinary chemical product on a trade species animal other than a major trade species animal in a way authorised under regulation 14 must keep a record of treatment including —

- (a) the veterinary chemical product used; and
- (b) details to identify the particular animal; and
- (c) the dosage administered; and
- (d) the dates the dosage is administered.

Penalty: a fine of \$5 000.

- (3) The person must keep the record of treatment for 3 years.

Penalty: a fine of \$5 000.

- (4) An inspector may —

- (a) require a person to produce for inspection records required to be kept by that person under subregulation (3); and
- (b) inspect and take copies of the records.

- (5) A person must comply with a requirement under subregulation (4).

Penalty: a fine of \$1 000.

Division 3 — Withholding periods

18. Applicable withholding period

- (1) For the purposes of this Division a withholding period applies in relation to the use of a veterinary chemical product if —
 - (a) a withholding period is stated in the written statement given under regulation 10(2) in relation to the use of the veterinary chemical product; or
 - (b) a withholding period is stated on the approved label for containers for the veterinary chemical product.
- (2) If the withholding period referred to in subregulation (1)(a) differs from the withholding period referred to in subregulation (1)(b), the withholding period referred to in subregulation (1)(a) is the applicable withholding period.

19. Identification of animal to which withholding period applies

- (1) This regulation applies to a person in charge of a trade species animal if —
 - (a) a veterinary chemical product is used to treat the animal; and
 - (b) a withholding period applies in relation to the use of the product.
- (2) The person must keep a written record to ensure the animal is identifiable as an animal mentioned in subregulation (1) during —
 - (a) the treatment period; and
 - (b) the withholding period.
- (3) It is sufficient for the purposes of subregulation (2) if the animal is identifiable as one of a group of animals, each of which has been treated with a veterinary chemical product as mentioned in subregulation (1).
- (4) The person must keep the record for 3 years.
Penalty: a fine of \$5 000.

- (5) An inspector may —
- (a) require a person to produce for inspection records required to be kept by that person under subregulation (4); and
 - (b) inspect and take copies of the records.
- (6) A person must comply with a requirement under subregulation (5).
- Penalty: a fine of \$1 000.

20. Buyer of trade species animal to be informed of withholding period

- (1) This regulation applies to a person who supplies a trade species animal to another person if —
- (a) a veterinary chemical product was used on the animal; and
 - (b) a withholding period applies in relation to the use of the product and the period has not elapsed.
- (2) The person who supplies the trade species animal must give the other person written notice of the treatment including —
- (a) the withholding period for use of the product or the date the withholding period elapses; and
 - (b) the name of —
 - (i) the product used; or
 - (ii) if the product does not have a name — the product's active constituent;
- and
- (c) details to identify the particular animal or the animal as being one of a particular group of animals; and
 - (d) the date of the treatment.

Penalty: a fine of \$5 000.

- (3) Each person who gives or receives a notice under this regulation must keep a copy of the notice for 3 years.

Penalty: a fine of \$5 000.

21. Observance of withholding period

- (1) This regulation applies to a person in charge of a trade species animal if —

- (a) a veterinary chemical product has been used on the animal; and
- (b) a withholding period applies in relation to the use of the product.

- (2) The person must not, before the withholding period has elapsed —

- (a) slaughter the animal for human consumption; or
- (b) harvest the wool, fibre, milk or eggs of the animal for human consumption; or
- (c) release for human consumption honey produced by the animal.

Penalty: a fine of \$5 000.

Division 4 — Miscellaneous

22. Exemption for authorised use

[(1) deleted]

- (2) A person is not required to comply with the provisions of this Part in relation to the possession, use or supply of a veterinary chemical product if the person possesses, uses or supplies the veterinary chemical product in accordance with a permit granted by the APVMA.

[Regulation 22 amended in Gazette 30 Aug 2011 p. 3504.]

Part 3 — Animal feeding stuffs

23. Standards for animal feeding stuffs (section 14)

- (1) In this regulation —
feed supplement means an animal feeding stuff that contains added protein or urea or both and that is designed to be used in conjunction with other animal feeding stuffs.
- (2) This regulation prescribes standards for animal feeding stuffs.
- (3) An animal feeding stuff must not contain a substance listed in Schedule 1.
- (4) An animal feeding stuff, or an ingredient of an animal feeding stuff, described in Schedule 2 column 2 must not contain more of an adulterant described in Schedule 2 column 3 than is specified in Schedule 2 column 4.
- (5) An animal feeding stuff described in Schedule 3 column 2 must not contain more of a substance described in Schedule 3 column 3 than is specified in Schedule 3 column 4.
- (6) If a premix or feed supplement is mixed with other substances according to the directions for the use of the premix or feed supplement, the resulting animal feeding stuff must not contain more of a substance described in column 3 of items 2, 3, 4 or 5 in Schedule 3 than is specified in Schedule 3 column 4.
- (7) An animal feeding stuff must not contain an additive that is not a veterinary chemical product unless the additive —
 - (a) is registered, or approved, by the APVMA, or the APVMA has indicated that the additive does not require registration or approval; or
 - (b) if not an additive referred to in paragraph (a), is approved by the Chief Veterinary Officer.
- (8) An animal feeding stuff must not contain a veterinary chemical product unless the veterinary chemical product is registered, or approved, by the APVMA.

