



Queensland

Chemical Usage (Agricultural and Veterinary) Control Act 1988

Chemical Usage (Agricultural and Veterinary) Control Regulation 1999

Current as at 21 September 2012

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This regulation is reprinted as at 21 September 2012. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

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Also see endnotes for information about when provisions commenced.

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Queensland

Chemical Usage (Agricultural and Veterinary) Control Regulation 1999

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Chemical Usage (Agricultural and Veterinary) Control Regulation 1999

[as amended by all amendments that commenced on or before 21 September 2012]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Chemical Usage (Agricultural and Veterinary) Control Regulation 1999*.

Part 2 Prescribed and proscribed chemicals

2 Prescribed chemicals—Act, s 4

For section 4 of the Act, definition *chemical*, paragraph (b), each substance mentioned in schedule 1 is prescribed to be a chemical.

3 Proscribed chemicals—Act, s 11C(2)

For section 11C(2) of the Act, each chemical mentioned in schedule 1 is a proscribed chemical.

Editor's note—

For proscribed chemicals, see section 9 (Person not to possess or use proscribed chemical) of the Act.

[s 4]

Part 3 Prescribed maximum residue limits

Division 1 Preliminary

4 Purpose of pt 3

This part prescribes, for the Act section 4, definition *maximum residue limit* and section 38(2)(b), the MRL for certain chemicals for agricultural produce.

Editor's note—

See also the food standards code, within the meaning of the *Food Act 2006*, standard 1.4.2 (Maximum residue limits (Australia only)).

5 Definitions for pt 3

In this part—

ERL means extraneous residue limit.

extraneous residue limit means an extraneous residue limit within the meaning of the MRL standard.

human food commodity means agricultural produce intended or normally used for human consumption.

MRL means maximum residue limit.

MRL standard means the Australian Pesticides and Veterinary Medicines Authority (APVMA), 'MRL Standard Maximum Residue Limits in Food and Animal Feedstuff', published by the Australian Government Publishing Service, Canberra.

Editor's note—

A copy of the MRL standard may be inspected, free of charge, during office hours on business days at the department's office at 80 Ann Street, Brisbane. The standard may be viewed on the Australian Pesticides and Veterinary Medicines Authority's website at <www.apvma.gov.au/residues/standard.php>.

prescribed qualification means a statement of attainment issued by a registered training organisation stating that an individual has successfully completed each of the following competencies—

- (a) RTC3704—Prepare and apply chemicals;
- (b) RTC3705—Transport, handle and store chemicals.

registered training organisation see the *Vocational Education, Training and Employment Act 2000*, schedule 3.

Division 2 MRLs

6 MRLs for chemicals for human food—MRL standard

- (1) If the MRL standard fixes an MRL level for a chemical for a human food commodity, that level is the prescribed MRL for the chemical for the commodity as a human food commodity.
- (2) If the MRL standard does not fix an MRL level for the chemical for the commodity but fixes an ERL level for the chemical for the commodity, the ERL level is the prescribed MRL for the chemical for the commodity as a human food commodity.

7 Other MRLs for chemicals for human food

- (1) If the MRL standard does not fix an MRL or ERL level for a particular human food commodity, the prescribed MRL for the chemical for the commodity as a human food commodity is zero.
- (2) If the MRL standard does not fix an MRL or ERL level for a chemical for any human food commodity, the prescribed MRL for the chemical for any human food commodity is zero.
- (3) However, subsections (1) and (2) do not apply if the use of the chemical in relation to the commodity as a human food commodity is allowed under part 2 of the Act.

[s 8]

- (4) If subsection (3) applies, no MRL is prescribed for the use of the chemical mentioned in subsection (3).

8 MRLs for chemicals for animal food—sch 2

- (1) The prescribed MRL for a chemical mentioned in schedule 2 for any animal food is the level stated opposite the name of the chemical in schedule 2.

Editor's note—

Under the Act, schedule (Dictionary), definition *chemical*, paragraph (a), the term chemical includes a chemical product.

- (2) If a chemical is not mentioned in schedule 2, no MRL is prescribed for the chemical for animal food.
- (3) In this section—

animal food means agricultural produce intended or normally used for animal consumption.

chemical includes a residue of the chemical stated in the MRL standard, table 3.

Part 4 Use of chemical products

Division 1 Restricted chemical products

9 Definitions for div 1

In this division—

1080 means sodium monofluoroacetate.

authorised, for a restricted chemical product, means authorised to use the product under—

- (a) an approved label for containers for the product; or
- (b) a permit for the product.

prescribed qualification means a statement of attainment issued by a registered training organisation stating that an individual has successfully completed each of the following competencies—

- (a) RTC3704—Prepare and apply chemicals;
- (b) RTC3705—Transport, handle and store chemicals.

registered training organisation see the *Vocational Education, Training and Employment Act 2000*, schedule 3.

restricted chemical product means a restricted chemical product under the Agvet Code.

statement of attainment see the *Vocational Education, Training and Employment Act 2000*, schedule 3.

10 **Restricted chemical products containing bifenthrin or chlorpyrifos**

A person must not use a restricted chemical product containing bifenthrin or chlorpyrifos, unless the person is—

- (a) authorised to use the product; or
- (b) licensed for a pest control activity under the *Pest Management Act 2001* and the licence permits the person to use the product.

Example of a restricted chemical product containing chlorpyrifos—

Dursban Pre-Construction Termiticide

Maximum penalty—40 penalty units.

11 **Restricted chemical products containing endosulfan**

A person must not use a restricted chemical product containing endosulfan, unless the person—

- (a) is authorised to use the product; or
- (b) holds an unrestricted commercial operator's licence or a pilot chemical rating licence under the *Agricultural Chemicals Distribution Control Act 1966*; or

[s 11A]

- (c) holds an accreditation to use agricultural chemicals from any of the following—
 - (i) a training organisation trading in any State under the name ‘ChemCert’;
 - (ii) Farmcare Australia Farm Chemical User Training Program Incorporated;
 - (iii) Queensland Agricultural Chemicals Accreditation Council Incorporated, previously trading under the names ‘Chemsafe Training Queensland’ and ‘Chemsmart Training Queensland’; or
- (d) holds a prescribed qualification.

Maximum penalty—40 penalty units.

11A Restricted chemical products containing 1080 or pindone

A person must not use a restricted chemical product containing 1080 or pindone, unless the person—

- (a) is authorised to use the product; or
- (b) holds an approval granted by the chief executive of the Department of Health under the *Health (Drugs and Poisons) Regulation 1996*, section 18, to obtain, possess and use fluoroacetic acid.

Maximum penalty—40 penalty units.

11B Restricted chemical products containing RHDV

- (1) A person must not use a restricted chemical product containing rabbit haemorrhagic disease virus (*RHDV*) (also known as rabbit calicivirus) unless the person is—

- (a) authorised to use the product; or
- (b) an officer or employee of the State, a State authority, a local government, a local government entity or the Darling Downs–Moreton Rabbit Board who—

- (i) holds a statement of attainment issued by a registered training organisation stating that the person has successfully completed the competency RTD3707A—Release biological agents; or
- (ii) has successfully completed training for using RHDV that the chief executive reasonably considers is substantially equivalent to the statement of attainment mentioned in subparagraph (i).

Maximum penalty—40 penalty units.

- (2) In this section—

Darling Downs–Moreton Rabbit Board means the board of that name established under the *Land Protection (Pest and Stock Route Management) Regulation 2003*, section 11(1).

local government entity see the *Local Government Act 1993*, section 1170 or the *Local Government Act 2009*, section 216(3).

State authority means an entity, other than a local government entity, established under a law of the State.

