

Queensland



Subordinate Legislation 2003 No. 335

Agricultural Chemicals Distribution Control Act 1966
Agricultural Standards Act 1994
Chemical Usage (Agricultural and Veterinary) Control Act 1988

PRIMARY INDUSTRIES LEGISLATION AMENDMENT REGULATION (No. 2) 2003

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**MINOR AMENDMENTS OF AGRICULTURAL CHEMICALS
DISTRIBUTION CONTROL REGULATION 1998**

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Primary Industries Legislation Amendment Regulation (No. 2) 2003*.

2 Commencement

This regulation commences on 14 December 2003.

PART 2—AMENDMENT OF AGRICULTURAL CHEMICALS DISTRIBUTION CONTROL REGULATION 1998

3 Regulation amended in pt 2 and sch

This part and the schedule amend the *Agricultural Chemicals Distribution Control Regulation 1998*.

4 Amendment of s 5 (Form of licence)

Section 5(2)—

omit.

5 Insertion of new s 8A

Part 2, division 2—

insert—

‘8A Commercial operator’s licence—relevant pest management qualification for pest management technician—Act, s 16A

‘(1) For section 16A(1)¹ of the Act, a relevant pest management qualification is a statement of attainment issued by a registered training organisation stating that an individual has successfully completed each of the following competencies—

- (a) PRMPM05—Modify environment to manage pests;
- (b) PRMPM06—Apply pesticide to manage pests;
- (c) PRMPM18—Maintain an equipment and consumables storage area.

‘(2) In this section—

“registered training organisation” means a training organisation registered under the *Training and Employment Act 2000* or under similar legislation of another State.’.

6 Amendment of s 14 (When Board may refuse)

Section 14(2), after ‘licence’—

insert—

‘or ground distribution contractor’s licence’.

7 Amendment of s 19 (Surrender of suspended or cancelled licence)

(1) Section 19, heading, ‘**suspended or cancelled licence**’—

omit, insert—

‘licence suspended by standards officer’.

(2) Section 19(1) and (2)—

omit, insert—

‘(1) A notice given to a holder of a licence by the standards officer under section 16(1) may state a day by which the holder must surrender the licence to the standards officer.’.

¹ Section 16A (When pest management technician is taken to hold commercial operator’s licence) of the Act

(3) Section 19(4), ‘cancellation or’—
omit.

(4) Section 19(3) and (4)—
renumber as section 19(2) and (3).

8 Insertion of new s 19A

Part 2, division 5—
insert—

‘19A Surrender of licence suspended or cancelled by chief executive

‘(1) An information notice given to a licensee or former licensee by the chief executive under section 21(5)² of the Act may state a day by which the person must surrender the licence to the chief executive.

‘(2) The person must comply with a requirement under subsection (1) unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

‘(3) The chief executive must return the licence to the person as soon as practicable if, because of an appeal, the cancellation or suspension mentioned in the notice ends.’.

9 Omission of pt 2, div 6 (Amendment of aerial distribution contractor licences)

Part 2, division 6—
omit.

10 Omission of ss 25 and 26

Sections 25 and 26—
omit.

2 Section 21 (Cancellation or suspension of licence) of the Act

11 Amendment of s 31 (Prescribed particulars for register—Act, s 24(1))

(1) Section 31, heading, ‘**particulars**’—

omit, insert—

‘matters’.

(2) Section 31(1) and (2)—

renumber as section 31(2) and (3).

(3) Section 31—

insert—

‘(1) For section 24(1)³ of the Act, the register must be kept in an electronic form.⁴’.

(4) Section 31(2)(a), as renumbered, ‘name and’—

omit.

(5) Section 31(2)(d), as renumbered—

omit.

12 Amendment of s 36 (Smoke generation for aerial distribution)

Section 36, ‘or ground’—

omit.

3 Section 24 (Register) of the Act

4 The register is open for inspection, free of charge, during office hours on business days at the following offices of the department—

- 80 Ann Street, Brisbane
- Animal Research Institute, 665 Fairfield Road, Yeerongpilly, Brisbane
- 21 Redden Street, Cairns
- Landsborough Highway, Longreach
- Mayers Road, Nambour
- Corner Bruce Highway and Yeppoon Road, Rockhampton
- 203 Tor Street, Toowoomba
- Abbott Street, Townsville.

13 Amendment of s 39 (Application for a distribution permit)

(1) Section 39(1), from ‘if—’—

omit, insert—

‘if the individual—

- (a) is a pilot in command who holds a pilot chemical rating licence;
and
- (b) either—
 - (i) is the applicant; or
 - (ii) will carry out the aerial distribution—
 - (A) in the course of the applicant’s business; or
 - (B) at the direction, or under the authority, of the applicant.’.

(2) Section 39(2)—

omit, insert—

‘(2) A person who holds an aerial distribution contractor licence or ground distribution contractor’s licence may apply to the board for a distribution permit for a stated individual to carry out ground distribution in a stated hazardous area if the individual—

- (a) holds a commercial operator’s licence; and
- (b) either—
 - (i) is the applicant; or
 - (ii) will carry out the ground distribution—
 - (A) in the course of the applicant’s business; or
 - (B) at the direction, or under the authority, of the applicant.’.

14 Amendment of s 44 (False or misleading statements or documents)

Section 44(1) and (2), after ‘standards officer’—

insert—

‘or board’.

15 Replacement of sch 2 (Fees)

Schedule 2—

omit, insert—

‘SCHEDULE 2

‘FEES

section 45

	\$
1. Examination fee for commercial operator’s licence or pilot chemical rating licence	22.65
2. Issue of aerial distribution contractor licence, commercial operator’s licence, ground distribution contractor’s licence or pilot chemical rating licence—	
(a) for 1 year	20.60
(b) for 3 years	48.40
3. Renewal of aerial distribution contractor licence, commercial operator’s licence, ground distribution contractor’s licence or pilot chemical rating licence—	
(a) for 1 year	13.90
(b) for 3 years	41.70’.