r. 24

24. Production, holding and storage of manufactured stock food for the purposes of sale (section 11)

- (1) A person who produces manufactured stock food for ruminants for the purposes of sale must ensure that the manufactured stock food is produced in such a manner that it does not contain restricted animal material.
- (2) A person who holds or stores manufactured stock food for ruminants for the purposes of sale must ensure that the manufactured stock food is held or stored in such a manner that it does not come in contact with restricted animal material.

25. Holding and storage of manufactured stock food for purposes other than sale

A person who holds or stores manufactured stock food for ruminants other than for the purposes of sale must ensure that the manufactured stock food is held or stored in such a manner that it does not come in contact with restricted animal material.

Penalty: a fine of \$2 000 and a daily penalty of \$200.

26. Labelling requirements as to restricted animal material in manufactured stock food (section 53)

- (1) If a manufactured stock food is sold (whether in a package or in bulk), the package or the invoice for the sale in bulk, as the case requires, must be labelled with a RAM statement.
- (2) The following statements are RAM statements —
 - (a) “This product contains restricted animal material. DO NOT FEED TO CATTLE, SHEEP, GOATS, DEER OR ANY OTHER RUMINANTS.”;
 - (b) “This product does not contain restricted animal material.”;
 - (c) a statement approved in writing by the Director relating to —

- (i) a product that contains a restricted animal material; or
 - (ii) a product that does not contain a restricted animal material.
- (3) If a manufactured stock food that consists of or contains restricted animal material is sold (whether in a package or in bulk), the package or the invoice for the sale in bulk, as the case requires, must be labelled “This product contains restricted animal material. DO NOT FEED TO CATTLE, SHEEP, GOATS, DEER OR ANY OTHER RUMINANTS.” or with a statement approved under subregulation (2)(c)(i).
- (4) If a manufactured stock food that does not consist of or contain restricted animal material is sold (whether in a package or in bulk), the package or the invoice for the sale in bulk, as the case requires, must be labelled “This product does not contain restricted animal material.” or with a statement approved under subregulation (2)(c)(ii).
- (5) The letters on a label required by this regulation must be legible, conspicuous and —
 - (a) if the label is printed or stencilled on a package the net weight of which is more than 5 kg, at least 10 mm high; or
 - (b) in any other case (including a label on an invoice and a label attached as a separate item to a package), at least 3 mm high.
- (6) A label required by this regulation that is attached as a separate item to a package must be at least 120 mm long and at least 45 mm wide.
- (7) This regulation does not apply to a manufactured stock food that is to be exported from Australia.

[Regulation 26 amended in Gazette 30 Aug 2011 p. 3504-5

r. 27

**27. Labelling requirements for manufactured stock food
(section 53)**

- (1) If manufactured stock food is sold in a package the net weight of which is 5 kg or more, then, unless subregulation (5) applies, the package must be labelled with the following information about the stock food —
- (a) its trade name;
 - (b) if not included in its trade name, the animals and the ages of animals that it is manufactured for;
 - (c) directions for its use;
 - (d) storage instructions;
 - (e) its expiry date or the date before which it should be used;
 - (f) if it contains added fibre, its maximum crude fibre percentage;
 - (g) if it contains added protein, its minimum crude protein equivalent;
 - (h) if it contains added salt, the maximum salt percentage;
 - (i) if it contains added urea, its urea percentage;
 - (j) if it contains more the 3% of urea, a warning that urea can be poisonous to stock;
 - (k) the net weight in the package;
 - (l) its batch number or date of manufacture;
 - (m) the name, and the address of the principal place of business, of the manufacturer or distributor.
- (2) If manufactured stock food is sold in a package the net weight of which is less than 5 kg, the package must be labelled with the following information about the stock food —
- (a) its trade name;
 - (b) if not included in the trade name, the animals and the ages of animals it is manufactured for;

