

SOUTH AUSTRALIA

LIVESTOCK REGULATIONS 1998

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REGULATIONS UNDER THE LIVESTOCK ACT 1997

Livestock Regulations 1998

being

No. 11 of 1998: *Gaz.* 22 January 1998, p. 288¹

as varied by

No. 20 of 1999: *Gaz.* 25 March 1999, p. 1483²

No. 210 of 1999: *Gaz.* 28 October 1999, p. 2120³

¹ Came into operation 22 January 1998: reg. 2.

² Came into operation 25 March 1999: reg. 2.

³ Came into operation 28 October 1999: reg. 2.

N.B. The amendments effected to these regulations by Regulation No. 129 of 2000 and Regulation No. 143 of 2000 had not come into operation at the date of, and have not been included in, this consolidation.

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *For the legislative history of the regulations see Appendix.*

**PART 1
PRELIMINARY**

Citation

1. These regulations may be cited as the *Livestock Regulations 1998*.

Commencement

2. These regulations will come into operation on the day on which the *Livestock Act 1997* comes into operation.

Revocation

3. All regulations previously made under the *Stock Act 1990* are revoked.

Interpretation

4. In these regulations—

"**Act**" means the *Livestock Act 1997*;

"**class 1 vaccine**" means a preparation or substance capable of producing immunity in livestock to the following organisms or disease syndromes:

- anthrax
- avian encephalomyelitis
- Dichelobacter nodosus
- Mareks disease
- rabies
- Shopes fibroma virus;

"**class 2 vaccine**" means a preparation or substance capable of producing immunity in livestock to the following organisms or disease syndromes:

- bovine pestivirus
- Campylobacter fetus var venerealis
- canine adenovirus
- canine distemper
- canine calicivirus
- canine parainfluenza virus
- canine parvovirus
- canine staphylococcal dermatitis
- equine staphylococcal dermatitis
- feline calicivirus
- feline herpes virus
- feline panleukopaenia
- feline viral rhinotracheitis
- feline T-lymphocytic lentivirus
- infectious bovine rhinotracheitis
- infectious canine hepatitis
- Parainfluenza 3 virus
- Staphylococcal mastitis
- Streptococcus equi;

"**HGP earmark**" means an earmark of the kind required to be made immediately after cattle or buffalo are treated with a hormonal growth promotant (*see regulation 20*);

3.

"HGP free declaration" means a declaration, in a form approved by the Chief Inspector, that cattle or buffalo have not been treated with hormonal growth promotants;

"HGP free invoice" means an invoice issued by a stock agent in respect of cattle or buffalo sold by the agent containing an endorsement in a form approved by the Chief Inspector for the purposes of indicating that HGP free tags were attached to cattle or buffalo at the time of sale;

"HGP free tag" means a tag—

- (a) of a kind required to be attached to the tail or an ear of an animal under Part 6; and
- (b) of a colour, and conforming to any other requirements, specified by the Chief Inspector for the purposes of indicating that cattle or buffalo to which such tags are attached have not been treated with hormonal growth promotants;

"hormonal growth promotant" means a product containing one or more hormones (including but not limited to oestradiol, progesterone, trenbolone and zeranol) that increases the growth rate of, and enhances feed conversion in, cattle or buffalo;

"lice" means sheep body lice of the genus *Bovicola ovis*;

"lice-infested sheep" means sheep on which one or more live lice are present;

"vaccine" means—

- (a) a class 1 or 2 vaccine; or
- (b) any other preparation or substance capable of producing immunity in livestock to disease.

Exemptions

5. (1) Section 46(1)(a) of the Act does not apply in relation to the feeding of dogs or cats.

(2) Section 46(1)(c) of the Act does not apply in relation to the following products:

- (a) tallow;
- (b) gelatine;
- (c) meat, or a meat product, sold for human consumption in accordance with the *Meat Hygiene Act 1994* that—
 - (i) has been cooked and offered for human consumption; and
 - (ii) has undergone further heat treatment in the process of becoming food for livestock consumption;
- (d) blood or any extract or derivative of blood.