11C Restricted chemical products containing copper, chromium and arsenic

- (1) This section applies to a restricted chemical product with a formulation containing all 3 of the following as active constituents—
 - (a) copper;
 - (b) chromium;
 - (c) arsenic.
- (2) For subsection (1), an active constituent mentioned in subsection (1)(a), (b) or (c) includes the active constituent in any of its various chemical forms.
- (3) A person must not use the product unless the person—
 - (a) is authorised to use the product; or

[s 12]

- (b) holds a statement of attainment issued by a registered training organisation stating that the person has successfully completed—
 - (i) the competency FPISAW3201A—(Treat Timber);
or
 - (ii) the competency FPISAW3201B—(Treat Timber);
or
- (c) holds a qualification or has successfully completed training for using the product that the chief executive reasonably considers is substantially equivalent to a statement of attainment mentioned in paragraph (b).

Maximum penalty—40 penalty units.

12 Other restricted chemical products

- (1) This section applies to a restricted chemical product, other than a restricted chemical product to which any of sections 10 to 11C apply.
- (2) A person must not use the product, unless the person is authorised to use the product or holds a prescribed qualification.

Maximum penalty for subsection (2)—40 penalty units.

Division 2 Unregistered chemical products

Subdivision 1 Definitions

12A Definitions for div 2

In this division—

established standard, for a registered listed chemical product, means the standard established, under part 2A, division 3 of the Agvet Code, for the product when it was a listable product under the Agvet Code.

established standard label means—

- (a) for a registered listed chemical product—a label that includes all the information required, under the established standard for the product, to be included on a label that is attached to a container in which the product is kept; or
- (b) for a product that was previously a registered listed chemical product—the established standard label for the product immediately before the product’s listed registration ended under section 56ZK(1) of the Agvet Code.

listed agricultural chemical product means an agricultural chemical product that is a registered listed chemical product.

listed registration see section 3 of the Agvet Code.

listed veterinary chemical product means a veterinary chemical product that is a registered listed chemical product.

non-complying way, for using, or prescribing, supplying or recommending for use, a listed veterinary chemical product, means a way that does not comply with the instructions stated on the established standard label for the product.

registered listed chemical product see section 3 of the Agvet Code.

reserved agricultural chemical product means an agricultural chemical product that is a reserved chemical product.

reserved chemical product see section 3 of the Agvet Code.

reserved veterinary chemical product means a veterinary chemical product that is a reserved chemical product.

Subdivision 2 Use etc. of particular unregistered veterinary chemical products

12B Purpose of sdiv 2

This subdivision states the circumstances in which—

[s 12C]

- (a) for section 12E(2) of the Act—a veterinary surgeon may use, or prescribe, supply or recommend for use, to treat an animal, an unregistered veterinary chemical product that—
 - (i) is a registered listed chemical product; or
 - (ii) was, at some time during the 2 years preceding its use, prescription, supply or recommendation, a registered listed chemical product; or
 - (iii) is a reserved chemical product; and
- (b) for section 12E(5) of the Act—a person, other than a veterinary surgeon, may use, to treat an animal, an unregistered veterinary chemical product that—
 - (i) is a registered listed chemical product; or
 - (ii) was, at some time during the 2 years preceding its use, a registered listed chemical product; or
 - (iii) is a reserved chemical product.

Editor's note—

See also sections 12F (Use by veterinary surgeon), 12G (Supply by veterinary surgeon to others) and 12H (Use by other persons in way stated in veterinary surgeon's instructions) of the Act.

12C When persons may use etc. listed product generally

- (1) A veterinary surgeon may use, or prescribe, supply or recommend for use, to treat an animal, a listed veterinary chemical product only if—
 - (a) an established standard label for the product is attached to the container in which the product is kept; and
 - (b) the veterinary surgeon uses the product, or prescribes, supplies or recommends the product for use, in a way that complies with the instructions stated on the label.
- (2) However, subsection (1) is subject to sections 12D, 12E and 12F.

Editor's note—

See also sections 12F (Use by veterinary surgeon) and 12G (Supply by veterinary surgeon to others) of the Act.

- (3) A person, other than a veterinary surgeon, may use, to treat an animal, a listed veterinary chemical product only if—
 - (a) an established standard label for the product is attached to the container in which the product is kept; and
 - (b) the person uses the product in a way that complies with the instructions stated on the label.
- (4) However, subsection (3) is subject to section 12D.

Editor's note—

See also section 12H (Use by other persons in way stated in veterinary surgeon's instructions) of the Act.

12D When persons may use or supply listed product taken from unlabelled containers

- (1) A person may use a listed veterinary chemical product taken from a container that does not have an established standard label attached to it (an *unlabelled container*) if—
 - (a) the product was put in the unlabelled container ready for use after being taken from another container having an established standard label attached to it; or
 - (b) the product was supplied by a veterinary surgeon in the unlabelled container and the person uses the product in the way stated in the written instructions or dispensing label supplied with the product.
- (2) Also, a veterinary surgeon may supply a listed veterinary chemical product taken from an unlabelled container to treat trade species animals under the care of the veterinary surgeon.

12E When veterinary surgeon may use etc. listed product in non-complying way—major trade species animals

- (1) A veterinary surgeon may use, or prescribe, supply or recommend for use, a listed veterinary chemical product in a non-complying way to treat the following—

[s 12F]

- (a) if the label includes instructions for use on a major trade species animal—any major trade species animal under the care of the veterinary surgeon;
 - (b) if the label does not include instructions for use on a major trade species animal—a single major trade species animal under the care of the veterinary surgeon.
- (2) However, subsection (1) does not allow a use—
- (a) contrary to a restraint statement on the label other than to treat a single animal; or
 - (b) by injection unless the label includes instructions for use of the product by injection.

12F When veterinary surgeon may use listed product in non-complying way—other trade species animals

- (1) A veterinary surgeon may use, or prescribe, supply or recommend for use, a listed veterinary chemical product in a non-complying way to treat trade species animals, other than major trade species animals, under the care of the veterinary surgeon.
- (2) However, subsection (1) does not allow a use—
- (a) contrary to a restraint statement on the label other than to treat a single trade species animal; or
 - (b) by injection unless the label includes instructions for use of the product by injection.

12G When persons may use etc. product that was a listed product in last 2 years

- (1) If the conditions in subsection (2) are satisfied—
- (a) a veterinary surgeon may use, or prescribe, supply or recommend for use, to treat an animal, an unregistered veterinary chemical product that is not a registered listed chemical product; or

- (b) a person, other than a veterinary surgeon, may use, to treat an animal, an unregistered veterinary chemical product that is not a registered listed chemical product.
- (2) For subsection (1), the conditions are—
- (a) the product was a registered listed chemical product at some time during the 2 years immediately before its use, prescription, supply or recommendation by the veterinary surgeon, or its use by the person; and
 - (b) the product's listed registration ended under section 56ZK(1) of the Agvet Code; and
 - (c) the veterinary surgeon uses, or prescribes, supplies or recommends for use, or the person uses, the product in a way that complies with the instructions stated on the established standard label for the product; and
 - (d) the established standard label is attached to the container in which the product is kept.

12H When persons may use reserved products

A person may use a reserved veterinary chemical product to treat an animal if the product is used in a way that complies with any conditions under the Agvet Code relevant to the use of the product.

Editor's note—

See the Agvet Code, section 56ZU(3) (Regulations may contain schedule of reserved chemical products).

Subdivision 3 Use of particular unregistered agricultural chemical products

12I Products to which s 13A of Act does not apply

- (1) For section 13A(2)(b) of the Act, the following products are prescribed if the prescription conditions for the product are satisfied—

[s 12J]

- (a) a listed agricultural chemical product;
 - (b) an agricultural chemical product that was, at some time in the 2 years immediately before its use, a registered listed chemical product;
 - (c) a reserved agricultural chemical product.
- (2) In this section—
- prescription conditions*—
- (a) for a product mentioned in subsection (1)(a)—see section 12J;
 - (b) for a product mentioned in subsection (1)(b)—see section 12K;
 - (c) for a product mentioned in subsection (1)(c)—see section 12L.

12J Prescription conditions for listed product

The prescription conditions for a listed agricultural chemical product are that—

- (a) the product—
 - (i) is kept in a container to which an established standard label for the product is attached; or
 - (ii) was taken from a container to which an established standard label for the product was attached, and placed in another container ready for use; and
- (b) the product is used in a way that complies with the instructions stated on the label.

