

Authorised Version No. 058
Agricultural and Veterinary Chemicals
(Control of Use) Act 1992

No. 46 of 1992

Authorised Version incorporating amendments as at
1 October 2022

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Agricultural and Veterinary Chemicals
(Control of Use) Act 1992

No. 46 of 1992

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Part 1—Preliminary

1 Purposes

The purposes of this Act are—

- (a) to impose controls in relation to the use, application and sale of agricultural and veterinary chemical products, fertilisers and stock foods and the manufacture of fertilisers and stock foods, for the purpose of—
 - (i) protecting the health of the general public and the users of those products; and
 - (ii) protecting the environment; and
 - (iii) protecting the health and welfare of animals; and
 - (iv) protecting domestic and export trade in agricultural produce and livestock; and
 - (v) ensuring that a product is effective for the purposes described on its label; and
 - (vi) promoting uniformity of regulation throughout Australia; and
- (b) to impose controls in relation to agricultural spraying and to provide protection against financial loss caused by damage to plants and stock from agricultural spraying; and

S. 1(a)
amended by
No. 73/1994
s. 39.

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S. 1(c)
amended by
No. 55/2001
s. 4.

(c) to impose controls in relation to the production of agricultural produce to avoid the contamination of food for human consumption; and

S. 1(d)
inserted by
No. 55/2001
s. 4.

(d) to impose controls in relation to the transport, handling, sale and other dealings with agricultural produce, fertilisers and stock food.

2 Commencement

This Act comes into operation on a day or days to be proclaimed.

3 Act to bind Crown

This Act binds the Crown, not only in right of Victoria but also, so far as the legislative power of Parliament permits, in all its other capacities.

4 Definitions

(1) In this Act—

S. 4(1) def. of
advice note
amended by
Nos 73/1994
s. 40(c),
33/2000
s. 3(a),
22/2022
s. 25(b).

advice note means any document (other than a label or an approved label) that contains any information about a veterinary chemical product, fertiliser, stock food or meal of animal origin or advice on its use, and that is supplied by the seller to the buyer in connection with the sale of the veterinary chemical product, fertiliser, stock food or meal of animal origin;

S. 4(1) def. of
aerial spraying
amended by
No. 73/1994
s. 40(d).

aerial spraying means the spraying, spreading or dispersing of an agricultural chemical product (whether in a solid or liquid form) from an aircraft in flight;

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S. 4(1) def. of
*agricultural
chemical
preparation*
repealed by
No. 73/1994
s. 40(a).

agricultural chemical product has the same
meaning as in the Agvet Code of Victoria;

S. 4(1) def. of
*agricultural
chemical
product*
inserted by
No. 73/1994
s. 40(b).

agricultural produce means—

- (a) any plant or part of a plant, whether
harvested or not; or
- (b) any carcass or commodity obtained
from a plant or an animal—

which is ordinarily used as, or manufactured
into, food for humans or animals and—

- (c) includes any other commodity that is
obtained from a plant or an animal and
that is declared under subsection (4) to
be agricultural produce; and
- (d) does not include any plant, animal or
commodity that is declared under
subsection (4) not to be agricultural
produce;

agricultural spraying means the spraying,
spreading or dispersing of an agricultural
chemical product from any machine or piece
of equipment, and includes aerial spraying;

S. 4(1) def. of
*agricultural
spraying*
amended by
No. 73/1994
s. 40(e).

Agvet Code of Victoria has the same meaning as
in the **Agricultural and Veterinary
Chemicals (Victoria) Act 1994**;

S. 4(1) def. of
*Agvet Code of
Victoria*
inserted by
No. 73/1994
s. 40(b).

aircraft includes a helicopter;

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S. 4(1) def. of
animal
substituted by
No. 73/1994
s. 40(f).

animal has the same meaning as in the Agvet
Code of Victoria;

approved fee means a fee that is fixed by the
Minister by notice published in the
Government Gazette;

S. 4(1) def. of
*approved
insurance
policy*
repealed by
No. 35/2009
s. 3(4).

* * * * *

S. 4(1) def. of
*approved
label*
inserted by
No. 22/2022
s. 25(a).

approved label has the same meaning as in the
AgVet Code of Victoria;

S. 4(1) def. of
APVMA
inserted by
No. 35/2009
s. 3(1).

APVMA means the Australian Pesticides and
Veterinary Medicines Authority continued in
existence by section 6 of the Agricultural and
Veterinary Chemicals (Administration)
Act 1992 of the Commonwealth;

authorised officer means an officer appointed
under section 53;

S. 4(1) def. of
Board
repealed by
No. 73/1994
s. 40(a).

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S. 4(1) def. of
*Certificate of
clearance*
repealed by
No. 73/1994
s. 40(a).

* * * * *

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chemical product means an agricultural chemical product or a veterinary chemical product;

S. 4(1) def. of *chemical product* inserted by No. 73/1994 s. 40(b).

* * * * *

S. 4(1) def. of *chief administrator* substituted by No. 73/1994 s. 40(g), amended by Nos 55/2001 s. 5(a), 108/2004 s. 117(1) (Sch. 3 item 6.1(a)), repealed by No. 22/2022 s. 27(1)(b).

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S. 4(1) def. of *clearance authority* repealed by No. 73/1994 s. 40(a).

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S. 4(1) def. of *Committee* repealed by No. 48/2016 s. 3.

* * * * *

S. 4(1) def. of *Commonwealth Act* repealed by No. 73/1994 s. 40(a).

contaminant includes a radioactive substance;

constituent includes additive and contaminant;

contaminated, in relation to an animal or to agricultural produce, means an animal or produce in which a contaminant is present—

(a) in excess of the maximum residue limit;
or

S. 4(1) def. of *contaminated*, in relation to an animal or to agricultural produce amended by No. 35/2009 s. 3(2).

- (b) if there is no maximum residue limit for that contaminant at such a level that the produce does not, or that the food produced from the animal or produce is not likely to, comply with the **Food Act 1984**;

S. 4(1) def. of *contaminated*, in relation to a fertiliser or stock food inserted by No. 55/2001 s. 5(e).

contaminated, in relation to a fertiliser or stock food, means having a contaminant present in the fertiliser or stock food in excess of the maximum limit for that substance;

contaminated produce notice means a notice issued under section 52;

S. 4(1) def. of *Department* substituted by Nos 73/1994 s. 40(h), 46/1998 s. 7(Sch. 1) (as amended by No. 12/1999 s. 3(Sch. 1 item 2)), amended by Nos 56/2003 s. 11(Sch. item 1.1), 70/2013 s. 4(Sch. 2 item 4.1), substituted by No. 22/2022 s. 27(1)(c).

Department means Department of Jobs, Precincts and Regions;

destruction notice means a notice issued under section 58;

S. 4(1) def. of *fertiliser* amended by No. 73/1994 s. 40(i).

fertiliser means—

- (a) a substance that is manufactured, represented, sold or used as a means of directly or indirectly—
(i) fertilising the soil; or

- (ii) supplying nutrients to plants; or
- (iii) conditioning soil by altering the chemical, physical or biological composition of the soil; or
- (b) a substance that is declared under subsection (4) to be a fertiliser—
but does not include—
- (c) an agricultural chemical product; or
- (d) a substance that is declared under subsection (4) not to be a fertiliser;

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S. 4(1) def. of *formulate* repealed by No. 73/1994 s. 40(a).

inspect, in relation to a power to inspect, includes search;

S. 4(1) def. of *inspect* inserted by No. 22/2022 s. 3.

label includes any tag, brand, mark, stamp, stencil, leaflet or statement in writing that is marked on or attached to the package of a chemical product, fertiliser, stock food or meal of animal origin at the time of its sale or delivery to the buyer;

S. 4(1) def. of *label* amended by Nos 73/1994 s. 40(j)(i)(ii), 33/2000 s. 3(a).

land use restriction notice means a notice issued under section 50;

maximum limit, in relation to a substance present in a fertiliser or stock food, means the level that is declared under subsection (4) to be the maximum limit for that substance in relation to fertilisers or stock foods of that type;

S. 4(1) def. of *maximum limit* inserted by No. 55/2001 s. 5(e).

S. 4(1) def. of
*maximum
residue limit*
substituted by
No. 35/2009
s. 3(3).

maximum residue limit, in relation to a substance present in an animal or in agricultural produce, means—

- (a) the level that is declared under subsection (4) to be the maximum residue limit for that substance in relation to animals or agricultural produce of that type; or
- (b) if no maximum residue limit is declared under subsection (4) for that substance, the maximum residue limit specified in an approved standard published by the APVMA in accordance with section 7A of the Agricultural and Veterinary Chemicals (Administration) Act 1992 of the Commonwealth for that substance in relation to animals or agricultural produce of that type;

S. 4(1) def. of
*meal of
animal origin*
inserted by
No. 33/2000
s. 3(b).

meal of animal origin includes a mixture of meals of animal origin;

operator, in relation to an aircraft, means—

- (a) if the aircraft is subject to a hire-purchase agreement or a lease, the person in possession of the aircraft; and
- (b) if the aircraft is borrowed for use (whether or not under a financial arrangement), the person borrowing the aircraft; and
- (c) in any other case, the owner of the aircraft;

package, in relation to a chemical product, fertiliser, stock food or meal of animal origin, means anything in or by which the chemical product, fertiliser, stock food or meal of animal origin is wholly or partly covered or contained;

S. 4(1) def. of *package* amended by Nos 73/1994 s. 40(k), 33/2000 s. 3(a).

pest—

- (a) in relation to any animal, plant or thing, means any animal, plant or other biological entity that injuriously affects the physical condition, worth or utility of that animal, plant or thing; and
- (b) in relation to any place, means any animal, plant or other biological entity that injuriously affects the use or enjoyment of that place;

place includes—

- (a) any land; and
- (b) any temporary building or structure;

S. 4(1) def. of *place* inserted by No. 22/2022 s. 3.

Note

See the definition of *land* in section 38 of the **Interpretation of Legislation Act 1984**.

plant includes a seed or cutting of a plant, and any other part or product of a plant that is directly relevant to the production of another plant;

* * * * *

S. 4(1) def. of *preparation* repealed by No. 73/1994 s. 40(a).

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S. 4(1) def. of
*preparation to
which the
Common-
wealth Act
applies*
repealed by
No. 73/1994
s. 40(a).

* * * *

S. 4(1) def. of
relevant Act
amended by
Nos 55/2001
s. 5(b),
107/2004
s. 178, 46/2008
s. 268(1),
39/2018 s. 28.

relevant Act means—

- (a) this Act, the **Environment Protection Act 2017**, the **Drugs, Poisons and Controlled Substances Act 1981**, the **Dangerous Goods Act 1985**, **Public Health and Wellbeing Act 2008** and the **Occupational Health and Safety Act 2004**; and
- (b) any other Act that is declared under subsection (4) to be a relevant Act;

S. 4(1) def. of
Secretary
inserted by
No. 22/2022
s. 27(1)(a).

Secretary means Secretary to the Department;

S. 4(1) def. of
*Secretary to
the
Department of
Health*
inserted by
No. 29/2010
s. 43(1),
repealed by
No. 22/2022
s. 27(1)(d).

* * * *

S. 4(1) def. of
sell
amended by
No. 55/2001
s. 5(c)(d).

sell includes—

- (a) barter; and
- (b) exchange; and
- (c) agree to sell; and
- (d) offer to sell; and

- (e) receive for sale; and
- (f) have in possession for sale; and
- (g) expose for sale; and
- (h) send, forward or deliver for sale; and
- (i) sell for resale; and
- (j) give away for the purpose of advertisement or in furtherance of trade or business or a profession; and
- (k) cause or permit someone to sell; and
- (l) sell or supply under a contract for services or a contract for work or labour;

stock means any animal of which any part is used as, or which produces any product that is ordinarily used as, or manufactured into, food for humans, and includes bees, fish and birds;

stock food means any substance that is used or intended to be used for consumption by stock, other than a substance that is declared under subsection (4) not to be a stock food;

S. 4(1) def. of *stock food* substituted by No. 73/1994 S. 40(l).

substance includes—

- (a) an organism, including a genetically manipulated organism; and
- (b) material that is produced from an organism; and
- (c) matter the preparation of which involves the use of an organism; and
- (d) a mixture or compound;

target area, in relation to agricultural spraying, means the area within which pests are intended to be controlled by the spraying;

S. 4(1) def. of
*unregistered
chemical
product*
inserted by
No. 73/1994
s. 40(b).

unregistered chemical product means a chemical
product which is not registered under Part 2
of the Agvet Code of Victoria;

S. 4(1) def. of
*veterinary
chemical
preparation*
repealed by
No. 73/1994
s. 40(a).

* * * * *

S. 4(1) def. of
*veterinary
chemical
product*
inserted by
No. 73/1994
s. 40(b),
amended by
Nos 58/1997
s. 96(Sch.
item 1.1),
13/2010
s. 51(Sch.
item 4).

veterinary chemical product has the same
meaning as in the Agvet Code of Victoria
except that, despite section 5(4) of that Code,
it includes—

- (a) a substance or mixture of substances
that is—
 - (i) prepared by a pharmacist
registered under the Health
Practitioner Regulation National
Law in accordance with the
instructions of a veterinary
practitioner; or
 - (ii) prepared by a veterinary
practitioner—

in the course of the practice, by the
person preparing the substance or
mixture of substances, of his or her
profession; and
- (b) a substance declared under subsection
(4) of this section to be a veterinary
chemical product—

but does not include a substance that is declared
under subsection (4) of this section not to be a
veterinary chemical product;

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wholesale dealer means a person who manufactures or places on the market for sale by wholesale a fertiliser or stock food;

S. 4(1) def. of *wholesale dealer* substituted by No. 73/1994 s. 40(m).

* * * * *

S. 4(2)(3) repealed by No. 73/1994 s. 41(a).

(4) The Governor in Council may, by Order, declare—

* * * * *

S. 4(4)(a)(b) repealed by No. 73/1994 s. 41(b)(i).

(c) a commodity that is obtained from a plant or an animal to be agricultural produce; or

(d) any plant, animal or commodity not to be agricultural produce; or

(e) a substance to be a fertiliser; or

(f) a substance not to be a fertiliser; or

(g) the maximum residue limit (which may be zero) for a substance in relation to any animal or agricultural produce; or

(ga) the maximum limit (which may be zero) for a substance in a fertiliser or stock food; or

S. 4(4)(ga) inserted by No. 55/2001 s. 6.

(h) an Act to be a relevant Act; or

(i) a substance not to be a stock food; or

(j) a substance to be a veterinary chemical product; or

S. 4(4)(j) amended by No. 73/1994 s. 41(b)(ii).

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S. 4(4)(k)
amended by
No. 73/1994
s. 41(b)(ii).

(k) a substance not to be a veterinary chemical product.

(5) An Order made under subsection (4) must be published in the Government Gazette.

S. 4(6)
amended by
Nos 73/1994
s. 41(c),
46/1998
s. 7(Sch. 1)
(as amended
by No.
12/1999
s. 3(Sch. 1
item 2)),
amended by
Nos 56/2003
s. 11(Sch.
item 1.2),
108/2004
s. 117(1)
(Sch. 3
item 6.1(b)),
70/2013
s. 4(Sch. 2
item 4.2),
repealed by
No. 22/2022
s. 27(2).

* * * * *

S. 5
amended by
Nos 73/1994
s. 42, 55/2001
s. 7.

5 Exemptions

The Governor in Council may, by Order published in the Government Gazette, exempt any chemical product, fertiliser or stock food or class of chemical product, fertiliser or stock food, or any class of person, from any of the provisions of this Act or regulations made under this Act, either unconditionally or on specified conditions or in specified circumstances.