- (c) the net weight in the package;
 - (d) the name and the address of the principal place of business of the distributor.
 - (3) The label of manufactured stock food that is sold in a package must not refer to a vitamin or mineral in the stock food unless the stock food, when used according to the directions for its use, supplies at least 25% of the daily requirement of the vitamin or mineral for the species for which the stock food is intended, as determined from the publications listed in Schedule 4.
 - (4) If manufactured stock food is sold in bulk, the invoice for the sale is to be taken to be the label and must include the following information about the stock food —
 - (a) its trade name;
 - (b) its expiry date or the date before which it should be used;
 - (c) its batch number or date of manufacture;
 - (d) the net weight supplied;
 - (e) the name of the person to whom it is supplied.
 - (5) If 1 000 kg or more of manufactured stock food is sold by the manufacturer of the stock food to a single person as a single transaction and the stock food is in bags, then either each bag must be labelled in accordance with subregulation (1) or —
 - (a) each bag must be labelled with “This bag must not be sold separately” or words to that effect and the following information about the stock food —
 - (i) its trade name;
 - (ii) if not included in the trade name, the animals and the ages of animals it is manufactured for;
 - (iii) the name and the address of the principal place of business of the manufacturer or distributor;
- and

r. 28

- (b) the invoice for the sale must comply with subregulation (4).
- (6) If manufactured stock food that contains a veterinary chemical product is sold (whether in a package or in bulk), the package or the invoice for the sale in bulk, as the case requires, must be labelled with the following additional information —
 - (a) the words “Medicated animal food stuff” or “For animal treatment only”;
 - (b) the name and concentration of the active constituents of the veterinary chemical product;
 - (c) the purpose of the veterinary chemical product;
 - (d) any warnings or precautionary statements applicable to the veterinary chemical product;
 - (e) directions for the use of the stock food;
 - (f) if a withholding period applies to the stock food, the period in bold capital letters.
- (7) This regulation is in addition to the labelling requirements under the *Poisons Act 1964*.
- (8) This regulation does not apply to manufactured stock food that is to be exported from Australia.

28. Labelling requirements for manufactured stock food for export (section 53)

If manufactured stock food that is to be exported from Australia is sold (whether in a package or in bulk), the package or the invoice for the bulk sale, as the case requires, must be labelled with the following —

- (a) the name and the address of the principal place of business of the manufacturer or distributor of the stock food;
- (b) the statement “Not for sale or use in Australia. For export only.”.

29. Limits on use of animal feeding stuffs containing restricted animal material

(1A) In this regulation —

swill means any material that consists of or contains matter from an animal or has been in contact with matter from an animal, but does not include gelatine, milk, milk products, tallow or used cooking oil.

(1) A person must not —

- (a) feed to a ruminant an animal feeding stuff that consists of or contains restricted animal material; or
- (b) allow a ruminant to have access to an animal feeding stuff that consists of or contains restricted animal material.

Penalty: a fine of \$2 000 and a daily penalty of \$200.

(2) A person must take every reasonable measure to ensure that a ruminant does not gain access to an animal feeding stuff in the possession of that person that consists of or contains restricted animal material.

Penalty: a fine of \$2 000 and a daily penalty of \$200.

(3) Subregulation (1) does not apply to a person who, with the prior written permission of the Chief Veterinary Officer, feeds to a ruminant for research purposes an animal feeding stuff that consists of or contains restricted animal material.

(4) A person must not feed to a ruminant an animal feeding stuff from a package if the package is labelled with “This product contains restricted animal material. DO NOT FEED TO CATTLE, SHEEP, GOATS, DEER OR ANY OTHER RUMINANTS.” or words to that effect.

Penalty: a fine of \$2 000 and a daily penalty of \$200.

(5) A person must not package an animal feeding stuff for ruminants in a package that has been used for packaging a

r. 30

product that consists of or contains restricted animal feeding stuff.

Penalty: a fine of \$2 000 and a daily penalty of \$200.

- (6) A person in control of a pig must not feed swill to the pig unless —
- (a) the swill has been treated by a process approved in writing by the Chief Veterinary Officer; or
 - (b) the Chief Veterinary Officer has given prior written approval for the feeding of the swill to a pig.

Penalty: a fine of \$2 000 and a daily penalty of \$200.

- (7) A person in control of a pig must take every reasonable measure to ensure that the pig does not have access to swill unless —
- (a) the swill has been treated by a process approved in writing by the Chief Veterinary Officer; or
 - (b) the Chief Veterinary Officer has given prior written approval for the feeding of the swill to a pig.

Penalty: a fine of \$2 000 and a daily penalty of \$200.

- (8) A person must take every reasonable measure to ensure that a pig does not gain access to swill in the possession of that person unless the swill has been treated by a process approved in writing by the Chief Veterinary Officer.