Editor's note—

See, however, section 13B (Compliance with instructions) of the Act.

12K Prescription conditions for product that was listed product in last 2 years

The prescription conditions for an agricultural chemical product that was a registered listed chemical product at some time during the 2 years immediately before its use are that—

- (a) the product's listed registration ended under section 56ZK(1) of the Agvet Code; and
- (b) the product is used in a way that complies with the instructions stated on the established standard label for the product; and
- (c) the established standard label is attached to the container in which the product is kept.

12L Prescription condition for reserved product

The prescription condition for a reserved agricultural chemical product is that the product is used in a way that complies with any conditions under the Agvet Code relevant to the use of the product.

Editor's note—

See the Agvet Code, section 56ZU(3) (Regulations may contain schedule of reserved chemical products).

Division 3 Prescribed agricultural ERA products and conditions for use for agricultural ERAs

Subdivision 1 Interpretation

12M Definitions for div 3

In this division—

applied, for an agricultural chemical product, includes administered, dispersed, injected, sprayed and spread.

[s 12M]

chemical use (sugarcane growing) guideline means the document titled ‘Sugarcane Grower’s Guide to Chemical Use under the Reef Protection Legislation’ published by the department in which the *Environmental Protection Act 1994* is administered.

Notes—

- 1 The chemical use (sugarcane growing) guideline is not applied, adopted or incorporated by this regulation.
- 2 The guideline is available on the Department of Environment and Resource Management’s website at <www.derm.qld.gov.au>.

down-slope water body, in relation to a place where a prescribed agricultural ERA product is used for relevant sugarcane growing, means the water body that is nearest to any point where low flow run-off can leave the place.

drainage line means a channel—

- (a) consisting of either, or a combination, of the following—
 - (i) an area showing evidence of erosion or deposition, including, for example, a gravel, pebble, rock or sand bed;
 - (ii) an incised channel that is more than 30cm deep and has clearly defined beds and banks; and
- (b) in which run-off flows continuously or from time to time.

edge, of a water body, see section 12MB.

effective vegetated treatment area see section 12MC.

flood zone means the land adjacent to the edge of a water body on which the flow of water is not contained or directed by the water body.

height, for measuring the height of the canopy of sugarcane, see section 12MD.

interrow furrow means a furrow that is constructed for relevant sugarcane growing.

irrigation channel means an artificial channel in which there is only water that is intended to be used for irrigation.

low flow run-off means run-off that is contained by an interrow furrow.

place susceptible to run-off, for preparing or using an agricultural chemical product, means a place from which a constituent of the product can easily enter a water body by—

- (a) being carried by run-off into the water body; or
- (b) binding with soil particles that can be carried by run-off into the water body.

Examples—

access roads, farm tracks

prescribed qualification, for a person preparing or using an agricultural chemical product, means—

- (a) if the person prepares or uses the product on or from an aircraft in flight, either—
 - (i) a pilot chemical rating licence under the *Agricultural Chemicals Distribution Control Act 1966*; or
 - (ii) a pilot's Spraysafe accreditation issued by the Aerial Agricultural Association of Australia; or
- (b) if the person prepares or uses the product otherwise than on or from an aircraft in flight, either—
 - (i) a statement of attainment issued by a registered training organisation stating that the person has successfully completed each of the following competencies—
 - (A) RTC3401—Control weeds;
 - (B) RTC3704—Prepare and apply chemicals;
 - (C) RTC3705—Transport, handle and store chemicals; or

[s 12MA]

- (ii) an unrestricted commercial operator's licence under the *Agricultural Chemicals Distribution Control Act 1966*.

registered training organisation see the *Vocational Education, Training and Employment Act 2000*, schedule 3.

relevant cattle grazing means cattle grazing that is an agricultural ERA.

relevant sugarcane growing means commercial sugarcane growing that is an agricultural ERA.

run-off means water from rainfall, irrigation or seepage of groundwater that flows over the surface of land.

shielded sprayer means a device for applying an agricultural chemical product consisting of 1 or more nozzles that are surrounded by a shield except for a gap at the bottom of the shield through which the product is applied.

water body see section 12MA.

wetland includes—

- (a) a tidal wetland, estuary, salt marsh, melaleuca swamp (and any other coastal swamp), mangrove area, marsh or lake; or
- (b) a minor coastal stream regardless of whether it is of a saline, freshwater or brackish nature.

12MA What is a *water body*

- (1) A ***water body*** is any of the following—

- (a) a natural channel, whether or not containing water;

Examples—

a creek, river or stream

- (b) an artificial channel, other than an irrigation channel or interrow furrow, whether or not containing water;
- (c) an area in which water is or can be contained by a dam or weir at full supply level;

- (d) a wetland.
- (2) Also, to remove any doubt, it is declared that if there is more than 1 natural channel within the outer limits of a water body, each channel is a ***water body***.
- (3) However, a ***water body*** does not include—
 - (a) a drainage depression; or
 - (b) an effective vegetated treatment area; or
 - (c) an area in which water is, or can be, contained by a dam or weir that is on land owned or occupied by an entity other than the Commonwealth, the State or a local government;
 - (d) an area inundated by water contained by a structure if the water is separate from and not flowing into a channel, dam, weir, or wetland to which subsection (1) or (2) applies.

Examples of a structure—

a recycling pit, retention dam or sediment trap

- (4) In this section—

drainage depression means a channel, other than a drainage line or interrow furrow, that—

- (a) is within a field or paddock in which sugarcane is grown but not at or near the perimeter of the field or paddock; and
- (b) contains a permanent or intermittent flow of run-off; and
- (c) can be easily crossed by an agricultural machine, including, for example, a planter.

full supply level, for a dam or weir, means the level of the water surface when the dam or weir is holding as much water as it can hold while not affected by flood.

[s 12MB]

12MB Where is the *edge* of a water body

- (1) The *edge* of a water body is the place where the bank of the water body meets the adjacent flood zone.
- (2) However, if there is no obvious place under subsection (1), the *edge* of the water body is the part of the bank of the water body where the downward slope toward the bed of the water body is more than 2%.

12MC What is an *effective vegetated treatment area*

- (1) An *effective vegetated treatment area* is an area—
 - (a) of at least 5m between—
 - (i) any point where low flow run-off can leave a place where a prescribed agricultural ERA product is used for relevant sugarcane growing; and
 - (ii) the edge of a down-slope water body; and
 - (b) that has a slope of less than 2%; and
 - (c) in which there are no depressions more than 5cm deep; and

Example—

depressions caused by the tracks or tyres of an agricultural machine or the movement of water

- (d) at least 80% of which is covered by grass that is kept at a height of no more than 15cm.
- (2) To remove any doubt, it is declared that the land where the effective vegetated treatment area is situated and the adjacent land where the relevant sugarcane growing is carried out need not be owned by the same person.

Editor's note—

To help users of this regulation, the chemical use (sugarcane growing) guideline provides guidance in identifying effective vegetated treatment areas.

12MD Measuring the height of the canopy of sugarcane

The height of the canopy of sugarcane is measured from the base of the sugarcane to the highest point of its leaves.

Subdivision 2 Prescribed agricultural ERA products

12N Prescribed agricultural ERA products (Act, s 13C)

For section 13C(1)(a) of the Act, an agricultural chemical product is a prescribed agricultural ERA product if the product contains any of the following constituents—

- (a) ametryn;
- (b) atrazine;
- (c) diuron;
- (d) hexazinone;
- (e) tebuthiuron.

Subdivision 3 General prescribed conditions

12O Conditions for relevant sugarcane growing and cattle grazing (Act, s 13C)

For section 13C(1)(b) of the Act—

- (a) section 12P and subdivision 4 prescribe the conditions for preparing and using particular prescribed agricultural ERA products for carrying out relevant sugarcane growing; and
- (b) section 12P and subdivision 5 prescribe the conditions for preparing and using particular prescribed agricultural ERA products for carrying out relevant cattle grazing.

