

Queensland



# **CHEMICAL USAGE (AGRICULTURAL AND VETERINARY) CONTROL ACT 1988**

**Reprinted as in force on 24 July 1996  
(includes amendments up to Act No. 13 of 1996)**

**Reprint No. 1A**

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# Information about this reprint

This Act is reprinted as at 24 July 1996. 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 reprint 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.**

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# CHEMICAL USAGE (AGRICULTURAL AND VETERINARY) CONTROL ACT 1988

[as amended by all amendments that commenced on or before 24 July 1996]

**An Act to control the use of certain chemicals and the use of substances in or on which is the residue of certain chemicals and for related purposes**

## PART 1—PRELIMINARY

### Short title

1. This Act may be cited as the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*.

### Commencement

2.(1) This section and section (1) shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act or the provisions thereof specified in the proclamation shall commence on the day or days appointed by proclamation for the commencement of this Act or, as the case may be, those provisions.

### Definitions

4. In this Act—

“**agricultural produce**” means any plant or part thereof, or the produce of a plant, whether processed or not, that is intended or normally used for human or animal consumption.

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**“Agvet Code”** means the provisions applying because of section 5 of the *Agricultural and Veterinary Chemicals (Queensland) Act 1994*.

**“analysis”** means analysis or examination or analysis and examination and includes any test or determination relative to—

- (a) standard, quality, composition, physical property or any other particular of a chemical or other substance whatsoever; or
- (b) detection, identification or determination of the amount of the residue of a chemical in or on any substance.

**“analyst”** means an analyst appointed for the purposes of this Act.

**“approved label”** has the meaning given by the Agvet Code.

**“authorised veterinary purpose”** see section 8C.

**“chemical”** means—

- (a) a chemical product; or
- (b) another substance prescribed by regulation to be a chemical.

**“chemical product”** has the meaning given by the Agvet Code.

**“container”** has the meaning given by the Agvet Code.

**“crop”** has the meaning given under the Standards Act.

**“disease”** has the meaning given under the Standards Act.

**“executive officer”** of a corporation means a person who—

- (a) is a member of the corporation’s governing body; or
- (b) is concerned with, or takes part in, the corporation’s management; whatever the person’s position is called and whether or not the person is a director of the corporation.

**“fertiliser”** means any material used or intended as a fertiliser or manure, or for supplying nutriment for the use of plants, or for remedying or assisting to remedy any deficiency or excess in the soil and includes any substance prescribed to be a fertiliser for the purposes of this Act.

**“inspector”** means an inspector appointed under this Act, and includes the standards officer and a deputy standards officer.



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“**instruction**” has the meaning given by the Agvet Code.

“**label**” has the meaning given by the Agvet Code.

“**manufactured stock food**” has the meaning given under the Standards Act.

“**maximum residue limit**”, in relation to the residue of a chemical in or on any agricultural produce or manufactured stock food, means the maximum residue limit prescribed in respect of that chemical for that agricultural produce or manufactured stock food.

“**National Registration Authority**” means the National Registration Authority for Agricultural and Veterinary Chemicals established by the *Agricultural and Veterinary Chemicals (Administration) Act 1992* (Cwlth).

“**obstruct**” includes hinder, resist and attempt to obstruct.

“**occupier**”, in relation to land, means the person in actual occupation of the land or, if there is no person in actual occupation, the person entitled to possession of the land.

“**officer**” means—

- (a) the standards officer or a deputy standards officer; or
- (b) an inspector; or
- (c) an analyst.

“**owner**”, in relation to land, means the person other than the Crown who for the time being is entitled to receive the rent of that land either of the person’s own account or on account of some other person or who, if the same were let to a tenant at a rack rent, would be entitled to receive the rent thereof, and includes the holder of any lease or licence or permission from the Crown, or any person deriving title thereunder.

“**package**”, in relation to any chemical, or other substance whatsoever, means anything in or by which the chemical or substance is wholly or partly cased, covered, enclosed, contained or packed.

“**permit**” has the meaning given by the Agvet Code.

“**plant**” includes any tree, vine, shrub, vegetable, edible fungus or alga.

“**primary dealer**” of a chemical means the person responsible for placing

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the chemical on the market in Queensland (whether as manufacturer, importer, distributor, seller, agent or in another capacity).

**“proscribed chemical”** means a chemical proscribed under section 13.

**“registered chemical product”** has the meaning given by the Agvet Code.

**“representative”**, of a person, means—

- (a) if the person is a corporation—an executive officer, employee or agent of the corporation; or
- (b) if the person is an individual—an employee or agent of the individual.

**“residue”**, in relation to a chemical, includes, in addition to any of that chemical, any derivative or metabolite of the chemical.

**“Standards Act”** means the *Agricultural Standards Act 1994*.

**“stock”** has the meaning given under the Standards Act.

**“unregistered chemical”** means a chemical that is not a registered chemical product.

**“use”**, in relation to a chemical, means to administer, apply, disperse, inject, spray or spread the chemical or to use the chemical by similar means.

**“veterinary surgeon”** means a person registered as a veterinary surgeon under the *Veterinary Surgeons Act 1936*.

### **Words and expressions used in Agvet Code and this Act**

**4A.** Words and expressions used in the Agvet Code and this Act have the same meanings in this Act as they have in the Agvet Code.

### **Appointment of standards officers**

**4B.** A standards officer and deputy standards officers may be appointed under the *Public Service Management and Employment Act 1988*.

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### **Powers and functions of standards officers**

**4C.(1)** The standards officer has the functions and powers given to the officer under this or another Act.

**(2)** A deputy standards officer has the functions and powers given to the officer under this Act or by the standards officer.

### **Delegation by standards officer**

**4D.** The standards officer may delegate to a deputy standards officer or another officer of the department the standards officer's powers under this or another Act, including any powers delegated to the standards officer under this or another Act.

