

Authorised Version No. 001
Agricultural and Veterinary Chemicals
(Control of Use) (Fertilisers) Regulations
2015

S.R. No. 108/2015

Authorised Version as at
1 October 2015

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Part 1—Preliminary

1 Objective

The objective of these Regulations is to prescribe—

- (a) the requirements for labels and advice notes for fertilisers sold in Victoria; and
- (b) standards for maximum levels of contaminants in fertilisers sold in Victoria.

2 Authorising provisions

These Regulations are made under sections 24, 27 and 76 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**.

3 Commencement

These Regulations come into operation on 1 October 2015.

4 Revocation

The Agricultural and Veterinary Chemicals (Control of Use) (Fertilisers) Regulations 2005¹ are **revoked**.

5 Definitions

In these Regulations—

biuret means a substance with the chemical name Imidodicarbonic diamide and having the chemical formula $C_2H_5N_3O_2$;

trace elements means the elements boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo), or zinc (Zn).

6 Concentrations and weight by reference to dry mass

In these Regulations, a reference to the concentration or weight of a substance per kilogram of a fertiliser or other substance must be calculated and stated by reference to the mass of the substance in a kilogram of the dry fertiliser or other substance.

Part 2—Labels and advice notes

7 Labels for packaged fertilisers

- (1) A fertiliser that is sold in a packaged form must have a label affixed in a secure and durable manner to each package covering or containing the fertiliser.
- (2) A label referred to in subregulation (1) must—
 - (a) state the name of the fertiliser; and
 - (b) state the quantity (by weight or volume) of the fertiliser covered by or contained in the package; and
 - (c) state the name and full business address of the Australian wholesale dealer or the seller of the fertiliser; and
 - (d) contain the warning statements required by regulation 10 for that fertiliser.
- (3) The information on the label must—
 - (a) be in English; and
 - (b) be in letters and figures not less than 2 millimetres high.
- (4) The information on the label may also be given in a language other than English.

Note

Section 18(1)(a) of the Act prohibits the sale of a fertiliser unless it is accompanied by a label which complies with the Regulations. In the case of a corporation, a penalty of 400 penalty units applies and in any other case, a penalty of 200 penalty units applies.

8 Advice notes for bulk fertilisers

- (1) If a fertiliser is sold in an unpackaged form, the seller must provide the buyer with an advice note as follows—

- (a) if the fertiliser is collected from the seller by the purchaser or purchaser's agent, the advice note must be handed to the purchaser or purchaser's agent at the time the fertiliser is collected; or
 - (b) if the fertiliser is delivered to the purchaser or purchaser's agent, the advice note must be handed to the purchaser or purchaser's agent at the time of delivery; or
 - (c) if the fertiliser is delivered to premises where neither the purchaser nor purchaser's agent is present, the seller must take reasonable steps to ensure that the advice note is provided to the purchaser within 2 days of the delivery date.
- (2) An advice note provided under subregulation (1)(c) must identify the fertiliser to which it relates and the date and location of delivery of that fertiliser.
- (3) An advice note referred to in subregulation (1) must—
- (a) state the name of the fertiliser; and
 - (b) state the quantity (by weight or volume) of the fertiliser sold; and
 - (c) state the name and full business address of the seller of the fertiliser; and
 - (d) contain the warning statements that are required by regulation 10 in respect of that fertiliser.
- (4) The information on the advice note must—
- (a) be in English; and
 - (b) be in letters and figures not less than 2 millimetres high.

- (5) The information on the advice note may also be given in a language other than English.

Note

Section 18(1)(a) of the Act prohibits the sale of a fertiliser unless it is accompanied by an advice note which complies with the Regulations. In the case of a corporation, a penalty of 400 penalty units applies and in any other case, a penalty of 200 penalty units applies.

9 Additional requirements for fertilisers containing cadmium, mercury and lead

The concentration of cadmium (Cd), mercury (Hg), or lead (Pb) present in a fertiliser must be stated on the label or advice note in the following circumstances—

- (a) if the concentration of cadmium (Cd) is greater than 1.0 milligram of cadmium (Cd) per kilogram; or
- (b) if the concentration of mercury (Hg) is greater than 0.2 milligrams of mercury (Hg) per kilogram; or
- (c) if the concentration of lead (Pb) is greater than 20.0 milligrams of lead (Pb) per kilogram.

10 Warning statements on labels or advice notes for fertiliser

- (1) This regulation specifies the warning statements that must be shown on—
- (a) a label affixed to packaged fertiliser under regulation 7; and
 - (b) an advice note provided with unpackaged fertiliser under regulation 8.

- (2) The warning statement required for fertiliser containing biuret is as follows—
- (a) if the fertiliser contains more than 10.0 grams but not more than 20.0 grams biuret per kilogram of total nitrogen (N)—
"WARNING—this fertiliser contains biuret. Repeated foliar sprays may cause damage to citrus.";
 - (b) if the fertiliser contains more than 20.0 grams but not more than 30.0 grams biuret per kilogram of total nitrogen (N)—
"WARNING—this fertiliser contains biuret. It is not recommended for repeated foliar application on horticultural crops.";
 - (c) if the fertiliser contains more than 30.0 grams biuret per kilogram of total nitrogen (N)—
"WARNING—this fertiliser contains biuret. It is not recommended for foliar application except on turf."
- (3) The warning statement required for fertiliser containing molybdenum (Mo) in excess of 10.0 milligrams per kilogram, other than a fertiliser also containing copper (Cu) in an equivalent or greater amount than molybdenum, is—
"WARNING—excessive application of molybdenum to pasture can be harmful to stock animals. Plant levels of molybdenum can be high for up to 4 weeks after application. It is advisable to keep stock animals off areas to which this product has been applied for 4 weeks."

