Queensland

Chemical Usage (Agricultural and Veterinary) Control Act 1988

CHEMICAL USAGE (AGRICULTURAL AND VETERINARY) CONTROL REGULATION 1999

Reprinted as in force on 13 December 2002
(includes amendments up to SL No. 351 of 2002)

Reprint No. 1C

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel

Information about this reprint

This regulation is reprinted as at 13 December 2002. 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.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Queensland

CHEMICAL USAGE (AGRICULTURAL AND VETERINARY) CONTROL REGULATION 1999

TABLE OF PROVISIONS

CHEMICAL USAGE (AGRICULTURAL AND VETERINARY) CONTROL REGULATION 1999

[as amended by all amendments that commenced on or before 13 December 2002]

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 13(2)

For section 13(2) of the Act, each chemical mentioned in schedule 1 is a proscribed chemical.[1]

1 Section 13 (Governor in Council may proscribe chemicals) of the Act.

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

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.[2]

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 National Registration Authority for Agricultural and Veterinary Chemicals, *MRL Standard Maximum Residue Limits in Food and Animal Feedstuffs of Agricultural and Veterinary Chemicals and Associated Substances*, published by the Australian Government Publishing Service, Canberra.[3]

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2 The Food Standards Code, standard A14 (Maximum residue limits), also provides for residue limits for food. That code is adopted under the *Food Act 1981*.

3 A copy of the MRL standard may be inspected, free of charge, at the Department's office at 80 Ann Street, Brisbane. At the commencement of this regulation, the standard was available on-line at the National Registration Authority's website at <http://www.dpie.gov.au/nra/mrl.html>.

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[4] of the Act.

(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[5] mentioned in schedule 2 for any animal food is the level stated opposite the name of the chemical in schedule 2.

(2) If a chemical is not mentioned in schedule 2, no MRL is prescribed for the chemical for animal food.

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4 Part 2 (Use of chemicals and substances having chemical residues) of the Act

5 Under the Act, section 4, definition "chemical", paragraph (a), the term 'chemical' includes a 'chemical product'.

(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.[6]

PART 4—USE OF CHEMICAL PRODUCTS

Division 1—Restricted chemical products

9 Definitions for div 1

In this division—

"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.

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

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 as a pest control operator under the *Health Act 1937* and the licence permits the person to use the product.

6 MRL Standard, table 3 (Residue definition)

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

(c) holds an accreditation to use agricultural chemicals from—

(i) Farmcare Australia Farm Chemical User Training Program Incorporated; or

(ii) Queensland Agricultural Chemicals Accreditation Council Incorporated.[7]

Maximum penalty—40 penalty units.

12 Other restricted chemical products

(1) This section applies only to a restricted chemical product that does not contain bifenthrin, chlorpyrifos or endosulfan.

(2) A person must not use the product, unless the person is authorised to use the product.

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

7 At the commencement of this regulation, Queensland Agricultural Chemicals Accreditation Council Incorporated traded under the business name 'Chemsmart Training Queensland'.

Division 2—Records of chemical product use

13 Record requirement

(1) This section applies to a person if—

(a) the person uses a chemical product; and

(b) either—

(i) an approved label for containers for the product contains an instruction; or

(ii) a permit for the product that applies to the person is subject to a condition under the Agvet Code;[8] 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 for subsection (2)—40 penalty units.

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.

8 For the instructions or conditions, see the Agvet Code, sections 14 (Grant or refusal of application), 23 (Conditions of approval or registration), 114 (Issue of permit) and 116 (Effect of permit).

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 *Auctioneers and Agents Act 1971* 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 a HGP free tag in the approved form under the *Stock Act 1915*.

"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.

"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 20 mm.

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.

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.

(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.

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.[9]

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—$29.85; or

(b) for other than working hours—$44.85.

9 See section 33 (Supervision by inspector) of the Act.

(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 $59.80.

(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 1996* 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.

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 *pp'*-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-*exo*-1,4-*exo*-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-*endo*-1,4-*exo*-5,8-dimethanonaphthalene
heptachlor	1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene

SCHEDULE 1 (continued)

Common name	**Chemical name or composition**
HHDN	1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-*exo*-1,4-*endo*-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

SCHEDULE 2 (continued)

bensulfuron-methyl	0.05
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 (continued)

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

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 13 December 2002. 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**	**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 earlier reprints

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

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

TABLE OF EARLIER REPRINTS

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

5 List of legislation

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 1 September 2009 (see SIA s 54)

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)

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

6 List of annotations

Hourly fee
s 27 amd 2000 SL No. 169 s 8; 2001 SL No. 177 s 9; 2002 SL No. 351 s 10

PART 8—REPEAL AND TRANSITIONAL PROVISIONS
pt 8 (ss 30–34) exp 28 August 1999 (see s 34)