### **Appointment of inspectors and analysts**

**5.(1)** The chief executive may appoint a person to be an inspector or analyst.

**(2)** The chief executive may appoint a person as an inspector or analyst only if the chief executive is satisfied that the person has the necessary expertise or experience.

**(3)** In this section—

**“inspector”** does not include the standards officer or a deputy standards officer.

### **Limitation of inspector's powers**

**5A.** The powers of an inspector may be limited—

- (a) under a regulation; or
- (b) under a condition of appointment; or
- (c) by written notice of the chief executive given to the inspector.

### **Inspector's identity card**

**5B.(1)** The chief executive must give each inspector an identity card.

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(2) The identity card must—

- (a) contain a recent photograph of the inspector; and
- (b) be signed by the inspector; and
- (c) identify the person as an inspector under this Act.

(3) A person who ceases to be an inspector must return the person's identity card to the chief executive as soon as practicable (but within 21 days) after the person ceases to be an inspector, unless the person has a reasonable excuse for not returning it.

Maximum penalty—10 penalty units.

(4) This section does not prevent the giving of a single identity card to a person under this Act and for other Acts or purposes.

### **Production or display of inspector's identity card**

**5C.(1)** An inspector may exercise a power under this Act in relation to someone else only if the inspector—

- (a) first produces his or her identity card for the person's inspection;  
or
- (b) has the identity card displayed so it is clearly visible to the person.

(2) However, if for any reason it is not practicable to comply with subsection (1), the inspector must produce the identity card for the person's inspection at the first reasonable opportunity.

### **Maximum residue limit**

**6.** The maximum residue limit prescribed under this Act in respect of any agricultural produce or manufactured stock food may be zero.

## **PART 2—USE OF CHEMICALS AND SUBSTANCES HAVING CHEMICAL RESIDUES**

### **Use of unregistered chemical products**

**8.(1)** A person must not use a chemical product unless it is a registered chemical product.

Maximum penalty—40 penalty units.

**(2)** Subsection (1) does not apply if—

- (a) the use of the product by the person is authorised by a permit; or
- (b) the product is a product declared by regulation to be an exempt chemical product; or
- (c) the product is used for an authorised veterinary purpose.

**(3)** In a prosecution for an offence against subsection (1), it is a defence for the defendant to prove—

- (a) the product was a registered chemical product at some time in the 2 years immediately before its use by the defendant; and
- (b) the product's registration ended under section 47(2) or (3) of the Agvet Code; and
- (c) the defendant's use of the product did not contravene an instruction that appeared on the approved label for containers for the product immediately before the product's registration ended; and
- (d) the label was attached to the product's container immediately before the product was taken from the container.

**(4)** This section is an eligible law for the definition "permit" in section 109 of the Agvet Code.

**(5)** In a prosecution for an offence against subsection (1), it is a defence for the defendant to prove—

- (a) the product was registered under the *Agricultural Standards Act 1952* at some time in the 2 years immediately before the commencement of this subsection; and

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- (b) the product was withdrawn from sale before its use by the defendant or its registration had expired; and
- (c) the defendant's use of the product did not contravene an instruction that appeared on the label for containers for the product immediately before it was withdrawn from sale; and
- (d) the label was attached to the product's container immediately before the product was taken from the container.

(6) Subsection (5) and this subsection expire 2 years after the commencement.

### **Use of registered chemical products in contravention of labels**

**8A.(1)** A person must not use a registered chemical product in a way that contravenes an instruction on the approved label for containers for the product.

Maximum penalty—40 penalty units.

(2) Subsection (1) does not apply if—

- (a) the use of the product by the person in the particular way is authorised by a permit; or
- (b) the product is used for an authorised veterinary purpose; or
- (c) the use of the product is permitted under the regulations.

(3) Section 8D (Compliance with instructions) applies to subsection (1).

(4) This section is an eligible law for the definition "permit" in section 109 of the Agvet Code.

### **Use of registered chemical products taken from unlabelled containers**

**8B.(1)** A person must not use a registered chemical product taken from a container—

- (a) unless the approved label for containers for the product was attached to the container immediately before the product was taken from the container; or
- (b) unless—

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- (i) the product was put in the container in preparing the product for use after having been taken from another container (the “**original container**”); and
- (ii) the approved label for containers for the product was attached to the original container immediately before the product was taken from the original container.

Maximum penalty—40 penalty units.

(2) Subsection (1) does not apply if the product is used for an authorised veterinary purpose.

### **Use of chemical products for authorised veterinary purpose**

**8C.** For the purposes of sections 8(2)(c), 8A(2)(b) and 8B(2), a chemical product is used for an authorised veterinary purpose if it is used—

- (a) by a veterinary surgeon, or someone else under directions given by a veterinary surgeon, in carrying on the veterinary surgeon’s practice; and
- (b) in a way that complies with any conditions prescribed by regulation.

### **Compliance with instructions**

**8D.(1)** This section applies to section 8A (Use of registered chemical products in contravention of labels).

(2) A person does not contravene an instruction by using a chemical product at a concentration less than the concentration stated, unless the instruction states the product must be used at a stated concentration or a concentration not less than the concentration stated.

(3) A person does not contravene an instruction by using a chemical product (whether or not diluted) at a rate lower than the rate stated, unless the instruction states the product must be used at a rate not lower than the rate stated.

(4) A person does not contravene an instruction by using a chemical product more than once for the same plant or stock, with the period between

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a use and the next being longer than the period stated, unless the instruction states that the period must not be longer than the period stated.

(5) A person does not contravene an instruction about the use of a chemical product to control a disease in a plant or stock by using the product to control another disease in the plant or stock, unless the instruction states the product must not be used to control the other disease or for a use other than the stated use.

(6) A person does not contravene an instruction about the use of a chemical product to destroy, or prevent the spread of, a plant in relation to a crop by using the product to destroy, or prevent the spread of, another plant in relation to the same crop, unless the instruction states the product must not be used to destroy, or prevent the spread of, the other plant in relation to the crop or for a use other than the stated use.

