

Queensland



Chemical Usage (Agricultural and Veterinary) Control Act 1988

CHEMICAL USAGE (AGRICULTURAL AND VETERINARY) CONTROL REGULATION 1999

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Queensland



**CHEMICAL USAGE (AGRICULTURAL
AND VETERINARY) CONTROL
REGULATION 1999**

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	5
PART 2—PRESCRIBED AND PROSCRIBED CHEMICALS		
2	Prescribed chemicals—Act, s 4	5
3	Proscribed chemicals—Act, s 13(2)	5
PART 3—PRESCRIBED MAXIMUM RESIDUE LIMITS		
<i>Division 1—Preliminary</i>		
4	Purpose of pt 3	6
5	Definitions for pt 3	6
<i>Division 2—MRLs</i>		
6	MRLs for chemicals for human food—MRL standard	7
7	Other MRLs for chemicals for human food	7
8	MRLs for chemicals for animal food—sch 2	7
PART 4—USE OF CHEMICAL PRODUCTS		
<i>Division 1—Restricted chemical products</i>		
9	Definitions for div 1	8
10	Restricted chemical products containing bifenthrin or chlorpyrifos	8
11	Restricted chemical products containing endosulfan	9
12	Other restricted chemical products	9
<i>Division 2—Records of chemical product use</i>		
13	Record requirement	10
14	Obligation to keep record	10

*Chemical Usage (Agricultural and Veterinary)
Control Regulation 1999*

PART 5—HORMONAL GROWTH PROMOTANTS

Division 1—Preliminary

15 Definitions for pt 5 11

Division 2—Obligations if HGP treatment given

16 Obligation to make required earmark 12
17 Obligation to record HGP treatment 12
18 Obligation to keep HGP treatment record 13

Division 3—Obligations if cattle with HGP free tag are sold

Subdivision 1—Saleyard sales by agents

19 Agent’s obligation to give statement 14
20 Agent’s obligation to keep copy of statement 14
21 Buyer’s obligation to keep and produce statement 15

Subdivision 2—Other sales

22 Seller’s obligation to give declaration 15
23 Requirements for declaration 16
24 Seller’s obligation to keep copy of declaration 16
25 Buyer’s obligation to keep and produce declaration 17

PART 6—SUPERVISION FEES AND EXPENSES

26 Application of pt 6 18
27 Hourly fee 18
28 Overnight absence expenses 18

PART 7—MISCELLANEOUS PROVISIONS

29 Approval of forms 19

SCHEDULE 1 21

PRESCRIBED AND PROSCRIBED CHEMICALS

SCHEDULE 2 22

MRLS FOR CHEMICALS FOR ANIMAL FOOD

ENDNOTES

1 Index to endnotes 25
2 Date to which amendments incorporated 25

*Chemical Usage (Agricultural and Veterinary)
Control Regulation 1999*

3	Key	25
4	List of legislation	26
5	List of annotations	26

*Chemical Usage (Agricultural and Veterinary)
Control Regulation 1999*

CHEMICAL USAGE (AGRICULTURAL AND VETERINARY) CONTROL REGULATION 1999

[reprinted as in force on 2 September 1999]

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Chemical Usage (Agricultural and Veterinary) Control Regulation 1999*.

PART 2—PRESCRIBED AND PROSCRIBED CHEMICALS

Prescribed chemicals—Act, s 4

2. For section 4 of the Act, definition “chemical”, paragraph (b), each substance mentioned in schedule 1 is prescribed to be a chemical.

Proscribed chemicals—Act, s 13(2)

3. For section 13(2) of the Act, each chemical mentioned in schedule 1 is a proscribed chemical.¹

¹ Section 13 (Governor in Council may proscribe chemicals) of the Act.
For proscribed chemicals, see section 9 (Person not to possess or use proscribed chemical) of the Act.

