



Western Australia

Veterinary Preparations and Animal Feeding Stuffs Act 1976

## **Stock (Control of Hormonal Growth Promotants) Regulations 1994**

These regulations were repealed by the *Veterinary Chemical Control and Animal Feeding Stuffs Regulations 2006* r. 51(2) (see *Gazette* 8 Dec 2006 p. 5472).

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## **Stock (Control of Hormonal Growth Promotants) Regulations 1994**

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## **Stock (Control of Hormonal Growth Promotants) Regulations 1994**

### **1. Citation**

These regulations may be cited as the *Stock (Control of Hormonal Growth Promotants) Regulations 1994*<sup>1</sup>.

### **2. Commencement**

These regulations shall come into operation on 1 July 1994.

### **3. Interpretation**

(1) In these regulations, unless the contrary intention appears —

**“approved”** means approved by the Director;

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

**“Form”** means a form in Schedule 2;

**“property identification number”** means a unique number, or combination of numerals and letters, allocated by the Department, that identifies a farm, station, or other property, on which stock are kept from time to time;

**“the Act”** means the *Veterinary Preparations and Animal Feeding Stuffs Act 1976*;

**“wholesale”** means a sale to another person for the purposes of sale by that other person.

**r. 4**

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- (2) A reference in these regulations to an owner of stock includes a reference to a person who while the owner is absent from a property is in charge of the husbandry of stock on that property.

*[Regulation 3 amended in Gazette 30 Oct 1998 p. 5996;  
23 Apr 1999 p. 1712-13.]*

**4. Prescribed animal**

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

**5. Prescribed substances**

- (1) If a substance described in column 2 of Schedule 1 is 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, the substance is prescribed as a substance to which Part VA of the Act applies.

- (2) A substance to which Part VA of the Act applies may for the purpose of these regulations be referred to as a Hormonal Growth Promotant (HGP).

*[Regulation 5 amended in Gazette 30 Oct 1998 p. 5996.]*

**6. Retail purchasers of HGPs**

- (1) A person who purchases a Hormonal Growth Promotant from a retail seller shall give the seller a declaration in accordance with regulation 48 of the Agvet Regulations of Western Australia (as defined in the *Agricultural and Veterinary Chemicals (Western Australia) Act 1995*) unless the person is a person to whom regulation 48(2) of those regulations applies.

- (2) A purchaser who gives a retail seller a declaration under subregulation (1) shall retain, in a place of safe custody, a copy of the declaration for 3 years after the date of the purchase.

*[Regulation 6 inserted in Gazette 23 Apr 1999 p. 1713.]*

*[7-15. Repealed in Gazette 30 Oct 1998 p. 5996.]*

**16. Treating stock**

- (1) The owner of stock to be treated with a prescribed substance shall ensure that —
  - (a) the treatment is carried out under the personal supervision of the owner;
  - (b) the substance is applied strictly as directed on the product label, and injected into the skin of the ear of the animal treated;
  - (c) immediately after treatment, the treated animal is marked in the approved manner with the prescribed ear punch mark applied in the centre of the ear and if one ear has been marked for the purposes of the *Stock (Identification and Movement) Act 1970*<sup>2</sup> to the ear which is not so marked; and
  - (d) a record, in an approved manner and form, is made of the treatment showing —
    - (i) the date of treatment of each animal;
    - (ii) the prescribed substance used;
    - (iii) the number of animals treated;
    - (iv) the number of animals sold;
    - (v) the date of sale of each animal; and
    - (vi) the immediate, and if known the final, destination of each animal.
- (2) The record of treatment referred to in subregulation (1)(c) shall be kept in a place of safe custody by the person who is the owner of the stock at the time of treatment, and shall be retained for a period of 3 years after the last entry in it was made.

**17. Identification of treated stock**

- (1) A person who is or becomes the owner of stock that have been treated with a prescribed substance shall —

- (a) by means of the prescribed ear punch mark, ensure that the stock are and remain permanently identifiable; and
  - (b) make and keep in an approved manner and form, a record of —
    - (i) the number of treated stock that have been purchased, and the date and source of each purchase;
    - (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.
- (2) The record referred to in subregulation (1)(b) shall be kept in a place of safe custody by the person who is the owner of the stock at the time of treatment, and shall be retained for a period of 3 years after the last entry in it was made.

**18. Prescribed ear punch mark**

- (1) 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 millimetres.
- (2) The prescribed ear punch mark is to be applied so as to leave a space on all sides within the margin of the ear.
- (3) If an animal has previously been treated with any Hormonal Growth Promotant and has been ear punched with the prescribed mark, there is no requirement to again identify the animal with that mark.
- (4) Only approved ear punches shall be used for applying the prescribed ear mark.



**19. Declared untreated stock**

- (1) An owner of stock who proposes to sell, or to consign for sale, any stock that are to be declared untreated with a prescribed substance at any time in the life of the stock shall —
  - (a) in accordance with subregulation (1a) obtain pink tags on each of which is printed —
    - (i) “HGP Free”;
    - (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;
  - (b) apply the tags to the stock before they are transported for sale; and
  - (c) give the purchaser a declaration in the form of Form 5 except where the stock is purchased by a person at a saleyard or for immediate slaughter.
- (1a) An owner of stock shall not obtain such tags other than from —
  - (a) the Department; or
  - (b) if authorised by the Department, another supplier.
- (1b) The Department shall not supply an owner of stock with such tags, or authorise an owner to obtain such tags from another supplier, unless the owner has supplied the Department with a signed declaration in the form of Form 4.