PART 2
ARTIFICIAL BREEDING

Prescribed class of livestock

6. The following are prescribed classes of livestock for the purposes of the definition of "artificial breeding centre" in section 3 of the Act and for the purposes of section 19(1) of the Act:

- (a) cattle;
- (b) sheep;
- (c) goats;
- (d) pigs;
- (e) horses.

Eligibility requirements for artificial breeding centre

7. (1) In determining whether to grant registration under section 18 of the Act to operate an artificial breeding centre, the Chief Inspector must have regard to—

- (a) the suitability of the applicant to be granted registration; and
- (b) the arrangements that the applicant has made to fulfil the obligations that may arise under these regulations; and
- (c) the suitability of the premises for their purpose; and
- (d) the standard of construction of the premises and the standard of the facilities and equipment on the premises; and
- (e) the nature of the artificial breeding procedures to be carried out at the centre; and
- (f) any other relevant matter.

(2) If an application is made in respect of proposed premises, the Chief Inspector—

- (a) must determine whether he or she will grant registration if the premises are completed substantially in accordance with the proposal and, if so, the conditions (if any) he or she will impose on the registration; and
- (b) if he or she determines that registration will be granted in those circumstances, is bound by that decision.

Conditions of registration of artificial breeding centre

8. The following are conditions of registration under section 18 of the Act to operate an artificial breeding centre:

- (a) there must be compliance in relation to artificial breeding procedures performed by the centre with—
 - (i) the *Code of Practice for Australian Livestock Artificial Breeding Centres* published by the Australian Quarantine and Inspection Service, as in force from time to time; and
 - (ii) the *Minimum Health Standards for Stock Standing at Licensed or Approved Artificial Breeding Centres in Australia* published by the Australian Quarantine and Inspection Service, as in force from time to time;
- (b) the premises to which registration of an artificial breeding centre relates must not, without the approval of the Chief Inspector—
 - (i) be altered or extended;
 - (ii) be used for the carrying out of artificial breeding procedures not authorised by the registration;
- (c) the following records must be kept:
 - (i) records that ensure that the animal from which any semen or embryos have been collected and the place and date of collection can, at all times, be readily determined;
 - (ii) accurate records of all artificial breeding procedures carried out pursuant to the registration;
 - (iii) accurate records relating to the health of an animal from which semen or embryos have been collected pursuant to the registration.

Eligibility requirements—artificial breeding procedures

9. A person is not eligible to be registered under section 19 of the Act to perform an artificial breeding procedure unless the person—

- (a) is a fit and proper person to be registered; and
- (b) has qualifications and experience that the Chief Inspector considers appropriate having regard to the kind of procedures that the applicant would be authorised to perform if granted the registration.

Conditions of registration—artificial breeding procedures

10. (1) The following categories of registration under section 19 of the Act may be granted:

- (a) insemination of livestock—authorising the holder to carry out artificial insemination of livestock;

6.

- (b) semen collection and processing—authorising the holder to collect semen from livestock and process it;
- (c) embryo collection and processing—authorising the holder to collect ova or embryos from livestock and process them.

(2) The following are conditions of registration under section 19 of the Act:

- (a) artificial breeding procedures not authorised by the registration must not be performed;
- (b) the following records must be kept:
 - (i) records that ensure that the animal from which any semen or embryos have been collected and the place and date of collection can, at all times, be readily determined;
 - (ii) accurate records of all artificial breeding procedures carried out pursuant to the registration;
 - (iii) accurate records relating to the health of an animal from which semen or embryos have been collected pursuant to the registration.

Term of registration and renewals

11. (1) The term of registration of an artificial breeding centre or a person authorised to perform artificial breeding procedures is until 30 June in the third year after its grant.

(2) Renewal of registration is for three years.