PART 3—PRESCRIBED MAXIMUM RESIDUE LIMITS

Division 1—Preliminary

Purpose of pt 3

4. This part prescribes, for the Act section 4, definition “maximum residue limit” and section 38(2)(b), the MRL for certain chemicals for agricultural produce.²

Definitions for pt 3

5. In this part—

“**ERL**” means extraneous residue limit.

“**extraneous residue limit**” means an extraneous residue limit within the meaning of the MRL standard.

“**human food commodity**” means agricultural produce intended or normally used for human consumption.

“**MRL**” means maximum residue limit.

“**MRL standard**” means the National Registration Authority for Agricultural and Veterinary Chemicals, *MRL Standard Maximum Residue Limits in Food and Animal Feedstuffs of Agricultural and Veterinary Chemicals and Associated Substances*, published by the Australian Government Publishing Service, Canberra.³

² The Food Standards Code, standard A14 (Maximum residue limits), also provides for residue limits for food. That code is adopted under the *Food Act 1981*. See *Food Standards Regulation 1994*, part 2 (Adoption of the code).

³ A copy of the MRL standard may be inspected, free of charge, at the Department’s office at 80 Ann Street, Brisbane. At the commencement of this regulation, the standard was available on-line at the National Registration Authority’s website at <<http://www.dpie.gov.au/nra/mrl.html>>.

Division 2—MRLs

MRLs for chemicals for human food—MRL standard

6.(1) If the MRL Standard fixes an MRL level for a chemical for a human food commodity, that level is the prescribed MRL for the chemical for the commodity as a human food commodity.

(2) If the MRL Standard does not fix an MRL level for the chemical for the commodity but fixes an ERL level for the chemical for the commodity, the ERL level is the prescribed MRL for the chemical for the commodity as a human food commodity.

Other MRLs for chemicals for human food

7.(1) If the MRL Standard does not fix an MRL or ERL level for a particular human food commodity, the prescribed MRL for the chemical for the commodity as a human food commodity is zero.

(2) If the MRL Standard does not fix an MRL or ERL level for a chemical for any human food commodity, the prescribed MRL for the chemical for any human food commodity is zero.

(3) However, subsections (1) and (2) do not apply if the use of the chemical in relation to the commodity as a human food commodity is allowed under part 24 of the Act.

(4) If subsection (3) applies, no MRL is prescribed for the use of the chemical mentioned in subsection (3).

MRLs for chemicals for animal food—sch 2

8.(1) The prescribed MRL for a chemical⁵ mentioned in schedule 2 for any animal food is the level stated opposite the name of the chemical in schedule 2.

⁴ Part 2 (Use of chemicals and substances having chemical residues) of the Act

⁵ Under the Act, section 4, definition “chemical”, paragraph (a), the term ‘chemical’ includes a ‘chemical product’.

*Chemical Usage (Agricultural and Veterinary)
Control Regulation 1999*

(2) If a chemical is not mentioned in schedule 2, no MRL is prescribed for the chemical for animal food.

(3) In this section—

“**animal food**” means agricultural produce intended or normally used for animal consumption.

“**chemical**” includes a residue of the chemical stated in the MRL Standard, table 3.⁶

PART 4—USE OF CHEMICAL PRODUCTS

Division 1—Restricted chemical products

Definitions for div 1

9. In this division—

“**authorised**”, for a restricted chemical product, means authorised to use the product under—

- (a) an approved label for containers for the product; or
- (b) a permit for the product.

“**restricted chemical product**” means a restricted chemical product under the Agvet Code.

Restricted chemical products containing bifenthrin or chlorpyrifos

10. A person must not use a restricted chemical product containing bifenthrin or chlorpyrifos, unless the person is—

- (a) authorised to use the product; or
- (b) licensed as a pest control operator under the *Health Act 1937* and

⁶ MRL Standard, table 3 (Residue definition)

*Chemical Usage (Agricultural and Veterinary)
Control Regulation 1999*

the licence permits the person to use the product.