Part 2—Use of unregistered chemical products

Pt 2 (Heading and ss 6–17) substituted as Pt 2 (Heading and s. 6) by No. 73/1994 s. 43.

6 Offences involving unregistered chemical products

S. 6 substituted by No. 73/1994 s. 43.

- (1) A person must not use an unregistered chemical product unless—
- (a) the use is in accordance with a permit issued under Schedule 1; or
 - (b) the use takes place not later than 2 years, or such other period as is determined by Order under subsection (2), after the chemical product ceases to be registered and—
 - (i) the chemical product forms part of a stock of that chemical product that was in the possession of that person immediately before the chemical product ceased to be registered; and
 - (ii) use of the chemical product is not prohibited under section 25A; or
 - (c) the use is by, or in accordance with the instructions of, a veterinary practitioner in the course of the practice of his or her profession and the use is not prohibited under section 25A.

S. 6(1)(c) amended by Nos 58/1997 s. 96(Sch. item 1.2), 55/2001 s. 8.

Penalty: In the case of a corporation,
400 penalty units.

In any other case, 200 penalty units.

Note

Section 72B applies to an offence against this subsection.

Note to s. 6(1) inserted by No. 13/2013 s. 5(1).

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Part 2—Use of unregistered chemical products

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- (2) The Governor in Council may, by Order published in the Government Gazette, determine a period other than 2 years for the purposes of subsection (1)(b) in relation to a chemical product or class of chemical products.

Ss 7–17
repealed by
No. 73/1994
s. 43.

* * * * *

Part 3—Labelling

Pt 3 (Heading)
amended by
No. 73/1994
s. 45(1).

18 Offences involving labelling requirements

S. 18
substituted by
No. 73/1994
s. 44.

- (1) A person must not sell a veterinary chemical product, fertiliser or stock food unless at the time of sale or delivery the veterinary chemical product, fertiliser or stock food is accompanied by a label or advice note which—
- (a) complies with the regulations; or
 - (b) if the veterinary chemical product, fertiliser or stock food is a prescribed veterinary chemical product, fertiliser or stock food or is included in a prescribed class of veterinary chemical products, fertilisers or stock foods, complies with any requirement that is prescribed.

Penalty: In the case of a corporation,
400 penalty units.

In any other case, 200 penalty units.

Note

Section 72C applies to an offence against this subsection.

Note to
s. 18(1)
inserted by
No. 13/2013
s. 5(2).

- (2) A person is not guilty of an offence under subsection (1) if the sale is in accordance with a permit issued under Schedule 1.
- (3) If a change is made to the requirements for a label or advice note, the Secretary may direct, by notice to a seller of a veterinary chemical product, fertiliser or stock food, that the veterinary chemical product, fertiliser or stock food must not be sold after the date specified in the notice

S. 18(3)
amended by
No. 22/2022
s. 30.

without a label or advice note that accords with the new requirements.

- (4) A person who receives a notice under subsection (3) must comply with it.

Penalty: In the case of a corporation,
100 penalty units.

In any other case, 50 penalty units.

Note to
s. 18(4)
inserted by
No. 13/2013
s. 5(3).

Note

Section 72A applies to an offence against this subsection.

19 Off-label use of chemical products

S. 19(1)
amended by
No. 73/1994
s. 45(2)(a).

- (1) A person must not, otherwise than in accordance with a permit issued under Schedule 1, use a chemical product, fertiliser or stock food—
- (a) at a rate that is higher than the maximum application rate for that use, as stated on the label; or
- (b) at intervals more frequent than the intervals for that use, as stated on the label.

Penalty: In the case of a corporation,
200 penalty units.

In any other case, 100 penalty units.

S. 19(2)
amended by
No. 73/1994
s. 45(2)(b).

- (2) For the purposes of subsection (1)(a), **rate**, in relation to an agricultural chemical product, means the quantity per unit area, or per item.

S. 19(3)
amended by
Nos 73/1994
s. 45(2)(c),
55/2001
s. 9(1)(a)(b).

- (3) A person must not, otherwise than in accordance with a permit issued under Schedule 1, use a chemical product, fertiliser or stock food in a particular manner or for a particular purpose or in particular circumstances if the label specifically states that the chemical product, fertiliser or stock food must not be used in that particular manner or

for that particular purpose or in those particular circumstances.

Penalty: In the case of a corporation,
200 penalty units.

In any other case, 100 penalty units.

- (4) A person must not use a prescribed chemical product, fertiliser or stock food otherwise than in accordance with—

S. 19(4)
amended by
No. 73/1994
s. 45(2)(c).

(a) the instructions on the label; or

(b) a permit issued under Schedule 1.

Penalty: In the case of a corporation,
200 penalty units.

In any other case, 100 penalty units.

- (5) A person must only use a prescribed chemical product, fertiliser or stock food or a chemical product, fertiliser or stock food that contains a prescribed constituent in a particular manner or for particular purposes or in particular circumstances if the label for that chemical product, fertiliser or stock food contains a statement prescribed by the regulations specifying or indicating that the chemical product, fertiliser or stock food must only be used in that manner or for those purposes or in those circumstances, unless otherwise authorised by a permit under Schedule 1.

S. 19(5)
repealed by
No. 73/1994
s. 45(2)(d),
new s. 19(5)
inserted by
No. 55/2001
s. 9(2).

Penalty: In the case of a corporation,
200 penalty units.

In any other case, 100 penalty units.

S. 19(6)
amended by
Nos 73/1994
s. 45(2)(e),
33/2000
s. 6(a),
55/2001
s. 9(3).

- (6) A person must not sell, within the relevant withholding period stated on the label of a chemical product or stock food, any agricultural produce or stock to which the chemical product has been applied, any agricultural produce obtained from stock to which the chemical product has been applied or any stock that has consumed the stock food unless the seller has notified the buyer that the period has not expired.

Penalty: In the case of a corporation,
200 penalty units.

In any other case, 100 penalty units.

S. 19(7)
inserted by
No. 55/2001
s. 9(4).

- (7) A person must not sell stock or agricultural produce obtained from stock that the seller knows or reasonably ought to know has—

(a) entered on land where an agricultural chemical product has been applied to that land or any plant on that land; or

(b) grazed any plant on that land; or

S. 19(7)(b)
amended by
No. 29/2012
s. 3(a).

S. 19(7)(c)
inserted by
No. 29/2012
s. 3(b).

(c) consumed agricultural produce derived from any plant or animal to which an agricultural chemical product has been applied if—

(i) in the case of agricultural produce derived from a plant, the agricultural produce was harvested from the plant;
or

(ii) in the case of agricultural produce obtained from an animal, the agricultural produce was obtained from the animal—

within the relevant withholding period stated on the label of the chemical product unless the seller has notified the buyer of that stock or agricultural produce in writing that the period has not expired.

Penalty: In the case of a corporation,
200 penalty units.

In any other case, 100 penalty units.

- (8) A person must not sell stock food or agricultural produce derived from any plant or animal if the person knows or reasonably ought to know that the plant or animal—

S. 19(8)
inserted by
No. 55/2001
s. 9(4).

- (a) has had a chemical product applied to it; and
- (b) in the case of stock food or agricultural produce derived from a plant, the stock food or agricultural produce was harvested from the plant before the relevant withholding period stated on the label of the chemical product had expired; and
- (c) in the case of stock food or agricultural produce obtained from an animal, the stock food or agricultural produce was obtained from the animal before the relevant withholding period stated on the label of the chemical product had expired—

unless the seller has notified the buyer of the stock food or agricultural produce in writing that the withholding period had not expired before the stock food or agricultural produce was harvested or obtained.

Penalty: In the case of a corporation,
200 penalty units.

In any other case, 100 penalty units.

S. 19(9)
inserted by
No. 55/2001
s. 9(4).

(9) In subsections (6), (7) and (8) ***agricultural produce*** includes wool.

S. 19(10)
inserted by
No. 22/2022
s. 26.

- (10) If there is an approved label for a chemical product at the time of use, a reference in this section to the label is a reference to the approved label for the chemical product at that time (whether or not the approved label is marked on or attached to the package of the chemical product), unless—
- (a) the chemical product is used in accordance with written instructions issued by a veterinary practitioner in the course of veterinary practice; or
 - (b) the chemical product is a prescribed chemical product or is used in prescribed circumstances or both.

Note to s. 19
inserted by
No. 13/2013
s. 5(4).

Note

Section 72B applies to an offence against subsection (1), (3), (4), (5), (6), (7) or (8).

S. 20
repealed by
No. 73/1994
s. 45(3),
new s. 20
inserted by
No. 33/2000
s. 4.

20 Labelling of certain meal of animal origin

S. 20(1)
amended by
No. 69/2004
s. 54(1).

- (1) A person must not sell meal of animal origin to another person unless the meal is accompanied by a label or advice note that complies with the regulations.

Penalty: In the case of a corporation,
400 penalty units.

In any other case, 200 penalty units.

Agricultural and Veterinary Chemicals (Control of Use) Act 1992
No. 46 of 1992
Part 3—Labelling

Note

Section 72C applies to an offence against this subsection.

Note to
s. 20(1)
inserted by
No. 13/2013
s. 5(2).

- (2) If a change is made to the requirements for a label or advice note, the Secretary may direct, by notice to a person who sells meal of animal origin, that the meal must not be sold after the date specified in the notice without a label or advice note that accords with the new requirements.

S. 20(2)
amended by
Nos 69/2004
s. 54(2),
22/2022 s. 30.

- (3) A person who receives a notice under subsection (2) must comply with it.

Penalty: In the case of a corporation,
100 penalty units.

In any other case, 50 penalty units.

Note

Section 72A applies to an offence against this subsection.

Note to
s. 20(3)
inserted by
No. 13/2013
s. 5(3).

- (4) Nothing in this section applies to a prescribed meal of animal origin.

21 Application of chemical products to agricultural produce

S. 21
repealed by
No. 73/1994
s. 45(3),
new s. 21
inserted by
No. 55/2001
s. 10.

A person who transports or handles agricultural produce and is not the owner of that agricultural produce must not apply a chemical product to the agricultural produce unless the person has the written permission of the owner of the agricultural produce for that application.

Penalty: In the case of a corporation,
200 penalty units.

In any other case, 100 penalty units.

Note

Section 72B applies to an offence against this section.

Note to s. 21
inserted by
No. 13/2013
s. 5(5).

Agricultural and Veterinary Chemicals (Control of Use) Act 1992
No. 46 of 1992
Part 3—Labelling

S. 22
repealed by
No. 73/1994
s. 45(3).

* * * * *

23 Warranties

Despite any agreement or notice to the contrary, a statement appearing on a label or in an advice note has effect as a warranty by the wholesale dealer of the accuracy of that statement.

Part 4—Restrictions and prohibitions on manufacture, sale and use

Pt 4 (Heading)
amended by
No. 73/1994
s. 46(1).

24 Standards for fertiliser or stock food

- (1) A person must not manufacture or sell any fertiliser or stock food that—

S. 24(1)
amended by
No. 73/1994
s. 46(2)(a)(i).

- (a) does not comply with a relevant standard in the regulations; or

S. 24(1)(a)
amended by
No. 73/1994
s. 46(2)(a)(ii).

- (b) contains a constituent which does not comply with a relevant standard in the regulations.

S. 24(1)(b)
amended by
No. 73/1994
s. 46(2)(a)(ii).

Penalty: In the case of a corporation,
400 penalty units.

In any other case, 200 penalty units.

Note

Section 72B applies to an offence against this subsection.

Note to
s. 24(1)
inserted by
No. 13/2013
s. 5(1).

- (2) The Governor in Council may make regulations in accordance with section 76 for or with respect to standards relating to composition, quality, purity and method of manufacture for any fertiliser or stock food or class of fertilisers or stock foods, or any constituent contained in a fertiliser or stock food or class of fertilisers or stock foods.

S. 24(2)
amended by
No. 73/1994
s. 46(2)(b)(i)(ii).

* * * * *

S. 24(3)–(7)
repealed by
No. 73/1994
s. 46(2)(c).

S. 25
substituted by
No. 73/1994
s. 47.

25 Orders prohibiting or regulating sale

- (1) A person must not sell any veterinary chemical product, fertiliser or stock food in contravention of an Order made by the Governor in Council that prohibits or regulates the sale of a veterinary chemical product, fertiliser or stock food or class of veterinary chemical products, fertilisers or stock foods that—
- (a) is specified in the Order; or
 - (b) contains a constituent that is, or is part of a class that is, specified in the Order; or
 - (c) contains a constituent other than in the proportion specified in the Order in relation to that constituent, or in relation to a class of constituents of which that constituent is a part.

Penalty: In the case of a corporation,
400 penalty units.

In any other case, 200 penalty units.

Note to
s. 25(1)
inserted by
No. 13/2013
s. 5(2).

Note

Section 72C applies to an offence against this subsection.

- (2) The Governor in Council may, by Order—
- (a) prohibit or regulate that sale by reference to any conditions or circumstances specified in the Order; or
 - (b) prohibit that sale except as permitted by a permit issued in accordance with Schedule 1.
- (3) The Order must be published in the Government Gazette and takes effect on the day of publication or any later day specified in the Order.

25A Orders prohibiting or regulating use

**S. 25A
inserted by
No. 73/1994
s. 47.**

- (1) A person must not use any chemical product, fertiliser or stock food in contravention of an Order made by the Governor in Council that prohibits or regulates the use of a chemical product, fertiliser or stock food or class of chemical products, fertilisers or stock foods that—
- (a) is specified in the Order; or
 - (b) contains a constituent that is, or is part of a class that is, specified in the Order; or
 - (c) contains a constituent other than in the proportion specified in the Order in relation to that constituent, or in relation to a class of constituents of which that constituent is a part.

Penalty: In the case of a corporation,
400 penalty units.

In any other case, 200 penalty units.

Note

Section 72B applies to an offence against this subsection.

**Note to
s. 25A(1)
inserted by
No. 13/2013
s. 5(1).**

- (2) The Governor in Council may, by Order—
- (a) prohibit or regulate that use by reference to any conditions or circumstances specified in the Order; or
 - (b) prohibit that use except as permitted by a permit issued in accordance with Schedule 1; or
 - (c) prohibit that use—
 - (i) for all purposes; or
 - (ii) for any purpose specified in the Order; or

(iii) for any purpose other than one specified in the Order.

(3) The Order must be published in the Government Gazette and takes effect on the day of publication or any later day specified in the Order.

26 Recall

(1) The Governor in Council may, by Order, direct a wholesale dealer—

S. 26(1)(a)
amended by
No. 73/1994
s. 48(1)(a).

(a) to withdraw a fertiliser or stock food or a particular batch of a fertiliser or stock food from sale, either immediately or within the time specified in the Order; and

S. 26(1)(b)
amended by
No. 73/1994
s. 48(1)(a).

(b) to take any action specified in the Order to recover all stocks of the fertiliser or stock food or of that batch from any person to whom it was supplied; and

(c) to destroy those stocks or to deal with them as specified in the Order; and

S. 26(1)(d)
amended by
No. 22/2022
s. 30.

(d) to report to the Secretary on the action taken.

(2) An Order may only be made if the Minister advises that it is in the public interest to do so, having regard to the harm that may be caused—

(a) to any person or animal; or

(b) to the environment; or

(c) to trade with any other country.

S. 26(3)
amended by
No. 73/1994
s. 48(1)(b).

(3) The Order must be published in the Government Gazette and takes effect on the day of publication or any later day specified in the Order.