[s 12P]

12P Who may prepare and use particular products

- (1) Subsection (2) applies to a person who personally prepares or uses—
 - (a) an agricultural chemical product containing ametryn, atrazine, diuron or hexazinone for carrying out relevant sugarcane growing; or
 - (b) an agricultural chemical product containing tebuthiuron for carrying out relevant cattle grazing.
- (2) The person may prepare or use the product only if the person—
 - (a) holds a prescribed qualification; or
 - (b) prepares or uses the product under the direct supervision of someone else who holds a prescribed qualification.
- (3) Subsection (4) applies to a person who employs or engages someone else (the *direct user*) to prepare or use—
 - (a) a product mentioned in subsection (1)(a) for carrying out relevant sugarcane growing on the person's behalf; or
 - (b) a product mentioned in subsection (1)(b) for carrying out relevant cattle grazing on the person's behalf.
- (4) The person may allow the direct user to prepare or use the product only if the direct user—
 - (a) holds a prescribed qualification; or
 - (b) prepares or uses the product under the direct supervision of someone else who holds a prescribed qualification.

Note—

See, however, section 30 (Deferral of requirement for prescribed qualifications for using particular agricultural chemical products).

Subdivision 4 Additional conditions for relevant sugarcane growing

12Q Application of sdiv 4

- (1) This subdivision applies to a person who prepares or uses, or causes to be prepared or used, an agricultural chemical product containing ametryn, diuron or hexazinone for carrying out relevant sugarcane growing.
- (2) However, this subdivision does not apply to the preparation or use of a registered agricultural chemical product containing ametryn and trifloxysulfuron sodium as its only active constituents in the following quantities for each kilogram of the product—
 - (a) for ametryn—731.5g;
 - (b) for trifloxysulfuron sodium—18.5g.

12R Preparing products

The person must not prepare the product or allow the product to be prepared—

- (a) at a place susceptible to run-off; or
- (b) within 20m of the edge of a water body; or
- (c) if the product contains ametryn or hexazinone, within 20m of a sinkhole or well.

12S Using products—weather conditions

- (1) The person may use the product or allow the product to be used only if—
 - (a) the latest forecast that is published before the product is used is not a forecast indicating moderate to heavy rain affecting the area where the product is to be used for the 48 hours after the use; and

[s 12S]

- (b) within 2 hours before the product is used, the Bureau of Meteorology has not published a report or observation about, or a representational image showing, moderate to heavy rain—
- (i) at the area where the product is to be used; or
 - (ii) within 50km of, and approaching, the area; and
- Example of a representational image—*
- an image of an area from a weather watch radar station
- (c) the wind speed at the site where the product is applied is—
- (i) less than 20km/h, if the product is applied—
 - (A) using a shielded sprayer; or
 - (B) below the canopy of sugarcane that is at least 600mm high; or
 - (ii) otherwise, more than 3km/h and less than 20km/h.
- (2) For subsection (1)(c), the wind speed must be measured above the canopy of the sugarcane on which the product is, or is to be, applied.
- (3) In this section—
- forecast indicating moderate to heavy rain*** means a forecast (however described) issued by the Bureau of Meteorology of a chance or greater likelihood of—
- (a) moderate to heavy rain; or
 - (b) weather conditions associated with moderate to heavy rain.
- Example—*
- a forecast of scattered or widespread thunderstorms associated with moderate to heavy rain
- moderate to heavy rain*** means rain falling at a rate of at least 100mm in 24 hours.

published includes published on radio, television or the internet whether by the Bureau of Meteorology or another entity.

12SA Using products—proximity to water bodies

The person may use the product or allow the product to be used only if—

- (a) there is an effective vegetated treatment area between each point where low flow run-off can leave the place where the product is used and the edge of a down-slope water body and the product is not used within 5m of the edge of the water body; or
- (b) otherwise, the product is not used within 20m of the edge of a down-slope water body.

Notes—

- 1 Under section 12MA(2), if there is a second natural channel (an *interior channel*) within the outer limits of a water body, both the interior channel and the water body at its outer limits are water bodies under this division. Accordingly, if the product is being used on a flood zone adjacent to the bank of the water body at its outer limit and on a lower flood zone on the bank adjacent to the interior channel, it is necessary to measure a distance under this section from both the edge of the water body at its outer limit and the edge of the interior channel.
- 2 To help users of this regulation, the chemical use (sugarcane growing) guideline provides guidance for measuring the distance from the edge of a water body.

12SB Using products—other conditions about site suitability

- (1) The person must not use the product or allow the product to be used—
 - (a) on waterlogged soil; or
 - (b) at a place susceptible to run-off; or
 - (c) if the product contains ametryn or hexazinone, within 20m of a sinkhole or well.

[s 12SC]

- (2) The person must ensure no area where the product has been used is irrigated to the point of run-off within 48 hours after the use.
- (3) Subsection (2) does not prevent an interrow furrow being irrigated to the point of run-off, but only if the run-off does not leave the furrow.
- (4) In this section—
irrigated to the point of run-off, in relation to an area, means more water is applied to the area than can be absorbed by the soil in the area, resulting in run-off from the area.

12SC Applying products—spraying

- (1) The person may apply the product or allow the product to be applied only if—
 - (a) the product is applied using a shielded sprayer fitted with nozzles that produce spray droplets (*medium range spray droplets*) no smaller than the medium spray quality category under ASAE S572; or
 - (b) the product is applied below the canopy of sugarcane that is at least 600mm high using another type of spraying device fitted with nozzles that—
 - (i) are directed at the ground; and
 - (ii) produce medium range spray droplets; or
 - (c) the product is applied using a spraying device fitted with nozzles that produce spray droplets no smaller than the coarse spray quality category under ASAE S572.
- (2) The person may apply the product, or allow the product to be applied, within 30m of the edge of a water body only if—
 - (a) the product is applied using a shielded sprayer; or
 - (b) the product is applied below the canopy of sugarcane that is at least 600mm high using a spraying device fitted with nozzles directed at the ground; or

-
- (c) the water body is not downwind of where the product is being applied.
- (3) The person may apply the product or allow the product to be applied using a shielded sprayer only if the product is applied at ground level.
- (4) In this section—

ASAE S572 means the standard ASAE S572 published by the American Society of Agricultural Engineers.

Editor's notes—

- 1 ASAE S572 is available for inspection during normal business hours at the department's head office in Brisbane and regional offices in Cairns, Mackay and Townsville.
- 2 At the commencement of this section, the document titled 'Agricultural chemical users' manual—Guidelines and principles for responsible agricultural chemical use' and published by the department in 2005 contains information about the nozzle classification system on which ASAE S572 is based. The document is available on the department's website at <www.deedi.qld.gov.au>.

12T Quantities of particular constituents of products that may be used

The person must take reasonable steps to ensure no more than a total of 2.3kg of ametryn or 1.8kg of diuron, as a constituent of any agricultural chemical product, is used on a hectare in a year.

Example of a reasonable step—

checking records required to be kept about the quantity of relevant agricultural chemical products that has been used on a parcel of land during a relevant period

[s 12U]

Subdivision 5 Additional conditions for relevant cattle grazing

12U Application of sdiv 5

This subdivision applies to a person who prepares or uses, or causes to be prepared or used, an agricultural chemical product containing tebuthiuron for carrying out relevant cattle grazing.