Penalty: a fine of \$2 000 and a daily penalty of \$200.

[Regulation 29 amended in Gazette 30 Aug 2011 p. 3505-6.]

30. Sale after expiry date of animal feeding stuffs

A person must not sell an animal feeding stuff for use on stock if the expiry date on the label of it has passed.

Penalty: a fine of \$1 000.

31. Ministerial notice regarding contaminated stock food

- (1) If it appears to the Minister that a manufactured stock food is unfit for use as a stock food because of —

- (a) the toxic or deleterious nature of the stock food or a substance used as an ingredient of the stock food; or
- (b) the deleterious effect of the residues of the stock food, or a substance used as an ingredient of the stock food, if consumed by humans,

the Minister may publish in the *Gazette* a notice to that effect.

- (2) A person must not sell a manufactured stock food in respect of which a notice has been published under subregulation (1).

Penalty: a fine of \$2 000 and a daily penalty of \$200.

32. Sale of animal feeding stuff contrary to label

- (1) A person who is not the manufacturer of a manufactured stock food must not sell a package of the stock food that is labelled with “This bag must not be sold separately.” or words to that effect.

Penalty: a fine of \$2 000 and a daily penalty of \$200.

- (2) A person must not sell an animal feeding stuff (whether in a package or in bulk) if the package or the invoice for the sale in bulk, as the case requires, is labelled with “Not for sale or use in Australia. For export only.” or words to that effect, unless the sale is for the purposes of exporting it from Australia.

Penalty: a fine of \$2 000 and a daily penalty of \$200.

- (3) A person must not feed to stock any animal feeding stuff (whether from a pack or from material bought in bulk) if the package or the invoice for the sale in bulk, as the case requires, is labelled with “Not for sale or use in Australia. For export only.” or words to that effect.

Penalty: a fine of \$2 000 and a daily penalty of \$200.

33. Storage of animal feeding stuffs

A person who stores an animal feeding stuff for the purpose of selling it must store it in accordance with any storage instructions on the label of it.

r. 34

Penalty: a fine of \$1 000.

34. Label not to be removed or statements obscured

If, in accordance with these regulations, a package or an invoice is labelled with information, a person must not —

- (a) remove the information; or
- (b) obliterate the information or otherwise make it illegible.

Penalty: a fine of \$1 000.

Part 4 — Hormonal growth promotants

35. Prescribed animal

Buffalo are prescribed as an animal to which Part VA of the Act applies.

36. Prescribed substances to which Part VA applies

A substance —

- (a) described in Schedule 5 column 2; and
- (b) included (whether or not in combination with one or more other such substances) in a slow release pellet that is manufactured to be injected subcutaneously into cattle,

is prescribed as a substance to which Part VA of the Act applies.

37. Prescribed ear punch mark

The ear punch mark prescribed for the purposes of Part VA of the Act is a mark in the form of an equal sided triangle with sides of 20 mm.

38. Application of prescribed ear punch mark

- (1) The prescribed ear punch mark must be applied in a manner approved by the Director —
 - (a) in the centre of the ear so as to leave a space on all sides within the margin of the ear; and
 - (b) using an ear punch approved by the Director; and
 - (c) if one ear has been marked for the purposes of the *Stock (Identification and Movement) Act 1970*, to the ear that is not so marked.
- (2) If an animal has previously been treated with an hormonal growth promotant and has been ear punched with the prescribed ear punch mark, there is no requirement to again identify the animal with that mark.

39. Retail purchasers of HGPs

- (1) In this regulation —
Agvet Regulations of Western Australia has the same meaning as it has in the *Agricultural and Veterinary Chemicals (Western Australia) Act 1995* section 3.
- (2) A person who purchases an hormonal growth promotant from a retail seller must give the seller a declaration in accordance with regulation 48 of the Agvet Regulations of Western Australia unless the person is a person to whom regulation 48(1)(b) of those regulations applies.
Penalty: a fine of \$5 000.
- (3) A purchaser who gives a retail seller a declaration under subregulation (2) must retain a copy of the declaration in a place of safe custody for not less than 3 years after the date of purchase.
Penalty: a fine of \$5 000.

40. Treating stock

- (1) The owner of stock to be treated with a hormonal growth promotant must ensure that —
- (a) the treatment is carried out under the personal supervision of the owner; and
 - (b) the hormonal growth promotant is applied strictly as directed on the product label, and injected into the skin of the ear of the animal treated; and
 - (c) immediately after treatment the treated animal is marked as specified in regulation 38(1) with the prescribed ear punch mark, unless regulation 38(2) applies; and
 - (d) a record, in a manner and form approved by the Director, is made of the treatment showing —
 - (i) the date of treatment of each animal; and
 - (ii) the hormonal growth promotant used; and

- (iii) the number of animals treated; and
- (iv) the number of animals sold; and
- (v) the date of sale of each animal; and
- (vi) the immediate, and if known the final, destination of each animal.