(7) A person does not contravene an instruction by using a chemical product in a way that is different from the way stated, unless the instruction states the way must not be used.

(8) A person does not contravene an instruction by mixing a chemical product with another chemical product or a fertiliser or other substance, unless the instruction states the chemical product must not be mixed with—

- (a) the other chemical product or the fertiliser or other substance; or
- (b) another chemical product or any fertiliser or other substance.

### **Use of controlled chemicals**

**8E.(1)** A regulation may—

- (a) declare an unregistered chemical to be a controlled chemical (the “**controlled chemical**”); and
- (b) set conditions for use of the chemical.

(2) A person must not use a controlled chemical in a way that contravenes a condition for use of the chemical.

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



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**Person not to possess or use proscribed chemical**

**9.** A person shall not have in his or her possession or use a proscribed chemical unless the person has the written permission of the Minister to do so and the person's possession or, as the case may be, use of the chemical is in accordance with the terms and conditions of the permit.

Maximum penalty—100 penalty units.

**Person not to dispose of package or chemical in improper manner**

**10.** A person shall not dispose of or discard a chemical, or a package that contains or has contained a chemical, in a manner—

- (a) such that harm is caused or is likely to be caused to the property of any other person, any human or animal life, the environment or the State's trade with any other State or a Territory or another country; or
- (b) that is contrary to the manner (if any) prescribed.

**Claims inconsistent with labels**

**11.(1)** This section applies to a claim—

- (a) about a registered chemical product, or a chemical product containing a registered chemical product; and
- (b) inconsistent with an instruction on an approved label for containers for the registered chemical product.

**(2)** For the purposes of section 84(2) of the Agvet Code—

- (a) the standards officer or a deputy standards officer, or a person acting under the direction of either officer, may make a claim under this Act; and
- (b) an officer of the public service or another employee of the State may make a claim in the course of the person's employment by the State; and
- (c) a person prescribed by regulation may make a claim in the circumstances prescribed by regulation.

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(3) Subsection (2) applies only if the claim is made honestly and without negligence.

### **Claims about unregistered chemicals**

**11A.(1)** A person must not make a claim about the use of an unregistered chemical.

Maximum penalty—40 penalty units.

(2) Subsection (1) does not apply if—

- (a) the use of the unregistered chemical is authorised by a permit; or
- (b) the unregistered chemical is used for an authorised veterinary purpose.

(3) Subsection (1) also does not apply to the making or reporting of a statement about the unregistered chemical if the statement—

- (a) is made—
  - (i) in a scientific paper or other scientific literature; or
  - (ii) in a scientific report or presentation; or
  - (iii) at a conference or seminar, or in an address, meeting or discussion, about chemical products;and is based on data published in a reputable scientific refereed journal or of a standard publishable in a reputable scientific refereed journal; or
- (b) is made on radio or television, or in a newspaper, journal or newsletter, as fair comment on any material—
  - (i) published for the purposes of a conference or seminar; and
  - (ii) based on data mentioned in paragraph (a).

### **Use of package that contained chemical**

**12.(1)** A person shall not use a package to contain any substance if the package has at any time contained a chemical.

Maximum penalty—40 penalty units.

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(2) A person shall not be convicted of an offence defined in subsection (1) if—

- (a) the person uses the package to contain a chemical and the chemical was in the package at the time at which the person acquired the package; or
- (b) all trace of the chemical previously contained in the package is removed and the person uses the package to contain a chemical.

### **Governor in Council may proscribe chemicals**

**13.(1)** This section applies if the chief executive is satisfied, on reasonable grounds, that it is in the public interest to proscribe a chemical having regard to the harm that may be caused by the use of the chemical to any property, human or animal life, the environment or the State's trade whether within Australia or overseas.

(2) If this section applies, a regulation may proscribe a chemical.

### **Recall of chemicals etc.**

**14.(1)** The chief executive may, where the chief executive is of the opinion that it is in the public interest to do so having regard to the harm that may be caused to any property, any human or animal life, the environment or the State's trade with any other State or a Territory or another country by the use of a chemical or prescribed substance, give notice in writing to the primary dealer of the chemical or manufacturer or producer of the prescribed substance directing him or her, within the time specified in the notice, to take the steps and do the acts and things specified in the notice to recall the chemical or prescribed substance from other persons having it in their possession.

(2) A notice given under subsection (1) may direct the person to whom it is given to destroy, denature or otherwise deal with any of the chemical or prescribed substance in or coming into the possession of the person, within the time and in the manner specified in the notice.

(3) A person must not contravene a notice under subsection (1), unless the person has a reasonable excuse for the contravention.

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Maximum penalty—100 penalty units.

(4) In this section—

**“prescribed substance”** means—

- (a) any agricultural produce, manufactured stock food or fertiliser in or on which is the residue of a chemical; or
- (b) any substance in or on which is the residue of a chemical which substance is used in connection with any agricultural produce, manufactured stock food or fertiliser.

**Chemical residues to be notified**

**15.** If the analysis of any agricultural produce or manufactured stock food shows that the residue of a chemical is in or on the produce or stock food in an amount that exceeds the maximum residue limit prescribed for that produce or stock food, the person conducting the analysis shall, within 24 hours of conducting the analysis, notify the standards officer of the result of his or her analysis and the name and address of the person from whom he or she obtained the agricultural produce or manufactured stock food.

Maximum penalty—40 penalty units.

**Agricultural produce etc. containing chemical residues not to be used etc.**

**16.(1)** The standards officer or an inspector may, by notice in writing given to a prescribed person, direct that person not to use, destroy, dispose of or otherwise deal with any prescribed substance to which the notice relates otherwise than as permitted (if at all) by the notice.