12V Using the product from an aircraft

- (1) This section applies to the use of the product on or from an aircraft in flight.
- (2) The person—
 - (a) must not use the product or allow the product to be used from 1 November to 31 March; and
 - (b) must take reasonable steps to ensure—
 - (i) subject to subparagraph (ii), no more than a total of 4.6kg of tebuthiuron as a constituent of any agricultural chemical product is used on a hectare in any 3 year period; and
 - (ii) no more than a total of 6.8kg of tebuthiuron as a constituent of any agricultural chemical product is used on a hectare in any 6 year period.
- (3) Also, the person may use the product or allow the product to be used only if—
 - (a) before the product is used, the person—
 - (i) identifies each drainage line (a ***relevant drainage line***) wider than 20m in or near the area where the product is to be used; and
 - (ii) ensures an appropriate map of the area is prepared; and

-
- (b) the person ensures that while the product is used, someone else is able to—
 - (i) observe the use of the product from the ground; and
 - (ii) communicate with the person using the product about the location of the relevant drainage lines; and
 - (c) the product is not used—
 - (i) within 20m of a relevant drainage line; or
 - (ii) if it is raining where the product is or is to be used; or
 - (iii) if the wind speed where the product is or is to be used is more than 20km/h.
 - (4) In this section—

appropriate map, of an area, means a map showing—

- (a) the boundary of the area and each relevant drainage line in the area on an image base; and
- (b) 5 or more points visible in the image base that correspond to identifiable fixed features; and
- (c) the Map Grid of Australia 1994 coordinates and zone references for each point, acquired by GPS or a similar system of satellites that receives and processes information; and
- (d) a description of the feature that each point represents.

GPS means global positioning system.

identifiable fixed features include road intersections, fence intersections, survey marks and built infrastructure.

image base means an image or mosaic of images, for example an aerial photograph or a satellite image.

Map Grid of Australia 1994 has the meaning given in ‘Geocentric Datum of Australia Technical Manual’ published

[s 12W]

by the Intergovernmental Committee on Surveying and Mapping.

Editor's note—

A copy of the manual may be found on the committee's website
<www.icsm.gov.au/icsm/gda/gdatm/>.

12W Preparing or using the product from the ground

- (1) This section applies to the preparation or use of the product other than on or from an aircraft in flight.
- (2) The person must not prepare or allow the product to be prepared at a place susceptible to run-off.
- (3) The person must not use the product or allow the product to be used—
 - (a) on a drainage line; or
 - (b) at a place susceptible to run-off; or
 - (c) within 20m of a sinkhole or well.

Subdivision 6 Records of use

12X Required record

- (1) This section applies if—
 - (a) a person carries out an agricultural ERA; and
 - (b) a prescribed agricultural ERA product is used by or for the person for carrying out the agricultural ERA.
- (2) The person must unless the person has a reasonable excuse—
 - (a) within 3 days after the product is used, make or cause to be made a record in the approved form that complies with subsection (3); and
 - (b) keep the following documents for at least 6 years after the product is used—
 - (i) the record made under paragraph (a);

- (ii) the documents, including, for example, a receipt, relevant to the acquisition of the product;
- (iii) a copy of the prescribed qualification held when the product was used by the person who used the product or supervised its use.

Maximum penalty—40 penalty units.

- (3) For subsection (2)(a), the record must include information about the following matters—
 - (a) the trade name and other relevant information required for identifying the product and each active constituent of the product;
 - (b) the name, contact details and prescribed qualifications of—
 - (i) the person who used the product; and
 - (ii) if relevant, the person who supervised the use of the product;
 - (c) the days and times when the product was used;
 - (d) the quantity of the product used;
 - (e) the places where the product was used;
 - (f) the meteorological conditions at relevant times before, during and after use of the product;
 - (g) the equipment and methods used to apply the product.
- (4) In this section—

approved form means a form approved by the chief executive for this section.

Division 4 General provisions for records of chemical product use

13 Record requirement

- (1) This section applies to a person if—

[s 14]

- (a) the person uses a chemical product; and
 - (b) any of the following apply—
 - (i) an approved label for containers for the product contains an instruction;
 - (ii) a permit for the product that applies to the person is subject to a condition under the Agvet Code;
 - (iii) an established standard label for the product contains an instruction; and
 - (c) the instruction or condition requires the person to make a stated record of the use of the product.
- (2) The person must make the record—
- (a) if the instruction or condition states a day by which the record must be made—on or before the stated day; or
 - (b) if paragraph (a) does not apply—as soon as practicable after the chemical product is used.

Maximum penalty—40 penalty units.

- (3) In this section—

established standard label, for a chemical product, see section 12A.

14 Obligation to keep record

A person who makes a record under section 13 must keep it for at least 2 years after the use to which the record relates, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

Part 5 Hormonal growth promotants

Division 1 Preliminary

15 Definitions for pt 5

In this part—

agent means a person who is licensed under the *Property Agents and Motor Dealers Act 2000* as an auctioneer or a real estate agent whose licence authorises the person to sell cattle.

agent's statement see section 19(2).

cattle includes bull, calf, cow, heifer, ox and steer.

head means a head of cattle.

HGP means hormonal growth promotant.

HGP free declaration see section 22(2).

HGP free tag means an HGP free tag under the *Stock Identification Regulation 2005*.

HGP treatment means implanting a HGP into an animal.

HGP treatment record see section 17(1).

hormonal growth promotant means a product that—

- (a) contains an anabolic substance or a hormone; and

Examples of an anabolic substance or a hormone—

- 17 beta oestradiol
- oestradiol benzoate
- progesterone
- testosterone propionate
- trenbolone acetate
- zeranol

- (b) is used to promote the growth of bovines or bubalines.

[s 16]

sell includes any of the following—

- (a) supply under an agreement, promise, scheme, transaction (with or without consideration), understanding or undertaking (whether express or implied);
- (b) agree, attempt or offer or agree to sell or supply;
- (c) possess for sale or supply;
- (d) invite or treat or expose for sale or supply;
- (e) cause or permit to be sold or supplied.

Division 2 Obligations if HGP treatment given

16 Obligation to make required earmark

- (1) A person must, when giving HGP treatment, permanently mark the animal treated by piercing its right ear with the required earmark so as to leave a space of any size on all sides within the margin of the ear.

Maximum penalty—40 penalty units.

- (2) In this section—

required earmark means—

- (a) for cattle—a mark or cut upon the ear of the head that is approved under the *Brands Act 1915* for the identification of cattle treated with a HGP; or
- (b) for another animal—a mark of an equal sided triangle with sides of 20mm.

17 Obligation to record HGP treatment

- (1) A person who has given HGP treatment to an animal must make a written record (a *HGP treatment record*) as required by this section—
 - (a) identifying the animal treated; and

- (b) stating the following—
 - (i) the HGP with which the animal was treated;
 - (ii) the day the treatment was given (the *treatment day*);
 - (iii) any HGP acquired for the treatment that was not used and was disposed of;
 - (iv) the day of the disposal (the *disposal day*).

Maximum penalty—40 penalty units.

- (2) For subsection (1)(a), the animal may be identified by reference to its sex and breed.
- (3) For subsection (1)(b)(i), the HGP may be stated by giving a distinguishing number for, or particulars to identify, the chemical product that contained the HGP.
- (4) The information must be entered in the HGP treatment record—
 - (a) for information mentioned in subsection (1)(a) and (b)(i) and (ii)—before the treatment day ends; or
 - (b) for information mentioned in subsection (1)(b)(iii) and (iv)—before the disposal day ends.
- (5) In this section—
disposal includes destruction and loss.

18 Obligation to keep HGP treatment record

A person who makes a HGP treatment record must keep it for at least 2 years after the treatment day, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

[s 19]

Division 3 Obligations if cattle with HGP free tag are sold

Subdivision 1 Saleyard sales by agents

19 Agent's obligation to give statement

- (1) This section applies if—
 - (a) an agent sells a head at a saleyard for someone else; and
 - (b) a HGP free tag is attached to the head.
- (2) The agent must give a person who buys the head (the *buyer*) a written statement (an *agent's statement*)—
 - (a) identifying the head; and
 - (b) stating that a HGP free tag was attached to the head when it was sold to the buyer.

Maximum penalty—20 penalty units.

- (3) For subsection (2)(a), the head may be identified by reference to—
 - (a) its sex and breed; or
 - (b) a tag number for the animal under the *Stock Act 1915*; or
 - (c) a brand or earmark for the animal under the *Brands Act 1915*.
- (4) The agent's statement may be made about more than 1 head.

20 Agent's obligation to keep copy of statement

- (1) This section applies to an agent who has given a buyer an agent's statement.
- (2) The agent must keep a copy of the statement (the *agent's copy*) for 2 years after the statement was given, unless the agent has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) If an inspector asks the agent for the agent's copy during the 2 years, the agent must give it to the inspector, unless the agent has a reasonable excuse.