Example of a restricted chemical product containing chlorpyrifos—

Dursban Pre-Construction Termiticide.

Maximum penalty—40 penalty units.

Restricted chemical products containing endosulfan

11. A person must not use a restricted chemical product containing endosulfan, unless the person—

- (a) is authorised to use the product; or
- (b) holds an unrestricted commercial operator's licence or a pilot chemical rating licence under the *Agricultural Chemicals Distribution Control Act 1966*; or
- (c) holds an accreditation to use agricultural chemicals from—
 - (i) Farmcare Australia Farm Chemical User Training Program Incorporated; or
 - (ii) Queensland Agricultural Chemicals Accreditation Council Incorporated.⁷

Maximum penalty—40 penalty units.

Other restricted chemical products

12.(1) This section applies only to a restricted chemical product that does not contain bifenthrin, chlorpyrifos or endosulfan.

(2) A person must not use the product, unless the person is authorised to use the product.

Maximum penalty for subsection (2)—40 penalty units.

⁷ At the commencement of this regulation, Queensland Agricultural Chemicals Accreditation Council Incorporated traded under the business name 'Chemsmart Training Queensland'.

*Chemical Usage (Agricultural and Veterinary)
Control Regulation 1999*

Division 2—Records of chemical product use

Record requirement

13.(1) This section applies to a person if—

- (a) the person uses a chemical product; and
- (b) either—
 - (i) an approved label for containers for the product contains an instruction; or
 - (ii) a permit for the product that applies to the person is subject to a condition under the Agvet Code;⁸ and
- (c) the instruction or condition requires the person to make a stated record of the use of the product.

(2) The person must make the record—

- (a) if the instruction or condition states a day by which the record must be made—on or before the stated day; or
- (b) if paragraph (a) does not apply—as soon as practicable after the chemical product is used.

Maximum penalty for subsection (2)—40 penalty units.

Obligation to keep record

14. A person who makes a record under section 13 must keep it for at least 2 years after the use to which the record relates, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

⁸ For the instructions or conditions, see the Agvet Code, sections 14 (Grant or refusal of application), 23 (Conditions of approval or registration), 114 (Issue of permit) and 116 (Effect of permit).

PART 5—HORMONAL GROWTH PROMOTANTS

Division 1—Preliminary

Definitions for pt 5

15. In this part—

“agent” means a person who is licensed under the *Auctioneers and Agents Act 1971* as an auctioneer or a real estate agent whose licence authorises the person to sell cattle.

“agent’s statement” see section 19(2).

“cattle” includes bull, calf, cow, heifer, ox and steer.

“head” means a head of cattle.

“HGP” means hormonal growth promotant.

“HGP free declaration” see section 22(2).

“HGP free tag” means a HGP free tag in the approved form under the *Stock Act 1915*.

“HGP treatment” means implanting a HGP into an animal.

“HGP treatment record” see section 17(1).

“hormonal growth promotant” means a product that—

(a) contains an anabolic substance or a hormone; and

Examples of ‘an anabolic substance or a hormone’—

- 17 beta oestradiol
- oestradiol benzoate
- progesterone
- testosterone propionate
- trenbolone acetate
- zeranol.

(b) is used to promote the growth of bovines or bubalines.

*Chemical Usage (Agricultural and Veterinary)
Control Regulation 1999*

“sell” includes any of the following—

- (a) supply under an agreement, promise, scheme, transaction (with or without consideration), understanding or undertaking (whether express or implied);
- (b) agree, attempt or offer or agree to sell or supply;
- (c) possess for sale or supply;
- (d) invite or treat or expose for sale or supply;
- (e) cause or permit to be sold or supplied.

Division 2—Obligations if HGP treatment given

Obligation to make required earmark

16.(1) A person must, when giving HGP treatment, permanently mark the animal treated by piercing its right ear with the required earmark so as to leave a space of any size on all sides within the margin of the ear.

Maximum penalty—40 penalty units.

