

Version No. 005
Agricultural and Veterinary Chemicals
(Control of Use) (Infringement Notices)
Regulations 2004

S.R. No. 155/2004

Version incorporating amendments as at 25 May 2010

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Version No. 005

**Agricultural and Veterinary Chemicals
(Control of Use) (Infringement Notices)
Regulations 2004**

S.R. No. 155/2004

Version incorporating amendments as at 25 May 2010

1 Objective

The objective of these Regulations is to provide for the issue of infringement notices under the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**.

2 Authorising provision

These Regulations are made under section 76 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**.

3 Commencement

These Regulations come into operation on 19 December 2004.

4 Revocation

The Regulations listed in Schedule 1 are **revoked**.

5 Definition

In these Regulations, *the Act* means the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**.

6 Prescribed offences

For the purposes of section 69(1) of the Act, the prescribed offences are the offences set out in Schedule 2.

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7 Prescribed penalty

The penalty for a prescribed offence is 2 penalty units.

8 Summary of infringement not to affect nature of offence

A summary of an offence in Column 3 of Schedule 2 is not taken to affect the nature of the elements of the offence to which the summary refers or the operation of these Regulations.

* * * * *

Reg. 8
revoked by
S.R. No.
113/2006
reg. 3,
new reg. 8
inserted by
S.R. No.
83/2007 reg. 3.

Regs 9–10
revoked by
S.R. No.
113/2006
reg. 3.

Agricultural and Veterinary Chemicals (Control of Use) (Infringement
Notices) Regulations 2004
S.R. No. 155/2004

Sch. 1

SCHEDULES

SCHEDULE 1

Regulation 4

REGULATIONS REVOKED

<i>S.R. No.</i>	<i>Title</i>
211/1994	Agricultural and Veterinary Chemicals (Infringement Notices) Regulations 1994
27/1995	Agricultural and Veterinary Chemicals (Infringement Notices) (Amendment) Regulations 1995
90/1995	Agricultural and Veterinary Chemicals (Infringement Notices) (Further Amendment) Regulations 1995
123/1997	Agricultural and Veterinary Chemicals (Infringement Notices) (Amendment) Regulations 1997
33/2003	Agricultural and Veterinary Chemicals (Infringement Notices) (Amendment) Regulations 2003

Agricultural and Veterinary Chemicals (Control of Use) (Infringement
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S.R. No. 155/2004

Sch. 2

SCHEDULE 2

Regulation 6

INFRINGEMENTS—PRESCRIBED OFFENCES

Sch. 2 Pt 1
amended by
S.R. No.
29/2010 reg. 3.

PART 1—OFFENCES UNDER THE ACT

Column 1	Column 2	Column 3
<i>Item No.</i>	<i>Section of the Act creating the offence</i>	<i>Summary of offence</i>
1	18(4)	Non-compliance with a notice issued under section 18(3) of the Act
2	48(2)	Non-compliance with contaminated stock Order
3	49(4)	Non-compliance with contaminated stock notice
4	52AA	Producer sells or offers to sell contaminated agricultural produce
5	67A(1)	Non-compliance with a condition of an authority

Sch. 2 Pt 2
substituted by
S.R. No.
83/2007 reg. 4.

**PART 2—OFFENCES UNDER THE AGRICULTURAL AND
VETERINARY CHEMICALS (CONTROL OF USE)
REGULATIONS 2007**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item No.</i>	<i>Regulation creating the offence</i>	<i>Summary of offence</i>
1	5(2)	Failure by user of agricultural chemical product to make records
2	5(3)	Failure by user of agricultural chemical product to keep records
3	6(3)	Failure by user of veterinary chemical product to make records

Agricultural and Veterinary Chemicals (Control of Use) (Infringement
Notices) Regulations 2004
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Sch. 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item No.</i>	<i>Regulation creating the offence</i>	<i>Summary of offence</i>
4	6(4)	Failure by user of veterinary chemical products to keep records
5	7(2)	Failure by veterinary practitioner to make records of the sale or use of veterinary chemical product
6	7(3)	Failure by veterinary practitioner to keep records of the sale or use of veterinary chemical product
7	11(1)	Failure by user to make record of use of hormonal growth promotant
8	11(2)	Failure by user to keep record of use of hormonal growth promotant
9	12(1)	Failure by occupier of land to advise person engaged to carry out agricultural spraying whether a school, hospital, premises from which an aged care service is provided or children's service is located within 200 metres of the land and the location of such a school, hospital, premises or service
10	12(2)	Failure of person engaged to carry out spraying on land to advise occupier of product to be sprayed and proposed date, time and duration of spraying
11	12(3)	Starting spraying on land without advice from occupier as to whether a school, hospital, premises from which an aged care service is provided or children's service is located within 200 metres of the land

Agricultural and Veterinary Chemicals (Control of Use) (Infringement
Notices) Regulations 2004
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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item No.</i>	<i>Regulation creating the offence</i>	<i>Summary of offence</i>
12	14	Carrying out aerial spraying unless— (a) a smoke generating device is used at ground level at or near the point of spraying immediately before and during spraying; or (b) the aircraft is fitted with a smoke generating device that is operated immediately before and during spraying; or (c) a windsock is in operation and is clearly visible to the pilot at ground level at or near the point of spraying immediately before and during spraying; or (d) an automatic weather station is located at or near the point of spraying and information about the wind speed and direction is available to the pilot immediately before and during spraying

ENDNOTES

1. General Information

The Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices) Regulations 2004, S.R. No. 155/2004 were made on 7 December 2004 by the Governor in Council under section 76 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**, No. 46/1992 and came into operation on 19 December 2004: regulation 3.

The Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices) Regulations 2004 will sunset 10 years after the day of making on 7 December 2014 (see section 5 of the **Subordinate Legislation Act 1994**).

Agricultural and Veterinary Chemicals (Control of Use) (Infringement
Notices) Regulations 2004
S.R. No. 155/2004

Endnotes

2. Table of Amendments

This Version incorporates amendments made to the Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices) Regulations 2004 by statutory rules, subordinate instruments and Acts.

Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices)
(Amendment) Regulations 2006, S.R. No. 113/2006

Date of Making: 29.8.06

Date of Commencement: 29.8.06

Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices)
(Amendment) Regulations 2007, S.R. No. 83/2007

Date of Making: 24.7.07

Date of Commencement: 24.7.07

Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices)
Amendment Regulations 2010, S.R. No. 29/2010

Date of Making: 25.5.10

Date of Commencement: 25.5.10

3. Explanatory Details

No entries at date of publication.