PART 3
VETERINARY DIAGNOSTIC LABORATORIES

Eligibility requirements

12. (1) In determining whether to grant registration under section 20 of the Act to operate a veterinary diagnostic laboratory, the Chief Inspector must have regard to—

- (a) the suitability of the applicant to be granted registration; and
- (b) the arrangements that the applicant has made to fulfil the obligations that may arise under these regulations; and
- (c) the suitability of the premises for their purpose; and
- (d) the standard of construction of the premises and the standard of the facilities and equipment on the premises; and
- (e) the nature of the examinations and tests to be carried out at the laboratory; and
- (f) any other relevant matter.

(2) If an application is made in respect of proposed premises, the Chief Inspector—

- (a) must determine whether he or she will grant registration if the premises are completed substantially in accordance with the proposal and, if so, the conditions (if any) he or she will impose on the registration; and
- (b) if he or she determines that registration will be granted in those circumstances, is bound by that decision.

Conditions of registration

13. Registration under section 20 of the Act of a veterinary diagnostic laboratory is subject to the following conditions:

- (a) the laboratory must be supervised by a person or persons approved by the Chief Inspector;
 - In respect of the supervision of animal disease diagnosis carried out at the laboratory, the person must be a veterinary surgeon.
 - In respect of the supervision of residue analysis carried out at the laboratory, the person must hold appropriate qualifications.
- (b) the methods used at the laboratory for animal disease diagnosis must conform to the *Australian Standard Techniques for Animal Diseases* published for the Australian Agricultural Council (Standing Committee on Agriculture) by CSIRO Australia, as in force from time to time;
- (c) if a result from any test or analysis carried out at the laboratory indicates that any livestock or livestock product or other property is, or is likely to be, affected with a notifiable condition the result must be reported to the Chief Inspector by the quickest practicable means, together with such further information as the Chief Inspector may reasonably require;

8.

- (d) records of results from each test or analysis carried out at the laboratory must be kept for a period of at least seven years;
- (e) a laboratory sample or specimen affected or reasonably suspected of being affected with a notifiable condition must not, without the approval of the Chief Inspector—
 - (i) be brought into the laboratory from interstate or overseas; or
 - (ii) be sent from the laboratory out of the State;
- (f) laboratory samples or specimens or records of results from a test or analysis carried out at the laboratory, must, at the request of the Chief Inspector, be provided to the Chief Inspector or a person nominated by the Chief;
- (g) the laboratory must participate in a quality assurance program approved by the Chief Inspector.

Term of registration and renewals

14. (1) The term of registration of a veterinary diagnostic laboratory is until 30 June in the third year after registration is granted.

(2) Renewal of registration is for 3 years.

**PART 4
VACCINES**

Sale or supply of vaccines

15. (1) A person must not sell or supply a vaccine for use on livestock unless—

- (a) in the case of a class 1 vaccine—the sale or supply is to a veterinary surgeon, or to some other person approved by the Chief Inspector, for use by that person and the sale or supply has been approved by the Chief Inspector; or
- (b) in the case of a class 2 vaccine—the sale or supply is to a veterinary surgeon, or to some other person approved by the Chief Inspector, for use by that person; or
- (c) in any other case—
 - (i) the preparation or substance is registered under the *Agricultural and Veterinary Chemicals (South Australia) Act 1994*; or
 - (ii) the approval of the Chief Inspector has been obtained.

Maximum penalty: \$5 000.

(2) A person must not sell or supply a vaccine after the date (if any) specified on any label, covering, wrapping or container as the date after which the vaccine should not or must not be used on livestock.

Maximum penalty: \$2 500.
Expiation fee: \$210.

Use of vaccines

16. A person must not, without the approval of the Chief Inspector, use a class 1 or 2 vaccine on livestock unless the person is a veterinary surgeon.

Maximum penalty: \$5 000.

Storage and disposal of vaccines

17. A person who has in his or her possession, custody or control a vaccine intended for sale or supply must—

- (a) ensure that the vaccine is at all times stored in the manner, and at the temperature (if any) specified on any label, covering or wrapping by or under any law; and
- (b) dispose of the vaccine on, or as soon as possible after, the date (if any) specified on any label, covering, wrapping or container as the date after which the vaccine should not or must not be used on livestock.

