



Western Australia

Agricultural Produce (Chemical Residues) Act 1983

Agricultural Produce (Chemical Residues) Regulations 1985

These regulations were repealed by the *Biosecurity and Agriculture Management (Agriculture Standards) Regulations 2013* r. 52(a) as at 1 May 2013 (see r. 2(b) and *Gazette* 5 Feb 2013 p. 823).

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Western Australia

Agricultural Produce (Chemical Residues) Regulations 1985

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Defined terms

Agricultural Produce (Chemical Residues) Regulations 1985

1. Citation

These regulations may be cited as the *Agricultural Produce (Chemical Residues) Regulations 1985*¹.

2. Commencement

These regulations shall come into operation on 1 September 1985.

2AA. Terms used in these regulations

- (1) In these regulations unless the contrary intention appears —
- animal feeding stuff*** means any substance, including any mixture or compound, and whether in package form or in bulk, used or intended for consumption by any animal or offered for sale for that purpose, and includes basic feed, processed food and manufactured stock foods;
- basic feed*** means any grain, seeds, hay, meat or fish used as, or in the preparation of, an animal feeding stuff;
- by-product*** means any substance produced from an animal or plant, in any process of treatment or manufacture, not being the primary object of such process;
- Food Standards Code*** means the code published under the name “Food Standards Code” in the Commonwealth *Food Standards Gazette* on 27 August 1987 together with any

r. 2A

amendments to the standards in that Code up to and including “Amendment 84”;

manufactured stock food means any feed made up of one or more of the following —

- (a) basic feed;
- (b) processed food;
- (c) by-products,

and includes stock licks but does not include basic feed only;

MRL Standard means the “Maximum Residue Limit Standard”, listing maximum residue limits set by the Australian Pesticides and Veterinary Medicines Authority (APVMA) as published in the *Agricultural and Veterinary Chemical Gazette* of the Commonwealth, together with any amendments, as at February 2006;

processed food means a basic feed which has been changed in form by chemical, physical, or mechanical treatment and includes by-products.

- (2) In these regulations a reference to agricultural produce by a group name specified in Column 1 of Schedule 1 is a reference to the agricultural produce specified opposite that group name in Column 2 of that Schedule.

[Regulation 2AA inserted in Gazette 22 May 1987 p. 2202; amended in Gazette 11 Jun 1996 p. 2431-2; 11 Aug 2006 p. 2977-8.]

2A. Agricultural chemicals

If a substance is —

- (a) defined as a “metal contaminant” in the Food Standards Code, Standard 1.4.1, clause 2; or
- (b) defined as a “chemical” in the Food Standards Code, Standard 1.4.2, clause 1(6) and listed in bold type in one of the shaded boxes in Schedule 1 of that Standard; or

- (c) listed as a “compound” in the MRL Standard Table 4; or
- (d) listed as in Schedule 3 to these regulations,

that substance is prescribed to be an “agricultural chemical” for the purposes of the Act.

[Regulation 2A inserted in Gazette 11 Aug 2006 p. 2978.]

3. Maximum residue limits

- (1) Subject to this regulation, the maximum residue limits prescribed for agricultural chemicals in agricultural produce are those set out in —
 - (a) the Table to clause 2 of the Food Standards Code, Standard 1.4.1; or
 - (b) Schedule 1 of the Food Standards Code, Standard 1.4.2; or
 - (c) Table 4 to the MRL Standard.
- (2) Where there is no maximum residue limit prescribed for an agricultural chemical in agricultural produce under subregulation (1), the maximum residual limit is zero.
- (3) Where mixed agricultural produce listed in a Schedule or Table referred to in subregulation (1) contains more than one kind of agricultural produce listed under or against an agricultural chemical, then the following formulae are to be used to calculate a maximum residue limit (MRL) for the agricultural chemical in relation to that mixed agricultural produce —

For a mixture of 2:

$$MRL\ C = \frac{Weight\ A}{Total\ Weight} \times MRL\ A + \frac{Weight\ B}{Total\ Weight} \times MRL\ B$$

Where —

MRL C = the MRL that applies to the agricultural chemical in the mixed agricultural produce;

MRL A = the MRL for the agricultural chemical which applies to agricultural produce A;

MRL B = the MRL for the agricultural chemical which applies to agricultural produce B;

Total Weight = the total weight of the mixed agricultural produce;

Weight A = the total weight of agricultural produce A;

Weight B = the total weight of agricultural produce B.

