

Queensland



*Chemical Usage (Agricultural and Veterinary) Control Act 1988*

# **CHEMICAL USAGE (AGRICULTURAL AND VETERINARY) CONTROL REGULATION 1989**

**Reprinted as in force on 6 October 1995  
(includes amendments up to SL No. 269 of 1995)**

**Reprint No. 1**

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

# Information about this reprint

This regulation is reprinted as at 6 October 1995. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use standard punctuation consistent with current drafting practice (s 27)
- use expressions consistent with current drafting practice (s 29)
- use appropriate names for instruments and provision units (ss 31, 32 and 33A)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (ss 39 and 40)
- omit unnecessary referential words (s 41)
- omit the words of notification (s 42A)
- correct minor errors (s 44).

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
  - **table of obsolete and redundant provisions**
  - **table of corrected minor errors.**

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## **CHEMICAL USAGE (AGRICULTURAL AND VETERINARY) CONTROL REGULATION 1989**

[as amended by all amendments that commenced on or before 6 October 1995]

### **Short title**

1. This regulation may be cited as the *Chemical Usage (Agricultural and Veterinary) Control Regulation 1989*.

### **Definitions**

2. In this regulation—

**“hormonal growth promotant”** means a product that—

- (a) contains an ingredient, 1 or more hormones or anabolic substances, including, but not limited to, the following—
  - (i) 17 beta oestradiol;
  - (ii) progesterone;
  - (iii) oestradiol benzoate;
  - (iv) testosterone propionate;
  - (v) trenbolone acetate;
  - (vi) zeranol; and
- (b) is used for the promotion of growth of bovines or bubalines.

**“MRL Standard”** means the National Health and Medical Research Council’s standard for maximum residue limits of pesticides, agricultural chemicals, feed additives, veterinary medicines and noxious substances in food up to and including 78th PACC, November, 1987, published in the *Australian Government Publishing Service*, as amended from time to time.

**“vessel”** includes any ship, boat, hovercraft or hulk and any vehicle that is

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capable of use on or in water whether floating or submersible and whether or not self-propelled.

### **Prescribed chemicals**

**3.** For the purposes of the definition of “chemical” under the Act, the substances set forth in schedule 1 shall be prescribed chemicals.

### **Proscribed chemicals**

**3A.** For section 13 of the Act, the chemicals in schedule 1A are proscribed chemicals.

### **Maximum residue limits**

**4.(1)** In relation to agricultural produce intended or normally used for human consumption—

- (a) the prescribed maximum residue limit in respect of each chemical listed in the MRL Standard shall be—
  - (i) for an item of agricultural produce set out in the Column of the MRL Standard headed “FOOD”, the maximum residue limit set opposite each item respectively;
  - (ii) for an item of agricultural produce not set out in the MRL Standard, zero, unless the use of the chemical in relation to the item of agricultural produce concerned is permitted pursuant to the provisions of part 2 of the Act; and
- (b) the prescribed maximum residue limit for a chemical not listed in the MRL Standard shall be zero unless the use of the chemical in relation to the particular agricultural produce concerned is permitted pursuant to the provisions of part 2 of the Act.

**(2)** In relation to agricultural produce intended or normally used for animal consumption, the prescribed maximum residue limit in respect of each chemical listed in schedule 2, column 1, shall be the maximum residue limit set opposite that chemical in schedule 2, column 2.

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### **Charges for supervision**

**5.(1)** In this section—

“**week day**” means a day other than Saturday, Sunday or a public holiday.

**(2)** The charge that is to be paid for each hour or part of an hour of supervision by an inspector is—

- (a) if the inspector undertakes the supervision during the officer’s week day working hours under the Public Service Award—State—\$23.00; or
- (b) if the inspector undertakes the supervision at any other time on a week day—\$34.50; or
- (c) if the inspector undertakes the supervision on another day—\$46.00.

**(3)** If the inspector undertakes the supervision otherwise than on a routine visit to the area concerned, the charge is to include time spent by the inspector in travelling to and from the place of supervision.

**(4)** If, while undertaking the supervision, the inspector is required to be absent from the inspector’s headquarters overnight, the charge is to include an allowance at the rate payable under the *Public Service Management and Employment Regulation 1988* to an officer of the public service who is not an officer of the Senior Executive Service.