Maximum penalty: \$2 500.
Expiation fee: \$210.

10.

Prohibition on use of diagnostic agents

18. A person must not, without the approval of the Chief Inspector, use a diagnostic agent (including tuberculin, johnin, mallein or pullorum antigen).

Maximum penalty: \$2 500.

PART 5
HORMONAL GROWTH PROMOTANTS

Method of treatment of cattle or buffalo with hormonal growth promotants

19. A person must not treat cattle or buffalo with a hormonal growth promotant otherwise than by implanting the hormonal growth promotant under the skin behind the ear of the cattle or buffalo.

Maximum penalty: \$5 000.

Expiation fee: \$315.

HGP earmarks

20. (1) If cattle or buffalo are not, immediately after treatment with a hormonal growth promotant, each marked with an earmark consisting of an equilateral triangle with sides 20 millimetres in length, punched through the centre of the left or right ear of the animal (an **HGP earmark**)—

- (a) the owner of the cattle or buffalo; and
- (b) any other person responsible for the husbandry of the cattle or buffalo who treated the cattle or buffalo with the hormonal growth promotant, or caused or permitted the cattle or buffalo to be so treated,

are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(2) Subregulation (1) does not apply in respect of an animal that already has an HGP earmark at the time of treatment with a hormonal growth promotant.

HGP records

21. The owner (or former owner) of cattle or buffalo that are treated with hormonal growth promotants must ensure that records are made, and retained for a period of not less than two years after the cattle or buffalo cease to be in his or her ownership, containing the following information:

- (a) in respect of each type of hormonal growth promotant obtained or used to treat cattle or buffalo—
 - (i) the date on which it was obtained; and
 - (ii) a description of its type; and
 - (iii) the name and address of the person from whom it was obtained; and
 - (iv) the number of doses obtained; and
- (b) in respect of each treatment of cattle or buffalo with each type of hormonal growth promotant—
 - (i) the date of the treatment; and

12.

- (ii) the breed or other description of each animal treated; and
 - (iii) the number of animals treated; and
 - (iv) a description of the type of hormonal growth promotant used for the treatment; and
 - (v) the number of doses of hormonal growth promotant used, lost or wasted in the course of the treatment; and
- (c) in respect of the disposal to some other person of cattle or buffalo treated with hormonal growth promotants—
- (i) the number of animals disposed of; and
 - (ii) the breed or other description of each animal; and
 - (iii) the fact that the animals have been treated with hormonal growth promotants; and
 - (iv) the date of the disposal; and
 - (v) the name of that other person.

Maximum penalty: \$2 500.

Expiation fee: \$210.

HGP free declarations

22. (1) A person must not make an HGP free declaration in respect of cattle or buffalo unless the person is—

- (a) the owner of the cattle or buffalo; or
- (b) a person responsible for the husbandry of the cattle or buffalo authorised by the owner to do so.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(2) A person must not make a statement that is false or misleading in a material particular in an HGP free declaration.

Maximum penalty:

If the person made the statement knowing that it was false or misleading—\$10 000.

In any other case—\$5 000.

(3) For the purposes of subregulation (2), the statement in an HGP declaration that the cattle or buffalo have not been treated with hormonal growth promotants will be taken to be false if the cattle or buffalo have HGP earmarks.

(4) A person must not make an HGP free declaration in respect of cattle or buffalo that have not been continuously in the same ownership since birth unless the current owner of the cattle or buffalo received an HGP free declaration or an HGP free invoice in respect of the cattle or buffalo when they came into his or her ownership.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(5) In proceedings for an offence against subregulation (4), the burden of proving that the current owner received an HGP free declaration or invoice in respect of the cattle or buffalo when they came into his or her ownership lies on the defendant.

HGP free tags

23. (1) If HGP free tags are attached to cattle or buffalo that have HGP earmarks or, despite not having HGP earmarks, have been treated with hormonal growth promotants—

(a) the owner of the cattle or buffalo; and

(b) any other person responsible for the husbandry of the cattle or buffalo who attached the tags or caused or permitted the tags to be so attached,

are each guilty of an offence.

