

Version No. 010
Agricultural and Veterinary Chemicals
(Control of Use) Regulations 1996

S.R. No. 71/1996

Version incorporating amendments as at 6 May 2004

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PART 1—PRELIMINARY

1. Objectives

The objectives of these Regulations are to prescribe—

- (a) required records to be kept by users concerning the use of agricultural chemical or veterinary chemical products and records to be kept for the sale and use of veterinary chemical products having a withholding period;
- (b) the specifications, testing and maintenance of spraying equipment used for the purpose of agricultural spraying;
- (c) the prohibition of the possession of certain chemical products;
- (d) the requirements for labels and advice notes applied to or accompanying veterinary chemical products sold by a veterinary surgeon;
- (e) the reasons for requiring stock or agricultural produce to be tested at the expense of the owner;
- (f) various other matters authorised by the Act.

2. Authorising provisions

These Regulations are made under sections 18, 27, 30, 41, 47, 56 and 76 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**.

3. Commencement

These Regulations come into operation on 1 August 1996¹.

4. Definitions

In these Regulations—

"aerial applicator" means any person spraying, spreading or dispersing an agricultural chemical product from an aircraft or any person in the business of employing any such person;

"certificate" means a current and valid applicator (chemical rating) certificate granted by the chief administrator;

"check valve" means a valve that allows fluid to flow in only one direction;

"chemigation equipment" means equipment used for the application of amounts of water and agricultural chemical product through a uniform centre pivot or linear move irrigation system, trickle irrigation system or hydroponic system for control of pests and diseases;

"commercial ground applicator" means any person who is in the business of spraying, spreading or dispersing an agricultural chemical product from any machine or equipment (other than from an aircraft) for fee or reward;

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"home garden product" means any agricultural chemical product, packaged and supplied to the general public for use in and around private dwellings that is specified for the home garden on the label approved by the NRA;

"hormonal growth promotant" means a veterinary chemical product containing oestrogenic, androgenic or gestagenic activity to enhance growth or production in bovines and bubalines;

Reg. 4 def. of "hormonal growth promotant" inserted by S.R. No. 34/2003 reg. 4.

"mister" means spraying equipment that uses air for dispersing the spray, including orchard sprayers, air blasters and air shear sprayers, that produces droplets with a volume mean diameter not exceeding 100 micron but not including air assisted boom sprayers or twin fluid nozzle sprayers;

"NRA" means the National Registration Authority for Agricultural and Veterinary Chemicals established by the Agricultural and Veterinary Chemicals (Administration) Act 1988 of the Commonwealth;

"property identification number" means the code or number issued by the Secretary under section 9B(3) of the **Livestock Disease Control Act 1994**;

Reg. 4 def. of "property identification number" inserted by S.R. No. 34/2003 reg. 4.

"spraying equipment" means any equipment or machine with the function of spreading, spraying or dispersing an agricultural chemical product including aircraft and equipment used in chemigation;

"the Act" means the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**;

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Reg. 4 def. of
"user of a
hormonal
growth
promotant"
inserted by
S.R. No.
34/2003 reg. 4.

"user of a hormonal growth promotant" means
the person who—

- (a) treats an animal with a hormonal
growth promotant; or
- (b) manages the property on which the
animal is treated;

"vacuum relief valve" means a device to
automatically relieve or break a vacuum in
an irrigation pipeline or other applicable
method of conveyance.

PART 2—AGRICULTURAL CHEMICAL PRODUCTS

5. Prohibited possession of agricultural chemical products

- (1) A person must not possess chlordane or heptachlor.

Penalty: 50 penalty units.

- (2) Sub-regulation (1) does not apply if the chlordane or heptachlor is—
- (a) used or stored for purposes other than as an agricultural chemical, except where such use or storage is likely to result in the contamination of stock, agricultural produce, land or water; or
 - (b) being stored at premises licensed under the **Environment Protection Act 1970** until appropriate disposal facilities become available.

6. Records

- (1) The user of an agricultural chemical product (other than a home garden product) listed in Schedule 1 must make and keep for a period of 2 years after the date of use an accurate written record of the following—
- (a) the name and address of the business or person supplying the chemical product; and
 - (b) the name and quantity of the chemical product; and
 - (c) the batch number and, where applicable, the expiry date of the chemical product; and

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- (d) any specific written precautions received with the chemical product in addition to the product label; and
- (e) any withholding period; and
- (f) the following details of use of the agricultural chemical product—
 - (i) the address or location of the area over which the product is sprayed, spread or dispersed; and
 - (ii) the type of vegetation in that area; and
 - (iii) the name of the pest or disease to be controlled or eradicated; and
 - (iv) the weather conditions at the time of spraying, spreading or dispersing including temperature, wind direction and speed; and
 - (v) the date and approximate time of spraying, spreading or dispersing; and
 - (vi) the rate of application; and
 - (vii) the method of application; and
 - (viii) the name and address of the person spraying, spreading or dispersing the product and, if applicable, the name and address of the person supervising the spraying, spreading or dispersing of the product; and
 - (ix) the permit issued under Schedule 1 of the Act or Part 7 of the Agvet Code (if any).