Penalty: a fine of \$5 000.

- (2) The owner of the stock must keep the record of treatment referred to in subregulation (1)(d) for 3 years after the last entry on the record.

Penalty: a fine of \$5 000.

41. Identification of treated stock

- (1) A person who is or becomes the owner of stock that have been treated with a hormonal growth promotant must —
 - (a) by means of the prescribed ear punch mark, ensure that the stock are, and remain, permanently identifiable; and
 - (b) make and keep in a manner and form approved by the Director, a record of —
 - (i) the number of treated stock that have been purchased, and the date and source of each purchase; and
 - (ii) the number of treated stock that have been sold, the date of sale, the person to whom each sale was made and the destination, if known, of the stock; and
 - (iii) the number of stock so owned that have been treated while on any property owned by that person.

Penalty: a fine of \$5 000.

r. 42

- (2) The owner at the time of treatment must keep the record referred to in subregulation (1)(b) for 3 years after the last entry on the record.

Penalty: a fine of \$5 000.

42. Declared untreated stock

- (1) An owner of stock who proposes to sell, or to consign for sale or slaughter, any stock that are to be declared to be not treated with a hormonal growth promotant at any time in the life of the stock must comply with subregulation (2) or regulation 43 in relation to that stock.

Penalty: a fine of \$5 000.

- (2) In order to comply with this subregulation a person must —
(a) in accordance with subregulation (3) obtain pink tags on each of which is printed —

- (i) “HPG Free”; and
- (ii) the property identification number of the property of origin of the stock; and
- (iii) a serial number that is unique among the pink tags for that property;

and

- (b) personally apply, or supervise the application of, the tags to the stock before they are transported for sale or slaughter; and
- (c) give the purchaser a declaration in the form of Form 2 except where the stock is purchased by a person at a saleyard or for immediate slaughter.

- (3) A tag for the purposes of subregulation (2) must be obtained from —

- (a) an officer of the Department; or
- (b) if authorised by an officer of the Department, another supplier.

- (4) An officer of the Department must not supply an owner of stock with tags for the purposes of subregulation (2), or authorise an owner to obtain the tags from another supplier, unless the owner has given the Department a signed declaration in the form of Form 1.
- (5) Where —
- (a) stock have been purchased by or otherwise come into the possession of an owner of stock; and
 - (b) the owner cannot give a declaration under subregulation (4) applicable throughout the life of the stock concerned,

it is sufficient compliance with these regulations if the owner gives the declaration as to the stock whilst in the possession of that owner and supports the declaration with a similar declaration from each previous owner of the stock.

- (6) Where stock is consigned to a saleyard or for immediate slaughter the stock agent or other person responsible for the handling and identification of stock declared to be not treated under subregulation (2) must give the owner of the stock a signed invoice stating —
- (a) the number and description of the stock; and
 - (b) the property identification number of the property of origin of the stock; and
 - (c) that the stock are identified with pink tags to indicate that they are untreated stock.

Penalty: a fine of \$5 000.

- (7) Unless the contrary is indicated, a declaration as to the identification of stock as stock that is declared not to be treated remains effective for a period of 7 days after any change in the ownership of the stock.

r. 43

43. Alternate method of declaring untreated stock

For the purposes of regulation 42(1), an owner of stock who proposes to sell, or to consign for sale or slaughter, any stock complies with this regulation if —

- (a) the stock are identified with a National Livestock Identification System (NLIS) electronic identification device as approved under the *Enzootic Diseases Regulations 1970* and registered on the Meat and Livestock Australia NLIS database to the property of residence of the stock; or
- (b) the owner of the stock has completed the HGP free declaration on a National Vendor Declaration/Waybill issued under the Livestock Production Assurance program managed by Meat and Livestock Australia for the stock.

44. Purchaser must retain tags and invoices

Where a person purchases stock that is declared to be untreated stock, that purchaser must retain, for 3 years after the date of purchase of the stock, or for such of that period as the stock remains in the possession of that purchaser, any original declarations made under regulation 42(2)(c) or 43 or invoices provided under regulation 42(6) in relation to that stock.

Penalty: a fine of \$5 000.

45. Misuse of tags

- (1) An owner of stock must not sell or consign for sale any stock on which a tag is placed that indicates that the stock is free of hormonal growth promotant unless the owner —
 - (a) knows that the stock has never been treated with hormonal growth promotants; and
 - (b) has obtained the tag under regulation 42.