(2) In this section—

“required earmark” means—

- (a) for cattle—a mark or cut upon the ear of the head that is approved under the *Brands Act 1915* for the identification of cattle treated with a HGP; or
- (b) for another animal—a mark of an equal sided triangle with sides of 20 mm.

Obligation to record HGP treatment

17.(1) A person who has given HGP treatment to an animal must make a written record (a “**HGP treatment record**”) as required by this section—

- (a) identifying the animal treated; and
- (b) stating the following—

*Chemical Usage (Agricultural and Veterinary)
Control Regulation 1999*

- (i) the HGP with which the animal was treated;
- (ii) the day the treatment was given (the “**treatment day**”);
- (iii) any HGP acquired for the treatment that was not used and was disposed of;
- (iv) the day of the disposal (the “**disposal day**”).

Maximum penalty—40 penalty units.

(2) For subsection (1)(a), the animal may be identified by reference to its sex and breed.

(3) For subsection (1)(b)(i), the HGP may be stated by giving a distinguishing number for, or particulars to identify, the chemical product that contained the HGP.

(4) The information must be entered in the HGP treatment record—

- (a) for information mentioned in subsection (1)(a) and (b)(i) and (ii)—before the treatment day ends; or
- (b) for information mentioned in subsection (1)(b)(iii) and (iv)—before the disposal day ends.

(5) In this section—

“**disposal**” includes destruction and loss.

Obligation to keep HGP treatment record

18. A person who makes a HGP treatment record must keep it for at least 2 years after the treatment day, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

*Chemical Usage (Agricultural and Veterinary)
Control Regulation 1999*

Division 3—Obligations if cattle with HGP free tag are sold

Subdivision 1—Saleyard sales by agents

Agent’s obligation to give statement

19.(1) This section applies if—

- (a) an agent sells a head at a saleyard for someone else; and
- (b) a HGP free tag is attached to the head.

(2) The agent must give a person who buys the head (the “**buyer**”) a written statement (an “**agent’s statement**”)—

- (a) identifying the head; and
- (b) stating that a HGP free tag was attached to the head when it was sold to the buyer.

Maximum penalty—20 penalty units.

(3) For subsection (2)(a), the head may be identified by reference to—

- (a) its sex and breed; or
- (b) a tag number for the animal under the *Stock Act 1915*; or
- (c) a brand or earmark for the animal under the *Brands Act 1915*.

(4) The agent’s statement may be made about more than 1 head.

Agent’s obligation to keep copy of statement

20.(1) This section applies to an agent who has given a buyer an agent’s statement.

(2) The agent must keep a copy of the statement (the “**agent’s copy**”) for 2 years after the statement was given, unless the agent has a reasonable excuse.

Maximum penalty—20 penalty units.

(3) If an inspector asks the agent for the agent’s copy during the 2 years, the agent must give it to the inspector, unless the agent has a reasonable

*Chemical Usage (Agricultural and Veterinary)
Control Regulation 1999*

excuse.

Maximum penalty—20 penalty units.

(4) The inspector may keep the agent's copy to copy it.

(5) However, the inspector must return the agent's copy as soon as practicable after copying it.

Buyer's obligation to keep and produce statement

21.(1) This section applies if a person has been given an agent's statement as a buyer.

(2) The person must keep the agent's statement for 2 years after it was given, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(3) If an inspector asks the person for the agent's statement during the 2 years, the person must give it to the inspector, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(4) The inspector may keep the agent's statement copy to copy it.

(5) However, the inspector must return the agent's statement as soon as practicable after copying it.

Subdivision 2—Other sales

Seller's obligation to give declaration

22.(1) This section applies if—

- (a) a person (the “**seller**”) sells a head; and
- (b) the sale is other than by an agent at a saleyard acting for someone else; and
- (c) a HGP free tag is attached to the head.