Penalty: 30 penalty units.

- (2) Sub-regulation (1) does not apply to an aerial applicator or a commercial ground applicator.

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- (3) Sub-regulation (1) does not apply to a person accredited under a quality assurance program providing for the use of agricultural chemical products that is approved by the chief administrator and notified in the Government Gazette.

Reg. 6(3)
inserted by
S.R. No.
38/1998 reg. 4.

7. Aerial applicator and commercial ground applicator records

- (1) An aerial applicator or a commercial ground applicator must make and keep for a period of 2 years from the date of spraying, spreading or dispersing an agricultural chemical product an accurate written record of the following—
- (a) the details specified in paragraphs (a) to (f) of regulation 6(1); and
 - (b) the name and address of the applicator at the time of spraying, spreading or dispersing; and
 - (c) the name and address of the person for whom the spraying, spreading or dispersing was carried out; and
 - (d) the identification marks of the spraying equipment and the registration number of any vehicle from which the spraying, spreading or dispersing was carried out or in which the spraying equipment was transported.

Penalty: 50 penalty units.

- (2) An aerial applicator or a commercial ground applicator must include in every record completed under sub-regulation (1) the statement "I certify that this is a true and accurate record of agricultural spraying" and must sign and date the record following the statement.

Penalty: 50 penalty units.

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8. Offence of commercial use without a licence

The following classes of agricultural chemical product are prescribed classes for the purposes of section 30 of the Act—

- (a) herbicides;
- (b) fungicides;
- (c) insecticides;
- (d) growth regulators;
- (e) vermin destroyers;
- (f) avicides.

Reg. 8(d)
substituted by
S.R. No.
143/2001
reg. 5.

Reg. 8(e)
inserted by
S.R. No.
143/2001
reg. 5.

Reg. 8(f)
inserted by
S.R. No.
143/2001
reg. 5.

9. Chemigation equipment

- (1) A person must not use chemigation equipment unless that equipment complies with the following specifications—
 - (a) a check valve or vacuum release valve must be installed between the irrigation water supply and the point of injection of the agricultural chemical product to prevent back-flow to the water source; and
 - (b) a check valve must be installed between the injection pump and main line to prevent flow of water into the chemical tank if the injection pump has failed; and

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Part 2—Agricultural Chemical Products

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- (c) interlocking or electronic control mechanisms must be used to prevent continued injection of an agricultural chemical product once the water pump has stopped; and
 - (d) any spray nozzle must produce droplets the volume median diameter of which is greater than 1400 micron.

Penalty: 50 penalty units.

- (2) A person using chemigation equipment must calibrate and inspect the equipment at the commencement of each chemigation treatment and at intervals not exceeding 3 months unless the equipment has not been in use during the whole of the period.

Penalty: 50 penalty units.

10. Aerial spraying equipment

- (1) A person must not carry out aerial spraying unless each individual spray nozzle used in the aerial spraying equipment is fitted with an operating leak-proof cut-off valve.

Penalty: 50 penalty units.

- (2) A person must not carry out aerial spraying unless—
 - (a) a smoke generating device is used at ground level at or near the point of agricultural chemical product application immediately prior to and during that application; or
 - (b) the aircraft is fitted with a smoke generating device that is operated immediately prior to the commencement of the aerial spraying and at any time during the aerial spraying; or

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- (c) a windsock that is in operation and clearly visible to the pilot is available at ground level at or near the point of agricultural chemical product application.

Penalty: 50 penalty units.

11. Testing of agricultural produce at expense of the owner

For the purposes of section 56(2)(e)(i) of the Act, the prescribed reasons for requiring testing of agricultural produce to be carried out at the expense of the owner are that, at any time during the period of 5 years immediately before the giving of the notice requiring the testing, the owner—

- (a) has been convicted of an offence against section 19(1), 19(3) or 19(6) of the Act in relation to an agricultural chemical product; or
- (b) has been convicted of an offence against section 50(4) of the Act in relation to any land on which the growing of plants would be likely to result in the production of contaminated agricultural produce; or
- (c) has been convicted of an offence against section 52(4) of the Act; or
- (d) has sold or consigned for sale contaminated agricultural produce.