**(2)** The standards officer or an inspector if he or she suspects or believes on reasonable grounds that the cultivation of plants in or on any land would be likely to result in the residue of a chemical being present in or on any agricultural produce in an amount that exceeds the maximum residue limit prescribed for that produce may, by notice in writing given to the owner or occupier of the land or both of them, direct that person or those persons not to cultivate any plants or any class or classes of plants in or on the land otherwise than as permitted (if at all) by the notice.

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(3) A notice given by an inspector under subsection (1) or (2) shall have effect for the period specified therein but in no case exceeding 3 days.

(4) Subject to subsection (5), a notice given by the standards officer under subsection (1) or (2) may be given without limit to time.

(5) A notice given by the standards officer under subsection (1) or (2) shall specify a time after which it ceases to have effect unless the standards officer has received a report of an analysis conducted by an analyst that confirms the standards officer's suspicion or belief in respect of the matters to which the notice relates.

(5A) This subsection shall not be construed to prevent the standards officer from giving successive notices under subsection (1) or (2).

(6) A person must not contravene a notice under subsection (1) or (2), unless the person has a reasonable excuse for the contravention.

Maximum penalty—100 penalty units.

(7) In this section—

**“prescribed person”** means a person having possession of any prescribed substance or, where the prescribed substance is in transit, the person into whose possession it is to be delivered.

**“prescribed substance”** means—

- (a) agricultural produce or manufactured stock food in or on which the standards officer or inspector suspects or believes on reasonable grounds that there is the residue of a chemical in an amount that exceeds the maximum residue limit prescribed for that produce or stock food;
- (b) plants from which agricultural produce may be derived in or on which the standards officer or inspector suspects or believes on reasonable grounds that there is the residue of a chemical in an amount such that agricultural produce derived from the plants is likely to have therein or thereon the residue of a chemical in an amount that exceeds the maximum residue limit prescribed for that produce;
- (c) a substance in or on which the standards officer or inspector suspects or believes on reasonable grounds that there is the

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residue of a chemical in such an amount that the ordinary use of the substance is likely to result, directly or indirectly, in the residue of a chemical being in or on any agricultural produce or manufactured stock food in an amount that exceeds the maximum residue limit prescribed for that produce or stock food.

**Approval to use etc. agricultural produce etc. or cultivate plants on land**

**17.(1)** Where a person wishes to—

- (a) use, destroy, dispose of or otherwise deal with any prescribed substance; or
- (b) cultivate plants on any land;

within a time or in a manner that is contrary to a direction contained in a notice under section 16, the person may apply in writing to the standards officer for approval to use, destroy, dispose of or otherwise deal with the prescribed substance or, as the case may be, cultivate plants on the land, as specified in the application.

**(2)** The standards officer may, whether pursuant to an application made under subsection (1) or otherwise, approve in writing—

- (a) the use, destruction or disposal of or other dealing with any prescribed substance; or
- (b) the cultivation of plants on any land;

within a time or in a manner that is contrary to a direction contained in a notice under section 16 if the standards officer is satisfied that such use, destruction, disposal or other dealing or, as the case may be, cultivation—

- (c) is not a breach of any other Act or a law made under any other Act; and
- (d) will not cause harm, that in the circumstances is unreasonable, to any property, any human or animal life, the environment or the State's trade with any other State or a Territory or another country.

**(3)** An approval given under this section may be given subject to such terms and conditions as are specified therein.

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(4) To the extent that a notice under section 16 is not consistent with an approval given under this section, that notice shall cease to be of force or effect.

(5) A person who uses, destroys or disposes of or otherwise deals with a prescribed substance or cultivates plants on land contrary to an approval given under this section commits an offence.

Maximum penalty—100 penalty units.

(6) In this section—

**“prescribed substance”** means agricultural produce, manufactured stock food, plant or other substance.

### **Destruction of agricultural produce etc. at direction of chief executive**

**18.(1)** If the chief executive is notified by the standards officer that the residue of a chemical is in or on—

- (a) a portion or sample of any agricultural produce or manufactured stock food in an amount that exceeds the maximum residue limit prescribed for that produce or stock food; or
- (b) a portion or sample of any plants from which agricultural produce may be derived and the chief executive forms the opinion that agricultural produce derived from the plants is likely to have therein or thereon the residue of a chemical in an amount that exceeds the maximum residue limit prescribed for that produce; or
- (c) a portion or sample of any other substance and the chief executive forms the opinion that the ordinary use of the substance is likely to result directly or indirectly in any agricultural produce or manufactured stock food having therein or thereon the residue of a chemical in an amount that exceeds the maximum residue limit prescribed for that produce or stock food;

the chief executive may by notice in writing given to any person in possession of the agricultural produce, manufactured stock food, plants or other substance from which the portion or sample was taken, direct the person to cause it or them to be destroyed, or otherwise disposed of, in the

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manner and within the time specified in the notice.

(2) A person to whom a notice is given under subsection (1) shall not use, destroy, dispose of or otherwise deal with the substance to which the notice relates otherwise than as directed by the notice.

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

**Standards officer may cause notice under section 18 to be complied with**

19.(1) If a person to whom a notice is given under section 18 fails to comply with any direction contained therein within the time specified therein the standards officer may do or cause to be done anything required by the direction to be done.

(2) The expenses incurred by the standards officer acting pursuant to subsection (1) shall be a debt due and owing to the standards officer by the person to whom the notice was given.

(3) For the purpose of exercising his or her powers under subsection (1) the standards officer and any person authorised by the standards officer in that behalf may enter any place to which the direction relates together with such vehicles and equipment as the standards officer or other person considers necessary and there do that which is required by the direction to be done.