Maximum penalty—20 penalty units.

- (4) The inspector may keep the agent's copy to copy it.
- (5) However, the inspector must return the agent's copy as soon as practicable after copying it.

21 Buyer's obligation to keep and produce statement

- (1) This section applies if a person has been given an agent's statement as a buyer.
- (2) The person must keep the agent's statement for 2 years after it was given, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) If an inspector asks the person for the agent's statement during the 2 years, the person must give it to the inspector, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (4) The inspector may keep the agent's statement copy to copy it.
- (5) However, the inspector must return the agent's statement as soon as practicable after copying it.

Subdivision 2 Other sales

22 Seller's obligation to give declaration

- (1) This section applies if—
 - (a) a person (the *seller*) sells a head; and
 - (b) the sale is other than by an agent at a saleyard acting for someone else; and
 - (c) a HGP free tag is attached to the head.

[s 23]

- (2) The person must, if asked by the person to whom the head is sold (the *buyer*), give the buyer a written declaration (a *HGP free declaration*) as required under section 23 when the seller delivers the head to the buyer.

Maximum penalty for subsection (2)—20 penalty units.

23 Requirements for declaration

- (1) A HGP free declaration must—
- (a) identify the animal sold; and
 - (b) be made by the seller no more than 7 days before the sale; and
 - (c) state the seller has not—
 - (i) given any HGP treatment to the head; or
 - (ii) caused or allowed HGP treatment to be given to the head.
- (2) For subsection (1)(a), the animal may be identified by reference to—
- (a) its sex and breed; or
 - (b) a tag number for the animal under the *Stock Act 1915*; or
 - (c) a brand or earmark for the animal under the *Brands Act 1915*.
- (3) Also, if the seller bought the head of cattle from someone else (the *third person*), the HGP free declaration must state—
- (a) the third person's name; and
 - (b) either—
 - (i) that a HGP free tag was attached to the head when it was sold to the seller; or
 - (ii) that the seller received a HGP free declaration from the third person.
- (4) The HGP free declaration may be made about more than 1 head.

24 Seller's obligation to keep copy of declaration

- (1) This section applies if a person has given a buyer a HGP free declaration.
- (2) The person must keep a copy of the HGP free declaration (the *seller's copy*) for 2 years after the declaration was given, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) If an inspector asks the person for the seller's copy during the 2 years, the person must give it to the inspector, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (4) The inspector may keep the seller's copy to copy it.
- (5) However, the inspector must return the seller's copy as soon as practicable after copying it.

25 Buyer's obligation to keep and produce declaration

- (1) This section applies if a person has been given a HGP free declaration as a buyer.
- (2) The person must keep the declaration for 2 years after it was given, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) If an inspector asks the person for the HGP free declaration during the 2 years, the person must give it to the inspector, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (4) The inspector may keep the HGP free declaration to copy it.
- (5) However, the inspector must return the HGP free declaration as soon as practicable after copying it.

[s 26]

Part 6 Supervision fees and expenses

26 Application of pt 6

This part applies to a person if—

- (a) the person has been given a direction under the Act that requires or allows a thing to be done; and
- (b) the direction requires the thing be done under an inspector's supervision.

27 Hourly fee

- (1) A fee is payable by the person for each hour or part of an hour of the supervision.
- (2) If the supervision, or a part of the supervision, was on a business day, the hourly fee for the supervision or part of the supervision is—
 - (a) for working hours—\$40.35; or
 - (b) for other than working hours—\$60.70.
- (3) If the supervision, or a part of the supervision, was on a day other than a business day, the hourly fee for the supervision or part of the supervision is \$80.85.
- (4) In this section—

supervision includes travelling time for the inspector to travel to and from the place of supervision if the travelling time was for the supervision.

working hours means the inspector's working hours under any relevant industrial instrument under the *Industrial Relations Act 1999*.

28 Overnight absence expenses

- (1) The person must pay the expense for each overnight absence by the inspector for the supervision.

- (2) The expense for each overnight absence is the amount that is, or would be, payable under the *Public Service Act 2008* to the inspector as if the inspector is or were a public service officer travelling on official duty.

Part 7 Miscellaneous provisions

29 Approval of forms

- (1) The chief executive may approve forms for use under the Act.
- (2) If a form is approved for a purpose, the approved form is the prescribed form for the purpose.

Part 8 Transitional provisions

Division 1 Transitional provisions for Chemical Usage (Agricultural and Veterinary) Control Amendment Regulation (No. 1) 2009

30 Deferral of requirement for prescribed qualifications for using particular agricultural chemical products

- (1) This section applies to a person for preparing or using an agricultural chemical product, other than on or from an aircraft in flight.
- (2) Despite section 12P, the person is not required to have a prescribed qualification for preparing or using the product.
- (3) This section stops applying 6 months after its commencement.

[s 31]

- (4) In this section—
prescribed qualification see section 12M.

31 Deferral of particular conditions for relevant sugarcane growing

- (1) This section applies to a person who uses, or allows the use of, an agricultural chemical product containing ametryn, diuron or hexazinone for carrying out relevant sugarcane growing.
- (2) Despite section 12S, the person is not required to comply with the conditions under section 12S(1)(b)(iv) and (v) and (c).
- (3) This section stops applying 9 months after its commencement.

Division 2 Transitional provision for Chemical Usage (Agricultural and Veterinary) Control Regulation 1999

32 Deferral of requirements for using restricted chemical products containing copper, chromium and arsenic

- (1) This section applies to a person for using a restricted chemical product to which section 11C applies.
- (2) Despite section 11C, the person is not required to comply with section 11C(3)(a), (b) or (c).
- (3) This section stops applying on 1 January 2013.

Schedule 1 Prescribed and proscribed chemicals

sections 2 and 3

Common name	Chemical name or composition
aldrin	a product containing 95% HHDN
BHC (excluding the gamma isomer)	Mixed isomers of 1,2,3,4,5,6-hexachlorocyclohexane excluding gamma-1, 2,3,4,5,6-hexachlorocyclohexane
chlordane	1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro-4,7-methanoindane
DDT	Mixed isomers of 1,1,1-trichloro-2,2-bis(chlorophenyl)ethane in which <i>pp'</i> -DDT, 1,1,1-trichloro-2,2-bis(4-chlorophenyl)= ethane, predominates
dieldrin	a product containing 85% HEOD
endrin	1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro- <i>exo</i> -1,4- <i>exo</i> -5,8-dimethanonaphthalene
HCB	hexachlorobenzene
HEOD	1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro- <i>endo</i> -1,4- <i>exo</i> -5,8-dimethanonaphthalene
heptachlor	1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene
HHDN	1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro- <i>exo</i> -1,4- <i>endo</i> -5,8-dimethanonaphthalene
TDE	1,1-dichloro-2,2-bis(4-chlorophenyl)ethane

Schedule 2 MRLs for chemicals for animal food

section 8

Part 1 MRLs for prescribed chemicals

Common name	Level (in mg/kg)
aldrin, dieldrin or any total combination of aldrin and dieldrin	0.01
BHC (excluding the gamma isomer)	0.02
chlordane	0.01
DDT	0.1
endrin	0.03
HCB	0.01
heptachlor	0.02

Part 2 MRLs for chemical products

Chemical product	Level (in mg/kg)
alloxydim-sodium	0.2
benfluralin	0.02
bensulfuron-methyl	0.05

Chemical product	Level (in mg/kg)
bioresmethrin	5
bitertanol	0.1
carbaryl	20
carbofuran	2
chlorpyrifos-methyl	20
chlorsulfuron	10
clopyralid	100
cyhalothrin	0.01
dichlorvos	20
dithiocarbamates (except propineb)	30
endosulfan	0.3
ethephon	10
fenamiphos	1
fenitrothion	20
fenvalerate	10
fluroxypyr	25
glyphosate	0.3
haloxyfop	3
inorganic bromide	125
iprodione	5
lindane (gamma BHC)	0.1
maldison	100

