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Agricultural and Veterinary Chemicals (Control of Use) (Handling of Chemical Products) Order 1996

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Agricultural and Veterinary Chemicals (Control of Use) (Handling of Chemical Products) Order 1996

I make the following order under section 20(2) of the Agricultural and Veterinary Chemicals (Control of Use) Act 1995 .

17 December 1996

B. BONDE

Minister for Primary Industry and Fisheries

1. Short title

This order may be cited as the Agricultural and Veterinary Chemicals (Control of Use) (Handling of Chemical Products) Order 1996 .

2. Commencement

This order takes effect on the day proclaimed under section 2 of the Agricultural and Veterinary Chemicals (Control of Use) Act 1995 .

3. Interpretation

(1) In this order –

Act means the Agricultural and Veterinary Chemicals (Control of Use) Act 1995 .

(2) The Acts Interpretation Act 1931 applies to the interpretation of this order as if the order were by-laws.

4. Prohibition on using on, or feeding to, stock or horses certain chemical products

A person must not use on stock or horses or include in feed intended to be fed to stock or horses a chemical product, or a chemical product of a class of chemical product, specified in Schedule 1 .

Penalty: Fine not exceeding –

(a) 400 penalty units in the case of a corporation; and

(b) 200 penalty units in the case of any other person.

5. Regulation of handling and disposal of chemical product

(1) In this clause –

body of water means any lake, pond, dam, river, watercourse and other body of water;

injurious presence means the presence of a chemical product in a body of water to such an extent that –

(a) it is or may be injurious to any person, animal or plant using or coming into contact with that body of water or water obtained from that body of water; or

(b) it will or may cause the presence of a residue in food for humans or animals produced –

(i) by using water obtained from that body of water; or

(ii) from an animal or plant that has come into contact with that body of water or water obtained from that body of water.

(2) A person who handles or disposes of a chemical product must ensure that the handling or disposal of the chemical product does not cause the chemical product to be an injurious presence in any body of water.

Penalty: Fine not exceeding 50 penalty units.

(3) Subclause (2) does not apply where the chemical product is handled solely for the purpose of preventing, controlling or minimising the spread in, or the eradication from, a body of water of a plant, animal or other organism growing or living in the body of water if –

(a) that purpose of preventing, controlling or minimising the spread of, or eradicating, the plant, animal or organism could not reasonably be effected by some other means that would not cause that chemical product to be an injurious presence in that body of water; and

(b) that handling is done in a manner that avoids, as far as is practicable, that chemical product being an injurious presence in another body of water.

(4) Subclause (2) does not apply if the handling or disposal is done in accordance with a permit in force under the Act.

SCHEDULE 1 - Chemical products that cannot be used on, or fed to, stock or horses

Clause 4

1. A veterinary chemical product that contains any one or more of the following:
 - (a) resperine;
 - (b) nitrofurantoin;
 - (c) diethylstilbestrol;
 - (d) any ester or salt of diethylstilbestrol;
 - (e) chloramphenicol;
 - (f) any salt or derivative of chloramphenicol;
 - (g) clenbuterol and related beta-agonists;
 - (h) any compound containing sulfonamide but not including the following compounds:
 - (i) sulfadiazine;
 - (ii) sulfadiazine;
 - (iii) sulfatiazole;
 - (iv) sulfaquinoxaline.

Displayed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 25 December 1996

This order is administered in the Department of Primary Industry and Fisheries.