PART 3—VETERINARY CHEMICAL PRODUCTS²

12. Labels or advice notes accompanying veterinary chemical products

The label or advice note accompanying a veterinary chemical product sold by a veterinary surgeon for the treatment of stock that—

- (a) contains a substance that is a Schedule 4 poison within the meaning of the **Drugs, Poisons and Controlled Substances Act 1981**; or
- (b) is an unregistered veterinary chemical product; or
- (c) is a registered veterinary chemical product that is sold without the label approved by the NRA—

must include—

- (d) the business name and address of the veterinary surgeon; and
- (e) in relation to the specific use for which the product is sold—
 - (i) the amount of the product to be administered; and
 - (ii) the re-treatment interval (if any); and
 - (iii) the route of administration; and
 - (iv) a statement as to whether or not there is a withholding period applicable to the administration of the product and, if so, the length of that period.

13. Labels or advice notes accompanying veterinary chemical products used by a veterinary surgeon

- (1) The label or advice note accompanying a veterinary chemical product that has a withholding period applicable to the administration of the product and that is sold by a veterinary surgeon during the treatment of stock by the veterinary surgeon must include—
 - (a) the name of the product; and
 - (b) the date of the treatment; and
 - (c) an identification or description of the stock treated (ear tag number or other means of identification); and
 - (d) a statement of the withholding period.
- (2) The veterinary surgeon referred to in sub-regulation (1) must ensure that the label or advice note—
 - (a) is handed to the owner of the stock or a representative of the owner at the time of treatment; or
 - (b) if neither the owner nor any representative of the owner is in attendance, is left in a safe and conspicuous place at the premises where the treatment is being performed.

Penalty: 50 penalty units.

14. Withholding periods on labels

- (1) The label or advice note issued by a veterinary surgeon that accompanies a veterinary chemical product sold by the veterinary surgeon must specify a withholding period no less than the period which is appropriate for the circumstances for which the product is sold contained in any directions specified on the label or advice note

approved by the NRA and issued by the manufacturer of the product.

- (2) The label or advice note issued by a veterinary surgeon that accompanies a veterinary chemical product sold by the veterinary surgeon that—
- (a) is an unregistered veterinary chemical product; or
 - (b) is a registered veterinary chemical product sold with a label or advice note that contains instructions from the veterinary surgeon that differ from the directions on the label or advice note approved by the NRA and issued by the manufacturer of the product—

must specify a withholding period which is sufficient to ensure that any stock or produce from stock treated with that product will not be contaminated at the expiration of that period.

15. Records of sale or use of veterinary chemical products having a withholding period

A veterinary surgeon must keep for a period of not less than 2 years after selling or using a veterinary chemical product that has a withholding period a record of every such sale or use that includes the following information—

- (a) the name and address of the owner of the stock treated or to be treated; and
- (b) the address or location of the stock treated or to be treated; and
- (c) the species of stock treated or to be treated; and
- (d) the date on which the sale or use took place; and

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- (e) the registered name and amount of each product sold or used or the amount of the active chemical constituents in each product sold or used; and
- (f) the strength of each constituent in each product sold or used; and
- (g) the withholding period for any—
 - (i) unregistered veterinary chemical product; and
 - (ii) registered veterinary chemical product sold with a label or advice note by a veterinary surgeon containing instructions for the use of the product that differ from the directions specified on the label or advice note approved by the NRA and issued by the manufacturer of the product.

Penalty: 50 penalty units.

16. Testing of stock at the expense of the owner

For the purposes of section 56(2)(e)(i) of the Act, the prescribed reasons for requiring testing of stock to be carried out at the expense of the owner are that, at any time during the period of 12 months immediately before the giving of the notice requiring the testing, the owner—

- (a) has sold or consigned for slaughter contaminated stock; or
- (b) has been convicted of an offence against section 19(1), 19(3), or 19(6) of the Act in relation to the use of a veterinary chemical product; or
- (c) has been convicted of an offence against section 50(4) of the Act in relation to any land on which any stock to be tested has been kept during that period; or

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Part 3—Veterinary Chemical Products1F

r. 16A

- (d) has been convicted of an offence under the **Drugs, Poisons and Controlled Substances Act 1981** or any regulations made under that Act in relation to the use or possession of a Schedule 4 Poison within the meaning of that Act that was prescribed for use in relation to stock.

16A. Records of use of hormonal growth promotants

Reg. 16A
inserted by
S.R. No.
34/2003 reg. 5.

- (1) The user of a hormonal growth promotant must, within 24 hours of the hormonal growth promotant being used, make an accurate record of the following information—
- (a) the date of treatment; and
 - (b) the number and type (breed, age and sex) of animals treated; and
 - (c) the name of the hormonal growth promotants used; and
 - (d) the name and address of the supplier of the hormonal growth promotants used; and
 - (e) the total number of hormonal growth promotants used; and
 - (f) the number of implants lost or damaged during treatment; and
 - (g) the address of the property on which the animals were treated; and
 - (h) the property identification number of the property on which the animals were treated.