(4) A wholesale dealer must comply with the Order.

Penalty: In the case of a corporation,
500 penalty units.

In any other case, 250 penalty units.

Note

Section 72B applies to an offence against this subsection.

Note to
s. 26(4)
inserted by
No. 13/2013
s. 5(1).

27 Regulations about manufacture, sale and use

The Governor in Council may make regulations in accordance with section 76 for or with respect to—

(a) prohibiting the possession of a chemical product, fertiliser or stock food;

S. 27(a)
amended by
No. 73/1994
s. 48(2)(a).

(b) regulating the manufacture of a fertiliser or stock food;

S. 27(b)
amended by
No. 73/1994
s. 48(2)(b).

(c) regulating the packaging of a fertiliser or stock food;

S. 27(c)
amended by
No. 73/1994
s. 48(2)(b).

(d) prohibiting the sale of an agricultural chemical product, a fertiliser or a stock food if the seller does not hold a permit under this Act or a prescribed qualification;

S. 27(d)
amended by
No. 73/1994
s. 48(2)(c).

(e) prohibiting the sale of a chemical product, fertiliser or stock food if the buyer does not hold a permit under this Act or a prescribed qualification;

S. 27(e)
amended by
No. 73/1994
s. 48(2)(a).

(f) regulating the mixing together of chemical products, fertilisers or stock foods;

S. 27(f)
amended by
No. 73/1994
s. 48(2)(d).

S. 27(g)
amended by
No. 73/1994
s. 48(2)(a).

(g) requiring a seller to keep records of the sale of a chemical product, fertiliser or stock food;

S. 27(h)
amended by
No. 73/1994
s. 48(2)(a).

(h) requiring a user to keep records of the use of a chemical product, fertiliser or stock food;

(i) prescribing—

(i) particulars that must be written on labels or advice notes and the manner in which, and method by which, they must be written;

(ii) matters or things that must not be written on labels or advice notes;

S. 27(i)(iii)
amended by
Nos 73/1994
s. 48(2)(e),
33/2000 s. 5.

(iii) the manner in which advice notes must be supplied to buyers of veterinary chemical products, fertilisers, stock foods or meal of animal origin;

S. 27(i)(iv)
amended by
Nos 73/1994
s. 48(2)(e),
33/2000 s. 5.

(iv) the manner in which labels must accompany veterinary chemical products, fertilisers, stock foods or meal of animal origin.

28 Offence of use without certificate

A person must not—

S. 28(a)
amended by
No. 73/1994
s. 48(3).

(a) use a prescribed chemical product, fertiliser or stock food, or a chemical product, fertiliser or stock food of a class that is prescribed; or

S. 28(b)
amended by
No. 73/1994
s. 48(3).

(b) use in a prescribed manner a prescribed chemical product, fertiliser or stock food, or a chemical product, fertiliser or stock food of a class that is prescribed—

unless—

(c) that person—

(i) holds an applicator (chemical rating) certificate; and

(ii) complies with any conditions of that certificate; or

(d) that person acts under the direct supervision of a person who complies with paragraph (c).

Penalty: 100 penalty units.

Note

Section 72A applies to an offence against this section.

Note to s. 28
inserted by
No. 13/2013
s. 5(6).

29 Applicator (chemical rating) certificates

An applicator (chemical rating) certificate may be applied for, granted or refused only in accordance with Schedule 1.

30 Offence of commercial use without licence

(1) A person must not carry on a business, or offer a service for fee or reward, which involves—

(a) the use of a prescribed chemical product, fertiliser or stock food; or

(b) the use of a chemical product, fertiliser or stock food of a class that is prescribed; or

(c) the use of a chemical product, fertiliser or stock food in a prescribed manner—

S. 30
amended by
No. 33/2001
s. 13 (ILA
s. 39B(1)).

S. 30(1)(a)
amended by
No. 73/1994
s. 48(4).

S. 30(1)(b)
amended by
No. 73/1994
s. 48(4).

S. 30(1)(c)
amended by
No. 73/1994
s. 48(4).

unless that person—

(d) holds a commercial operator licence; and

(e) complies with any conditions of that licence.

Penalty: 200 penalty units.

Note to
s. 30(1)
inserted by
No. 13/2013
s. 5(1).

Note

Section 72B applies to an offence against this subsection.

S. 30(2)
inserted by
No. 33/2001
s. 13,
amended by
No. 46/2008
s. 268(2).

- (2) Despite subsection (1), a person who carries on a business or offers a service for fee or reward which involves the use of a prescribed chemical product or a chemical product of a class that is prescribed is not required to hold a commercial operator licence if the person ensures that the chemical product is used by a person authorized by a licence granted under Division 2 of Part 7 of the **Public Health and Wellbeing Act 2008** to use that chemical product.

S. 30A
inserted by
No. 33/2001
s. 14,
repealed by
No. 46/2008
s. 268(3).

* * * * *

31 Commercial operator licences

A commercial operator licence may be applied for, granted or refused only in accordance with Schedule 1.

New s. 32
inserted by
No. 55/2001
s. 11.

32 Prohibiting misuse of registered chemical products

- (1) A person must not administer or apply a registered agricultural chemical product to an animal unless—
- (a) the use is in accordance with a permit issued under Schedule 1; or
 - (b) the use is by a veterinary practitioner acting in the course of the practice of his or her profession and the use is not prohibited by an Order under section 25A; or

(c) the use is in accordance with the written instructions of a veterinary practitioner acting in the course of the practice of his or her profession and the use is not prohibited by an Order under section 25A.

Penalty: In the case of a corporation,
 200 penalty units.

In any other case, 100 penalty units.

(2) A person must not administer or apply a registered veterinary chemical product to a plant, place or thing or use a registered veterinary chemical product in relation to a plant, place or thing except in accordance with a permit issued under Schedule 1.

Penalty: In the case of a corporation,
 200 penalty units.

In any other case, 100 penalty units.

Note

Section 72B applies to an offence against subsection (1) or (2).

Note to s. 32
 inserted by
 No. 13/2013
 s. 5(7).

*	*	*	*	*	Pt 5 (Heading and ss 32–36) repealed by No. 73/1994 s. 49.
*	*	*	*	*	S. 37 repealed by No. 31/1994 s. 4(Sch. 2 item 4).

Pt 6 (Heading)
amended by
No. 73/1994
s. 50(1).

Part 6—Controls over spraying of agricultural chemical products

38 Orders regulating or prohibiting agricultural spraying

- (1) The Governor in Council may by Order control or prohibit agricultural spraying for the purpose of protecting susceptible plants and stock, public health and the environment.
- (2) Before recommending to the Governor in Council that an Order be made, the Minister must publish notice of the proposal to make the Order, in the Government Gazette and, twice in not less than 14 days, in a newspaper circulating generally in the area that would be affected by the Order.
- (3) The notice must—
 - (a) specify the general purpose of the proposed Order; and
 - (b) state where a copy of the proposed Order can be purchased, and where it can be inspected; and
 - (c) state that public comment is invited.
- (4) The Minister must allow at least 28 days after the later publication of the notice in the newspaper for public comment.
- (5) If after complying with subsections (2) and (3) and considering any comments made under subsection (3)(c) the Minister decides to recommend the making of the Order, he or she must publish notice of that decision in the Government Gazette and in the same newspaper.

- (6) The Order must be published in the Government Gazette and takes effect on the day of publication or any later day specified in the Order.

S. 38(6)
amended by
No. 73/1994
s. 50(2).

39 Effect of order

- (1) An Order under section 38 applies as specified in the Order—

- (a) to all agricultural chemical products, a specified agricultural chemical product or a specified class of agricultural chemical products; and
- (b) to all agricultural spraying or any specified method or methods of application; and
- (c) in specified climatic or seasonal conditions; and
- (d) in any other specified circumstance or on any other specified condition.

S. 39(1)(a)
amended by
No. 73/1994
s. 50(3)(a)(b).

- (2) An Order applies to the area specified in it to be the agricultural chemical control area, whether that area is the whole of Victoria or a particular area.
- (3) An Order may prohibit an activity except in accordance with a permit issued under Schedule 1.
- (4) A person must comply with an Order, unless the person acts in accordance with a permit.

Penalty: In the case of a corporation,
400 penalty units.

In any other case, 200 penalty units.

Note

Section 72B applies to an offence against this subsection.

Note to
s. 39(4)
inserted by
No. 13/2013
s. 5(1).

40 Damage by spray drift

- (1) A person must not carry out agricultural spraying which injuriously affects—
- (a) any plants or stock outside the target area; or
 - (b) any land outside the target area so that growing plants or keeping stock on that land can be reasonably expected to result in the contamination of the stock or of agricultural produce derived from the plants or stock.

Penalty: In the case of a corporation,
400 penalty units.
In any other case, 200 penalty units.

Note to
s. 40(1)
inserted by
No. 13/2013
s. 5(1).

Note

Section 72B applies to an offence against this subsection.

- (2) It is a defence to a prosecution under subsection (1)(a) to prove that the plants or stock have no economic value.

41 Contamination by spray drift

- (1) A person must not carry out agricultural spraying—
- (a) which contaminates any stock outside the target area; or
 - (b) which is likely to contaminate any agricultural produce derived from plants or stock outside the target area.

Penalty: In the case of a corporation,
200 penalty units.
In any other case, 100 penalty units.

S. 41
repealed by
No. 55/2001
s. 12,
new s. 41
inserted by
No. 55/2001
s. 13.

Note

Section 72B applies to an offence against this subsection.

Note to
s. 41(1)
inserted by
No. 13/2013
s. 5(1).

- (2) It is a defence to a prosecution under subsection (1)(b) if the agricultural produce is not to be used as stock food or sold as, or manufactured into, food or stock food.

42 Requirements for pilots

- (1) A person must not pilot an aircraft to carry out aerial spraying unless he or she—
- (a) holds a pilot (chemical rating) licence; and
 - (b) complies with any conditions of that licence.

Penalty: 200 penalty units.

- (2) A person must not pilot an aircraft to carry out aerial spraying unless he or she—
- (a) holds an agricultural aircraft operator licence and complies with all conditions (if any) of that licence; or
 - (b) is an employee or agent of a person who holds an agricultural aircraft operator licence.

Penalty: 200 penalty units.

- (3) A person who does not—
- (a) hold an agricultural aircraft operator licence; and
 - (b) comply with all conditions (if any) of that licence—

must not allow an employee or agent of that person to pilot an aircraft to carry out aerial spraying.

Penalty: 200 penalty units.

Note

Section 72C applies to an offence against this subsection.

S. 42(2)
substituted by
Nos 73/1994
s. 50(4),
55/2001 s. 14.

S. 42(3)
substituted by
No. 73/1994
s. 50(4).

Note to
s. 42(3)
inserted by
No. 13/2013
s. 5(2).

S. 42(4)
substituted by
No. 73/1994
s. 50(4).

- (4) A pilot (chemical rating) licence and an agricultural aircraft operator licence may be applied for, granted or refused only in accordance with Schedule 1.

43 Requirements for aircraft operators

S. 43(1)
repealed by
No. 35/2009
s. 4.

* * * *

- (2) The operator of an aircraft must not allow aerial spraying to be carried out from that aircraft unless the operator—
- (a) holds an agricultural aircraft operator licence; and
 - (b) complies with the conditions attached to that licence.

Penalty: In the case of a corporation,
400 penalty units.

In any other case, 200 penalty units.

- (3) The operator of an aircraft must not allow aerial spraying to be carried out from that aircraft unless the pilot of the aircraft holds a pilot (chemical rating) licence.

Penalty: In the case of a corporation,
400 penalty units.

In any other case, 200 penalty units.

Note to s. 43
inserted by
No. 13/2013
s. 5(8).

Note

Section 72C applies to an offence against subsection (2) or (3).

S. 44
repealed by
No. 35/2009
s. 4.

* * * *

45 Information and notice

- (1) The Minister may issue codes of practice dealing with information to be provided about agricultural spraying and notice to be given of proposed agricultural spraying.
- (2) A person is not guilty of an offence only because of a contravention of a code of practice issued under subsection (1).
- (3) The Governor in Council may, not earlier than 2 years after the commencement of this subsection, make regulations in accordance with section 76 for or with respect to—
 - (a) requiring the occupier of land to provide the prescribed information to any person who is employed or contracted to carry out agricultural spraying on that land—
 - (i) of a prescribed agricultural chemical product; or
 - (ii) in a prescribed manner; and
 - (b) requiring the person who is employed or contracted to carry out agricultural spraying on land—
 - (i) of a prescribed agricultural chemical product; or
 - (ii) in a prescribed manner—
to provide the prescribed information to the occupier of that land; and
 - (c) prohibiting the person who is employed or contracted to carry out agricultural spraying on land—

S. 45(3)(a)(i)
amended by
No. 73/1994
s. 50(5).

S. 45(3)(b)(i)
amended by
No. 73/1994
s. 50(5).

S. 45(3)(c)(i)
amended by
No. 73/1994
s. 50(5).

(i) of a prescribed agricultural chemical product; or

(ii) in a prescribed manner—

from starting the spraying without first having received the prescribed information; and

(d) requiring the occupier of land who intends to have agricultural spraying carried out on that land—

S. 45(3)(d)(i)
amended by
No. 73/1994
s. 50(5).

(i) of a prescribed agricultural chemical product; or

(ii) in a prescribed manner—

to make every reasonable effort to inform the prescribed persons, or persons of the prescribed class, of the proposed time of spraying and any other prescribed information.

(4) The regulations may impose a penalty not exceeding 200 penalty units for a contravention.

S. 46
(Heading)
inserted by
No. 55/2001
s. 15.

46 Notices to owners of defective spraying equipment

(1) An authorised officer may, by notice in writing, direct the owner of any equipment that is used or to be used for the purpose of agricultural spraying—

(a) not to use the equipment until the repairs specified in the notice have been made; or

(b) to make the repairs specified in the notice before the date specified in the notice.

- (2) The owner of the equipment must comply with the notice.

Penalty: 200 penalty units.

Note

Section 72A applies to an offence against this subsection.

**Note to
s. 46(2)
inserted by
No. 13/2013
s. 5(3).**

46A Notice to operators of defective spraying equipment

**S. 46A
inserted by
No. 55/2001
s 16.**

- (1) An authorised officer who is satisfied on reasonable grounds that equipment that is used or to be used for agricultural spraying would be likely to harm the operator of the equipment or other persons, or cause the contamination of any stock or agricultural produce outside the target area, if so used may, by notice in writing, direct that the operator or a person in possession of the equipment—

- (a) not use the equipment; and
- (b) take all reasonable steps to ensure that no other person uses the equipment.

- (2) The operator or person in possession of the equipment must comply with a notice issued in accordance with this section.

Penalty: 200 penalty units.

Note

Section 72A applies to an offence against this subsection.

**Note to
s. 46A(2)
inserted by
No. 13/2013
s. 5(3).**

- (3) An authorised officer may revoke or vary a notice under subsection (1) by further notice to the operator or person in possession of the equipment.

47 Regulations for spraying equipment

The Governor in Council may make regulations in accordance with section 76 for or with respect to regulating equipment used or to be used for the purpose of agricultural spraying, including but not limited to regulations prescribing—

- (a) specifications for the equipment; and
- (b) testing of the equipment; and
- (c) maintenance of the equipment.

Part 7—Controls over contaminated land, stock and agricultural produce

48 Contaminated stock order

- (1) The Governor in Council may, by Order, regulate the identification, treatment, transport, sale or handling of contaminated stock.
- (2) A person to whom an Order applies must comply with the Order.

Penalty: 100 penalty units.