(2) The person must, if asked by the person to whom the head is sold

*Chemical Usage (Agricultural and Veterinary)
Control Regulation 1999*

(the “**buyer**”), give the buyer a written declaration (a “**HGP free declaration**”) as required under section 23 when the seller delivers the head to the buyer.

Maximum penalty for subsection (2)—20 penalty units.

Requirements for declaration

23.(1) A HGP free declaration must—

- (a) identify the animal sold; and
- (b) be made by the seller no more than 7 days before the sale; and
- (c) state the seller has not—
 - (i) given any HGP treatment to the head; or
 - (ii) caused or allowed HGP treatment to be given to the head.

(2) For subsection (1)(a), the animal may be identified by reference to—

- (a) its sex and breed; or
- (b) a tag number for the animal under the *Stock Act 1915*; or
- (c) a brand or earmark for the animal under the *Brands Act 1915*.

(3) Also, if the seller bought the head of cattle from someone else (the “**third person**”), the HGP free declaration must state—

- (a) the third person’s name; and
- (b) either—
 - (i) that a HGP free tag was attached to the head when it was sold to the seller; or
 - (ii) that the seller received a HGP free declaration from the third person.

(4) The HGP free declaration may be made about more than 1 head.

Seller’s obligation to keep copy of declaration

24.(1) This section applies if a person has given a buyer a HGP free declaration.

*Chemical Usage (Agricultural and Veterinary)
Control Regulation 1999*

(2) The person must keep a copy of the HGP free declaration (the “**seller’s copy**”) for 2 years after the declaration was given, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(3) If an inspector asks the person for the seller’s copy during the 2 years, the person must give it to the inspector, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(4) The inspector may keep the seller’s copy to copy it.

(5) However, the inspector must return the seller’s copy as soon as practicable after copying it.

Buyer’s obligation to keep and produce declaration

25.(1) This section applies if a person has been given a HGP free declaration as a buyer.

(2) The person must keep the declaration for 2 years after it was given, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(3) If an inspector asks the person for the HGP free declaration during the 2 years, the person must give it to the inspector, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(4) The inspector may keep the HGP free declaration to copy it.

(5) However, the inspector must return the HGP free declaration as soon as practicable after copying it.

PART 6—SUPERVISION FEES AND EXPENSES

Application of pt 6

26. This part applies to a person if—

- (a) the person has been given a direction under the Act that requires or allows a thing to be done; and
- (b) the direction requires the thing be done under an inspector's supervision.⁹

Hourly fee

27.(1) A fee is payable by the person for each hour or part of an hour of the supervision.

(2) If the supervision, or a part of the supervision, was on a business day, the hourly fee for the supervision or part of the supervision is—

- (a) for working hours—\$25; or
- (b) for other than working hours—\$37.50.

(3) If the supervision, or a part of the supervision, was on a day other than a business day, the hourly fee for the supervision or part of the supervision is \$50.

(4) In this section—

“supervision” includes travelling time for the inspector to travel to and from the place of supervision if the travelling time was for the supervision.

“working hours” means the inspector's working hours under any relevant industrial instrument under the *Industrial Relations Act 1999*.

Overnight absence expenses

28.(1) The person must pay the expense for each overnight absence by

⁹ See section 33 (Supervision by inspector) of the Act.

*Chemical Usage (Agricultural and Veterinary)
Control Regulation 1999*

the inspector for the supervision.

(2) The expense for each overnight absence is the amount that is, or would be, payable under the *Public Service Act 1996* to the inspector as if the inspector is or were a public service officer travelling on official duty.

PART 7—MISCELLANEOUS PROVISIONS

Approval of forms

29.(1) The chief executive may approve forms for use under the Act.

(2) If a form is approved for a purpose, the approved form is the prescribed form for the purpose.

PART 8—REPEAL AND TRANSITIONAL PROVISIONS¹⁰

Definitions for pt 8

30. *In this part—*

“commencement” means the day this regulation commences.

“former regulation” means the *Chemical Usage (Agricultural and Veterinary) Control Regulation 1989*.

