

Western Australia

Veterinary Chemical Control and Animal Feeding Stuffs Act 1976

Veterinary Chemical Control Regulations 2006

As at 01 May 2013

Version 00-d0-00

Extract from www.slp.wa.gov.au, see that website for further information

Veterinary Chemical Control Regulations 2006

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Veterinary Chemical Control Regulations 2006

Part 1 — Preliminary

1. Citation

These regulations are the *Veterinary Chemical Control Regulations 2006*¹.

[Regulation 1 amended in Gazette 5 Feb 2013 p. 830.]

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;

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

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

Form means a form in Schedule 6;

label restraint means a statement, on a registered veterinary chemical product's approved label under the heading

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“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;

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;

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;

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;

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) deleted]

- (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.

[Regulation 2 amended in Gazette 5 Feb 2013 p. 830.]

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.

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Part 2 Veterinary chemical products

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

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- (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.

Veterinary Chemical Control Regulations 2006

Part 2 Veterinary chemical products

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

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- (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.]

[Parts 3 and 4 (s. 23-48) deleted in Gazette 5 Feb 2013 p. 830.]

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.

[Schedules 1-5 deleted in Gazette 5 Feb 2013 p. 830.]

Schedule 6 — Forms

[Forms 1 and 2 deleted in Gazette 5 Feb 2013 p. 830.]

FORM 3

Veterinary Chemical Control and Animal Feeding Stuffs Act 1976

Veterinary Chemical Control 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 3 amended in Gazette 5 Feb 2013 p. 831.]

FORM 4

Veterinary Chemical Control and Animal Feeding Stuffs Act 1976

Veterinary Chemical Control 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]

[Form 4 amended in Gazette 5 Feb 2013 p. 831.]

Notes

- ¹ This is a compilation of the *Veterinary Chemical Control Regulations 2006* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

| Citation | Gazettal | Commencement |
|--|--------------------------|--|
| <i>Veterinary Chemical Control and Animal Feeding Stuffs Regulations 2006</i> ² | 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)) |
| <i>Veterinary Chemical Control and Animal Feeding Stuffs Amendment Regulations 2013</i> | 5 Feb 2013 p. 829-31 | r. 1 and 2: 5 Feb 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 May 2013 (see r. 2(b) and <i>Gazette</i> 5 Feb 2013 p. 823) |

- ² Now known as the *Veterinary Chemical Control Regulations 2006*; citation changed (see note under r. 1).

Defined Terms

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 | 2(1) |
| APVMA | 2(1) |
| aquaculture species | 2(1) |
| Chief Veterinary Officer | 2(1) |
| Department..... | 2(1) |
| Form..... | 2(1) |
| former regulations..... | 52(1) |
| label precaution..... | 14(1) |
| label restraint..... | 2(1) |
| low risk chemical | 6(1) |
| major trade species animal..... | 2(1) |
| prescribe..... | 2(1) |
| single..... | 2(1) |
| supply..... | 2(1) |
| trade species animal | 2(1) |
| unregistered veterinary chemical product | 2(1) |
| withholding period..... | 2(1) |