Penalty: a fine of \$5 000.

- (2) An owner of stock must not cause or permit a tag obtained under regulation 42 to be used contrary to the declaration given under that regulation.

Penalty: a fine of \$5 000.

46. Other declaration systems

- (1) Despite anything in this Part, for the purpose of facilitating the attainment of the objects of the Act the Director may approve of any system of declaration and returns that ensures that stock and carcasses that have been treated with an hormonal growth promotant are separately identifiable from stock and carcasses that have not been so treated.
- (2) A person who complies with the provisions of a system approved under subregulation (1) is to be taken to comply with relevant corresponding provisions of these regulations.

47. Alteration of tags or documents

A person must not alter, obliterate or deface —

- (a) a tag supplied; or
- (b) a declaration made; or
- (c) an invoice or other document given,

for the purposes of this Part.

Penalty: a fine of \$5 000.

48. False or misleading particulars

A person must not cause or permit any application, declaration, invoice or information, made or given with respect to a matter to which this Part relates, to be false or misleading in a material particular.

Penalty: a fine of \$5 000.

Part 5 — General provisions

49. Certificate of appointment of inspector (section 37)

For the purposes of section 37(2) of the Act, a certificate of appointment as an inspector must be in the form of Form 3.

50. Certificate of analysis (section 47)

For the purposes of section 47 of the Act, a certificate of the results of an analysis must be in the form of Form 4.

Part 6 — Repeal and transitional provision

51. Repeals

- (1) The *Veterinary Preparations and Animal Feeding Stuffs Regulations 1998* are repealed.
- (2) The *Stock (Control of Hormonal Growth Promotants) Regulations 1994* are repealed.

52. Transitional: documents and other matters under former regulations

- (1) In this Part —
former regulations means —
 - (a) the *Veterinary Preparations and Animal Feeding Stuffs Regulations 1998*; or
 - (b) the *Stock (Control of Hormonal Growth Promotants) Regulations 1994*.
- (2) A certificate of appointment in the form prescribed —
 - (a) under regulation 12 of the regulations repealed by regulation 51(1); or
 - (b) under the regulations repealed by regulation 18 of the regulations repealed by regulation 51(1),

that is in force when these regulations come into operation is to be taken to be in the prescribed form for the purposes of section 37(2) of the Act.
- (3) Any approval, declaration, record or other act, matter or thing, in existence, or in force or operation, under the former regulations on the coming into operation of these regulations, continues in existence, or in force or operation, under these regulations.

Schedule 1 — Substances prohibited in animal feeding stuffs

[r. 23(3)]

Item	Substance
1.	Carbadox
2.	Chloramphenicol
3.	Clenbuterol
4.	Hormones, whether natural or synthetic, including diennoestrol diacetate, diethylstilboestrol, medroxyprogesterone acetate, trenbolone and zeranol
5.	Hydroxyquinalone
6.	Nitrofurans and its derivatives furaltadone, furazolidone, nifursol and nitrofurazone
7.	Phenothiazine
8.	Promazine and related compounds
9.	Reserpine
10.	Sulfathiazole, sulfaguanidine, sulfanilamide, sulfamonomethoxine, sulfachloropyridazine, sulfapyridine, sulfafurazole, sulfamethoxydiazine, sulfacetamide sodium, sulfanitran, phthalylsulfacetamide and sulfacetamide

Schedule 2 — Maximum amounts of adulterants

[r. 23(4)]

Column 1 Item	Column 2 Animal feeding stuff or ingredient of an animal feeding stuff	Column 3 Adulterant	Column 4 Maximum amount (grams/ tonne)
1.	All animal feeding stuffs	Ergots (including fruiting bodies)	200
		Lead	0.2
		Polybrominated biphenyls	Nil
		Polychlorinated biphenyls	0.05
2.	All animal feeding stuffs	Aldrin	0.01
		Chlordane	0.01
		DDT, TDE & DDE (sum)	0.05
		Dieldrin	0.01
		Endrin	0.03
		HCB	0.01
		Heptachlor	0.02
		Lindane (gamma BHC)	0.1
3.	All animal feeding stuffs	Sum of the adulterants listed in item 2	0.1
4.	Cotton seed meal Peanut meal Peanut shells	Aflatoxin B1	0.2

Veterinary Chemical Control and Animal Feeding Stuffs Regulations 2006
Schedule 2 Maximum amounts of adulterants