## PART 3—MISCELLANEOUS

### **Powers of inspectors**

20.(1) An inspector may—

- (a) enter any place (using such force as is necessary) in, at or on which the inspector has reasonable grounds for suspecting or believing that—
  - (i) any chemical is kept, stored, used, made, manufactured, mixed or prepared for use; or



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- (ii) there is or may be any equipment used or intended to be used in connection with the use of a chemical; or
  - (iii) any chemical has been, is being or will be used; or
  - (iv) any prescribed substance is kept, stored, used, made, cultivated, mixed or prepared for sale or sold;
- (b) enter any place (using such force as is necessary) if the inspector has reasonable grounds for suspecting or believing that his or her entry may assist the inspector to ascertain the cause of any prescribed substance having the residue of a chemical in or on it;
  - (c) investigate and inquire into any matter for the purpose of ascertaining whether or not this Act is being complied with;
  - (d) search for, inspect and examine any chemical or prescribed substance or any equipment (including an aircraft) used in connection with the preparation, mixing, loading or use of any chemical;
  - (e) open or break open any package containing or which the inspector believes on reasonable grounds to contain any chemical or prescribed substance;
  - (f) select, take and remove for analysis any chemical or prescribed substance or portions or samples of any chemical or prescribed substance;
  - (g) seize and detain—
    - (i) any prescribed substance that the inspector suspects or believes on reasonable grounds has been dealt with in a manner that is contrary to a direction contained in a notice under section 16 or not in accordance with an approval given under section 17;
    - (ii) any agricultural produce or manufactured stock food derived from a plant to which a notice under section 16 or an approval under section 17 relates where the inspector suspects or believes on reasonable grounds that such plant has been dealt with in a manner that is contrary to a direction contained in the notice or not in accordance with the approval;

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- (iii) any manufactured stock food that the inspector suspects or believes on reasonable grounds has been derived from an animal contrary to any direction given under section 33 of the *Stock Act 1915*;
- (iv) any proscribed chemical in the possession of or being used by a person where the inspector suspects or believes on reasonable grounds that such possession or use constitutes an offence against this Act;
- (v) any chemical or package that the inspector suspects or believes on reasonable grounds is being or has been used, stored, disposed of or otherwise dealt with contrary to this Act;
- (h) remove any chemical or prescribed substance seized by the inspector or allow all or part of the chemical or substance to remain at the place of seizure and, in that case, may fasten, secure, or seal and label, the chemical or substance or any package containing the chemical or substance or any door or aperture affording access to the chemical, substance or package;
- (i) weigh, count, measure, gauge, brand, label or otherwise mark any chemical or prescribed substance;
- (j) require a person to produce to the inspector any accounts, books, invoices, records or other documents relating to the sale, storage or use of any chemical or prescribed substance and may retain the same for the purpose of making a copy thereof or taking an extract therefrom and may make the copy or take the extract;
- (k) require a person in possession of any chemical or prescribed substance to state the name and address (if known to the person) of or otherwise identify the person from whom he or she acquired the chemical or substance;
- (l) in the exercise of the inspector's powers photograph or make such audio or visual recordings as the inspector considers necessary or desirable;
- (m) require a person found by the inspector committing an offence against this Act or who the inspector has reasonable grounds for believing has committed an offence against this Act or whose

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name and address are in the inspector's opinion formed on reasonable grounds required for the purposes of this Act, to state the person's full name and the address of his or her usual place of business or residence and, if the inspector suspects on reasonable grounds that a name or address so stated is false, may require the person to produce evidence of the correctness thereof;

- (n) stop, detain and search any vehicle—
  - (i) used or that the inspector suspects or believes on reasonable grounds is being or is likely to be used to convey any chemical or prescribed substance or to apply any chemical; or
  - (ii) in, on or from which the inspector suspects or believes on reasonable grounds any chemical or prescribed substance is sold or prepared for sale, packed, stored, handled, or supplied for sale or use;
- (o) call to his or her aid a person who the inspector thinks is competent to assist him or her in the exercise of his or her powers and authorities or the discharge of his or her functions and duties and a person while aiding an inspector shall have the powers and authorities of an inspector;
- (p) for the purpose of exercising the inspector's powers, require the owner or occupier of any place entered by the inspector for the purposes of this Act to provide the inspector with all reasonable assistance;
- (q) exercise such other powers or authorities and discharge such functions and duties as are prescribed.

(2) A person shall comply with the requirement of an inspector made under subsection (1).

Maximum penalty—40 penalty units.

(3) In this section—

**“prescribed substance”** means agricultural produce, manufactured stock food, fertiliser or plant or any substance used in connection with that produce, stock food, fertiliser or plant.

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## **Warrants**

**21.(1)** Before an inspector enters a part of any premises or other place which part is used exclusively as a dwelling house the inspector shall, save where the inspector has the permission of the occupier of that part to this entry, obtain from a Stipendiary Magistrate a warrant to enter.

**(2)** A Stipendiary Magistrate who is satisfied upon the complaint of an inspector that there is reasonable cause to suspect—

- (a) that in any premises or other place an offence against this Act has been, is being or is likely to be committed; or
- (b) that there is in any premises or other place any thing in respect of which an offence against this Act has been, is being or is likely to be committed; or
- (c) that there is in any premises or other place anything that will afford evidence of the commission of an offence against this Act;

may issue his or her warrant directed to an inspector to enter the premises or other place named in the warrant for the purpose of exercising therein the powers and authorities conferred upon an inspector by or under this Act.

**(3)** A warrant shall be, for the period of 1 month from the date of its issue, sufficient authority for the inspector and all persons acting in aid of the inspector—

- (a) to enter the premises or other place specified in the warrant; and
- (b) to exercise therein the powers and authorities conferred upon an inspector by or under this Act.

**(4)** For the purposes of this section, premises that are used as a dwelling house do not include the curtilage of those premises.

## **Right of appeal to Magistrates Court**

**22.(1)** This section applies to the following decisions—

- (a) a direction contained in a notice under section 16;
- (b) a decision of an inspector to refuse an application under section 17;

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(c) a decision of an inspector to seize a thing under section 20.

(2) A person who is dissatisfied with the decision may appeal against it.

(3) The appeal may be made to the Magistrates Court nearest the place where the appellant resides, is employed or carries on business.