For a mixture of more than 2:

$$MRL\ C = \sum_{i=1}^n \frac{Weight\ i}{Total\ Weight} \times MRL\ i$$

- (4) Where residues of 2 or more of the agricultural chemicals listed in any one group of those specified in Schedule 3 are present in any agricultural produce, then when the following formula is applied, the MRL levels are exceeded if the result (Z) is greater than 1.

Where 2 residues are present:

$$\frac{Concentration\ of\ chemical\ A\ present}{MRL\ for\ chemical\ A} + \frac{Concentration\ of\ chemical\ B\ present}{MRL\ for\ chemical\ B} = Z$$

Where more than 2 residues are present:

$$\sum_{i=1}^n \frac{[i]}{MRL\ i} = Z$$

[Regulation 3 inserted in Gazette 11 Aug 2006 p. 2978-9.]

4. Method of determination

For the purpose of determining the agricultural chemicals present in agricultural produce, the agricultural produce examined shall consist of the whole agricultural produce and the results of the analysis shall be expressed in milligrams of the residue per kilogram (mg/kg) of the whole agricultural produce except in the case of the following agricultural produce, which shall be examined subject to the modifications specified below —

- (a) bananas — crown tissue and stalk shall be removed and discarded;
- (b) tree nuts — shells shall be removed and discarded;
- (c) strawberries — caps (hulls) shall be removed and discarded;
- (d) melons — stems shall be removed and discarded;
- (e) corn (*Zea mays*) — stems and outer sheaths (husks) shall be removed from the ears and discarded (only the corn kernels shall be examined);
- (f) pineapples — the crowns (leaves at the top of the fruit) shall be removed and discarded;
- (g) passionfruit — skin shall be removed and discarded;
- (h) eggs — shells shall be removed and discarded;
- (i) stone fruits — stones shall be removed and discarded;
- (j) root vegetables — where a maximum residue limit is specified in relation to a root vegetable including tops or with tops and the tops and the root are marketed together, they shall be analysed separately and neither the residue on the roots nor the residue on the tops shall exceed the maximum residue limit.

[Regulation 4 amended in Gazette 11 Jun 1996 p. 2432.]

r. 5

5. Warrant to enter

The form set out in Schedule 4 is prescribed for the purposes of section 14(4) of the Act.

[Regulation 5 inserted in Gazette 20 Mar 2007 p. 1036.]

Schedule 1

[Regulation 2AA]

Column 1 Group name	Column 2 Agricultural produce
Alliums	Chives, Garlic, Leeks, Onions, Shallots
Berry fruits	Blackberries, Boysenberries, Currants, Elderberries, Gooseberries, Loganberries, Mulberries, Raspberries, Rosehips, Strawberries, Vaccinium berries
Berry vegetables	Cape gooseberry, Capsicums, Eggplant, Okra, Tomatoes
Cereal grains	Barley, Maize, Millet, Oats, Rice, Rye, Sorghum, Triticale, Wheat
Citrus fruits	Citrons, Cumquats, Grapefruits, Lemons, Limes, Mandarins, Oranges, Pomeloes, Tangeloes, Tangors
Cucurbits	Chokos, Cucumbers, Marrows, Melons, Pumpkins, Squash
Fish	Crustaceans, Freshwater fish, Sea-fish, Shellfish
Fruit	Avocados, Bananas, Berry fruits, Citrus fruits, Custard apples, Figs, Grapes, Guavas, Mangoes, Monstera, Passionfruit, Pawpaws, Persimmons, Pineapples, Pome fruits, Stone fruits
Leafy vegetables	Chinese cabbage, Cole crops (Broccoli, Brussel sprouts, Cabbages, Cauliflowers, Kale, Kohlrabi), Cress, Endive, Lettuce, Spinach, Swiss chard, Turnip tops
Meat	Buffaloes, Cattle, Goats, Pigs, Sheep
Oil seeds	Cottonseed, Linseed, Rapeseed, Safflower seed, Sunflower seed
Pome fruits	Apples, Crabapples, Loquats, Medlars, Pears, Pomegranates, Quinces
Poultry	Domestic fowls, Ducks, Geese, Guinea