Penalty: 20 penalty units.

- (2) The user of a hormonal growth promotant must keep any record made by the user under sub-regulation (1) for a period of 2 years.

Penalty: 20 penalty units.

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Pt 4
(Heading and
reg. 17)
inserted by
S.R. No.
143/2001
reg. 6.

PART 4—GENERAL

Reg. 17
inserted by
S.R. No.
143/2001
reg. 6.

17. Forms

The prescribed form for the purposes of section
54A(3) of the Act is Form 1 in Schedule 2.

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Sch. 1

SCHEDULE 1

Regulation 6

AGRICULTURAL CHEMICAL PRODUCTS

**USE OF AGRICULTURAL CHEMICAL PRODUCTS CONTAINING
THE FOLLOWING SUBSTANCES MUST BE RECORDED.**

- (1) An agricultural chemical product that contains a substance that is a Schedule 7 Poison within the meaning of the **Drugs, Poisons and Controlled Substances Act 1981**.
 - (2) Atrazine.
 - (3) Ester formulations of—
 - (a) MCPA; or
 - (b) 2,4-D; or
 - (c) 2,4-DB; or
 - (d) Triclopyr.
 - (4) Metham Sodium.
-

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Sch. 2

Sch. 2 Form 1
inserted by
S.R. No.
143/2001
reg. 7.

SCHEDULE 2

FORM 1

Agricultural and Veterinary Chemicals (Control of Use) Act 1992

Section 54A(3)

ACKNOWLEDGEMENT OF CONSENT TO ENTRY AND SEARCH

Name of authorised officer

Details of premises

Name of occupier

Address

Consent to entry and search

Purpose of entry and search:

Statement of occupier:

- The authorised officer has informed me (the occupier) of the purpose of the search.
- I have been informed that anything seized or taken or recordings made with my consent during the search may be used in evidence in proceedings.
- I have been informed that I may refuse to give consent to the entry and search of the premises.
- I consent to the entry and search of the premises.

Signature of occupier

Date

Time

=====

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Endnotes

ENDNOTES

1. General Information

The Agricultural and Veterinary Chemicals (Control of Use) Regulations 1996, S.R. No. 71/1996 were made on 30 July 1996 by the Governor in Council under sections 18, 27, 30, 41, 47, 56 and 76 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**, No. 46/1992 and came into operation on 1 August 1996: regulation 3.

The Agricultural and Veterinary Chemicals (Control of Use) Regulations 1996 will sunset 10 years after the day of making on 30 July 2006 (see section 5 of the **Subordinate Legislation Act 1994**).

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Regulations 1996
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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the Agricultural and Veterinary Chemicals (Control of Use) Regulations 1996 by statutory rules, subordinate instruments and Acts.

Agricultural and Veterinary Chemicals (Control of Use) (Amendment)
Regulations 1998, S.R. No. 38/1998

Date of Making: 7.4.98

Date of Commencement: 9.4.98: reg. 3

Agricultural and Veterinary Chemicals (Control of Use) (Amendment)
Regulations 2001, S.R. No. 143/2001

Date of Making: 11.12.01

Date of Commencement: Regs 1–4, 6, 7 on 11.12.01: reg. 3(1); reg. 5 on
1.1.02: reg. 3(2)

Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Regulations
2003, S.R. No. 34/2003

Date of Making: 6.5.03

Date of Commencement: 6.5.03

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Endnotes

3. Explanatory Details

¹ The Agricultural Chemicals Regulations 1981, S.R. No. 13/1981 and the amending regulations S.R. Nos 97/1982, 322/1983, 140/1985, 269/1986, 118/1987, 76/1988, 478/1988, 85/1991, 46/1994, the Pesticide Regulations 1976, S.R. No. 16/1976 and the amending regulations S.R. Nos 105/1976, 270/1977, 74/1979, 304/1979, 13/1981, 96/1982, 293/1982, 141/1985, 77/1988, 480/1988, the Aerial Spraying Control Regulations 1988, S.R. No. 230/1988 and the amending regulations S.R. Nos 51/1989, 162/1992, 104/1993, 62/1995 and the Animal Preparations Regulations 1988, S.R. No. 295/1988 and the amending regulations S.R. No. 45/1994 were revoked when section 79 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992** came into operation.

² A breach of regulation 12, 13(1) or 14 is an offence against section 18(1) of the Act punishable by a fine of up to 200 penalty units for an individual or 400 penalty units for a corporation.