Repeal

31. *The Chemical Usage (Agricultural and Veterinary) Control Regulation 1989 is repealed.*

¹⁰ Part 8 (sections 30 to 34) has expired and is included in this reprint for informational purposes only. It will be omitted in the next reprint.

*Chemical Usage (Agricultural and Veterinary)
Control Regulation 1999*

Records under former regulation, s 8

32.(1) A written record made under the former regulation, section 8¹¹ is, on the commencement, taken to be a HGP treatment record made under part 5.

(2) The HGP treatment record is taken to have been made when the written record was made.

Declarations under former regulation, s 9

33.(1) A HGP declaration made under the former regulation, section 9¹² is, on the commencement, taken to be a HGP free declaration made under part 5.

(2) The HGP declaration is taken to have been made when it was made under the former regulation, section 9.

Expiry of pt 8

34. This part expires on the day after the commencement.

¹¹ Section 8 (Users of hormonal growth promotants) of the former regulation

¹² Section 9 (Claims made about hormonal growth promotants) of the former regulation

SCHEDULE 1

PRESCRIBED AND PROSCRIBED CHEMICALS

sections 2 and 3

Common name	Chemical name or composition
aldrin	a product containing 95% 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
chlordan	1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro-4,7-methanoindane
DDT	Mixed isomers of 1,1,1-trichloro-2,2-bis(chlorophenyl)ethane in which <i>pp'</i> -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- <i>exo</i> -1,4- <i>exo</i> -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- <i>endo</i> -1,4- <i>exo</i> -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- <i>exo</i> -1,4- <i>endo</i> -5,8-dimethanonaphthalene
TDE	1,1-dichloro-2,2-bis(4-chlorophenyl)ethane

SCHEDULE 2

MRLS FOR CHEMICALS FOR ANIMAL FOOD

section 8

PART 1—MRLS FOR PRESCRIBED CHEMICALS

Common name	Level (in mg/kg)
aldrin, dieldrin or any total combination of aldrin and dieldrin	0.01
BHC (excluding the gamma isomer)	0.02
chlordane	0.01
DDT	0.1
endrin	0.03
HCB	0.01
heptachlor	0.02

PART 2—MRLS FOR CHEMICAL PRODUCTS

Chemical product	Level (in mg/kg)
alloxym-sodium	0.2
benfluralin	0.02
bensulfuron-methyl	0.05
bioresmethrin	5

*Chemical Usage (Agricultural and Veterinary)
Control Regulation 1999*

SCHEDULE 2 (continued)

bitertanol	0.1
carbaryl	20
carbofuran	2
chlorpyrifos-methyl	20
chlorsulfuron	10
clopyralid	100
cyhalothrin	0.01
dichlorvos	20
dithiocarbamates (except propineb)	30
endosulfan	0.3
ethephon	10
fenamiphos	1
fenitrothion	20
fenvalerate	10
fluroxypyr	25
glyphosate	0.3
haloxyfop	3
inorganic bromide	125
iprodione	5
lindane (gamma BHC)	0.1
maldison	100
methoxychlor	1
methyl bromide	50
metolachlor	5

*Chemical Usage (Agricultural and Veterinary)
Control Regulation 1999*

SCHEDULE 2 (continued)

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

		Page
2	Date to which amendments incorporated	25
3	Key	25
4	List of legislation	26
5	List of annotations	26

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Chemical Usage (Agricultural and Veterinary) Control Regulation 1999 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	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
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

4 List of legislation

Chemical Usage (Agricultural and Veterinary) Control Regulation 1999 SL No. 203

made by the Governor in Council on 26 August 1999
notfd gaz 27 August 1999 pp 2224–7
commenced on date of notification
exp 1 September 2009 (see SIA s 54)

5 List of annotations

PART 8—REPEAL AND TRANSITIONAL PROVISIONS

pt 8 (ss 30–34) exp 28 August 1999 (see s 34)