Column 1 Item	Column 2 Animal feeding stuff or ingredient of an animal feeding stuff	Column 3 Adulterant	Column 4 Maximum amount (grams/ tonne)
5.	Canola meal Coconut meal Linseed meal Lupin meal Pea meal Safflower meal Soybean meal Sunflower meal	Aflatoxin B1	0.1
6.	Grain Crushed grain	Aflatoxin B1	0.01
7.	Animal feeding stuff for pigs	Cadmium	0.5
8.	Animal feeding stuff other than fish meal	Mercury	0.02
9.	Fish meal	Mercury	0.4
10.	Any ingredient for an animal feeding stuff	Lead	1
11.	Manufactured stock food for —		
	cattle (beef)	Aflatoxin B1	0.05
	cattle (dairy cows)	Aflatoxin B1	0.02
	sheep	Aflatoxin B1	0.05
	horses	Aflatoxin B1	0.05
12.	Manufactured stock food for —		
	pigs (creeps & weaners)	Aflatoxin B1	0.01
	pigs (other)	Aflatoxin B1	0.05

Column 1 Item	Column 2 Animal feeding stuff or ingredient of an animal feeding stuff	Column 3 Adulterant	Column 4 Maximum amount (grams/ tonne)
13.	Manufactured stock food for —		
	chickens (layers)	Aflatoxin B1	0.02
	ducks	Aflatoxin B1	0.001
	poultry (other)	Aflatoxin B1	0.01
14.	Manufactured stock food for —		
	cattle (dairy cows & calves)	Fluorine	40
	sheep	Fluorine	200
	pigs (breeding)	Fluorine	150
	pigs (other)	Fluorine	200
	poultry	Fluorine	350
15.	Manufactured stock food for ruminants	Restricted animal material	Nil
16.	Phosphate for inclusion in manufactured stock food	Cadmium	Lower of 20 g/t of phosphate or 100 g/t of phosphorus in phosphate
		Fluorine	Lower of 8 g/t of phosphate or 40 g/t of phosphorus in phosphate

Schedule 3 — Maximum amount of certain substances

[r. 23(5), (6)]

Column 1 Item	Column 2 Animal feeding stuff	Column 3 Substance	Column 4 Maximum amount (grams/tonne)	
1.	Blood meal	Butylated		
	Fish meal	hydroxytoluene (BHT)	200	
	Meat meal Meat & bone meal		Butylated	
			hydroxyanisole (BHA)	200
			Ethoxyquin	800
			Isopropyl gallate	200
			Lauryl gallate	200
2.	Complete stock food	Butylated		
		hydroxytoluene (BHT)	100	
		Butylated		
		hydroxyanisole (BHA)	100	
		Ethoxyquin	150	
		Isopropyl gallate	100	
3.	Complete stock food	Lauryl gallate	100	
		Sum of the additives listed in item 2	150	
4.	Complete stock food for —			
		chickens (breeding)	Copper	20
		chickens (for meat)	Copper	220
		pigs (breeding)	Copper	50
		pigs (for meat)	Copper	220
		other animals	Copper	20

Column 1 Item	Column 2 Animal feeding stuff	Column 3 Substance	Column 4 Maximum amount (grams/tonne)
5.	Manufactured stock food for other than camelids (other than stock licks)	Selenium	1
6.	Manufactured stock food for animals other than ruminants	Urea	Nil
7.	Stock licks and premixes for cattle, goats or sheep	Copper Selenium	1400 5

Schedule 4 — Publications for determining daily nutritional requirements of animals

[r. 27(3)]

Publications

- (1) In the case of equines — *Nutrient Requirements of Equines*, published by the National Research Council of the United States National Academy of Sciences.
- (2) In the case of pigs — *Feeding Standards for Australian Livestock: Pigs, Standing Committee on Agriculture, Pigs Subcommittee, East Melbourne, c1987*, published by CSIRO.
- (3) In the case of poultry — *Feeding Standards for Australian Livestock: Poultry, Standing Committee on Agriculture, Poultry Subcommittee, East Melbourne, 1987*, published by CSIRO.
- (4) In the case of ruminants — *Feeding Standards for Australian Livestock: Ruminants, Standing Committee on Agriculture, Ruminants Subcommittee, East Melbourne, 1990*, published by CSIRO.