Schedule 2

Chemical product	Level (in mg/kg)
methoxychlor	1
methyl bromide.	50
metolachlor.	5
metribuzin.	0.2
metsulfuron-methyl	0.05
monocrotophos	0.2
pirimiphos-methyl	20
sethoxydim	2
thiodicarb	30
tralkoxydim	0.02
triadimefon	10
triasulfuron	5

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 21 September 2012. Future amendments of the Chemical Usage (Agricultural and Veterinary) Control Regulation 1999 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	27 August 1999	2 September 1999
1A	2000 SL No. 169	1 July 2000	3 July 2000
1B	2001 SL No. 177	28 September 2001	12 October 2001

Reprint No.	Amendments included	Effective	Notes
1C	2002 SL No. 351	13 December 2002	
1D	2003 SL No. 201	20 September 2003	
1E	2003 SL No. 239	4 November 2003	
1F	2003 SL No. 335	14 December 2003	
1G	2004 SL No. 100	25 June 2004	
1H	2004 SL No. 231	29 November 2004	
1I	2005 SL No. 101	1 July 2005	
1J	2005 SL No. 268	11 December 2005	R1J withdrawn, see R2

Reprint No.	Amendments included	Effective	Notes
2	—	11 December 2005	
2A	2006 SL No. 267	4 December 2006	
2B	2007 SL No. 77	4 May 2007	
2C	2007 SL No. 232	29 October 2007	
2D	2008 SL No. 209	1 July 2008	
3	2008 SL No. 314	19 September 2008	
3A	2009 SL No. 176	28 August 2009	
3B	2009 SL No. 237	30 October 2009	
3C	2009 SL No. 237	1 January 2010	
3D	2010 SL No. 268	1 October 2010	
	2010 SL No. 269		
3E	2011 SL No. 110	1 July 2011	
3F ^{rv}	2012 SL No. 92	1 July 2012	
3G	2012 SL No. 103	20 July 2012	
3H	2012 SL No. 162	21 September 2012	

5 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Chemical Usage (Agricultural and Veterinary) Control Regulation 1999 SL No. 203

made by the Governor in Council on 26 August 1999

notfd gaz 27 August 1999 pp 2224–7

commenced on date of notification

exp 31 August 2013 (see SIA s 56A(2) and SIR s 4 sch 2 pt 2)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Primary Industries Legislation Amendment Regulation (No. 1) 2000 SL No. 169 pts 1, 4

notfd gaz 30 June 2000 pp 736–48

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2000 (see s 2)

Endnotes

Primary Industries Legislation Amendment Regulation (No. 1) 2001 SL No. 177 pts 1, 5

notfd gaz 28 September 2001 pp 328–30
commenced on date of notification

Primary Industries Legislation Amendment Regulation (No. 2) 2002 SL No. 351 pts 1, 5

notfd gaz 13 December 2002 pp 1266–69
commenced on date of notification

Pest Management Regulation 2003 SL No. 201 ss 1, 2(3), 33 sch 1

notfd gaz 5 September 2003 pp 57–8
ss 1–2 commenced on date of notification
remaining provisions commenced 20 September 2003 (see s 2(3))
Note— A regulatory impact statement and explanatory note were prepared.

Primary Industries Legislation Amendment Regulation (No. 1) 2003 SL No. 239 pts 1, 4

notfd gaz 3 October 2003 pp 382–5
ss 1–2 commenced on date of notification
remaining provisions commenced 4 November 2003 (see s 2)

Primary Industries Legislation Amendment Regulation (No. 2) 2003 SL No. 335 pts 1, 4

notfd gaz 12 December 2003 pp 1203–7
ss 1–2 commenced on date of notification
remaining provisions commenced 14 December 2003 (see s 2)

Chemical Usage (Agricultural and Veterinary) Control Amendment Regulation (No. 1) 2004 SL No. 100

notfd gaz 25 June 2004 pp 573–81
commenced on date of notification

Primary Industries Legislation Amendment Regulation (No. 1) 2004 SL No. 231 pts 1, 6

notfd gaz 29 October 2004 pp 734–7
ss 1–2 commenced on date of notification
remaining provisions commenced 29 November 2004 (see s 2)

Stock Identification Regulation 2005 SL No. 101 ss 1–2, pt 9 div 1

notfd gaz 27 May 2005 pp 308–11
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2005 (see s 2)
Note— A regulatory impact statement and explanatory note were prepared.

Primary Industries Legislation Amendment Regulation (No. 1) 2005 SL No. 268 pts 1, 6

notfd gaz 11 November 2005 pp 955–7
ss 1–2 commenced on date of notification
remaining provisions commenced 11 December 2005 (see s 2)

Primary Industries Legislation Amendment Regulation (No. 1) 2006 SL No. 267 pts 1, 6

notfd gaz 3 November 2006 pp 1103–4
ss 1–2 commenced on date of notification
remaining provisions commenced 4 December 2006 (see s 2)

Primary Industries Legislation Amendment Regulation (No. 1) 2007 SL No. 77 pts 1, 4

notfd gaz 4 May 2007 pp 116–17
commenced on date of notification

Primary Industries Legislation Amendment Regulation (No. 2) 2007 SL No. 232 ss 1–2(1), pt 6

notfd gaz 21 September 2007 pp 447–9
ss 1–2 commenced on date of notification
remaining provisions commenced 29 October 2007 (see s 2(1))

Public Service Regulation 2008 SL No. 209 ss 1–2, 20 sch 2

notfd gaz 27 June 2008 pp 1268–78
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2008 (see s 2)

Primary Industries and Fisheries Legislation Amendment Regulation (No. 1) 2008 SL No. 314 s 1, pt 6

notfd gaz 19 September 2008 pp 407–9
commenced on date of notification

Primary Industries and Fisheries Legislation Amendment Regulation (No. 2) 2009 SL No. 176 pts 1, 6

notfd gaz 28 August 2009 pp 1491–6
commenced on date of notification

Chemical Usage (Agricultural and Veterinary) Control Amendment Regulation (No. 1) 2009 SL No. 237

notfd gaz 30 October 2009 pp 657–8
ss 1–2 commenced on date of notification
ss 8, 9 commenced 1 January 2010 immediately after the commencement of the Environmental Protection Act 1994 No. 62 s 75 as ins by the Great Barrier Reef Protection Amendment Act 2009 No. 42 s 6 (see s 2 and 2009 SL No. 273)
remaining provisions commenced on date of notification

Primary Industries and Fisheries Legislation Amendment Regulation (No. 1) 2010 SL No. 268 pts 1, 3

notfd gaz 1 October 2010 pp 294–7
commenced on date of notification

Chemical Usage (Agricultural and Veterinary) Control Amendment Regulation (No. 1) 2010 SL No. 269

notfd gaz 1 October 2010 pp 294–7
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2010 (see s 2)

Employment, Economic Development and Innovation Legislation Amendment Regulation (No. 1) 2011 SL No. 110 pts 1, 6

notfd gaz 24 June 2011 pp 534–8

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2011 (see s 2)

Agriculture and Fisheries Legislation Amendment Regulation (No. 1) 2012 SL No. 92 pts 1, 7

notfd gaz 29 June 2012 pp 704–10

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2012 (see s 2)

Vocational Education, Training and Employment and Other Legislation Amendment Regulation (No. 1) 2012 SL No. 103 pts 1, 6

notfd gaz 20 July 2012 pp 863–7

commenced on date of notification

Chemical Usage (Agricultural and Veterinary) Control Amendment Regulation (No. 1) 2012 SL No. 162

notfd gaz 21 September 2012 pp 96–7

commenced on date of notification

6 List of annotations

Proscribed chemicals—Act, s 11C(2)

prov hdg amd 2003 SL No. 335 s 20(1)

s 3 amd 2003 SL No. 335 s 20(2)–(3)