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Column 1 Group name	Column 2 Agricultural produce
Root vegetables	fowls, Pheasants, Pigeons, Quail, Turkeys Artichokes, Beetroot, Carrots, Celeriac, Chicory root, Horseradish, Parsnips, Potatoes, Radishes, Salsify, Scorzonera, Swede turnips, Sweet potatoes, Turnips
Seed and pod vegetables	Broad beans, Dried bean seeds, Dried pea seeds, Garden peas, Green beans, Lentils, Mung beans, Soya beans, Sugar peas
Stalk vegetables	Asparagus, Bamboo shoots, Celery, Fennel, Rhubarb
Stone fruits	Apricots, Cherries, Nectarines, Peaches, Plums
Tree nuts	Almond, Brazil, Cashew, Chestnuts, Hazel, Litchi, Macadamia, Pecan, Pistachio, Walnuts
Vegetables	Alliums, Berry vegetables, Cucurbits, Leafy vegetables, Root vegetables, Seed and pod vegetables, Stalk vegetables

[Schedule 1 inserted in Gazette 11 Jun 1996 p. 2432-4.]

[Schedule 2 deleted in Gazette 11 Aug 2006 p. 2979.]

Schedule 3

[Regulation 3]

Group A

Aldrin	Endosulfan
Chlordane	Endrin
Chlordecone	Heptachlor
Dieldrin	Isobenzan

Group B

BHC and its isomers	Lindane
DDT (including DDD and DDE)	Methoxychlor
Dicofol	Quintozene
Fenarimol	

Group C

Camphchlor
Chlorinated terpene isomers

Group D

Azamethiphos	Famphur
Azinphos-ethyl	Fenamiphos
Azinphos-methyl	Fenchlorphos
Bromophos-ethyl	Fenitrothion
Carbophenothion	Fensulfothion
Chlorfenvinphos	Fenthion
Chlorpyriphos	Formothion
Chlorpyriphos-methyl	Isocarbophos
Chlorthiophos	Leptophos
Coumaphos	Maldison
Crotoxyphos	Menazon
Demeton	Methamidophos
Diazinon	Methidathion
Dichlorvos	Mevinphos
Dimethoate	Monocrotophos
Dioxathion	Naled
Disulfoton	Naphthalophos
Dithianon	Omethoate
Ethion	Parathion

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Ethoprophos	Parathion-methyl
Phenkapton	Schradan
Phorate	Sulprofos
Phosalone	Temephos
Phosmet	Tetrachlorvinphos
Phosphamidon	Thiometon
Pirimiphos-ethyl	Tributylphosphorotrithioate
Pirimiphos-methyl	Trichlorfon
Prothiophos	Vamidotion
Pyrazophos	

Group E

Dithiocarbamates (including — ferbam mancozeb maneb	propineb thiram zineb ziram) Formetanate
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Group F

4-CPA	MCPB
2,4-D	Picloram
Diclofop-methyl	2,4,5-T
MCPA	

Group G

Aldicarb	Phenisopham
Aminocarb	Promacyl
Bendiocarb	Promecarb
Butacarb	Propham
Carbaryl	Propoxur
Iprodione	Thiobencarb
Methomyl	Thiobucarb
Oxamyl	

Group H

Chloroxuron	Metobromuron
Diuron	Metoxuron
Fluometuron	Monuron
Linuron	Noruron
Methabenzthiazuron	Thidiazuron

Group I

Cambendazole
Parbendazole
Thiabendazole

Group J

Carbendazim (including —
 benomyl
 thiophanate
 thiophanate-methyl)

Group K

Dinoseb
DNOC

Group L

Ametryn	Metribuzin
Atrazine	Prometryn
Aziprotryne	Propazine
Cyanazine	Simazine
Cycloparafate	Terbutylazine
Desmetryn	Terbutryn

Group M

Alachlor	Metolachlor
Butachlor	Propachlor
Fluchloralin	Prynachlor

Group N

Chlormequat
Diquat
Paraquat

Group O

Captafol
Captan

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Group P

Carbon tetrachloride
Ethylene dibromide (EDB)
Ethylene dichloride
Methyl bromide
Trichloroethylene

Group Q

Azocyclotin
Cyhexatin
Fenbutatin-oxide

Group R

Fenfuram
Methfuroxam

Group S

Bioresmethrin	Fenvalerate
Cypermethrin	Permethrin
Deltamethrin	Pyrethrins

Group T

Etridiazole
Triadimefon
Triazbutil

*[Schedule 3 inserted in Gazette 11 Jun 1996 p. 2489-91; amended in
Gazette 11 Aug 2006 p. 2979-80.]*

Schedule 4 — Forms

[r. 5]

[Heading inserted in Gazette 20 Mar 2007 p. 1037.]