### **How to start appeal**

**22A.(1)** An appeal is started by filing a written notice of appeal with the clerk of the court of the Magistrates Court.

(2) A copy of the notice must be served on the decision maker.

(3) The notice of appeal must be filed within 28 days after the appellant receives notice of the decision appealed against.

(4) However, the court may extend the period for filing the notice of appeal at any time.

(5) The notice of appeal must state the grounds of the appeal.

### **Stay of operation of decisions**

**22B.(1)** The court may grant a stay of a decision appealed against to secure the effectiveness of the appeal.

(2) A stay—

(a) may be granted on conditions the court considers appropriate; and

(b) operates for the period stated by the court; and

(c) may be revoked or amended by the court.

(3) The period of a stay stated by the court must not extend past the time when the court decides the appeal.

(4) An appeal against a decision affects the decision, or carrying out the decision, only if the decision is stayed.

### **Hearing procedures**

**22C.(1)** An appeal is to be by way of rehearing, unaffected by the

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decision maker's decision.

(2) In deciding an appeal, the court—

- (a) has the same powers as the decision maker; and
- (b) is not bound by the rules of evidence; and
- (c) must observe natural justice; and
- (d) may hear the appeal in court or chambers.

### **Powers of court on appeal**

**22D.(1)** In deciding an appeal, the court may—

- (a) confirm the decision appealed against; or
- (b) set aside the decision and substitute another decision; or
- (c) set aside the decision and return the issue to the decision maker with directions the court considers appropriate.

(2) If the court substitutes another decision, the substituted decision is, for the purposes of this Act, taken to be the decision maker's decision.

### **Appeal to District Court**

**22E.** A party dissatisfied by the decision of the court may appeal to a District Court, but only on a question of law.

### **Production of records**

**24.(1)** An inspector may ask a person to produce for inspection a record made or kept by the person under this Act.

(2) The person must immediately produce the record for inspection by the inspector, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

(3) The inspector may keep the record to make a copy of it.

(4) However, the inspector must return the record to the person as soon as practicable after making a copy of it.

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### **Obstruction of inspector**

**25.** A person shall not—

- (a) obstruct any inspector in the exercise of the inspector's powers or in the discharge of the inspector's duties under this Act, or attempt so to do; or
- (b) refuse to allow to be taken, removed, seized or detained under this Act any chemical, agricultural produce, plant, manufactured stock food, fertiliser or other substance, or any portion or sample thereof; or
- (c) take, retake, remove or otherwise deal with, or attempt to take, retake, remove or otherwise deal with, any chemical, agricultural produce, plant, manufactured stock food, fertiliser or other substance, or any portion or sample thereof taken, removed, seized, or detained under this Act.

Maximum penalty—40 penalty units.

### **Tampering with seals, samples, etc.**

**26.** A person shall not—

- (a) without the permission (the proof whereof shall lie upon the person) of the standards officer or an inspector to do so open, break, alter, remove, or erase any mark, label, signature, seal, or fastening placed by an inspector in pursuance of this Act upon any chemical, agricultural produce, plant, manufactured stock food, fertiliser or other substance, or upon any package, or portion or sample, or part of a portion or sample, or upon any door or aperture affording access to the same; or
- (b) knowingly or fraudulently tamper with any chemical, agricultural produce, plant, manufactured stock food, fertiliser or other substance or package containing the same so as to procure that any portion or sample taken under this Act does not correctly represent the chemical, agricultural produce, plant, manufactured stock food, fertiliser or other substance or the contents of the package; or

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- (c) tamper with any portion or sample or part of a portion or sample taken under this Act.

Maximum penalty—40 penalty units.

### **Analyst's report**

**27.(1)** In any proceedings for an offence against this Act—

- (a) a report of the result of an analysis purporting to be under the hand of the standards officer or an analyst shall, upon its production by or on behalf of the complainant, be evidence of the facts stated therein unless the defendant gives notice to the complainant at least 3 days prior to the date set down for the hearing of the proceedings that the defendant requires the person who made the report to be called to give evidence on behalf of the complainant;
- (b) a report of the results of an analysis purporting to be under the hand of a person competent to make the analysis shall, upon its production by or on behalf of the defendant, be evidence of the facts stated therein unless the complainant informs the defendant that the complainant requires the person who made the report to be called to give evidence on behalf of the defendant.

**(2)** A copy of a report referred to in subsection (1)(b) shall be given to the complainant at least 3 days prior to the date set down for the hearing of the proceedings and if not so given the court may adjourn the hearing on such terms as it thinks fit.

### **Prosecutions generally**

**28.(1)** An offence against this Act is a summary offence.

**(2)** A proceeding for an offence against this Act must start—

- (a) within 1 year after the offence is committed; or
- (b) within 1 year after the offence comes to the complainant's knowledge, but within 2 years after the offence is committed.

**(3)** The summons in a proceeding in which a report of the result of an



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analysis is to be used for the complainant is not returnable for at least 7 days after it is served.

- (4) A copy of the report must be served with the summons.

**Expenses of analysis to be paid by offenders on conviction**

**29.** In proceedings in which a person is convicted of an offence against this Act the court shall on application made by or on behalf of the complainant order that all fees, charges, costs, and other expenses incidental to the analysis of any chemical or other substance whatsoever in respect of which the conviction is obtained shall be paid by the person convicted, and all such fees, charges, costs and other expenses shall be deemed to be part of the costs in the proceedings.

**Responsibility for acts or omissions of representatives**

**30.(1)** If, in a proceeding for an offence against this Act, it is relevant to prove a person's state of mind about a particular act or omission, it is enough to show—

- (a) the act or omission was done or omitted to be done by a representative of the person within the scope of the representative's actual or apparent authority; and
- (b) the representative had the state of mind.