### **Appeals**

**6.** For the purposes of section 22 of the Act—

- (a) the prescribed time in respect of an appeal against a direction contained in a notice under section 16 of the Act shall be 7 days from the date of the issue of the notice;
- (b) the prescribed time in respect of an appeal against the refusal of an application made under section 17 of the Act shall be 14 days from the date of the issue of the notice of refusal;
- (c) the prescribed time in respect of an appeal against the seizure of anything under section 20 of the Act shall be 7 days from the date of seizure.

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### **Use and disposal of tributyltin**

**7.(1)** A person shall not use the chemical tributyltin other than at a place approved by the Minister and then only if the chemical is—

- (a) formulated in such a way that not more than 210 µg<sup>1</sup> of the chemical are released per square centimetre of surface to which the chemical has been applied during the first 14 days after application and not more than 5 µg of the chemical are released per square centimetre of surface to which the chemical has been applied each day thereafter;
- (b) applied to a vessel no less than 25 m in length.

**(2)** The chemical or any material containing the chemical or any package that contains or has contained the chemical shall be disposed of in a manner and at a place determined by the Minister.

### **Users of hormonal growth promotants**

**8.(1)** This section applies to a person who implants a hormonal growth promotant into an animal.

**(2)** The person must, at the same time as implantation, permanently identify the animal by piercing its right ear with the prescribed ear mark so as to leave a space on all sides within the margin of the ear.

**(3)** The person must keep a written record of details of—

- (a) the animal treated and the day of treatment; and
- (b) the loss, destruction or other disposal of unused hormonal growth promotants purchased by the person and the day of the loss, destruction or disposal.

**(4)** The person must—

- (a) enter the details in the record before the end of the day of treatment, loss, destruction or disposal; and
- (b) keep the entry for not less than 2 years.

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<sup>1</sup> “µg” means micrograms.

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(5) In this section—

**“prescribed ear mark”** means—

- (a) in relation to cattle within the meaning of the *Brands Act 1915*—a mark approved by the Minister within the meaning of that Act; or
- (b) in relation to any other animal—a mark of an equal sided triangle with sides of 20 mm.

Maximum penalty for subsections (2), (3) and (4)—40 penalty units.

### **Claims made about hormonal growth promotants**

9.(1) In this section—

**“HGP free tag”** has the meaning given by the *Stock Identification Regulation 1985*.

**“meat processing facility”** has the meaning given by the *Meat Industry Act 1993*.

(2) This section applies to a person who makes a claim, or causes or permits a claim to be made, by an HGP free tag attached to a head of cattle<sup>2</sup> or otherwise, that the head of cattle has not been treated with a hormonal growth promotant (**“HGP”**).

(3) If the person sells the head of cattle other than through an agent at a saleyard, the person must, if asked by the buyer, give the buyer a declaration (**“HGP declaration”**) when the head of cattle is delivered to the buyer.

Maximum penalty—20 penalty units.

(4) The HGP declaration must—

- (a) be made by the person no more than 7 days before the sale; and
- (b) state whether or not the person has treated the head of cattle, or caused or permitted the head of cattle to be treated, with an HGP;

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<sup>2</sup> The *Stock Identification Regulation 1985*, section 14(2) makes it an offence to attach an HGP free tag to a head of cattle treated with a hormonal growth promotant (**“HGP”**). Section 14(4) of that regulation requires the removal of the tag if the head of cattle is treated with an HGP. The presence of an HGP free tag is, therefore, a claim that the head of cattle is not treated with an HGP.

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and

- (c) if the person bought the head of cattle from someone else (the “**third person**”)—
  - (i) state the name of the third person; and
  - (ii) state whether or not an HGP free tag was attached to the head of cattle when the person bought it; and
  - (iii) state whether or not the person received an HGP declaration when the person bought the head of cattle.

(5) An HGP declaration may be made about more than 1 head of cattle.

(6) If the person sells the head of cattle through an agent at a saleyard, the agent must give the buyer a written statement stating whether or not an HGP free tag was attached to the head of cattle when it was sold.

