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 These regulations were repealed by the *Biosecurity and Agriculture Management (Agriculture Standards) Regulations 2013* r. 52(a) as at 1 May 2013 (see r. 2(b) and *Gazette* 5 Feb 2013 p.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

Western Australia

Agricultural Produce (Chemical Residues) Regulations 1985

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Western Australia

Agricultural Produce (Chemical Residues) Act 1983

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 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:**



 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:**



 (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:**



 **Where more than 2 residues are present:**



 [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.]

##### 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 2Agricultural 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 | Avocadoes, 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 fowls, Pheasants, Pigeons, Quail, Turkeys |
| Root vegetables | 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**

|  |  |
| --- | --- |
| AldrinChlordaneChlordeconeDieldrin | EndosulfanEndrinHeptachlorIsobenzan |

**Group B**

|  |  |
| --- | --- |
| BHC and its isomersDDT (including DDD and DDE)DicofolFenarimol | LindaneMethoxychlorQuintozene |

**Group C**

Camphechlor

Chlorinated terpene isomers

**Group D**

|  |  |
| --- | --- |
| AzamethiphosAzinphos‑ethylAzinphos‑methylBromophos‑ethylCarbophenothionChlorfenvinphosChlorpyriphosChlorpyriphos‑methylChlorthiophosCoumaphosCrotoxyphosDemetonDiazinonDichlorvosDimethoateDioxathionDisulfotonDithianonEthionEthoprophos | FamphurFenamiphosFenchlorphosFenitrothionFensulfothionFenthionFormothionIsocarbophosLeptophos MaldisonMenazonMethamidophosMethidathionMevinphosMonocrotophosNaledNaphthalophosOmethoateParathionParathion‑methyl |
| PhenkaptonPhoratePhosalonePhosmetPhosphamidonPirimiphos‑ethylPirimiphos‑methylProthiophosPyrazophos | SchradanSulprofosTemephosTetrachlorvinphosThiometonTributylphosphorotrithioateTrichlorfonVamidothion |

**Group E**

|  |  |
| --- | --- |
| Dithiocarbamates (including — ferbammancozebmaneb | propinebthiramzinebziram)Formetanate |

**Group F**

|  |  |
| --- | --- |
| 4‑CPA2,4‑DDiclofop‑methylMCPA | MCPBPicloram2,4,5‑T |

**Group G**

|  |  |
| --- | --- |
| AldicarbAminocarbBendiocarbButacarbCarbarylIprodioneMethomylOxamyl | PhenisophamPromacylPromecarbProphamPropoxurThiobencarbThiobucarb |

**Group H**

|  |  |
| --- | --- |
| ChloroxuronDiuronFluometuronLinuronMethabenzthiazuron | MetobromuronMetoxuronMonuronNoruronThidiazuron |

**Group I**

Cambendazole

Parbendazole

Thiabendazole

**Group J**

|  |  |
| --- | --- |
| Carbendazim (including — benomylthiophanatethiophanate‑methyl) |  |

**Group K**

Dinoseb

DNOC

**Group L**

|  |  |
| --- | --- |
| AmetrynAtrazineAziprotryneCyanazineCycloparafateDesmetryn | MetribuzinPrometrynPropazineSimazineTerbuthylazineTerbutryn |

**Group M**

|  |  |
| --- | --- |
| AlachlorButachlorFluchloralin | MetolachlorPropachlorPrynachlor |

**Group N**

Chlormequat

Diquat

Paraquat

**Group O**

Captafol

Captan

**Group P**

Carbon tetrachloride

Ethylene dibromide (EDB)

Ethylene dichloride

Methyl bromide

Trichloroethylene

**Group Q**

Azocyclotin

Cyhexatin

Fenbutatin‑oxide

**Group R**

Fenfuram

Methfuroxam

**Group S**

|  |  |
| --- | --- |
| BioresmethrinCypermethrinDeltamethrin | FenvaleratePermethrinPyrethrins |

**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

|  |  |
| --- | --- |
| *Agricultural Produce (Chemical Residues) Act 1983***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 ActOther persons named below:• •  |
|   |
| **Land to be entered** |  |
|  |
| **Purpose for which entry is permitted** |  |
|  |
| **Grounds for warrant** | I am satisfied that the entry is reasonably required and that — entry has been refused or is opposed or prevented; or entry cannot be obtained; or 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 table2. The table also contains information about any reprint.

Compilation table

| **Citation** | **Gazettal** | **Commencement** |
| --- | --- | --- |
| *Agricultural Produce (Chemical Residues) Regulations 1985* | 30 Aug 1985 p. 3127‑45 | 1 Sep 1985 (see r. 2) |
| *Agricultural Produce (Chemical Residues) Amendment Regulations 1985* | 18 Oct 1985 p. 4083 | 18 Oct 1985 |
| *Agricultural Produce (Chemical Residues) Amendment Regulations 1986* | 7 Nov 1986 p. 4173 | 7 Nov 1986 |
| *Agricultural Produce (Chemical Residues) Amendment Regulations 1987* | 22 May 1987 p. 2202‑3 | 22 May 1987 |
| *Agricultural Produce (Chemical Residues) Amendment Regulations 1996* | 11 Jun 1996 p. 2431‑91 | 11 Jun 1996 |
| **Reprint of the *Agricultural Produce (Chemical Residues) Regulations 1985* as at 9 Nov 2001**(includes amendments listed above) |
| *Agricultural Produce (Chemical Residues) Amendment Regulations 2004* | 30 Dec 2004 p. 6894 | 1 Jan 2005 (see r. 2 and *Gazette* 31 Dec 2004 p. 7130) |
| *Agricultural Produce (Chemical Residues) Amendment Regulations 2006* | 11 Aug 2006 p. 2977-80 | 11 Aug 2006 |
| **Reprint 2: The *Agricultural Produce (Chemical Residues) Regulations 1985* as at 2 Feb 2007**(includes amendments listed above) |
| *Agricultural Produce (Chemical Residues) Amendment Regulations 2007* | 20 Mar 2007 p. 1036‑7 | 20 Mar 2007 |
| **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).** |

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)