



Queensland

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

Subordinate Legislation 2010 No. 269

made under the

Chemical Usage (Agricultural and Veterinary) Control Act 1988

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1 Short title

This regulation may be cited as the *Chemical Usage (Agricultural and Veterinary) Control Amendment Regulation (No. 1) 2010*.

2 Commencement

This regulation commences on 1 October 2010.

3 Regulation amended

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

4 Replacement of pt 4, div 3, sdiv 1, hdg (Preliminary)

Part 4, division 3, subdivision 1, heading—
omit, insert—

‘Subdivision 1 Interpretation’.

5 Amendment of s 12M (Definitions for div 3)

(1) Section 12M, definition *water body*—
omit.

(2) Section 12M—
insert—

‘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.

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.

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

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.?

6 Insertion of new ss 12MA–12MD

Part 4, division 3, subdivision 1—

insert—

‘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;

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(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.

‘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.’.

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7 Amendment of s 12R (Preparing products)

Section 12R(b), after ‘of’—

insert—

‘the edge of’.

8 Replacement of s 12S (Using products)

Section 12S—

omit, insert—

‘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

(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

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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.
- ‘(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>.’.

ENDNOTES

- 1 Made by the Governor in Council on 30 September 2010.
- 2 Notified in the gazette on 1 October 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Employment, Economic Development and Innovation.

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