Note

Section 72B applies to an offence against this subsection.

Note to
s. 48(2)
inserted by
No. 13/2013
s. 5(1).

- (3) The Order must be published in the Government Gazette and takes effect on the day of publication or any later day specified in the Order.

S. 48(3)
amended by
No. 73/1994
s. 50(6).

49 Contaminated stock notice

- (1) An authorised officer may, by notice in writing, regulate the identification, transport, sale, management and handling of any stock on any premises or in any vehicle, vessel or aircraft, if he or she believes on reasonable grounds that stock on those premises or in that vehicle, vessel or aircraft is contaminated.

S. 49(1)
amended by
No. 22/2022
s. 4.

- (2) Without limiting subsection (1), the notice may—
 - (a) prohibit the movement or sale of the stock, except—
 - (i) in accordance with the notice; or
 - (ii) with the approval of an authorised officer; and
 - (b) impose requirements relating to the treatment of the stock.

- (3) The authorised officer may give the notice to—
- (a) the owner or occupier of the land on which the stock is; or
 - (b) the person in possession of the stock; or
 - (c) the owner of the stock; or
 - (d) if the stock is in transit, the person into whose possession the stock is to be delivered; or
 - (e) one or more of the persons specified in paragraphs (a) to (d).
- (4) A person who is given a notice under subsection (3) must comply with it.

Penalty: 100 penalty units.

**Note to
s. 49(4)
inserted by
No. 13/2013
s. 5(3).**

Note

Section 72A applies to an offence against this subsection.

50 Land use restriction notice

**S. 50(1)
amended by
No. 22/2022
s. 28(a).**

- (1) The Secretary may, by notice in writing, regulate the use of any land for the growing of plants or the keeping of stock, if the Secretary believes on reasonable grounds, after considering a report by an authorised officer, that the growing of plants or the keeping of stock on that land would be likely to result in the production of contaminated agricultural produce or the contamination of the stock.
- (2) Without limiting subsection (1), the notice may—
- (a) prohibit the growing on the land of specified plants, or plants of a specified class—
 - (i) before the date, if any, specified in the notice; or

- (ii) except in accordance with the conditions of the notice; or
 - (iii) except with the approval of an authorised officer; or
- (b) prohibit the keeping on the land of specified stock, or stock of a specified class—
 - (i) before the date, if any, specified in the notice; or
 - (ii) except in accordance with the conditions of the notice; or
 - (iii) except with the approval of an authorised officer; or
- (c) impose requirements relating to—
 - (i) the treatment of agricultural produce or stock;
 - (ii) the fencing of the land; or
 - (iii) notification to be given of the planting of crops on the land or the restocking of it.
- (3) The Secretary may give the notice to the owner or the occupier of the land or to both.
- (4) A person who receives a notice under subsection (3) must comply with it.

S. 50(3)
amended by
No. 22/2022
s. 28(b).

Penalty: 200 penalty units.

Note

Section 72A applies to an offence against this subsection.

Note to
s. 50(4)
inserted by
No. 13/2013
s. 5(3).

51 Information about notices

S. 51(1)
amended by
No. 22/2022
s. 30.

- (1) The Secretary must provide details of any current land use restriction notice issued in respect of any land to any person who applies in an approved form for information about that land and who pays the relevant approved fee.

S. 51(2)
amended by
No. 22/2022
s. 30.

- (2) The Secretary must not provide details under subsection (1) unless the owner of the land has given consent in writing.

S. 51(3)
amended by
No. 22/2022
s. 30.

- (3) The Secretary does not incur any liability in respect of any errors or omissions in relation to information that is provided in good faith under subsection (1).

52 Contaminated produce notice

S. 52
substituted by
No. 55/2001
s. 17.

- (1) An authorised officer may, by notice in writing, regulate the sale, handling, use, transport or disposal of, or other dealing with, any agricultural produce, fertiliser or stock food if he or she believes on reasonable grounds that the agricultural produce, fertiliser or stock food is contaminated.
- (2) Without limiting subsection (1), the notice may—
 - (a) prohibit the sale, handling, use, transport or disposal of, or other dealing with, any agricultural produce, fertiliser or stock food except—
 - (i) in accordance with the notice; or
 - (ii) with the approval of an authorised officer;
 - (b) require that the agricultural produce, fertiliser or stock food be treated as specified in the notice;

- (c) require that the agricultural produce, fertiliser or stock food be labelled, marked or otherwise identified—
 - (i) in the manner specified in the notice; and
 - (ii) before the date, if any, specified in the notice.
- (3) The authorised officer may give the notice to—
 - (a) the owner or occupier of the land on which the stock or plants from which agricultural produce or stock food is produced is kept or are grown; or
 - (b) the owner of the agricultural produce, fertiliser or stock food; or
 - (c) the person in possession of the agricultural produce, fertiliser or stock food; or
 - (d) the driver or person in charge of any vehicle, vessel or aircraft in which the agricultural produce, fertiliser or stock food is being transported; or
 - (e) if the agricultural produce, fertiliser or stock food is in transit, the person into whose possession it is to be delivered; or
 - (f) one or more of the persons specified in paragraphs (a) to (e).
- (4) A person who receives a notice under subsection (3) must take reasonable steps to comply with it.

Penalty: 100 penalty units.

Note

Section 72A applies to an offence against this subsection.

S. 52(3)(d)
amended by
No. 22/2022
s. 5.

Note to
s. 52(4)
inserted by
No. 13/2013
s. 5(3).

S. 52AA
inserted by
No. 35/2009
s. 5.

52AA Offence to sell contaminated agricultural produce

A person who produces agricultural produce must not sell or offer to sell that produce if it is contaminated.

Penalty: 60 penalty units.

Note to
s. 52AA
inserted by
No. 13/2013
s. 5(6).

Note

Section 72A applies to an offence against this section.

S. 52A
inserted by
No. 55/2001
s. 17.

52A Regulations relating to contaminated agricultural produce

The Governor in Council may make regulations in accordance with section 76 for or with respect to—

- (a) prohibiting or regulating the sale of contaminated agricultural produce;
- (b) regulating the handling of contaminated agricultural produce;
- (c) regulating the transport of contaminated agricultural produce;
- (d) requiring the identification of contaminated agricultural produce.

Part 8—Compliance, inspection and testing

Pt 8 (Heading)
substituted by
No. 22/2022
s. 6.

Division 1—Authorised officers

Pt 8 Div. 1
(Heading)
inserted by
No. 22/2022
s. 7.

53 Authorised officers

- (1) The Secretary may appoint any person employed in the public service to be an authorised officer for the purposes of all or any provisions of this Act or any regulations or Orders made under this Act.
- (2) The Secretary must issue an identity card to each authorised officer.
- (3) If requested to do so, an authorised officer must produce the authorised officer's identity card for inspection—
- (a) before exercising a power under this Act; and
- (b) at any time during the exercise of any such power.
- (4) Subsection (3) does not apply—
- (a) if the request is unreasonable in the circumstances; or
- (b) to a power exercised by post or electronic communication.

S. 53(1)
amended by
Nos 73/1994
s. 51(1),
46/1998
s. 7(Sch. 1)
(as amended
by No.
12/1999
s. 3(Sch. 1
item 2)),
55/2001
s. 18(1),
22/2022 s. 30.

S. 53(2)
amended by
Nos 29/2012
s. 4, 22/2022
ss 8(1), 30.

S. 53(3)
substituted by
Nos 55/2001
s. 18(2),
22/2022
s. 8(2).

S. 53(4)
inserted by
No. 22/2022
s. 8(2).

Pt 8 Div. 2
(Heading and
s. 53A)
inserted by
No. 22/2022
s. 9.

Division 2—General powers of authorised officers

S. 53A
inserted by
No. 22/2022
s. 9.

53A Purpose of exercise of powers

An authorised officer may exercise powers under this Division for any of the following purposes—

- (a) determining whether this Act, the regulations or an Order or a notice under this Act is being or has been complied with;
- (b) preventing the commission of an offence against this Act or the regulations;
- (c) determining the source of agricultural spraying or the cause of land, water, animals, stock or agricultural produce being contaminated by agricultural or veterinary chemicals.

S. 54
amended by
Nos 73/1994
s. 51(2)(3),
55/2001 s. 19,
22/2004 s. 3,
29/2012 s. 5,
13/2013
s. 5(3),
substituted by
No. 22/2022
s. 10.

54 Power to enter and inspect

- (1) An authorised officer may at any reasonable time enter and inspect any place, other than a place occupied as a residence, and inspect anything found at that place, if the authorised officer reasonably suspects that—

- (a) any fertiliser or stock food has been, is being or may be manufactured at the place; or
- (b) any chemical product, fertiliser or stock food has been, is being or may be sold, kept, stored or prepared for use at the place; or
- (c) there is any equipment at the place that has been, is being or may be used in connection with the use or manufacture of a chemical product, fertiliser or stock food; or

- (d) there is an aircraft at the place that has been, is being or may be used for aerial spraying; or
 - (e) agricultural spraying has been, is being or may be carried on at the place; or
 - (f) there is any contaminated stock or agricultural produce, or plants from which contaminated agricultural produce is likely to be derived, at the place; or
 - (g) the place has been contaminated by the use of an agricultural chemical product; or
 - (h) the place is occupied or apparently occupied by a person who holds, or whom the authorised officer reasonably suspects is required to hold, a licence, certificate or permit under this Act, the regulations or an Order under this Act.
- (2) An authorised officer may at any reasonable time enter any place, other than a place occupied as a residence, if the authorised officer reasonably believes that it is necessary to do so in order to access another place that may be entered under subsection (1).
- (3) In exercising any powers under this section, an authorised officer must—
- (a) cause as little inconvenience as possible; and
 - (b) not remain at the place any longer than is reasonably necessary.

54A Entry and inspection of a place when open to the public

An authorised officer may enter and inspect a place that is, at the time of entry, open to the public.

S. 54A
inserted by
No. 55/2001
s. 20,
repealed by
No. 35/2009
s. 6, new
s. 54A
inserted by
No. 22/2022
s. 10.

S. 54AB
inserted by
No. 22/2022
s. 10.

54AB Power to stop, enter and inspect vehicles, vessels and aircraft

- (1) An authorised officer may at any reasonable time stop any vehicle, vessel or aircraft the authorised officer reasonably believes or suspects is, has been or may be—
 - (a) used to transport, keep or store any—
 - (i) chemical product, fertiliser or stock food; or
 - (ii) contaminated stock or agricultural produce; or
 - (iii) stock or plants from which contaminated agricultural produce is likely to be derived; or
 - (b) used for agricultural spraying.
- (2) An authorised officer may at any reasonable time enter and inspect—
 - (a) a vehicle, vessel or aircraft stopped under subsection (1); or
 - (b) any other vehicle, vessel or aircraft the authorised officer reasonably believes or suspects is, has been or may be used for a purpose described in subsection (1)(a) or (b).
- (3) If an authorised officer stops a vehicle, vessel or aircraft under subsection (1) but considers that it is not safe or practical to enter or inspect it, the authorised officer may require the driver or person in charge of the vehicle, vessel or aircraft to present it at some other reasonable time and place for inspection by an authorised officer.

S. 54AC
inserted by
No. 22/2022
s. 10.

54AC Announcement on entry

- (1) Immediately on entering a place, vehicle, vessel or aircraft under this Division, an authorised officer must take all reasonable steps to notify the occupier or apparent occupier of the place, or the driver or person in charge of the vehicle, vessel or aircraft, of the entry and produce the authorised officer's identity card for inspection by that person.
- (2) If the occupier, apparent occupier, driver or person in charge is not present when an authorised officer exercises a power of entry under this Division, the authorised officer must, on leaving the place, vehicle, vessel or aircraft, leave a notice setting out—
 - (a) the time of entry; and
 - (b) the purpose of entry; and
 - (c) a description of all things done while at the place or in the vehicle, vessel or aircraft; and
 - (d) the time of departure; and
 - (e) the authorised officer's name and contact details.
- (3) An authorised officer is not required to comply with subsection (1) or (2) if—
 - (a) in the case of subsection (2), the authorised officer reasonably believes that the place is open to the public and that it would be impracticable to leave a notice at the place; or
 - (b) in either case—
 - (i) to comply with the subsection would unreasonably interfere with performing a function or exercising a power under this Act, the regulations or an Order or

notice under this Act or cause
unreasonable delay; or

- (ii) the occupier or apparent occupier of the place or the owner or person in charge of the vehicle, vessel or aircraft has been notified in advance of the entry.

S. 54AD
inserted by
No. 22/2022
s. 10.

54AD Persons assisting authorised officer

- (1) An authorised officer may request the assistance of any person for the purpose of entry and inspection of a place, vehicle, vessel or aircraft and the taking of any other action under this Division.
- (2) If an authorised officer uses the assistance of an interpreter—
 - (a) a requirement made by the interpreter on the authorised officer's behalf is taken to be a requirement made by the authorised officer; and
 - (b) an answer given to the interpreter is taken to be given to the authorised officer.

S. 54AE
inserted by
No. 22/2022
s. 10.

54AE Assistance from owner, occupier or person in charge

- (1) An authorised officer may require the owner, occupier or apparent occupier of a place, or the owner or person in charge of a vehicle, vessel or aircraft, entered by the authorised officer to provide the authorised officer with all reasonable assistance necessary to enable the authorised officer to perform functions or exercise powers under this Part.
- (2) Without limiting subsection (1), an authorised officer may require the owner, occupier or apparent occupier of a place, or the owner or person in charge of a vehicle, vessel or aircraft, entered by the authorised officer to provide adequate facilities and assistance to allow the safe

and efficient handling of animals during inspection and the taking of samples or specimens.

54AF Opening packages and removing labels

S. 54AF
inserted by
No. 22/2022
s. 10.

An authorised officer may at any reasonable time do one or more of the following—

- (a) open any package, container or receptacle that the authorised officer reasonably suspects contains a chemical product, fertiliser or stock food;
- (b) remove any label or advice note, or any document purporting to be a label or advice note.

54AG Analysis or examination of samples, specimens and equipment

S. 54AG
inserted by
No. 22/2022
s. 10.

(1) An authorised officer may at any reasonable time take and remove for analysis or examination—

- (a) samples of or from, or specimens of—
 - (i) any plant (whether alive or dead), animal (whether alive or dead), carcass, agricultural produce, air, soil or water or any material deposited on or in any object; or
 - (ii) any substance that the authorised officer reasonably suspects is a chemical product, fertiliser or stock food; or
- (b) any equipment that the authorised officer reasonably suspects has been, is being or may be used for or in connection with—
 - (i) the sale or use of a chemical product, fertiliser or stock food; or
 - (ii) the manufacture of fertiliser or stock food; or

- (iii) the transport or handling of agricultural produce, fertilisers or stock food.
- (2) An authorised officer may conduct, or arrange for the conducting of, any analysis or examination of a sample or specimen taken or removed under subsection (1).
- (3) An authorised officer who takes a sample or specimen under subsection (1)(a) must give a portion of the sample or specimen to the owner or person in possession of the item from which the sample or specimen was taken, or the owner, occupier or apparent occupier of the land, or the owner or person in charge of the vehicle, vessel or aircraft, on which it was taken, if requested to do so by that person.
- (4) Subsection (3) does not apply if it would be impracticable in the circumstances for the authorised officer to comply with the request.

S. 54AH
inserted by
No. 22/2022
s. 10.

54AH Taking photographs and making recordings, sketches or drawings

An authorised officer may at any reasonable time take photographs, make any audio, visual or audiovisual recordings or make any sketches or drawings.