Form 1

<i>Agricultural Produce (Chemical Residues) Act 1983</i> Warrant to Enter	
Warrant	The persons named below are authorised to enter the land described below for the purpose set out below, using as much force as is necessary.
Persons authorised to enter	Any authorised persons appointed under section 6 of the Act Other persons named below: <ul style="list-style-type: none"> • _____ • _____
Land to be entered	
Purpose for which entry is permitted	
Grounds for warrant	I am satisfied that the entry is reasonably required and that — <ul style="list-style-type: none"> <input type="checkbox"/> entry has been refused or is opposed or prevented; or <input type="checkbox"/> entry cannot be obtained; or <input type="checkbox"/> notice cannot be given under section 14(2) of the Act without occasioning undue delay or difficulty.
Justice of the Peace	Signature
	Name
	Date

[Form 1 inserted in Gazette 20 Mar 2007 p. 1037.]

Notes

¹ This is a compilation of the *Agricultural Produce (Chemical Residues) Regulations 1985* and includes the amendments made by the other written laws referred to in the following table ². The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Agricultural Produce (Chemical Residues) Regulations 1985</i>	30 Aug 1985 p. 3127-45	1 Sep 1985 (see r. 2)
<i>Agricultural Produce (Chemical Residues) Amendment Regulations 1985</i>	18 Oct 1985 p. 4083	18 Oct 1985
<i>Agricultural Produce (Chemical Residues) Amendment Regulations 1986</i>	7 Nov 1986 p. 4173	7 Nov 1986
<i>Agricultural Produce (Chemical Residues) Amendment Regulations 1987</i>	22 May 1987 p. 2202-3	22 May 1987
<i>Agricultural Produce (Chemical Residues) Amendment Regulations 1996</i>	11 Jun 1996 p. 2431-91	11 Jun 1996
Reprint of the <i>Agricultural Produce (Chemical Residues) Regulations 1985</i> as at 9 Nov 2001 (includes amendments listed above)		
<i>Agricultural Produce (Chemical Residues) Amendment Regulations 2004</i>	30 Dec 2004 p. 6894	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Agricultural Produce (Chemical Residues) Amendment Regulations 2006</i>	11 Aug 2006 p. 2977-80	11 Aug 2006
Reprint 2: The <i>Agricultural Produce (Chemical Residues) Regulations 1985</i> as at 2 Feb 2007 (includes amendments listed above)		
<i>Agricultural Produce (Chemical Residues) Amendment Regulations 2007</i>	20 Mar 2007 p. 1036-7	20 Mar 2007
These regulations were repealed by the <i>Biosecurity and Agriculture Management (Agriculture Standards) Regulations 2013</i> r. 52(a) as at 1 May 2013 (see r. 2(b) and <i>Gazette</i> 5 Feb 2013 p. 823).		

² The *Biosecurity and Agriculture Management Regulations 2013* r. 51 and 53 read as follows:

51. Term used: commencement day

In this Part —

commencement day means the day on which these regulations come into operation.

53. Fees and expenses

On and from the commencement day —

- (a) any fees payable under a regulation repealed under regulation 52 and outstanding on the commencement day are to be regarded as payable under the *Biosecurity and Agriculture Management Regulations 2013* at the time, and in the manner, in which the fees would have been payable under the repealed regulation and may be recovered accordingly;
- (b) any expenses recoverable under a regulation repealed under regulation 52 and outstanding on the commencement day may be recovered under the *Biosecurity and Agriculture Management Regulations 2013* regulation 128.

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
animal feeding stuff	2AA(1)
basic feed	2AA(1)
by-product.....	2AA(1)
Food Standards Code	2AA(1)
manufactured stock food.....	2AA(1)
MRL Standard.....	2AA(1)
processed food	2AA(1)