Maximum penalty—20 penalty units.

(7) However, the person need not give the statement if the head of cattle sold through the agent is consigned to a meat processing facility.

(8) A statement may be given under subsection (6) about more than 1 head of cattle.

## SCHEDULE 1

### PRESCRIBED CHEMICALS

section 3

aldrin . . . . .	a product containing 95 percent of HHDN
BHC (excluding the gamma isomer) . . . .	Mixed isomers of 1,2,3,4,5,6-hexachloro- cyclohexane excluding gamma-1,2,3,4,5,6- hexachlorocyclohexane
chlordane . . . . .	1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro- 4,7-methanoindan
DDT . . . . .	Mixed isomers of dichlorodiphenyltrichloroethane in which - DDT, 1,1,1-trichloro-2,2-bis (4- chlorophenyl) ethane, predominates
dieldrin . . . . .	a product containing 85 percent HEOD
endrin . . . . .	1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6, 7,8,8a-octahydro- <u>exo</u> -1,4- <u>exo</u> -5,8-dimethano- naphthalene
HCB . . . . .	hexachlorobenzene
HEOD . . . . .	1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6, 7,8,8a-octahydro- <u>exo</u> -1,4- <u>endo</u> -5,8-dimethan- onaphthalene
heptachlor . . . . .	1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro- 4,7-methanoindene
HHDN . . . . .	1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexa- hydro <u>exo</u> -1,4- <u>endo</u> -5,8-dimethanonaphthalene
TDE . . . . .	1, 1-dichloro-2, 2-bis (4-chlorophenyl) ethane
TBT . . . . .	tributyltin

## SCHEDULE 1A

### PROSCRIBED CHEMICALS

section 3A

aldrin . . . . .	a product containing 95% of HHDN
BHC (excluding the gamma isomer) . . . . .	Mixed isomers of 1,2,3,4,5,6- hexachlorocyclohexane excluding gamma-1, 2,3,4,5,6-hexachlorocyclohexane
chlordane . . . . .	1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro- 4,7-methanoindan
DDT . . . . .	Mixed isomers of dichlorodiphenyltrichloroethane in which - DDT, 1,1,1-trichloro-2,2-bis(4- chlorophenyl) ethane, predominates
dieldrin . . . . .	a product containing 85% HEOD
endrin . . . . .	1,2,3,4,10,10-hexachloro-6,7-epoxy- 1,4,4a,5,6,7,8,8a-octahydro- <u>exo</u> -1,4- <u>exo</u> - 5,8-dimethanonaphthalene
HCB . . . . .	hexachlorobenzene
HEOD . . . . .	1,2,3,4,10,10-hexachloro-6,7-epoxy- 1,4,4a,5,6,7,8,8a-octahydro- <u>exo</u> -1,4- <u>endo</u> - 5,8-dimethanonaphthalene
heptachlor . . . . .	1,4,5,6,7,8,8-heptachloro-3a,4,7,7a- tetrahydro-4,7-methanoindene
HHDN . . . . .	1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a- hexahydro- <u>exo</u> -1,4- <u>endo</u> -5,8- dimethanonaphthalene

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## SCHEDULE 1A (continued)

TDE .....	1,1-dichloro-2,2-bis(4-chlorophenyl) ethane
TBT .....	tributyltin

## SCHEDULE 2

### MAXIMUM RESIDUE LIMITS

section 4

Chemical	Maximum Residue Limit (mg/kg)
aldrin and dieldrin (total) . . . . .	0.01
alloxydim-sodium . . . . .	0.2
benfluralin . . . . .	0.02
bensulfuron-methyl . . . . .	0.05
BHC (excluding the gamma isomer) . . . . .	0.02
bioresmethrin . . . . .	5
bitertanol . . . . .	0.1
carbaryl . . . . .	20
carbofuran . . . . .	2
chlordane . . . . .	0.01
chlorpyrifos-methyl . . . . .	20
chlorsulfuron . . . . .	10
clopyralid . . . . .	100
cyhalothrin . . . . .	0.01
DDT, TDE and DDE (total) . . . . .	0.1
dichlorvos . . . . .	20
dithiocarbamates (except propineb) . . . . .	30
endosulfan . . . . .	0.03
endrin . . . . .	0.03