S. 54AI
inserted by
No. 22/2022
s. 10.

54AI Questioning and requiring information

An authorised officer may at any reasonable time require a person—

- (a) to answer a question to the best of that person's knowledge, information and belief;
or
- (b) to take reasonable steps to provide information.

54AJ Producing documents

An authorised officer may at any reasonable time require a person to produce any document that the authorised officer reasonably requires and do any one or more of the following—

- (a) examine that document;
- (b) make copies of it or take extracts from it;
- (c) remove the document for as long as is reasonably necessary to make copies or take extracts.

S. 54AJ
inserted by
No. 22/2022
s. 10.

Division 3—Search warrants

Pt 8 Div. 3
(Heading)
inserted by
No. 22/2022
s. 11.

54B Search warrants

S. 54B
inserted by
No. 55/2001
s. 20.

- (1) An authorised officer, with the written approval of the Secretary, may apply to a magistrate for the issue of a search warrant in relation to particular premises, if the authorised officer believes on reasonable grounds that there is on the premises evidence that a person or persons may have contravened this Act or the regulations or an Order made under this Act.
- (2) If a magistrate is satisfied, by the evidence, on oath or by affirmation or by affidavit, of the authorised officer that there are reasonable grounds to believe that there is a thing or things of a particular kind connected with a contravention of this Act, the regulations or an Order on any premises, the magistrate may issue a search warrant, in accordance with the **Magistrates' Court Act 1989**, authorising an authorised officer named in the warrant, together with any other

S. 54B(1)
amended by
No. 22/2022
s. 30.

S. 54B(2)
amended by
No. 6/2018
s. 68(Sch. 2
item 3).

person or persons named or otherwise identified in the warrant and with any necessary equipment—

- (a) to enter the premises specified in the warrant, if necessary by force; and
- (b) to do all or any of the following—
 - (i) search for;
 - (ii) seize;
 - (iii) secure against interference;
 - (iv) examine, inspect and take and keep samples of;
 - (v) inspect and make copies of, or take extracts from—

a thing or things of a particular kind named or described in the warrant and which the authorised officer believes, on reasonable grounds, to be connected with the alleged contravention.

- (3) A search warrant issued under this section must state—
 - (a) the purpose for which the search is required and the nature of the alleged contravention; and
 - (b) any conditions to which the warrant is subject; and
 - (c) whether entry is authorised to be made at any time of the day or night or during stated hours of the day or night; and
 - (d) a day, not later than 28 days after the issue of the warrant, on which the warrant ceases to have effect.
- (4) Except as provided by this Act, the rules to be observed with respect to search warrants under the

Magistrates' Court Act 1989 extend and apply to warrants under this section.

54C Announcement before entry under warrant

- (1) On executing a search warrant, the authorised officer executing the warrant—
 - (a) must announce that he or she is authorised by the warrant to enter the premises; and
 - (b) if the authorised officer has been unable to obtain unforced entry, must give any person at the premises an opportunity to allow entry to the premises.
- (2) An authorised officer need not comply with subsection (1) if he or she believes, on reasonable grounds, that immediate entry to the premises is required to ensure—
 - (a) the safety of any person; or
 - (b) that the effective execution of the search warrant is not frustrated.

S. 54C
(Heading)
amended by
No. 22/2022
s. 12.

S. 54C
inserted by
No. 55/2001
s. 20.

54D Details of warrant to be given to occupier

- (1) If the occupier is present at premises where a search warrant is being executed, the authorised officer must—
 - (a) identify himself or herself to the occupier; and
 - (b) produce his or her identity card for inspection; and
 - (c) give to the occupier a copy of the warrant.
- (2) If the occupier is not present at premises where a search warrant is being executed, the authorised officer must—
 - (a) identify himself or herself to a person at the premises; and

S. 54D
inserted by
No. 55/2001
s. 20.

- (b) produce his or her identity card for inspection; and
- (c) give to the person a copy of the warrant.

* * * * *

S. 54E
inserted by
No. 55/2001
s. 20,
repealed by
No. 22/2022
s. 13.

Pt 8 Div. 4
(Heading)
inserted by
No. 22/2022
s. 14(1).

Division 4—Dealing with seized documents and other things

S. 54F
inserted by
No. 55/2001
s. 20.

54F Copies of seized documents

- (1) If an authorised officer retains possession of a document seized from a person under this Part, the authorised officer must give the person, within 21 days of the seizure, a copy of the document certified as correct by the authorised officer.
- (2) A copy of a document certified under subsection (1) shall be received in all courts and tribunals to be evidence of equal validity to the original.

S. 54G
inserted by
No. 55/2001
s. 20.

54G Retention and return of seized documents or things

- (1) If an authorised officer seizes a document or other thing under this Part, the authorised officer must take reasonable steps to return the document or thing to the person from whom it was seized if the reason for its seizure no longer exists.
- (2) If the document or thing seized has not been returned within 3 months after it was seized, the authorised officer must take reasonable steps to return it unless—

S. 54G(2)
amended by
No. 22/2022
s. 14(2).

- (a) proceedings for the purpose for which the document or thing was retained have commenced within that 3 month period and those proceedings (including any appeal) have not been completed; or
 - (b) the Magistrates' Court makes an order under section 54H extending the period during which the document or thing may be retained.
- (3) This section does not apply to—
- (a) a sample taken by an authorised officer in the exercise of a power under this Part; or
 - (b) a chemical product, fertiliser or stock food seized under section 57 if the sale or use of the chemical product, fertiliser or stock food is prohibited under this Act or the regulations or an Order under this Act.

54H Magistrates' Court may extend 3 month period

S. 54H
inserted by
No. 55/2001
s. 20.

- (1) An authorised officer may apply to the Magistrates' Court within 3 months after seizing a document or other thing under this Part for an extension of the period for which the authorised officer may retain the document or thing.
- (2) The Magistrates' Court may order such an extension if it is satisfied that retention of the document or other thing is necessary—
 - (a) for the purposes of an investigation into whether a contravention of this Act or the regulations or an Order under this Act has occurred; or
 - (b) to enable evidence of a contravention of this Act or the regulations or an Order under this Act to be obtained for the purposes of a proceeding under this Act.

- (3) The Magistrates' Court may adjourn an application to enable notice of the application to be given to any person.

Pt 8 Div. 5
(Heading)
inserted by
No. 22/2022
s. 15.

Division 5—Offences and protection against self-incrimination

S. 54I
inserted by
No. 55/2001
s. 20.

54I Protection against self-incrimination

- (1) It is a reasonable excuse for a natural person to refuse or fail to give information or do any other thing that the person is required to do by or under this Part, if the giving of the information or the doing of that other thing would tend to incriminate the person.
- (2) Despite subsection (1), it is not a reasonable excuse for a natural person to refuse or fail to produce a document that the person is required to produce by or under this Part, if the production of the document would tend to incriminate the person.

S. 54J
inserted by
No. 22/2022
s. 16.

54J Failure to comply with requirement of authorised officer

A person must not, without reasonable excuse, fail or refuse to comply with a requirement of an authorised officer under this Act.

Penalty: In the case of a corporation,
100 penalty units.

In any other case, 50 penalty units.

Note

Section 72A applies to an offence against this section.

54K Obstruction of authorised officer or person assisting

S. 54K
inserted by
No. 22/2022
s. 16.

A person must not obstruct, threaten or
intimidate—

- (a) an authorised officer who is in the course of
performing functions or exercising powers
under this Act; or
- (b) a person who is assisting an authorised
officer in the performance of those functions
or exercise of those powers.

Penalty: 100 penalty units.

Note

Section 72A applies to an offence against this section.

54L False or misleading conduct or information

S. 54L
inserted by
No. 22/2022
s. 16.

A person must not provide any information or
produce any document to, or engage in any other
conduct towards, an authorised officer who is in
the course of performing functions or exercising
powers under this Act if the person knows that the
information or conduct is, or the document
contains any information that is, false or
misleading in a material particular.

Penalty: In the case of a corporation,
100 penalty units.

In any other case, 50 penalty units.

Note

Section 72A applies to an offence against this section.

Pt 8 Div. 6
(Heading)
inserted by
No. 22/2022
s. 17.

Division 6—Testing

55 Testing of sub-standard fertiliser or stock food

S. 55(1)
substituted by
No. 73/1994
s. 51(4),
amended by
No. 22/2022
s. 30.

- (1) The Secretary may, by notice in writing, require a wholesale dealer to have any fertiliser or stock food tested if the Secretary, on the advice of an authorised officer, reasonably suspects that the fertiliser or stock food does not comply with standards set under this Act.

- (2) Without limiting subsection (1), the notice may require—

S. 55(2)(a)
amended by
No. 73/1994
s. 51(5)(a).

- (a) that samples of the fertiliser or stock food are taken—
- (i) under the supervision of an authorised officer; or
 - (ii) in the manner specified in the notice; and

- (b) that the testing is carried out—

- (i) under the supervision of an authorised officer; or
- (ii) in the manner specified in the notice; and

S. 55(2)(c)
amended by
No. 22/2022
s. 30.

- (c) that the testing is carried out at a laboratory that is approved by the Secretary; and

- (d) that the testing is carried out within the time specified in the notice; and

- (e) that the testing is carried out at the expense of the wholesale dealer if—

- (i) it is being carried out for a prescribed reason; or
- (ii) the result of the testing shows that the fertiliser or stock food does not comply with standards set under this Act.

S. 55(2)(e)(ii)
amended by
No. 73/1994
s. 51(5)(a)(b).

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S. 55(2)(e)(iii)
repealed by
No. 73/1994
s. 51(5)(c).

- (3) A wholesale dealer who is given a notice must comply with it.

Penalty: 50 penalty units.

Note

Section 72A applies to an offence against this subsection.

Note to
s. 55(3)
inserted by
No. 13/2013
s. 5(3).

56 Testing of contaminated stock or agricultural produce

- (1) An authorised officer may, by notice in writing, require the owner of any stock, land or agricultural produce to have that stock, land or agricultural produce tested if the authorised officer reasonably suspects that—
- (a) the stock is contaminated; or
 - (b) the growing of plants or the grazing of stock on the land would be likely to result in the production of contaminated agricultural produce or the contamination of the stock; or
 - (c) the agricultural produce is contaminated.
- (2) Without limiting subsection (1), the notice may require—
- (a) that samples or specimens from the stock, land or agricultural produce are taken—
 - (i) under the supervision of an authorised officer; or

S. 56(2)(c)
amended by
No. 22/2022
s. 30.

- (ii) in the manner specified in the notice;
and
- (b) that the testing is carried out—
 - (i) under the supervision of an authorised officer; or
 - (ii) in the manner specified in the notice;
and
- (c) that the samples or specimens are tested at a laboratory that is approved by the Secretary;
and
- (d) that the testing is carried out within the time specified in the notice; and
- (e) that the testing is carried out at the expense of the owner if—
 - (i) it is being carried out for a prescribed reason; or
 - (ii) the result of the testing shows that the stock or agricultural produce (as the case requires) is contaminated or that, in the case of land, the growing of plants or the grazing of stock on it would be likely to result in the production of contaminated agricultural produce or the contamination of the stock.
- (3) An owner of any stock, land or agricultural produce who is given a notice must comply with it.

Penalty: 50 penalty units.

Note to
s. 56(3)
inserted by
No. 13/2013
s. 5(3).

Note

Section 72A applies to an offence against this subsection.

- (4) If the result of the testing of any stock, land or agricultural produce under this section shows that the stock, land or agricultural produce is contaminated, the person who carried out the test of that stock, land or agricultural produce must notify the Secretary or an authorised officer of that contamination within the prescribed time and in the prescribed manner.

S. 56(4)
inserted by
No. 73/1996
s. 3.

56A Notification by commercial laboratories

If the result of the testing of any prescribed agricultural produce for fee or reward shows that the agricultural produce is contaminated with a prescribed constituent or a constituent of a prescribed class of constituents, the person who carried out the test of that agricultural produce must notify the Secretary or an authorised officer of that contamination within the prescribed time and in the prescribed manner.

S. 56A
inserted by
No. 55/2001
s. 21.

Division 7—Other compliance measures

Pt 8 Div. 7
(Heading)
inserted by
No. 22/2022
s. 18.

57 Seizure of chemical products and agricultural produce

- (1) An authorised officer may seize—

- (a) any chemical product, fertiliser or stock food, if he or she is satisfied that the sale or use of the chemical product, fertiliser or stock food is prohibited; and
- (b) any agricultural produce, if he or she is satisfied that a requirement of a contaminated produce notice has not been

S. 57(1)(a)
amended by
No. 73/1994
s. 52(1)(a).

complied with in respect of that agricultural produce; and

- (c) any stock, if he or she is satisfied—
- (i) that a requirement of a contaminated stock notice has not been complied with in respect of that stock; or
 - (ii) that the stock has been abandoned and is likely to be contaminated.

S. 57(2)
amended by
No. 73/1994
s. 52(1)(b).

- (2) An authorised officer who has seized any chemical product, fertiliser, stock food, agricultural produce or stock under subsection (1) may destroy or otherwise deal with it.

S. 57(3)
amended by
Nos 73/1994
s. 52(1)(b),
22/2022 s. 19.

- (3) An authorised officer may recover from the owner of the chemical product, fertiliser, stock food or agricultural produce in a court of competent jurisdiction as a debt the reasonable costs incurred in acting under subsection (1) or (2).

S. 58
(Heading)
inserted by
No. 22/2022
s. 20(1).

58 Notice to destroy or otherwise deal with chemical products and agricultural produce

S. 58(1)
amended by
Nos 73/1994
s. 52(2)(a)(i),
22/2022
ss 20(2)(a), 30.

- (1) The Secretary may, by notice in writing, require that any chemical product, fertiliser, stock food, agricultural produce, plants or stock be destroyed or otherwise dealt with if the Secretary, on the advice of an authorised officer, is satisfied that—

S. 58(1)(a)
amended by
No. 73/1994
s. 52(2)(a)(ii).

- (a) the sale or use of the chemical product, fertiliser or stock food is prohibited; or

- (b) the agricultural produce is contaminated; or

- (c) agricultural produce to be derived from the plants is likely to be contaminated; or
- (d) the stock is contaminated.
- (2) Without limiting subsection (1), the notice may require that the chemical product, fertiliser, stock food, agricultural produce, plants or stock be destroyed or otherwise dealt with in the manner and within the time specified in the notice. **S. 58(2) amended by Nos 73/1994 s. 52(2)(b), 22/2022 s. 20(2)(b).**
- (3) The Secretary must give the notice to the person in possession of the chemical product, fertiliser, stock food, agricultural produce, plants or stock. **S. 58(3) amended by Nos 73/1994 s. 52(2)(b), 22/2022 s. 30.**
- (4) A person in possession of any chemical product, fertiliser, stock food, agricultural produce, plants or stock who is given a notice must comply with it. **S. 58(4) amended by No. 73/1994 s. 52(2)(b).**
- Penalty: 100 penalty units.
- Note**
Section 72A applies to an offence against this subsection. **Note to s. 58(4) inserted by No. 13/2013 s. 5(3).**
- (5) If the person does not comply with the notice within the time specified in it, the Secretary may destroy or otherwise deal with the chemical product, fertiliser, stock food, agricultural produce, plants or stock. **S. 58(5) amended by Nos 73/1994 s. 52(2)(b), 22/2022 ss 20(2)(c), 30.**
- (6) The Secretary may recover from the owner of the chemical product, fertiliser, stock food, agricultural produce, plants or stock in a court of competent jurisdiction as a debt the reasonable costs incurred in acting under subsection (5). **S. 58(6) amended by Nos 73/1994 s. 52(2)(b), 22/2022 ss 20(2)(d), 30.**

59 False or misleading statements

- (1) A person must not make in, or in relation to, any application under this Act any statement that is false or misleading, because of inclusion in the

statement of anything that is false or misleading or because of omission from the statement of anything that is material.