- (4) The warning statement required for fertiliser containing selenium (Se) in excess of 10.0 milligrams per kilogram is—
"WARNING—excessive use of this product can be toxic to livestock. This product should not be used if a selenium deficiency does not exist in stock animals grazing on the area where it is to be applied. This product must not be applied at a rate greater than that stated on the label or advice note."
- (5) The warning statement required for fertiliser containing cadmium (Cd) in excess of 1.0 milligram per kilogram is—
"WARNING—this product contains cadmium. Its use may result in accumulation of cadmium in the soil and may lead to residue levels in plant and animal products in excess of the maximum level specified by the Australia New Zealand Food Standards Code."
- (6) The warning statement required for fertiliser containing mercury (Hg) in excess of 0.2 milligrams per kilogram is—
"WARNING—this product contains mercury. Its use may result in accumulation of mercury in the soil and may lead to residue levels in plant and animal products in excess of the maximum level specified by the Australia New Zealand Food Standards Code."
- (7) The warning statement required for fertiliser containing lead (Pb) in excess of 20.0 milligrams per kilogram is—
"WARNING—this product contains lead. Its use may result in accumulation of lead in the soil and may lead to residue levels in plant and animal products in excess of the maximum level specified

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by the Australia New Zealand Food Standards Code.".

- (8) The warning statement required for fertiliser sold in a solid form—
- (a) in any quantity without packaging; or
 - (b) in a package weighing more than 5 kilograms—

is—

"WARNING—the dust from this product may act as an irritant. Avoid inhalation and contact with the eyes and skin.".

Part 3—Standards for maximum levels of contaminants in fertilisers

Note

Section 24(1) of the Act prohibits the manufacture or sale of a fertiliser that does not comply with a relevant standard in the Regulations, or contains a constituent that does not comply with that standard. In the case of a corporation, a penalty of 400 penalty units applies and in any other case, a penalty of 200 penalty units applies. This Part sets out the applicable standards for fertilisers.

11 Cadmium

- (1) The concentration of cadmium (Cd) in a fertiliser that contains 20 grams or more of phosphorus (P) in a kilogram must not exceed 300.0 milligrams for each kilogram of phosphorus (P) in the fertiliser.
- (2) The concentration of cadmium (Cd) in a fertiliser that only contains trace elements must not exceed 50.0 milligrams for each kilogram of the fertiliser.
- (3) The concentration of cadmium (Cd) in any other fertiliser must not exceed 10.0 milligrams for each kilogram of the fertiliser.

12 Mercury

The concentration of mercury (Hg) in a fertiliser must not exceed 5.0 milligrams for each kilogram of the fertiliser.

13 Lead

- (1) The concentration of lead (Pb) in a fertiliser partially constituted by trace elements must not exceed 500.0 milligrams for each kilogram of the fertiliser.
- (2) The concentration of lead (Pb) in a fertiliser that only contains trace elements must not exceed 2.0 grams for each kilogram of the fertiliser.

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- (3) The concentration of lead (Pb) in a fertiliser that does not contain trace elements must not exceed 100.0 milligrams for each kilogram of the fertiliser.

Part 4—Transitional provisions

14 Definitions

In this Part—

2005 Regulations means the Agricultural and Veterinary Chemicals (Control of Use) (Fertilisers) Regulations 2005 as in force immediately before the commencement of these Regulations.

15 Labels for packaged fertilisers sold before 1 October 2016

For the purposes of regulation 7(2)(d), a label affixed to fertiliser sold in a packaged form is taken to contain the warning statements required by regulation 10 for that fertiliser if—

- (a) the fertiliser is sold before 1 October 2016; and
- (b) the label contains the warning statements prescribed by regulation 8 of the 2005 Regulations.

16 Advice notes for bulk fertilisers sold before 1 February 2016

For the purposes of regulation 8(3)(d), an advice note provided with fertiliser sold in an unpackaged form is taken to contain the warning statements required by regulation 10 for that fertiliser if—

- (a) the fertiliser is sold before 1 February 2016; and
- (b) the advice note contains the warning statements prescribed by regulation 8 of the 2005 Regulations.

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Agricultural and Veterinary Chemicals (Control of Use) (Fertilisers) Regulations 2015, S.R. No. 108/2015 were made on 29 September 2015 by the Governor in Council under sections 24, 27 and 76 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**, No. 46/1992 and came into operation on 1 October 2015: regulation 3.

The Agricultural and Veterinary Chemicals (Control of Use) (Fertilisers) Regulations 2015 will sunset 10 years after the day of making on 29 September 2025 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

2 Table of Amendments

There are no amendments made to the Agricultural and Veterinary Chemicals (Control of Use) (Fertilisers) Regulations 2015 by statutory rules, subordinate instruments and Acts.

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

¹ Reg. 4: S.R. No. 122/2005.