**(2)** An act or omission done or omitted to be done for a person by a representative of the person within the scope of the representative's actual or apparent authority is taken, in a proceeding for an offence against this Act, to have been done or omitted to be done also by the person, unless the person proves the person took all reasonable steps to prevent the act or omission.

**(3)** If—

- (a) an individual is convicted of an offence against this Act; and
- (b) the individual would not have been convicted of the offence if subsections (1) and (2) had not been enacted;

the individual is not liable to be punished by imprisonment for the offence.

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### **Executive officers must ensure corporation complies with Act**

**30A.(1)** The executive officers of a corporation must ensure that the corporation complies with this Act.

**(2)** If a corporation commits an offence against a provision of this Act, each of the executive officers of the corporation also commits an offence, namely, the offence of failing to ensure the corporation complies with this Act.

Maximum penalty—the penalty for the contravention of the provision by an individual.

**(3)** Evidence that the corporation committed an offence against this Act is evidence that each of the executive officers committed the offence of failing to ensure that the corporation complies with this Act.

**(4)** However, it is a defence for an executive officer to prove—

- (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence—the officer took all reasonable steps to ensure the corporation complied with the provision; or
- (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.

### **Protection from liability**

**31.(1)** In this section—

“**official**” means the chief executive or an officer.

**(2)** An official does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act.

**(3)** If subsection (2) prevents a civil liability attaching to an official, the liability attaches instead to the State.

### **Forfeiture to Crown**

**32.(1)** Anything seized under this Act shall—

- (a) where no appeal is instituted under section 22 in respect of the

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seizure—upon the expiration of the time limited for such appeal, be forfeited to the Crown;

- (b) where an appeal under section 22 is instituted in respect of the seizure and the appeal is dismissed or withdrawn—upon that dismissal or, as the case may be, upon the appeal being withdrawn, be forfeited to the Crown.

(2) Anything forfeited to the Crown under this Act shall be disposed of as prescribed or, if the manner of disposal is not prescribed, as the Minister either generally or in a particular case directs.

### **Supervision by inspector**

33. A direction given under this Act that requires or allows anything to be done by a person may require that the thing be done under the supervision of an inspector.

### **Evidence, etc.**

34. In any proceedings under or for a purpose of this Act—

- (a) the appointment of a person to an office and the authority of an officer to do any act or give any direction shall be presumed in the absence of evidence to the contrary;
- (b) a certificate purporting to be signed by the standards officer and stating any of the following matters is evidence of the matter—
- (i) on a stated day, or during a stated period, a chemical product mentioned in the certificate was or was not a registered chemical product;
- (ii) on a stated day, or during a stated period, a chemical mentioned in the certificate was a controlled or unregistered chemical;
- (iii) on a stated day, or during a stated period, a label mentioned in the certificate was or was not an approved label for containers for a chemical product;
- (iv) on a stated day, or during a stated period, a permit

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- mentioned in the certificate was or was not in force;
- (v) a statement mentioned in the certificate is identical to an instruction that appeared on an approved label mentioned in the certificate on a stated day, or during a stated period;
  - (vi) a notice mentioned in the certificate was given under this Act at a stated time to a stated person;
- (c) a document purporting to be a copy of a notice given under this Act shall be evidence and in the absence of evidence to the contrary conclusive evidence of the matters contained in the original of which it purports to be a copy;
  - (d) a document purporting to be a copy or extract of any account, book, invoice, record or other document relating to the sale or use of any chemical, agricultural produce, manufactured stock food, plant, fertiliser or other substance shall be evidence and in the absence of evidence to the contrary conclusive evidence of the matters contained in the original of which it purports to be a copy or extract;
  - (e) any photograph, film or audio or visual recording purporting to record any things, words or actions in respect of the sale or use of any chemical, agricultural produce, manufactured stock food, plant, fertiliser or other substance shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters recorded;
  - (f) the allegation or averment in any complaint that—
    - (i) any chemical was used by or was in possession of a specified person; or
    - (ii) any substance is a chemical;shall be evidence and, in the absence of evidence to the contrary conclusive evidence of the matter alleged or averred;
  - (g) proof that a person has caused an advertisement to be inserted in a newspaper circulating in the State or in a circular, catalogue, leaflet, pamphlet or other document published or distributed in the State which advertisement contains any direction, claim or recommendation in respect of a chemical shall be evidence and in

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the absence of evidence to the contrary conclusive evidence that the person caused the direction to be given or the claim or recommendation to be made;

- (h) a direction, recommendation or claim in respect of the use of a chemical appearing on a label affixed to or inserted in a package containing a chemical shall be taken to have been given or made by the person who affixed the label to or inserted it in the package or who caused it to be so affixed or inserted;
- (i) a certificate purporting to be signed by the standards officer that any costs, charges, or expenses of an amount stated have been incurred by the standards officer or an inspector under and for the purposes of this Act or are due for supervision by an inspector, shall be evidence that the costs, charges, or expenses were duly incurred or are so due and that the amount thereof so stated is the correct amount;
- (j) evidence that any agricultural produce or manufactured stock food or any portion or sample thereof has therein or thereon the residue of a registered chemical product in excess of the maximum residue limit prescribed for that produce or stock food shall be evidence and in the absence of evidence to the contrary conclusive evidence that the chemical was used in a manner that is not in accordance with the instructions on the approved label for containers for the product.

### **Exemption**

**35.(1)** The chief executive may exempt a person from compliance with any provision of this Act.

**(2)** An exemption under subsection (1) shall be in writing, may be given subject to such terms and conditions as are specified therein and is revocable at the will of the chief executive.