Penalty: In the case of a corporation,
100 penalty units.

In any other case, 50 penalty units.

S. 59(2)
amended by
No. 73/1994
s. 53(1),
substituted by
No. 55/2001
s. 22.

(2) A person must not make any statement or provide any document or other information about a chemical product, fertiliser, or stock food or its use (including in the case of a registered chemical product, the circumstances of its use) that is false or misleading and likely to cause a person who relies on the statement, document or other information to—

- (a) commit an offence under this Act or the regulations under this Act; or
- (b) contaminate stock or agricultural produce; or

(c) injuriously affect plants that are to be applied with the chemical product or fertiliser.

Penalty: In the case of a corporation,
100 penalty units.

In any other case, 50 penalty units.

S. 59(3)
inserted by
No. 55/2001
s. 22.

(3) A person must not make any statement or provide any document or other information in relation to the target area, or the area contiguous to the target area, of agricultural spraying to be carried out on behalf of that person that is false or misleading and likely to cause a person who carries out the agricultural spraying who relies on the statement, document or other information to commit an offence under this Act or the regulations under this Act.

Penalty: In the case of a corporation,
100 penalty units.
In any other case, 50 penalty units.

Note

Section 72A applies to an offence against subsection (1), (2) or (3).

**Note to s. 59
inserted by
No. 13/2013
s. 5(9).**

60 Extra information about application may be required

(1) The Secretary may, by notice in writing, require an applicant to supply extra information if that extra information is reasonably required to enable the Secretary to deal properly with the application.

**S. 60(1)
amended by
Nos 73/1994
s. 53(2)(a)(i)(ii),
22/2022 s. 30.**

(2) The Secretary may refuse to consider the application further until the extra information is supplied.

**S. 60(2)
amended by
Nos 73/1994
s. 53(2)(b),
22/2022 s. 30.**

(3) An applicant who becomes aware of any material change to the information supplied in, or in relation to, the application must notify the Secretary.

**S. 60(3)
amended by
Nos 73/1994
s. 53(2)(c),
22/2022 s. 30.**

Penalty: In the case of a corporation, 20 penalty units.

In any other case, 10 penalty units.

Note

Section 72A applies to an offence against this subsection.

**Note to
s. 60(3)
inserted by
No. 13/2013
s. 5(3).**

61 Information about licence, permit or certificate may be required

(1) The Secretary may, by notice in writing given to the holder of a licence, permit or certificate, require that person to supply any information that is reasonably required to enable the Secretary to

**S. 61(1)
substituted by
No. 73/1994
s. 53(3),
amended by
No. 22/2022
s. 30.**

decide whether the licence, permit or certificate should be cancelled.

- (2) A person who is given a notice must comply with it.

Penalty: In the case of a corporation, 50 penalty units.

In any other case, 20 penalty units.

Note to
s. 61(2)
inserted by
No. 13/2013
s. 5(3).

Note

Section 72A applies to an offence against this subsection.

62 Information about sale of a chemical product, fertiliser or stock food

S. 62(1)
amended by
No. 73/1994
s. 53(4)(a).

- (1) An authorised officer may require the seller or person in possession of a chemical product, fertiliser or stock food, or of any substance that the authorised officer reasonably suspects is a chemical product, fertiliser or stock food—

S. 62(1)(a)
amended by
No. 73/1994
s. 53(4)(b).

- (a) to state the name and address of the person to whom the seller sold the chemical product, fertiliser, stock food or substance; and

S. 62(1)(b)
amended by
No. 73/1994
s. 53(4)(b).

- (b) to state the name and address of the person from whom the seller or the person in possession of the chemical product, fertiliser, stock food or substance bought it; and

- (c) to provide any other information about the sale or purchase that the authorised officer reasonably requests.

- (2) A person must comply with a requirement unless the person has a reasonable excuse.

Penalty: In the case of a corporation, 50 penalty units.

In any other case, 20 penalty units.

Note

Section 72A applies to an offence against this subsection.

Note to
s. 62(2)
inserted by
No. 13/2013
s. 5(3).
S. 62A
inserted by
No. 73/1996
s. 4.

62A Records of notices etc.

- (1) The Secretary must keep records of notices under section 56(1) and (4).
- (2) Records maintained by the Secretary under subsection (1) may be made available by the Secretary in the form that does not identify individuals, properties or premises to any person or body who applies in writing for the information.
- (3) Records maintained by the Secretary under subsection (1) may be made available to—
 - (a) any person, body or organisation prescribed by the regulations; or
 - (b) any officer or employee of a government department, agency or public statutory authority of the Commonwealth or a State or Territory of the Commonwealth employed in the administration of this Act, the **Livestock Disease Control Act 1994**, the **Stock (Seller Liability and Declarations) Act 1993** or any Act of the Commonwealth or a State or Territory of the Commonwealth prescribed by the regulations—subject to any conditions specified by the Secretary.
- (4) Records maintained by the Secretary under subsection (1) may also be made available by the Secretary subject to any conditions specified by the Secretary to—
 - (a) any person or body if the owner of the stock, land or agricultural produce referred to in the records or any other person mentioned in the

- records consents in writing to the release of the information; or
- (b) to any person or body nominated by the owner of the stock, land or agricultural produce or any person referred to in the records as carrying out services on behalf of or as agent for the owner or the person referred to in the records;
 - (c) to any person or body if the Secretary is satisfied that it is in the public interest that the information should be released to that person or body.
- (5) The Secretary may charge a fee fixed by the Secretary by notice published in the Government Gazette for access to, or copies or extracts from, any records maintained by the Secretary under this section.

S. 62B
inserted by
No. 73/1996
s. 4.

62B Secrecy

- (1) A person who has at any time—
- (a) exercised a power or discharged a function under this Act or the Regulations; or
 - (b) been employed for the purposes of, or in connection with, the administration of this Act or the Regulations—

must not divulge or communicate to any person or publish any information referred to in section 62A unless the divulgence, communication or publication is made in accordance with that section.

Penalty: 60 penalty units.

- (2) A person or body to whom information is made available under section 62A and a person or employee under the control of that person or body, is subject, in respect of that information, to the same rights, privileges, obligations and liabilities

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under this section as if that person, body or
employee were a person referred to in
subsection (1).

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S. 63
amended by
Nos 73/1994
s. 54(1)–(4),
46/1998
s. 7(Sch. 1)
(as amended
by No.
12/1999
s. 3(Sch. 1
item 2)),
29/2010
s. 43(2),
repealed by
No. 22/2022
s. 29.

Pt 8A
(Heading)
inserted by
No. 22/2022
s. 21.

Part 8A—Reviews and appeals

64 Review of decisions

S. 64(1)
amended by
Nos 73/1994
s. 54(5)(a)(i),
52/1998
s. 311(Sch. 1
item 4),
22/2022 s. 30.

- (1) A person whose interests are affected by the relevant decision may apply to the Victorian Civil and Administrative Tribunal for review of a decision of the Secretary or an authorised officer—

S. 64(1)(a)
repealed by
No. 73/1994
s. 54(5)(a)(ii).

* * * *

S. 64(1)(b)
amended by
No. 73/1994
s. 54(5)(a)(iii).

- (b) to refuse to grant a licence, permit or certificate; or

S. 64(1)(c)
repealed by
No. 73/1994
s. 54(5)(a)(ii).

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S. 64(1)(d)
amended by
No. 73/1994
s. 54(5)(a)(iii).

- (d) to cancel a licence, permit or certificate other than at the request of the holder; or

S. 64(1)(e)
amended by
No. 73/1994
s. 54(5)(a)
(iii)(iv).

- (e) to attach a condition to a licence, permit or certificate; or

S. 64(1)(f)
amended by
No. 73/1994
s. 54(5)(a)
(iii)(v).

- (f) to vary a condition of a licence, permit or certificate; or

S. 64(1)(g)
repealed by
No. 73/1994
s. 54(5)(a)(ii).

* * * *

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No. 46 of 1992
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- (h) to require testing to be carried out; or
- (i) to issue or amend a land use restriction notice.

*	*	*	*	*	S. 64(2) repealed by No. 73/1994 s. 54(5)(b).
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- (3) A person from whom any chemical product, fertiliser, stock food, agricultural produce or stock is seized under section 57, or the owner of that chemical product, fertiliser, stock food, agricultural produce or stock, may appeal to the Magistrates' Court against the seizure.

S. 64(3)
amended by
No. 73/1994
s. 54(5)(c).

- (4) On an appeal under subsection (3) the Magistrates' Court may order—

- (a) that the appeal be dismissed; or

- (b) that the seized chemical product, fertiliser, stock food, agricultural produce or stock be returned to the person from whom it was seized, or to the owner; or

S. 64(4)(b)
amended by
No. 73/1994
s. 54(5)(c).

- (c) that compensation be paid to the person from whom the chemical product, fertiliser, stock food, agricultural produce or stock was seized, or to the owner; or

S. 64(4)(c)
amended by
No. 73/1994
s. 54(5)(c).

- (d) both the return of the chemical product, fertiliser, stock food, agricultural produce, or stock and the payment of compensation.

S. 64(4)(d)
amended by
No. 73/1994
s. 54(5)(c).

- (5) A person who is given a destruction notice under section 58 may appeal to the Magistrates' Court against the notice.

- (6) On an appeal under subsection (5) the Magistrates' Court may order—

- (a) that the appeal be dismissed; or

- (b) that the destruction notice be withdrawn; or

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S. 64(6)(c)
amended by
No. 73/1994
s. 54(5)(c).

- (c) that compensation be paid to the owner of the chemical product, fertiliser, stock food, agricultural produce or stock; or
- (d) both the withdrawal of the notice and the payment of compensation.

S. 65
amended by
No. 73/1994
s. 54(6),
repealed by
No. 48/2016
s. 4.

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S. 66
amended by
Nos 73/1994
s. 54(7),
46/1998
s. 7(Sch. 1)
(as amended
by No.
12/1999
s. 3(Sch. 1
item 2)),
22/2004 s. 4,
108/2004
s. 117(1)
(Sch. 3
item 6.2),
repealed by
No. 48/2016
s. 4.

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S. 67
repealed by
No. 48/2016
s. 4.

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Part 9—Enforcement

67A Non-compliance with condition of authority an offence

S. 67A
inserted by
No. 35/2009
s. 7.

- (1) The holder of an authority must comply with any condition on that authority imposed by the Secretary under clause 3 of Schedule 1.

S. 67A(1)
amended by
No. 22/2022
s. 30.

Penalty: 60 penalty units.

Note

Section 72B applies to an offence against this subsection.

Note to
s. 67A(1)
inserted by
No. 13/2013
s. 5(1).

- (2) In this section *authority* has the same meaning as in clause 1 of Schedule 1.

67B Non-return of cancelled or suspended authority an offence

S. 67B
inserted by
No. 29/2012
s. 6.

- (1) The person who was the holder of an authority before it was cancelled or suspended under clause 4 of Schedule 1 must return the authority to the Secretary within the time (if any) specified for its return in the notice under that clause.

S. 67B(1)
amended by
No. 22/2022
s. 30.

Penalty: 5 penalty units.

Note

Section 72A applies to an offence against this subsection.

Note to
s. 67B(1)
inserted by
No. 13/2013
s. 5(3).

- (2) In this section *authority* has the same meaning as in clause 1 of Schedule 1.

68 Costs

A court which finds a person guilty of an offence against this Act or the regulations may order that the reasonable costs of any analyses carried out for the purposes of bringing the proceedings must be paid by that person.

69 Infringement notices

- (1) An authorised officer may serve an infringement notice on a person whom the authorised officer believes has committed a prescribed offence, requiring that person to pay the penalty prescribed for that offence.
- (2) An offence referred to in subsection (1) for which an infringement notice may be served is an infringement offence within the meaning of the **Infringements Act 2006**.
- (3) The penalty prescribed for an offence must not exceed 5 penalty units.

S. 69(2)
substituted by
No. 32/2006
s. 94(Sch.
item 1(1)).

S. 69(3)
amended by
No. 29/2012
s. 7.

S. 69(4)–(8)
repealed by
No. 32/2006
s. 94(Sch.
item 1(2)).

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S. 70
amended by
No. 29/2012
s. 8.

70 Time limit for commencing prosecutions

Proceedings for an offence against this Act or the regulations must be commenced not later than 2 years after the date on which the offence is alleged to have been committed.

Note

See sections 53(2), 55 and 56 of the **Infringements Act 2006**.

Note to s. 70
inserted by
No. 32/2006
s. 94(Sch.
item 1(3)).

71 Evidentiary provisions

- (1) In proceedings for an offence against this Act or the regulations, a certificate purporting to be signed by the Secretary and to certify—
- (a) that a chemical product was, or was not, a registered chemical product on a specified date, or during a specified period; or
- * * * * *
- (c) that a licence, certificate or permit was in force on a specified date or during a specified period; or
- (d) that the matter appearing on a label or advice note, or in a licence, certificate or permit, is identical to the matter set out in or appended to the certificate; or
- (e) that a licence, certificate or permit was suspended during a specified period or was cancelled on a specified date; or
- (f) that a specified person was an authorised officer on a specified date during a specified period—
- is evidence of the facts so certified and, in the absence of evidence to the contrary, is proof.
- (2) In any proceedings for an offence against this Act or the regulations, proof is not required as to—
- (a) the authority of an authorised officer or any other person authorised in writing by the Secretary to prosecute under this Act to prosecute; or
- S. 71(1)
amended by
No. 22/2022
s. 30.
- S. 71(1)(a)
amended by
No. 73/1994
s. 55(1)(a)(i).
- S. 71(1)(b)
repealed by
No. 73/1994
s. 55(1)(a)(ii).
- S. 71(1)(d)
amended by
No. 73/1994
s. 55(1)(a)(iii).
- S. 71(2)(a)
amended by
Nos 55/2001
s. 23(1),
22/2022 s. 30.

S. 71(2)(b)
amended by
Nos 73/1994
s. 55(1)(b),
46/1998
s. 7(Sch. 1)
(as amended
by No.
12/1999
s. 3(Sch. 1
item 2)),
22/2022 s. 30.

(b) the appointment or employment of the Secretary, an authorised officer or any other officer or employee of the Department—

until evidence is given to the contrary.

S. 71(3)
amended by
Nos 73/1994
s. 55(1)(c),
55/2001
s. 23(2).

- (3) A certificate issued by an analyst setting out the result of an analysis made by the analyst of a plant, animal, chemical product, fertiliser or stock food on behalf of an informant in respect of a prosecution is admissible in evidence in the proceedings.
- (4) The analyst's certificate is proof of the facts and matters contained in it, unless the accused person gives notice in writing to the informant, at least 7 days before the hearing, that the analyst is required to be called as a witness.

72 Offences by corporations and partnerships etc.

S. 72(1)–(3)
repealed by
No. 13/2013
s. 3.

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- (4) When in any proceedings under this Act it is necessary to establish the intention of a corporation, it is sufficient to show that a servant or agent of the corporation had that intention.
- (5) In respect of any proceedings for an offence by a corporation against this Act any statement made by an officer of the corporation is admissible as evidence against the corporation.