**Schedule 5 — Substances to which Part VA of
the Act applies**

[r. 36]

Column 1 Item	Column 2 Substance
1.	Oestradiol 17B
2.	Oestradiol benzoate
3.	Progesterone
4.	Testosterone propionate
5.	Trenbolone acetate
6.	Zeranol

Schedule 6 — Forms

FORM 1

Veterinary Chemical Control and Animal Feeding Stuffs Act 1976

Veterinary Chemical Control and Animal Feeding Stuffs Regulations 2006

DECLARATION TO ACCOMPANY APPLICATION FOR TAGS

I, the owner/person in charge of the husbandry of the stock to which pink tags indicating that the stock are free of hormonal growth promotants (HGPs) are to be applied, declare —

- (1) that the pink tags with “HGP Free” written on them obtained by me as a result of this declaration will only be applied to stock that are known never to have been treated with hormonal growth promotants (HGPs) at any period of the life of the stock; and
- (2) that where the pink tags are to be applied to stock that have been purchased, I have documentation to show that the previous owner has declared that the stock have never been treated with hormonal growth promotants at any period of the life of the stock.

Name (*Please print*):

Signature:

Date:

FORM 2

Veterinary Chemical Control and Animal Feeding Stuff Act 1976

Veterinary Chemical Control and Animal Feeding Stuff Regulations 2006

**DECLARATION OF FREEDOM FROM
HORMONAL GROWTH PROMOTANTS**

OWNER OF STOCK

ADDRESS

.....

.....

PROPERTY IDENTIFICATION NUMBER OF THE PROPERTY OF ORIGIN
OF THE STOCK (AS ON PINK TAGS)

I, the owner/person in charge of the husbandry of the cattle described below,
hereby declare that the cattle described below have never been treated with
hormonal growth promotants **at any period of their lives.**

Number of Stock	Breed	Sex	Age	Animal ID — Ear Mark, Tattoo, Brand
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(NOTE: The penalty for false declaration under the *Veterinary Chemical Control and Animal Feeding Stuff Regulations 2006* is a fine of up to \$5 000.)

Signed: Date:

Print Name:

FORM 3

Veterinary Chemical Control and Animal Feeding Stuffs Act 1976

Veterinary Chemical Control and Animal Feeding Stuffs Regulations 2006

CERTIFICATE OF APPOINTMENT

No.

This is to certify that,
has been appointed an inspector under the *Veterinary Chemical Control and
Animal Feeding Stuffs Act 1976*.

Dated:

.....
Minister

Specimen signature
of holder:

.....

FORM 4

Veterinary Chemical Control and Animal Feeding Stuffs Act 1976

Veterinary Chemical Control and Animal Feeding Stuffs Regulations 2006

CERTIFICATE OF ANALYSIS

Chemistry Centre (WA)
PERTH

I
a person appointed to be an analyst under the *Veterinary Chemical Control and Animal Feeding Stuffs Act 1976* certify as follows:

On [date]

I received from
a sample for analysis marked as follows:

Sample No.:

Sample of:

Trade name:

Obtained from:

I have analysed the sample and the result of my analysis is as follows:

.....
.....

Signed:

On [date]

Notes

¹ This is a compilation of the *Veterinary Chemical Control and Animal Feeding Stuffs Regulations 2006*. The following table contains information about those regulations ^{1a}.

Compilation table

Citation	Gazettal	Commencement
<i>Veterinary Chemical Control and Animal Feeding Stuffs Regulations 2006</i>	8 Dec 2006 p. 5433-84	8 Dec 2006
<i>Veterinary Chemical Control and Animal Feeding Stuffs Amendment Regulations 2011</i>	30 Aug 2011 p. 3504-6	r. 1 and 2: 30 Aug 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 31 Aug 2011 (see r. 2(b))

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Veterinary Chemical Control and Animal Feeding Stuffs Amendment Regulations 2013</i> r. 3-8 ²	5 Feb 2013 p. 829-31	1 May 2013 (see r. 2(b) and <i>Gazette</i> 5 Feb 2013 p. 823)

² On the date as at which this compilation was prepared, the *Veterinary Chemical Control and Animal Feeding Stuffs Amendment Regulations 2013* r. 3-8 had not come into operation. They read as follows:

3. Regulations amended

These regulations amend the *Veterinary Chemical Control and Animal Feeding Stuffs Regulations 2006*.

4. Regulation 1 amended

In regulation 1 delete “*and Animal Feeding Stuffs*”.

5. Regulation 2 amended

(1) In regulation 2(1) delete the definitions of:

bulk

complete stock food

expiry date

hormonal growth promotant or HPG

invoice

premix

prescribed ear punch

property identification number

restricted animal material

ruminant

tallow

used cooking oil

(2) Delete regulation 2(2).

6. Parts 3 and 4 deleted

Delete Parts 3 and 4.

7. Schedules 1 to 5 deleted

Delete Schedules 1 to 5.

8. Schedule 6 amended

(1) Delete Schedule 6 Forms 1 and 2.

(2) In Schedule 6 Forms 3 and 4 in the heading delete “*and Animal Feeding Stuffs Regulations 2006*” and insert:

Regulations 2006