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SCHEDULE 2 (continued)

ethephon .....	10
fenamiphos .....	1
fenitrothion .....	20
fenvalerate .....	10
fluroxypyr .....	25
glyphosate .....	0.3
haloxyfop .....	3
HCB .....	0.01
heptachlor .....	0.02
inorganic bromide .....	125
iprodione .....	5
lindane (gamma BHC) .....	0.1
maldison .....	100
methoxychlor .....	1
methyl bromide .....	50
metolachlor .....	5
metribuzin .....	0.2
metsulfuron-methyl .....	0.05
monocrotophos .....	0.2
pirimiphos-methyl .....	20
sethoxydim .....	2
thiodicarb .....	30
tralkoxydim .....	0.02
triadimefon .....	10
triasulfuron .....	5

## ENDNOTES

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 6 October 1995. Future amendments of the Chemical Usage (Agricultural and Veterinary) Control Regulation 1989 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

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### 3 Key

**Key to abbreviations in list of legislation and annotations**

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

### 4 List of legislation

**Chemical Usage (Agricultural and Veterinary) Control Regulation 1989 (prev  
Chemical Usage Regulation 1989)**

pubd gaz 28 January 1989 pp 643–6  
commenced on date of publication

as amended by—

**regulation published gazette (pre SL Series)—**

pubd 19 August 1989 p 3205  
commenced on date of publication

**Chemical Usage Amendment Regulation 1991 SL No. 12**

pubd gaz 6 July 1991 p 1422  
commenced on date of publication

**Primary Industries (Variation of Fees) Regulation 1993 SL No. 9**

notfd gaz 29 January 1993 pp 262–5  
commenced on date of notification

**Chemical Usage Amendment Regulation (No. 1) 1993 SL No. 77**

notfd gaz 26 March 1993 pp 1580–3  
commenced on date of notification

**Chemical Usage (Agricultural and Veterinary) Control Amendment Regulation  
(No. 1) 1994 SL No. 351**

notfd gaz 30 September 1994 pp 422–3  
commenced on date of notification

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**Chemical Usage (Agricultural and Veterinary) Control Amendment Regulation  
(No. 1) 1995 SL No. 269**

notfd gaz 22 September 1995 pp 413–16  
commenced on date of publication

## 5 List of annotations

### Short title

s 1 sub 1994 SL No. 351 s 3

### Definitions

**prov hdg** sub 1995 SL No. 269 s 3

s 2 def “**the Act**” om 1993 SL No. 77 s 3(1)  
def “**hormonal growth promotant**” ins 1993 SL No. 77 s 3(2)  
def “**vessel**” ins reg pubd gaz 19 August 1989 p 3205

### Proscribed chemicals

s 3A ins 1995 SL No. 269 s 4

### Charges for supervision

s 5 amd 1991 SL No. 12 s 3  
sub 1993 SL No. 9 s 2 sch

### Use and disposal of tributyltin

s 7 ins reg pubd gaz 19 August 1989 p 3205

### Users of hormonal growth promotants

s 8 ins 1993 SL No. 77 s 4

### Claims made about hormonal growth promotants

s 9 ins 1994 SL No. 351 s 4

### Repeal

s 10 ins 1995 SL No. 269 s 5  
om R1 (see RA s 40)

### SCHEDULE 1—PRESCRIBED CHEMICALS

**hdg** sub 1995 SL No. 269 s 6  
amd reg pubd gaz 19 August 1989 p 3205

### SCHEDULE 1A—PROSCRIBED CHEMICALS

ins 1995 SL No. 269 s 7

### SCHEDULE 2—MAXIMUM RESIDUE LIMITS

**hdg** sub 1995 SL No. 269 s 8

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## **6 Table of obsolete and redundant provisions**

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS  
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1952, s 32A

## **7 Table of corrected minor errors**

TABLE OF CORRECTED MINOR ERRORS  
under the Reprints Act 1992 s 44

Provision	Description
7(1)(b) sch 1A, endrin, column 2	om 'metres in length' om 'expoxy' ins 'epoxy'