Purpose of pt 3

s 4 amd 2003 SL No. 335 s 21

Definitions for pt 3

s 5 def “**MRL standard**” amd 2003 SL No. 335 s 22; 2009 SL No. 237 s 3 sch; 2012 SL No. 92 s 16

def “**registered training organisation**” amd 2007 SL No. 77 s 9
sub 2012 SL No. 103 s 28

MRLs for chemicals for human food—MRL standard

s 6 amd 2009 SL No. 237 s 3 sch

Other MRLs for chemicals for human food

s 7 amd 2009 SL No. 237 s 3 sch

MRLs for chemicals for animal food—sch 2

s 8 amd 2009 SL No. 237 s 3 sch

PART 4—USE OF CHEMICAL PRODUCTS

Division 1—Restricted chemical products

Definitions for div 1

s 9 def “**1080**” ins 2009 SL No. 237 s 4

def “**prescribed qualification**” ins 2003 SL No. 335 s 23

def “**registered training organisation**” ins 2003 SL No. 335 s 23
 amd 2007 SL No. 77 s 10
 sub 2012 SL No. 103 s 29
 def “**statement of attainment**” ins 2012 SL No. 162 s 3

Restricted chemical products containing bifenthrin or chlorpyrifos
 s 10 amd 2003 SL No. 201 s 33 sch 1

Restricted chemical products containing endosulfan
 s 11 amd 2003 SL No. 335 s 24

Restricted chemical products containing 1080 or pindone
 prov hdg amd 2009 SL No. 237 s 5(1)
 s 11A ins 2003 SL No. 335 s 25
 amd 2009 SL No. 237 s 5(2)

Restricted chemical products containing RHDV
 s 11B ins 2009 SL No. 237 s 6

Restricted chemical products containing copper, chromium and arsenic
 s 11C ins 2012 SL No. 162 s 4

Other restricted chemical products
 s 12 amd 2003 SL No. 335 s 26; 2009 SL No. 237 s 7; 2012 SL No. 162 s 5

Division 2—Unregistered chemical products
 div hdg ins 2004 SL No. 100 s 4

Subdivision 1—Definitions
 sdiv 1 (s 12A) ins 2004 SL No. 100 s 4

Subdivision 2—Use etc. of particular unregistered veterinary chemical products
 sdiv 2 (ss 12B–12H) ins 2004 SL No. 100 s 4

Subdivision 3—Use of particular unregistered agricultural chemical products
 sdiv hdg ins 2004 SL No. 100 s 4

Products to which s 13A of Act does not apply
 prov hdg amd 2007 SL No. 77 s 11
 s 12I ins 2004 SL No. 100 s 4

Prescription conditions for listed product
 s 12J ins 2004 SL No. 100 s 4

Prescription conditions for product that was listed product in last 2 years
 s 12K ins 2004 SL No. 100 s 4

Prescription condition for reserved product
 s 12L ins 2004 SL No. 100 s 4

Division 3—Prescribed agricultural ERA products and conditions for use for agricultural ERAs
 div hdg (prev div 2 hdg) renum 2004 SL No. 100 s 3
 sub 2009 SL No. 237 s 8

Endnotes

Subdivision 1—Interpretation

sdiv hdg ins 2009 SL No. 237 s 8
sub 2010 SL No. 269 s 4

Definitions for div 3

s 12M ins 2009 SL No. 237 s 8
def “**chemical use (sugarcane growing) guideline**” ins 2010 SL No. 269 s 5(2)
def “**down-slope water body**” ins 2010 SL No. 269 s 5(2)
def “**edge**” ins 2010 SL No. 269 s 5(2)
def “**effective vegetated treatment area**” ins 2010 SL No. 269 s 5(2)
def “**flood zone**” ins 2010 SL No. 269 s 5(2)
def “**height**” ins 2010 SL No. 269 s 5(2)
def “**interrow furrow**” ins 2010 SL No. 269 s 5(2)
def “**low flow run-off**” ins 2010 SL No. 269 s 5(2)
def “**registered training organisation**” sub 2012 SL No. 103 s 30
def “**shielded sprayer**” ins 2010 SL No. 269 s 5(2)
def “**water body**” sub 2010 SL No. 269 s 5(1)–(2)

What is a “water body”

s 12MA ins 2010 SL No. 269 s 6

Where is the “edge” of a water body

s 12MB ins 2010 SL No. 269 s 6

What is an “effective vegetated treatment area”

s 12MC ins 2010 SL No. 269 s 6

Measuring the height of the canopy of sugarcane

s 12MD ins 2010 SL No. 269 s 6

Subdivision 2—Prescribed agricultural ERA products

sdiv 2 (s 12N) ins 2009 SL No. 237 s 8

Subdivision 3—General prescribed conditions

sdiv 3 (ss 12O–12P) ins 2009 SL No. 237 s 8

Subdivision 4—Additional conditions for relevant sugarcane growing

sdiv hdg ins 2009 SL No. 237 s 8

Application of sdiv 4

s 12Q ins 2009 SL No. 237 s 8

Preparing products

s 12R ins 2009 SL No. 237 s 8
amd 2010 SL No. 269 s 7

Using products—weather conditions

s 12S ins 2009 SL No. 237 s 8
sub 2010 SL No. 269 s 8

Using products—proximity to water bodies

s 12SA ins 2010 SL No. 269 s 8

Using products—other conditions about site suitability

s 12SB ins 2010 SL No. 269 s 8

Applying products—spraying

s 12SC ins 2010 SL No. 269 s 8

Quantities of particular constituents of products that may be used

s 12T ins 2009 SL No. 237 s 8

Subdivision 5—Additional conditions for relevant cattle grazing

sdiv 5 (ss 12U–12W) ins 2009 SL No. 237 s 8

Subdivision 6—Records of use

sdiv 6 (s 12X) ins 2009 SL No. 237 s 8

Division 4—General provisions for records of chemical product use

div hdg ins 2009 SL No. 237 s 8

Record requirement

s 13 amd 2004 SL No. 100 s 5

Definitions for pt 5

s 15 def “agent” amd 2007 SL No. 77 s 12

def “HGP free tag” sub 2005 SL No. 101 s 104

Hourly fee

s 27 amd 2000 SL No. 169 s 8; 2001 SL No. 177 s 9; 2002 SL No. 351 s 10; 2003 SL No. 239 s 8; 2004 SL No. 231 s 12; 2005 SL No. 268 s 12; 2006 SL No. 267 s 12; 2007 SL No. 232 s 12; 2008 SL No. 314 s 12; 2009 SL No. 176 s 15; 2010 SL No. 268 s 5; 2011 SL No. 110 s 12; 2012 SL No. 92 s 17

Overnight absence expenses

s 28 amd 2008 SL No. 209 s 20 sch 2

PART 8—TRANSITIONAL PROVISIONS

pt hdg prev pt 8 hdg exp 28 August 1999 (see s 34)

pres pt 8 hdg ins 2009 SL No. 237 s 9

sub 2012 SL No. 162 s 6

Division 1—Transitional provisions for Chemical Usage (Agricultural and Veterinary) Control Amendment Regulation (No. 1) 2009

div hdg ins 2012 SL No. 162 s 6

Deferral of requirement for prescribed qualifications for using particular agricultural chemical products

s 30 prev s 30 exp 28 August 1999 (see s 34)

pres s 30 ins 2009 SL No. 237 s 9

Deferral of particular conditions for relevant sugarcane growing

s 31 prev s 31 exp 28 August 1999 (see s 34)

pres s 31 ins 2009 SL No. 237 s 9

Division 2—Transitional provisions for Chemical Usage (Agricultural and Veterinary) Control Amendment Regulation (No. 1) 2012

div hdg ins 2012 SL No. 162 s 7

Endnotes

Deferral of requirements for using restricted chemical products containing copper, chromium and arsenic

s 32 prev s 32 exp 28 August 1999 (see s 34)
 pres s 32 ins 2012 SL No. 162 s 7

Declarations under former regulation, s 9

s 33 prev s 33 exp 28 August 1999 (see s 34)

Expiry of pt 8

s 34 prev s 34 exp 28 August 1999 (see s 34)

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