- (2) Where stock have been purchased by or otherwise come into the possession of an owner of stock and the owner cannot give a declaration under subregulation (1b) applicable throughout the life of the stock concerned, it shall be 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.
- (3) Where stock is consigned to a saleyard the stock agent or other person responsible for the handling and identification of stock declared untreated shall give the purchaser a signed invoice —
  - (a) stating the number and description of the stock;
  - (b) the property identification number of the property of origin of the stock; and
  - (c) stating that the stock are identified with pink tags to indicate that they are untreated stock.
- (4) Unless the contrary is indicated, a declaration as to the identification of stock as declared untreated stock remains effective for a period of 7 days after any change in the ownership of the stock.
- (5) Where an owner of stock purchases stock that is declared to be untreated stock the owner shall retain, in a place of safe custody, for a period of not less than 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 owner, any original declarations made under subregulation (1)(c) or invoices provided under subregulation (3) in relation to that stock.

*[Regulation 19 amended in Gazette 23 Apr 1999 p. 1713-14.]*

**20. Misuse of tags, etc.**

A person shall not —

- (a) place a tag on any stock that indicates the stock is free of Hormonal Growth Promotants unless the person knows

that the stock has never been treated with Hormonal Growth Promotants;

- (ab) place a tag on any stock that indicates that the stock is free of Hormonal Growth Promotants unless the tag has been obtained under regulation 19;
- (b) use a tag obtained under regulation 19 contrary to the declaration given under that regulation;
- (c) cause or permit any application, declaration, invoice or information, made or given in respect to a matter to which these regulations relate, to be false or misleading in any material particular;
- (d) alter, obliterate or deface —
  - (i) any tag supplied;
  - (ii) any declaration made; or
  - (iii) any invoice or other document given,for the purpose of these regulations.

*[Regulation 20 amended in Gazette 23 Apr 1999 p. 1714-15.]*

**21. Offences**

A person who, by act or omission, commits a breach of any of these regulations is guilty of an offence and is liable on conviction to a fine not exceeding \$5 000.

**22. Other declaration systems**

- (1) Notwithstanding anything in these regulations, 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 treated stock and carcasses are separately identifiable from untreated stock and carcasses.
- (2) A person who complies with the provisions of a system approved under subregulation (1) is deemed to comply with relevant corresponding provisions of these regulations.

**Schedule 1 — Substances to which Part VA of the Act  
applies**

[r. 5(1)]

<b>Item</b>	<b>Substance</b>
1.	Oestradiol 17B
2.	Oestradiol benzoate
3.	Progesterone
4.	Testosterone propionate
5.	Trenbolone acetate
6.	Zeranol

*[Schedule 1 inserted in Gazette 30 Oct 1998 p. 5997.]*

**Schedule 2 — Forms**

*[Heading inserted in Gazette 30 Oct 1998 p. 5997.]*

*[Forms 1, 2, 3 deleted in Gazette 30 Oct 1998 p. 5997.]*

**FORM 4**

*Veterinary Preparations and Animal Feeding Stuffs Act 1976*  
*STOCK (CONTROL OF HORMONAL GROWTH PROMOTANTS)*  
*REGULATIONS 1994*

**DECLARATION TO ACCOMPANY APPLICATION FOR TAGS**

I, the owner/authorised representative of the owner (*delete if inapplicable*) responsible for the husbandry of the livestock 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 4 amended in Gazette 23 Apr 1999 p. 1715.]*

**FORM 5**

*Veterinary Preparations and Animal Feeding Stuffs Act 1976*  
**STOCK (CONTROL OF HORMONAL GROWTH PROMOTANTS)**  
**REGULATIONS 1994**

**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/authorised representative of the owner (*delete if inapplicable*)  
responsible for 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

(NOTE: The penalty for false declaration under the *Stock (Control of Hormonal  
Growth Promotants) Regulations 1994*, is a fine of up to \$5 000.)

Signed: .....      Date: .....

Print Name: .....

*[Form 5 amended in Gazette 23 Apr 1999 p. 1715.]*

*[Schedule 2 amended in Gazette 30 Oct 1998 p. 5997; 23 Apr 1999 p. 1715.]*

### Notes

- <sup>1</sup> This reprint is a compilation as at 12 December 2003 of the *Stock (Control of Hormonal Growth Promotants) Regulations 1994* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

#### Compilation table

Citation	Gazettal	Commencement
<i>Stock (Control of Hormonal Growth Promotants) Regulations 1994</i>	24 Jun 1994 p. 2820-9	1 Jul 1994 (see r. 2)
<i>Stock (Control of Hormonal Growth Promotants) Amendment Regulations 1998</i>	30 Oct 1998 p. 5996-7	1 Nov 1998 (see r. 2 and <i>Gazette</i> 30 Oct 1998 p. 5993)
<i>Stock (Control of Hormonal Growth Promotants) Amendment Regulations 1999</i>	23 Apr 1999 p. 1712-15	23 Apr 1999

**Reprint 1: The *Stock (Control of Hormonal Growth Promotants) Regulations 1994* as at 12 Dec 2003** (includes amendments listed above)

**These regulations were repealed by the *Veterinary Chemical Control and Animal Feeding Stuffs Regulations 2006 r. 51(2)* as at 8 Dec 2006 (see *Gazette* 8 Dec 2006 p. 5472)**

- <sup>2</sup> Formerly referred to the *Stock (Brands and Movement) Act 1970* the short title of which was changed to the *Stock (Identification and Movement) Act 1970* by the *Stock (Brands and Movement) Amendment Act 1994* s. 4. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

Defined terms

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**Defined terms**

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

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
approved .....	3(1)
Department .....	3(1)
Form.....	3(1)
property identification number .....	3(1)
the Act.....	3(1)
wholesale .....	3(1)