Maximum penalty:

If the owner or person responsible for the husbandry of the cattle or buffalo knows that the cattle or buffalo have been treated with hormonal growth promotants—\$10 000.

In any other case—\$5 000.

(2) If HGP free tags are attached to cattle or buffalo that have not been continuously in the same ownership since birth—

(a) the owner of the cattle or buffalo; and

(b) any other person responsible for the husbandry of the cattle or buffalo who attached or caused or permitted the tags to be so attached,

are each guilty of an offence unless the owner received an HGP free declaration or an HGP free invoice in respect of the cattle or buffalo when they came into his or her ownership.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(3) In proceedings for an offence against subregulation (2), the burden of proving that the owner received an HGP free declaration or invoice in respect of the cattle or buffalo when they came into his or her ownership lies on the defendant.

HGP free invoices etc.

24. (1) A stock agent must give to the purchaser of cattle or buffalo sold by the agent that are identified at the time of sale with HGP free tags either—

(a) an HGP free invoice; or

(b) if the stock agent has, in connection with the sale, received an HGP free declaration in respect of the cattle or buffalo—

(i) a copy of the declaration; and

(ii) if the declaration extends to cattle or buffalo not sold to the purchaser—an invoice that specifies the number and type of cattle or buffalo referred to in the declaration that have been sold to the purchaser (a **split lot invoice**).

Maximum penalty: \$2 500.

Expiation fee: \$210.

(2) A stock agent must ensure that each HGP free invoice issued by the agent—

(a) specifies the number and type of cattle or buffalo that were identified at the time of sale with HGP free tags; and

(b) identifies the land on which the cattle or buffalo were pastured before removal for sale.

Maximum penalty: \$2 500.

Expiation fee: \$210.

(3) A stock agent must retain for a period of not less than two years a copy of each HGP free invoice, HGP free declaration and split lot invoice given to a purchaser under this regulation.

Maximum penalty: \$2 500.

Expiation fee: \$210.

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PART 6
CATTLE AND BUFFALO TAGS

Identification of cattle or buffalo by tagging

26. (1) Subject to subregulation (3), an owner of cattle or buffalo must not, for the purpose of their slaughter or public sale, remove the cattle or buffalo or permit the cattle or buffalo to be removed from land on which they are pastured, unless—

- (a) the Chief Inspector has allotted an identification number in respect of the land (and that number has not been cancelled under regulation 29) and attached to the tail or an ear of each animal is a tag that complies with this regulation and bears the identification number of the land; or
- (b) the cattle have been pastured on that land for not more than seven days and attached to the tail or an ear of each animal is a tag that complies with this regulation and bears the identification number of the land on which they were pastured immediately before being pastured on that land; or
- (c) the prior written approval of an inspector has been obtained.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(2) The tag must have been manufactured by a person authorised for the purpose by the Chief Inspector.

(3) Subregulation (1) does not apply in relation to—

- (a) stud animals, unless they are removed for slaughtering;
- (b) the removal of animals from land to which an identification number applies to land to which the same number applies.

(4) The Chief Inspector may authorise a person to manufacture tags for the purposes of this regulation subject to such conditions as the Chief Inspector considers appropriate (including conditions prohibiting or limiting the marking of tags with information or symbols other than the identification number of land or requiring tags to be made available in a specified colour or to conform to other specifications).

(5) A person authorised by the Chief Inspector to manufacture tags for the purposes of this regulation—

- (a) must keep records of the persons to whom tags are supplied and the number of tags supplied in respect of each identification number (such records being kept in a manner than enables determination of the persons to whom HGP free tags are supplied and the number of HGP free tags supplied in respect of each identification number); and
- (b) must, at the request of an inspector, produce the records for inspection.

Maximum penalty: \$2 500.

Expiation fee: \$210.