PART 3—AMENDMENT OF AGRICULTURAL STANDARDS REGULATION 1997

16 Regulation amended in pt 3

This part amends the *Agricultural Standards Regulation 1997*.

17 Amendment of s 35 (Stock food exempted from pt 4)

(1) Section 35(1), from ‘This’ to ‘food—’—

omit, insert—

‘Subject to subsections (2) to (4), this part does not apply to stock food—’.

(2) Section 35(2)—

omit, insert—

‘(2) Section 45⁵ applies to stock food mentioned in subsection (1)(a) or (b).

‘(3) Section 46⁶ applies to stock food mentioned in subsection (1)(a) or (b), other than for the elements copper and selenium.

‘(4) Section 36 and division 2, subdivision 5⁷ apply to stock food mentioned in section 44A.’.

18 Insertion of new pt 4, div 2, sdiv 5

Part 4, division 2—

insert—

‘Subdivision 5—Requirements for stock food manufactured or prepared under veterinary surgeon’s instructions

‘44A Application of sdiv 5

‘Subject to section 36, this subdivision applies to a medicated premix or medicated stock food manufactured or prepared—

- (a) by a person under a veterinary surgeon’s instructions; and
- (b) to only feed stock under the veterinary surgeon’s care or charge.

5 Section 45 (Prohibited materials)

6 Section 46 (Harmful ingredients)

7 Section 36 (Stock food exempted from div 2) and division 2 (Labelling stock food), subdivision 5 (Requirements for stock food manufactured or prepared under veterinary surgeon’s instructions)

‘44B Requirement for stock food to be labelled

‘(1) Stock food to which this subdivision applies must be labelled.⁸

‘(2) The label must contain the following statement—

‘Medicated stock food prepared under a veterinary surgeon’s instructions. Feed only to stock under the care of the veterinary surgeon and in accordance with the instructions.’.

‘(3) The statement must be—

- (a) in dark print on a light background; and
- (b) clearly seen on the face of the label.

‘(4) The letters in the statement must be at least—

- (a) if the label is written or stamped on the outside of the stock food container—10 mm high; or
- (b) if the label is fixed to the outside of the stock food container—3 mm high; or
- (c) if the label is a written notice given to a buyer under section 50(1)(b)—3 mm high.

‘44C Label not to be removed from stock food container

‘A person must not knowingly—

- (a) remove the label mentioned in section 44B from a container of stock food to which this subdivision applies; or
- (b) cause the label to be removed.

Maximum penalty—20 penalty units.

‘44D Statement on label not to be obscured

‘A person must not knowingly mark or deface a label mentioned in section 44B so that the statement mentioned in section 44B(2) is obscured.

Maximum penalty—20 penalty units.’.

8 See also the requirements in part 5 (Labelling agricultural requirements).

PART 4—AMENDMENT OF CHEMICAL USAGE (AGRICULTURAL AND VETERINARY) CONTROL REGULATION 1999

19 Regulation amended in pt 4

This part amends the *Chemical Usage (Agricultural and Veterinary) Control Regulation 1999*.

20 Amendment of s 3 (Proscribed chemicals—Act, s 13(2))

(1) Section 3, heading, ‘s 13(2)’—

omit, insert—

‘s 11C(2)’.

(2) Section 3, ‘section 13(2)’—

omit, insert—

‘section 11C(2)’.

(3) Section 3, footnote, ‘Section 13’—

omit, insert—

‘Section 11C’.

21 Amendment of s 4 (Purpose of pt 3)

Section 4, ‘produce.’²—

omit, insert—

‘produce.’⁹.

22 Amendment of s 5 (Definitions for pt 3)

Section 5, definition “MRL standard”, ‘Canberra.’³—

⁹ See also the Food Standards Code, within the meaning of the *Food Act 1981*, standard 1.4.2 (Maximum residue limits (Australia only)).

omit, insert—

‘Canberra.¹⁰’.

23 Amendment of s 9 (Definitions for div 1)

Section 9—

insert—

‘**“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” means a training organisation registered under the *Training and Employment Act 2000* or under similar legislation of another State.’.

24 Amendment of s 11 (Restricted chemical products containing endosulfan)

Section 11(c)—

omit, insert—

‘(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;

10 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 <http://www.apvma.gov.au/residues>.

(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.’.

25 Insertion of new s 11A

After section 11—

insert—

‘11A Restricted chemical products containing pindone

‘A person must not use a restricted chemical product containing 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 18,¹¹ to obtain, possess and use fluoroacetic acid.

Maximum penalty—40 penalty units.’.

26 Amendment of s 12 (Other restricted chemical products)

(1) Section 12(1), ‘or endosulfan’—

omit, insert—

‘, endosulfan or pindone’.

(2) Section 12(2), ‘product’, second mention—

omit, insert—

‘product or holds a prescribed qualification’.

¹¹ *Health (Drugs and Poisons) Regulation 1996*, section 18 (How chief executive may deal with applications)

SCHEDULE

MINOR AMENDMENTS OF AGRICULTURAL CHEMICALS DISTRIBUTION CONTROL REGULATION 1998

section 3

- 1 Sections 12, 13(1) and (2), 14, 15(1), 32, definition “distribution permit”, 39, 40, 41, 42(1) and 43(1), ‘Board’—**

omit, insert—

‘board’.

- 2 Section 43(1)(a), ‘Board’s’—**

omit, insert—

‘board’s’.

ENDNOTES

1. Made by the Governor in Council on 11 December 2003.
2. Notified in the gazette on 12 December 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Primary Industries.