- (6) If a person who is a partner in a partnership commits an offence against this Act or the regulations in the course of the activities of the partnership, each other person who is a partner in the partnership is also guilty of the offence and liable to the penalty for it.
- (7) If a person who is concerned in the management of an unincorporated association commits an offence against this Act or the regulations in the course of the activities of the unincorporated association, each other person who is at the time of the commission of the offence concerned in the management of the unincorporated association is also guilty of the offence and liable to the penalty for it.
- (8) It is a defence to a charge brought under subsection (6) or (7) if the person charged proves that—
 - (a) the commission of the offence occurred without the knowledge of the person; or
 - (b) the person was not in a position to influence the conduct of the person who committed the offence; or
 - (c) the person, being in a position to influence that conduct, used all reasonable diligence to prevent the commission of the offence; or
 - (d) the person who committed the offence would not have been found guilty of it because of a defence available under this Act or the regulations.

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S. 72(9)
amended by
No. 44/2001
s. 3(Sch.
item 3),
repealed by
No. 13/2013
s. 3.

S. 72A
inserted by
No. 13/2013
s. 4.

**72A Criminal liability of officers of bodies corporate—
accessorial liability**

- (1) If a body corporate commits an offence against a provision specified in subsection (2), an officer of the body corporate also commits an offence against the provision if the officer—
- (a) authorised or permitted the commission of the offence by the body corporate; or
 - (b) was knowingly concerned in any way (whether by act or omission) in the commission of the offence by the body corporate.
- (2) For the purposes of subsection (1), the following provisions are specified—
- (a) section 18(4);
 - (b) section 20(3);
 - (c) section 28;
 - (d) section 46(2);
 - (e) section 46A(2);
 - (f) section 49(4);
 - (g) section 50(4);
 - (h) section 52(4);
 - (i) section 52AA;
 - (j) section 54J;

S. 72A(2)(j)
substituted by
No. 22/2022
s. 22.

(ja) section 54K;

S. 72A(2)(ja)
inserted by
No. 22/2022
s. 22.

(jb) section 54L;

S. 72A(2)(jb)
inserted by
No. 22/2022
s. 22.

- (k) section 55(3);
 - (l) section 56(3);
 - (m) section 58(4);
 - (n) section 59(1), (2) and (3);
 - (o) section 60(3);
 - (p) section 61(2);
 - (q) section 62(2);
 - (r) section 67B(1).
- (3) Without limiting any other defence available to the officer, an officer of a body corporate may rely on a defence that would be available to the body corporate if it were charged with the offence with which the officer is charged and, in doing so, the officer bears the same burden of proof that the body corporate would bear.
- (4) An officer of a body corporate may commit an offence against a provision specified in subsection (2) whether or not the body corporate has been prosecuted for, or found guilty of, an offence against that provision.
- (5) In this section—
- body corporate** has the same meaning as corporation has in section 57A of the Corporations Act;
- officer** in relation to a body corporate means—
- (a) a person who is an officer (as defined by section 9 of the Corporations Act) of the body corporate; or
 - (b) a person (other than a person referred to in paragraph (a)), by whatever name called, who is concerned in, or takes part in, the management of the body corporate.

S. 72A(6)
substituted by
No. 20/2015
s. 56(Sch. 1
item 1).

- (6) This section does not affect the operation of Subdivision (1) of Division 1 of Part II of the **Crimes Act 1958**.

S. 72B
inserted by
No. 13/2013
s. 4.

**72B Criminal liability of officers of bodies corporate—
failure to exercise due diligence**

- (1) If a body corporate commits an offence against a provision specified in subsection (2), an officer of the body corporate also commits an offence against the provision if the officer failed to exercise due diligence to prevent the commission of the offence by the body corporate.
- (2) For the purposes of subsection (1), the following provisions are specified—
- (a) section 6(1);
 - (b) section 19(1), (3), (4), (5), (6), (7) and (8);
 - (c) section 21;
 - (d) section 24(1);
 - (e) section 25A(1);
 - (f) section 26(4);
 - (g) section 30(1);
 - (h) section 32(1) and (2);
 - (i) section 39(4);
 - (j) section 40(1);
 - (k) section 41(1);
 - (l) section 48(2);
 - (m) section 67A(1).
- (3) In determining whether an officer of a body corporate failed to exercise due diligence, a court may have regard to—

- (a) what the officer knew, or ought reasonably to have known, about the commission of the offence by the body corporate; and
 - (b) whether or not the officer was in a position to influence the body corporate in relation to the commission of the offence by the body corporate; and
 - (c) what steps the officer took, or could reasonably have taken, to prevent the commission of the offence by the body corporate; and
 - (d) any other relevant matter.
- (4) Without limiting any other defence available to the officer, an officer of a body corporate may rely on a defence that would be available to the body corporate if it were charged with the offence with which the officer is charged and, in doing so, the officer bears the same burden of proof that the body corporate would bear.
- (5) An officer of a body corporate may commit an offence against a provision specified in subsection (2) whether or not the body corporate has been prosecuted for, or found guilty of, an offence against that provision.
- (6) In this section—
- body corporate*** has the same meaning as in section 72A;
- officer*** in relation to a body corporate, has the same meaning as in section 72A.

S. 72C
inserted by
No. 13/2013
s. 4.

**72C Criminal liability of officers of bodies corporate—
failure to exercise due diligence (evidential burden
of proof)**

- (1) Subject to subsection (3), if a body corporate commits an offence against a provision specified in subsection (2), an officer of the body corporate also commits an offence against the provision.
- (2) For the purposes of subsection (1), the following provisions are specified—
 - (a) section 18(1);
 - (b) section 20(1);
 - (c) section 25(1);
 - (d) section 42(3);
 - (e) section 43(2) and (3).
- (3) An officer of a body corporate does not commit an offence against a provision specified in subsection (2) if—
 - (a) the officer presents or points to evidence that suggests a reasonable possibility that the officer exercised due diligence to prevent the commission of the offence by the body corporate; and
 - (b) the contrary is not proved (beyond reasonable doubt) by the prosecution.
- (4) In determining whether an officer of a body corporate exercised due diligence, a court may have regard to—
 - (a) what the officer knew, or ought reasonably to have known, about the commission of the offence by the body corporate; and

- (b) whether or not the officer was in a position to influence the body corporate in relation to the commission of the offence by the body corporate; and
 - (c) what steps the officer took, or could reasonably have taken, to prevent the commission of the offence by the body corporate; and
 - (d) any other relevant matter.
- (5) Without limiting any other defence available to the officer, an officer of a body corporate may rely on a defence that would be available to the body corporate if it were charged with the offence with which the officer is charged and, in doing so, the officer bears the same burden of proof that the body corporate would bear.
- (6) An officer of a body corporate may commit an offence against a provision specified in subsection (2) whether or not the body corporate has been prosecuted for, or found guilty of, an offence against that provision.
- (7) In this section—
- body corporate*** has the same meaning as in section 72A;
- officer*** in relation to a body corporate, has the same meaning as in section 72A.

73 Offences by employers and contractors

- (1) An employer commits an offence against this Act or the regulations, and is liable to the penalty for that offence, if a person commits the offence in the course of that person's employment by the employer, unless it is proved that—

- (a) the employer—
 - (i) did not authorise or permit the acts or omissions of the employee; and
 - (ii) used all reasonable diligence to prevent them; or
 - (b) the employee would not have been convicted of the offence because of a defence available under this Act or the regulations.
- (2) A person who has contracted with another person for the provision of services by that other person commits an offence against this Act or the regulations, and is liable to the penalty for that offence, if that other person commits the offence in the course of providing those services for the person, unless it is proved that—
- (a) the person—
 - (i) did not authorise or permit the acts or omissions of that other person; and
 - (ii) used all reasonable diligence to prevent them; or
 - (b) that other person would not have been convicted of the offence because of a defence available under this Act or the regulations.

Part 9A—General

Pt 9A
(Heading)
inserted by
No. 22/2022
s. 23.

73A How requirements, notices and documents may be made, given or served

S. 73A
inserted by
No. 22/2022
s. 24.

- (1) A requirement may be made to a person by an authorised officer under this Act by—
 - (a) orally informing the person of the requirement; or
 - (b) giving written notice of the requirement to the person in accordance with subsection (2) or (3).
- (2) Any written notice or other document may be given to or served on a person (including a body corporate) under this Act—
 - (a) in person; or
 - (b) by sending it by post to the person at the person's usual or last known residential or business address; or
 - (c) by leaving it at the person's usual or last known residential address with a person on the premises who is apparently at least 16 years old; or
 - (d) by leaving it at the person's usual or last known business address with a person who is apparently employed at the premises and is apparently at least 16 years old; or
 - (e) by sending it by electronic communication to the person at the person's usual or last known electronic address.
- (3) In addition to the methods in subsection (2), any written notice or other document may be given to or served on a body corporate under this Act by

sending it by post or electronic communication to the body corporate at the head office, registered office or principal place of business of the body corporate.

74 Delegation

S. 74(1)
amended by
Nos 73/1994
s. 55(2)(a),
22/2022 s. 30.

- (1) The Secretary may, by instrument, delegate to any officer of the Department or authorised officer any power of the Secretary under this Act or the regulations, other than this power of delegation.

S. 74(2)
repealed by
No. 73/1994
s. 55(2)(b).

* * * * *

75 Fees

- (1) The Minister may, by notice published in the Government Gazette, fix fees to be paid under this Act and the rate of interest to be paid on overdue fees.

S. 75(1A)
Inserted by
No. 69/2004
s. 54(3).

- (1A) A fee fixed under subsection (1) must be fixed as one or more fee units or as part of a fee unit.

S. 75(1B)
Inserted by
No. 69/2004
s. 54(3).

- (1B) The following applies in respect of a fee—
- (a) the fee may be expressed as being, or including, a part of a fee unit, but only of a part that is a tenth or more of a fee unit;
 - (b) the amount of the fee is to be calculated by multiplying the number of fee units applicable by the value of a fee unit fixed from time to time under section 5 of the **Monetary Units Act 2004**;

- (c) despite section 7(3) of the **Monetary Units Act 2004**, if the amount of a fee calculated in accordance with paragraph (b) is not a multiple of 5 cents, the amount must be rounded down to the nearest multiple of 5 cents.
- (2) The power to fix fees under this section may be exercised—
 - (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified case or class of case; and
 - (b) so as to make, with respect to the cases in relation to which the power is exercised—
 - (i) the same provision for all cases in relation to which the power is exercised, or different provisions for different cases or classes of case, of different provisions for the same case or class of case for different purposes; or
 - (ii) any such provision either unconditionally or subject to any specified condition.
- (3) Any fee due under this Act bears interest at the rate fixed under subsection (1), from the date that the fee becomes due to the date that it is paid.

75A Use of money available for the purposes of this Act

Any money available for the purposes of this Act must be used for the following purposes—

- (a) consideration of applications for authorities under the Act;
- (b) monitoring standards and performance of holders of authorities under the Act;

S. 75A
inserted by
No. 55/2001
s. 24.

- (c) monitoring compliance with the Act;
- (d) generally administering the Act.

76 Regulations

S. 76(2)
amended by
Nos 73/1994
s. 55(3),
55/2001 s. 25.

- (1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed, or necessary to be prescribed to give effect to this Act.
- (2) Without in any way limiting subsection (1), regulations may be made under this Act for or with respect to the things specified in sections 24(2), 27, 45, 52A and 47.
- (3) A power conferred by this Act to make regulations may be exercised—
 - (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified case or class of case; and
 - (b) so as to make, as respects the cases in relation to which the power is exercised—
 - (i) the same provision for all cases in relation to which the power is exercised, or different provisions for different cases or classes of case, or different provisions for the same case or class of case for different purposes; or
 - (ii) any such provision either unconditionally or subject to any specified condition.

- (4) Regulations made under this Act may be made—
- (a) so as to apply—
 - (i) at all times or at a specified time; or
 - (ii) throughout the whole of the State or in a specified part of the State; or
 - (iii) as specified in both subparagraphs (i) and (ii); and
 - (b) so as to require a matter affected by the regulations to be—
 - (i) in accordance with a specified standard or specified requirement; or
 - (ii) approved by or to the satisfaction of a specified person or a specified class of persons; or
 - (iii) as specified in both subparagraphs (i) and (ii); and
 - (c) so as to apply, adopt or incorporate any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any person whether—
 - (i) wholly or partially or as amended by the regulations; or
 - (ii) as formulated, issued, prescribed or published at the time the regulations are made or at any time before then; or
 - (iii) as formulated, issued, prescribed or published from time to time; and
 - (d) so as to confer a discretionary authority or impose a duty on a specified person or a specified class of persons; and

- (e) so as to provide in a specified case or class of case for the exemption of persons or things or a class of persons or things from any of the provisions of the regulations, whether unconditionally or on specified conditions and either wholly or to such an extent as is specified; and
 - (f) so as to impose a penalty not exceeding 50 penalty units for a contravention of the regulations.
- (5) If under subsection (4)(c)(iii) a regulation has applied, adopted or incorporated any matter contained in any document, code, standard, rule, specification or method as formulated, issued, prescribed or published from time to time and that document, code, standard, rule, specification or method is at any time amended, the document, code, standard, rule, specification or method is for the purpose of the regulation to be taken to have not been so amended until notice of the amendment is published in the Government Gazette.
- (6) Regulations made under this Act may be disallowed in whole or in part by resolution of either House of Parliament.

S. 76(6)
amended by
No. 78/2010
s. 24(Sch. 1
item 2.1).

S. 76(7)
repealed by
No. 78/2010
s. 24(Sch. 1
item 2.2).

* * * * *

77 Orders may incorporate material

S. 77(1)
amended by
No. 73/1994
s. 55(4)(a).

- (1) An Order made under section 25(2), 25A(2), 38(1) or 48(1) may be made so as to apply, adopt or incorporate any material contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any person, whether—

- (a) wholly or partially or as amended by the Order; or
 - (b) as formulated, issued, prescribed or published at the time the Order is made or at any time before then; or
 - (c) as formulated, issued, prescribed or published from time to time.
- (2) If an Order applies, adopts or incorporates any material under subsection (1), there must be published in the Government Gazette with the Order a notice stating that the material may be inspected at the office of the Department specified in the notice.
- (3) If under subsection (1)(c) an Order has applied, adopted or incorporated any matter contained in any document, code, standard, rule, specification or method as formulated, issued, prescribed or published from time to time and that document, code, standard, rule, specification or method is at any time amended, the document, code, standard, rule, specification or method is for the purpose of the Order to be taken to have not been so amended until notice of the amendment is published in the Government Gazette.
- (4) A person is not guilty of an offence for contravening an Order under section 25(1), 25A(1), 39(4) or 48(2) if the relevant Order applied, adopted or incorporated material under subsection (1) of this section and—
- (a) a notice required by subsection (2) was not published with the Order; or
 - (b) at the time of the alleged contravention, the material was not available for inspection at the office of the Department specified in the notice.

S. 77(4)
amended by
No. 73/1994
s. 55(4)(b).

- (5) Subsection (4) does not apply if, at the time of the alleged contravention, reasonable steps had been taken to bring the general purport of the applied, adopted or incorporated material to the notice of people likely to be affected by the Order.

Part 10—Transitional provisions

Pt 10
(Heading)
substituted by
No. 48/2016
s. 5.

Pt 10
(Heading and
ss 78–81)
amended by
No. 73/1994
s. 56(1)(a)–
(f)(2),
repealed by
No. 33/2000
s. 6(b),
new Pt 10
(Heading
and s. 78)
inserted by
No. 13/2013
s. 6.

78 Transitional provision—Statute Law Amendment (Directors' Liability) Act 2013

New s. 78
inserted by
No. 13/2013
s. 6.