(6) Where an inspector suspects on reasonable grounds that a person has removed, or is about to remove, cattle or buffalo in contravention of subregulation (1), the inspector may—

- (a) require the owner or person in charge of the animals to—
 - (i) muster them at or take them to a specified place convenient for inspecting, or attaching tags to, the animals; and
 - (ii) attach tags to animals found not to be tagged in accordance with this regulation; and
 - (iii) detain the animals at a specified place, or return the animals to the place from which they have been removed, until they are tagged in accordance with this regulation; and
- (b) if the owner or person in charge refuses or fails to comply with such a requirement—take the action required to be taken, with or without assistance.

(7) The Minister may recover costs and expenses reasonably incurred by an inspector under subregulation (6) by action in a court of competent jurisdiction as a debt owed by the person of whom the requirement was made.

(8) In this regulation—

"**stud animal**" means an animal that is registered with a society of breeders of animals of the same breed.

No unauthorised tail tags

27. (1) In the circumstances in which tags are required to be attached to cattle or buffalo under this Part, the only tags that may be attached to the tails of the cattle or buffalo are—

- (a) tags of the kind required to be attached under this Part (including tags attached on earlier occasions); or
- (b) tags of a kind approved by the Chief Inspector.

(2) If a tag of a different kind is attached to the tail of cattle or buffalo in contravention of subregulation (1), the owner of the cattle or buffalo is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

Sale of land to which identification number allotted

28. Within 30 days after the sale of land to which an identification number has been allotted under this Part, the vendor must provide the Chief Inspector with the following information in writing—

- (a) the date of the sale; and

17.

(b) the name and address of the purchaser.

Maximum penalty: \$2 500.

Expiation fee: \$210.

Cancellation of identification numbers

29. (1) The Chief Inspector may cancel an identification number allotted to land—

(a) at the request or with the consent of the owner of the land; or

(b) if satisfied that no tags bearing the identification number of the land have been used in the preceding three years.

(2) The Chief Inspector must give notice of any cancellation of an identification number under subregulation (1)(b) to the last known owner of the land at his or her last known address.

**PART 7
SHEEP LICE**

Offence if lice-infested sheep at market

30. (1) If lice-infested sheep are present at a market—

- (a) the owner of the sheep; and
- (b) any other person who consigned the sheep to the market,

are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(2) It is a defence to a charge of an offence against subregulation (1) if it is proved—

- (a) that the sheep (or an appropriate number of the sheep selected on an appropriate basis) had been properly inspected for the presence of lice by a person with suitable experience or training within 14 days before the sheep were taken to the market and no live lice were found in the course of the inspection; and
- (b) that after the inspection and before being taken to the market the sheep were kept separate from sheep other than sheep similarly inspected during that period and found to be free of live lice.

(3) In this regulation—

"**market**" means a market, fair, sale, show, parade or other gathering or competition at which sheep from different holdings are present (but does not include an abattoir or slaughterhouse).

Offence if lice-infested sheep stray

31. If lice-infested sheep stray, the owner of the sheep and any other person responsible for control of the sheep are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

SCHEDULE 1

Fees

1. Application for registration or renewal of registration of artificial breeding centre \$250
2. Application for registration or renewal of registration authorising artificial breeding procedure \$50
(The same fee applies in relation to an applicant for, or for renewal of, registration authorising more than one category of artificial breeding procedure.)
3. Application for registration or renewal of registration of diagnostic laboratory \$250
4. Replacement certificate of registration \$20

APPENDIX

LEGISLATIVE HISTORY

Regulation 4:	definitions of "HGP earmark", "HGP free declaration", HGP free invoice" and "HGP free tag" inserted by 20, 1999, reg. 3
Regulation 5:	redesignated as reg. 5(1) by 210, 1999, reg. 3
Regulation 5(2):	inserted by 210, 1999, reg. 3
Regulations 20 - 24:	substituted by 20, 1999, reg. 4
Regulation 25:	revoked by 20, 1999, reg. 4
Regulation 26(4):	varied by 20, 1999, reg. 5(a)
Regulation 26(5):	varied by 20, 1999, reg. 5(b)