

# Queensland



## Subordinate Legislation 2004 No. 100

### *Chemical Usage (Agricultural and Veterinary) Control Act 1988*

# CHEMICAL USAGE (AGRICULTURAL AND VETERINARY) CONTROL AMENDMENT REGULATION (No. 1) 2004

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## **1 Short title**

This regulation may be cited as the *Chemical Usage (Agricultural and Veterinary) Control Amendment Regulation (No. 1) 2004*.

## **2 Regulation amended**

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

## **3 Renumbering of pt 4, div 2**

Part 4, division 2—  
*renumber* as division 3.

## **4 Insertion of new pt 4, div 2**

Part 4—  
*insert*—

***‘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,<sup>1</sup> 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

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<sup>1</sup> Agvet Code, part 2A (Listable chemical products), division 3 (Establishing standards for listable chemical products)

- (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)<sup>2</sup> 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—

- (a) for section 12E(2)<sup>3</sup> 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

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2 Section 56ZK (Period of listed registration) of the Agvet Code

3 Section 12E (Use of unregistered veterinary chemical products) of the Act

- (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.<sup>4</sup>

### **‘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.<sup>5</sup>

‘(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

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4 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.

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

(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.’<sup>6</sup>

#### **‘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—

- (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—

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

- (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)<sup>7</sup> 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.<sup>8</sup>

### ***'Subdivision 3—Use of particular unregistered agricultural chemical products***

### **'12I Products to which section 13A of the Act does not apply**

'(1) For section 13A(2)(b)<sup>9</sup> of the Act, the following products are prescribed if the prescription conditions for the product are satisfied—

- (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;

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7 Section 56ZK (Period of listed registration) of the Agvet Code

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

9 Section 13A (Use of unregistered agricultural chemical products) of the Act



- (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.<sup>10</sup>

#### **‘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)<sup>11</sup> 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.

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<sup>10</sup> See, however, section 13B (Compliance with instructions) of the Act.

<sup>11</sup> Section 56ZK (Period of listed registration) of the Agvet Code

## **‘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.<sup>12</sup>’.

## **5 Amendment of s 13 (Record requirement)**

**(1)** Section 13(1)(b)—

*omit, insert—*

‘(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’.

**(2)** Section 13(2), penalty, ‘for subsection (2)’—

*omit.*

**(3)** Section 13—

*insert—*

‘**(3)** In this section—

**“established standard label”**, for a chemical product, see section 12A.’.

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## ENDNOTES

1. Made by the Governor in Council on 24 June 2004.
2. Notified in the gazette on 25 June 2004.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Primary Industries and Fisheries.

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

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