- (1) For the avoidance of doubt, section 72A applies with respect to an offence against a provision specified in subsection (2) of that section that is alleged to have been committed by a body corporate on or after the commencement of section 4 of the **Statute Law Amendment (Directors' Liability) Act 2013**.
- (2) For the avoidance of doubt, section 72B applies with respect to an offence against a provision specified in subsection (2) of that section that is alleged to have been committed by a body corporate on or after the commencement of section 4 of the **Statute Law Amendment (Directors' Liability) Act 2013**.

- (3) For the avoidance of doubt, section 72C applies with respect to an offence against a provision specified in subsection (2) of that section that is alleged to have been committed by a body corporate on or after the commencement of section 4 of the **Statute Law Amendment (Directors' Liability) Act 2013**.
- (4) This section does not limit section 14 of the **Interpretation of Legislation Act 1984**.

79 Transitional provision—Primary Industries Legislation Amendment Act 2016

On the commencement of Part 2 of the **Primary Industries Legislation Amendment Act 2016** the Victorian Agricultural Chemicals Advisory Committee is abolished.

New s. 79
inserted by
No. 48/2016
s. 6.

Schedule

Schedule 1—Permits, certificates and licences

Sections 6, 18, 19, 25,
29, 31, 39 and 42

Part 1—Provisions applying to all authorities

1 Definition

In this Schedule, **authority** means—

- (a) a permit under section 6(1);
- (b) a permit under section 18(2);
- (c) a permit under section 19;
- (d) a permit under section 25(2)(b) or 25A(2)(b);
- (e) an applicator (chemical rating) certificate under section 29;
- (f) a commercial operator licence under section 31;
- (fa) a permit under section 32;
- (g) a permit under section 39(3);
- (h) a pilot (chemical rating) licence under section 42;
- (i) an agricultural aircraft operator licence under section 42.

Sch. 1 cl. 1
amended by
Nos 73/1994
s. 56(3)(a)–(c),
55/2001 s. 26.

2 Applications

- (1) A person may apply to the Secretary for the grant of an authority.

Sch. 1 cl. 2(1)
amended by
No. 22/2022
s. 30.

(2) An application must—

Sch. 1
cl. 2(2)(a)
amended by
No. 22/2022
s. 30.

(a) be in a form approved by the Secretary; and

Sch. 1
cl. 2(2)(b)
amended by
No. 22/2022
s. 30.

(b) include any information that the Secretary requires; and

(c) be accompanied by the relevant approved fee.

3 Grant or refusal

Sch. 1 cl. 3(1)
amended by
No. 22/2022
s. 30.

(1) The Secretary may grant or refuse to grant an authority.

Sch. 1 cl. 3(2)
amended by
No. 22/2022
s. 30.

(2) An authority is subject to any conditions imposed by the Secretary and specified in the authority.

Sch. 1 cl. 3(3)
amended by
No. 22/2022
s. 30.

(3) The Secretary may, by notice in writing to the holder of an authority, vary or omit any conditions of the authority and impose new conditions.

Sch. 1 cl. 3(4)
amended by
No. 22/2022
s. 30.

(4) The Secretary may refuse to grant an authority—
(a) if the applicant has been convicted of an offence against a relevant Act; or
(b) on any prescribed ground.

4 Cancellation or suspension

Sch. 1 cl. 4(1)
amended by
No. 22/2022
s. 30.

(1) The Secretary may, by notice in writing to the holder of an authority, cancel or suspend the authority if—
(a) the holder has not complied with a condition of the authority; or
(b) the holder has been convicted of an offence against a relevant Act; or

(c) a relevant fee has not been paid on or before the due date; or

(d) the Secretary becomes aware of any information which, if it had been known at the time the authority was granted, would have prevented the grant of the authority; or

Sch. 1
cl. 4(1)(d)
amended by
No. 22/2022
s. 30.

(e) any prescribed ground exists.

(1A) The Secretary may include in the notice under subclause (1) a requirement that the holder of the authority return the authority to the Secretary within the time specified in the notice.

Sch. 1
cl. 4(1A)
inserted by
No. 29/2012
s. 9(1),
amended by
No. 22/2022
s. 30.

(2) A notice must specify—

(a) the date on which the cancellation or suspension takes effect; and

(ab) the time within which the authority must be returned to the Secretary if the notice includes this requirement; and

Sch. 1
cl. 4(2)(ab)
inserted by
No. 29/2012
s. 9(2),
amended by
No. 22/2022
s. 30.

(b) in the case of suspension—

(i) the period of suspension; or

(ii) any conditions that must be satisfied before the suspension will be lifted.

5 Notice of reasons and opportunity to comment

Sch. 1 cl. 5
amended by
No. 22/2022
s. 30.

Before suspending or cancelling an authority or refusing to grant an application, the Secretary must give the applicant for, or the holder of the authority—

(a) notice of the reasons for the proposed action; and

- (b) the opportunity to submit written comments on the proposed action.

6 Term of authority

An authority continues in operation for the term (not exceeding 10 years) specified in it, unless it is cancelled before then.

7 Fees

The holder of an authority must pay the relevant approved fee on or before the due date each year.

Part 2—Provisions applying to specified authorities

8 Applicator (chemical rating) certificates

Sch. 1 cl. 8(1)
amended by
No. 22/2022
s. 30.

- (1) The Secretary may, without limiting his or her power under clause 3(2), impose conditions on an applicator (chemical rating) certificate—
- (a) requiring the holder to undergo regular medical checkups; and
 - (b) specifying the equipment authorised by the certificate to be used; and
 - (c) specifying the preparations authorised by the certificate to be used.

Sch. 1 cl. 8(2)
amended by
No. 22/2022
s. 30.

- (2) The Secretary may, without limiting his or her power under clause 3(4), refuse to grant an applicator (chemical rating) certificate if the applicant has not attended a course, or passed an examination, approved by the Secretary.

9 Commercial operator licences

Sch. 1 cl. 9(1)
amended by
No. 22/2022
s. 30.

- (1) The Secretary may, without limiting his or her power under clause 3(2), impose a condition on a commercial operator licence requiring the holder to hold an approved insurance policy.

- (2) The Secretary may, without limiting his or her power under clause 3(4) or clause 4(1)—
- (a) refuse to grant a commercial operator licence if the applicant does not hold an approved insurance policy or a cover note for such a policy; or
 - (b) cancel or suspend a commercial operator licence if the holder does not hold an approved insurance policy.

Sch. 1 cl. 9(2)
amended by
No. 22/2022
s. 30.

10 Pilot (chemical rating) licences

The Secretary may, without limiting his or her power under clause 3(4), refuse to grant a pilot (chemical rating) licence if the applicant has not attended a course, or passed an examination, approved by the Secretary.

Sch. 1 cl. 10
amended by
No. 22/2022
s. 30.

* * * * *

Sch. 1 cl. 11
repealed by
No. 35/2009
s. 8.

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.

Minister's second reading speech—

Legislative Assembly: 9 May 1991

Legislative Council: 9 October 1991

The long title for the Bill for this Act was "A Bill to re-enact with amendments provisions relating to the manufacture, sale, use and application of agricultural and veterinary chemicals; to repeal the **Agricultural Chemicals Act 1958**, the **Animal Preparations Act 1987**, the **Fertilizers Act 1974** and the **Aerial Spraying Control Act 1966**; to amend the **Sale of Land Act 1962** and the **Stock Diseases Act 1968** and for other purposes."

The **Agricultural and Veterinary Chemicals (Control of Use) Act 1992** was assented to on 23 June 1992 and came into operation as follows:

Section 81 on 24 June 1992: Government Gazette 24 June 1992 page 1532—see **Interpretation of Legislation Act 1984**; sections 1–5, 19(4)(5), 25, 27, 53, 54, 62, 65–76, Schedule 1 on 11 March 1993: Government Gazette 11 March 1993 page 489; section 19(6) on 25 March 1994: Special Gazette (No. 13) 25 March 1994 page 1—see **Interpretation of Legislation Act 1984**; sections 6, 19(1)–(3), 23, 26, 38–40, 45, 46, 48, 49, 52, 55–61, 63, 64, 77, 78(2)(a)(4)(d)(5) on 15 March 1995: Government Gazette 9 March 1995 page 502; sections 50, 51, 78(3) on 20 December 1995: Government Gazette 14 December 1995 page 3489; rest of Act (*except* sections 41, 78(4)(a)–(c)) on 1 August 1996: Special Gazette (No. 89) 1 August 1996 page 2.

Section 78(4)(a)–(c) never proclaimed, repealed by No. 33/2000 section 6(b).

Section 41 never proclaimed, repealed by No. 55/2001 s. 12.

The name of this Act was changed from the **Agricultural and Veterinary Chemicals Act 1992** to the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992** by the **Agricultural and Veterinary Chemicals (Victoria) Act 1994**, Act No. 73/1994 section 38.

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 section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

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

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

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

- **Punctuation**

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

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

Agricultural and Veterinary Chemicals (Control of Use) Act 1992
No. 46 of 1992
Endnotes

- **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 an Act 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 an Act. See section 36(3)(3D)(3E).

2 Table of Amendments

This publication incorporates amendments made to the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992** by Acts and subordinate instruments.

Financial Management (Consequential Amendments) Act 1994, No. 31/1994

<i>Assent Date:</i>	31.5.94
<i>Commencement Date:</i>	S. 4(Sch. 2 item 4) on 1.1.95: Government Gazette 28.7.94 p. 2055
<i>Current State:</i>	This information relates only to the provision/s amending the Agricultural and Veterinary Chemicals (Control of Use) Act 1992

Agricultural and Veterinary Chemicals (Victoria) Act 1994, No. 73/1994

<i>Assent Date:</i>	22.11.94
<i>Commencement Date:</i>	Pt 1 (ss 1–4) on 22.11.94: s. 2(1); rest of Act (<i>except</i> ss 44, 50(4)) on 15.3.95: Government Gazette 9.3.95 p. 502; ss 44, 50(4) on 22.11.95: s. 2(3)
<i>Current State:</i>	All of Act in operation

Miscellaneous Acts (Further Omnibus Amendments) Act 1996, No. 73/1996

<i>Assent Date:</i>	17.12.96
<i>Commencement Date:</i>	Pt 2 (ss 3, 4) on 17.12.96: s. 2(1)
<i>Current State:</i>	This information relates only to the provision/s amending the Agricultural and Veterinary Chemicals (Control of Use) Act 1992

Veterinary Practice Act 1997, No. 58/1997

<i>Assent Date:</i>	28.10.97
<i>Commencement Date:</i>	S. 96(Sch. item 1) on 17.3.98: Government Gazette 12.3.98 p. 520
<i>Current State:</i>	This information relates only to the provision/s amending the Agricultural and Veterinary Chemicals (Control of Use) Act 1992

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998 (as amended by No. 12/1999)

<i>Assent Date:</i>	26.5.98
<i>Commencement Date:</i>	S. 7(Sch. 1) on 1.7.98: s. 2(2)
<i>Current State:</i>	This information relates only to the provision/s amending the Agricultural and Veterinary Chemicals (Control of Use) Act 1992

Agricultural and Veterinary Chemicals (Control of Use) Act 1992
No. 46 of 1992
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**Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998,
No. 52/1998**

Assent Date: 2.6.98
Commencement Date: S. 311(Sch. 1 item 4) on 1.7.98: Government Gazette 18.6.98 p. 1512
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

**Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Act 2000,
No. 33/2000**

Assent Date: 6.6.00
Commencement Date: 30.5.01: s. 2(2)
Current State: All of Act in operation

Health (Amendment) Act 2001, No. 33/2001

Assent Date: 19.6.01
Commencement Date: Ss 13, 14 on 20.6.01: s. 2(1)
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

Corporations (Consequential Amendments) Act 2001, No. 44/2001

Assent Date: 27.6.01
Commencement Date: S. 3(Sch. item 3) on 15.7.01: s. 2
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

Agricultural and Veterinary Chemicals (Control of Use) (Further Amendment) Act 2001, No. 55/2001

Assent Date: 16.10.01
Commencement Date: 17.10.01: s. 2
Current State: All of Act in operation

Fisheries (Amendment) Act 2003, No. 56/2003

Assent Date: 16.6.03
Commencement Date: S. 11(Sch. item 1) on 17.6.03: s. 2
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

**Primary Industries Legislation (Miscellaneous Amendments) Act 2004,
No. 22/2004**

Assent Date: 18.5.04
Commencement Date: Ss 3, 4 on 19.5.04: s. 2(1)
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

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Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004, No. 69/2004

Assent Date: 19.10.04
Commencement Date: S. 54 on 20.10.04: s. 2(1)
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

Occupational Health and Safety Act 2004, No. 107/2004

Assent Date: 21.12.04
Commencement Date: S. 178 on 1.7.05: s. 3(1)
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 6) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

Infringements (Consequential and Other Amendments) Act 2006, No. 32/2006

Assent Date: 13.6.06
Commencement Date: S. 94(Sch. item 1) on 1.7.06: Government Gazette 29.6.06 p. 1315
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

Public Health and Wellbeing Act 2008, No. 46/2008

Assent Date: 2.9.08
Commencement Date: S. 268 on 1.1.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

Primary Industries Legislation Amendment Act 2009, No. 35/2009

Assent Date: 30.6.09
Commencement Date: Ss 3–8 on 1.7.09: s. 2(1)
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

Statute Law Amendment (National Health Practitioner Regulation) Act 2010, No. 13/2010

Assent Date: 30.3.10
Commencement Date: S. 51(Sch. item 4) on 1.7.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

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Health and Human Services Legislation Amendment Act 2010, No. 29/2010

Assent Date: 8.6.10
Commencement Date: S. 43 on 1.7.10: Special Gazette (No. 235) 23.6.10 p. 1
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

Subordinate Legislation Amendment Act 2010, No. 78/2010

Assent Date: 19.10.10
Commencement Date: S. 24(Sch. 1 item 2) on 1.1.11: s. 2(1)
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

Primary Industries Legislation Amendment Act 2012, No. 29/2012

Assent Date: 29.5.12
Commencement Date: Ss 3–9 on 1.9.12: Special Gazette (No. 267) 31.7.12 p. 1
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

Statute Law Amendment (Directors' Liability) Act 2013, No. 13/2013

Assent Date: 13.3.13
Commencement Date: Ss 3–6 on 14.3.13: s. 2
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

Statute Law Revision Act 2013, No. 70/2013

Assent Date: 19.11.13
Commencement Date: S. 4(Sch. 2 item 4) on 1.12.13: s. 2(1)
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

Justice Legislation Amendment Act 2015, No. 20/2015

Assent Date: 16.6.15
Commencement Date: S. 56(Sch. 1 item 1) on 17.6.15: s. 2(3)
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

Primary Industries Legislation Amendment Act 2016, No. 48/2016

Assent Date: 6.9.16
Commencement Date: Ss 3–6 on 1.3.17: s. 2(2)
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

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Oaths and Affirmations Act 2018, No. 6/2018

Assent Date: 27.2.18
Commencement Date: S. 68(Sch. 2 item 3) on 1.3.19: s. 2(2)
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

Environment Protection Amendment Act 2018, No. 39/2018 (as amended by No. 11/2020)

Assent Date: 28.8.18
Commencement Date: S. 28 on 1.7.21: Special Gazette (No. 124) 16.3.21 p. 1
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

Agriculture Legislation Amendment Act 2022, No. 22/2022

Assent Date: 15.6.22
Commencement Date: Ss 3–30 on 1.10.22: Special Gazette (No. 506) 27.9.22 p. 1
Current State: This information relates only to the provision/s amending the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**

3 Explanatory details

No entries at date of publication.