### **Regulations**

**38.(1)** The Governor in Council may make regulations under this Act.

**(2)** A regulation may be made about the following—

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- (a) regulating the use, storage and possession of chemicals generally or having regard to—
  - (i) their location; or
  - (ii) the time of year; or
  - (iii) meteorological conditions; or
  - (iv) the equipment or method to be used to apply the chemicals; or
  - (v) the quantity of the chemicals to be used, stored or possessed; or
  - (vi) the qualifications had by the person using, storing or having possession of the chemicals;
- (b) prescribing maximum residue limits for agricultural produce and manufactured stock food;
- (c) regulating the use, storage and possession of agricultural produce or manufactured stock food that contains the residue of a chemical in an amount that exceeds the maximum residue limit prescribed for that produce or stock food;
- (d) the taking and dealing with of samples, the quantity or weight of samples and the marking or labelling of samples;
- (e) the analysis of samples;
- (f) the records to be made and kept for the purposes of this Act and the persons by whom they are to be made and kept;
- (g) prescribing matters and things in respect whereof fees, charges and expenses shall be payable, the amounts of such fees, charges or expenses, the persons liable to pay the same and time at which they become payable and providing for the manner of payment and the manner of recovering an amount not paid;
- (h) prescribing forms to be used for the purposes of this Act, the purposes for which they are to be used and the persons by whom they are to be completed;
- (i) providing for offences against the regulations and prescribing the amount of any penalty (not exceeding 40 penalty units) for an

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offence;

- (j) prescribing all matters and things that are required or permitted to be prescribed by this Act.

## ENDNOTES

### 1 Index to endnotes

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2	Date to which amendments incorporated . . . . .	38
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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 24 July 1996. Future amendments of the Chemical Usage (Agricultural and Veterinary) Control Act 1988 may be made in accordance with this reprint under the Reprints Act 1992, section 49.



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### 3 Key

Key to abbreviations in list of legislation and annotations

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

### 4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If the reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 78 of 1994	27 March 1995

### 5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1
Obsolete and redundant provisions	1
Renumbered provisions	1

## 6 List of legislation

### **Chemical Usage (Agricultural and Veterinary) Control Act 1988 No. 103**

date of assent 8 December 1988

ss 1–2 commenced on date of assent

s 8(2) commenced 20 May 1989 (proc pubd gaz 13 May 1989 p 334)

remaining provisions commenced 28 January 1989 (proc pubd gaz  
28 January 1989 p 639)

as amended by—

### **Statute Law (Miscellaneous Provisions) Act 1993 No. 32 ss 1–3 sch 1**

date of assent 3 June 1993

commenced on date of assent

### **Agricultural and Veterinary Chemicals (Queensland) Act 1994 No. 78 ss 1–2, 37 sch**

date of assent 1 December 1994

ss 1–2 commenced on date of assent

commenced 15 March 1995 (1995 SL No. 51)

### **Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1**

date of assent 28 November 1995

commenced on date of assent

### **Primary Industries Legislation Amendment Act 1996 No. 13 pts 1, 4**

date of assent 23 May 1996

commenced on date of assent

## 7 List of annotations

### **Short title**

s 1 amd 1993 No. 32 s 3 sch 1

### **Arrangement**

s 3 om R1 (see RA s 36)

### **Definitions**

prov hdg sub 1994 No. 78 s 37 sch

s 4 amd 1994 No. 78 s 37 sch

def “**Agvet Code**” ins 1994 No. 78 s 37 sch

def “**approved label**” ins 1994 No. 78 s 37 sch

def “**authorised veterinary purpose**” ins 1994 No. 78 s 37 sch

def “**Board**” om 1994 No. 78 s 37 sch

def “**chemical**” sub 1994 No. 78 s 37 sch

def “**chemical product**” ins 1994 No. 78 s 37 sch

def “**container**” ins 1994 No. 78 s 37 sch

def “**crop**” ins 1994 No. 78 s 37 sch

def “**disease**” sub 1994 No. 78 s 37 sch

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def “**executive officer**” ins 1994 No. 78 s 37 sch  
 def “**inspector**” sub 1994 No. 78 s 37 sch  
 def “**instruction**” ins 1994 No. 78 s 37 sch  
 def “**label**” sub 1994 No. 78 s 37 sch  
 def “**manufactured stock food**” sub 1994 No. 78 s 37 sch  
 def “**Minister**” om 1993 No. 32 s 3 sch 1  
 def “**National Registration Authority**” ins 1994 No. 78 s 37 sch  
 def “**obstruct**” ins 1994 No. 78 s 37 sch  
 def “**officer**” ins 1994 No. 78 s 37 sch  
 def “**permit**” ins 1994 No. 78 s 37 sch  
 def “**primary dealer**” ins 1994 No. 78 s 37 sch  
 def “**registered**” om 1994 No. 78 s 37 sch  
 def “**registered chemical product**” ins 1994 No. 78 s 37 sch  
 def “**representative**” ins 1994 No. 78 s 37 sch  
 def “**Standards Act**” ins 1994 No. 78 s 37 sch  
 def “**standards officer**” om 1994 No. 78 s 37 sch  
 def “**stock**” sub 1994 No. 78 s 37 sch  
 def “**unregistered chemical**” ins 1994 No. 78 s 37 sch  
 def “**veterinary surgeon**” ins 1994 No. 78 s 37 sch  
 def “**wholesale dealer**” om 1994 No. 78 s 37 sch

**Words and expressions used in Agvet Code and this Act**

**s 4A** ins 1994 No. 78 s 37 sch

**Appointment of standards officers**

**s 4B** ins 1994 No. 78 s 37 sch

**Powers and functions of standards officers**

**s 4C** ins 1994 No. 78 s 37 sch

**Delegation by standards officer**

**s 4D** ins 1994 No. 78 s 37 sch

**Appointment of inspectors and analysts**

**s 5** sub 1994 No. 78 s 37 sch  
 amd 1996 No. 13 s 10

**Limitation of inspector’s powers**

**s 5A** ins 1994 No. 78 s 37 sch

**Inspector’s identity card**

**s 5B** ins 1994 No. 78 s 37 sch

**Production or display of inspector’s identity card**

**s 5C** ins 1994 No. 78 s 37 sch

**Delegation by Minister**

**s 7** sub 1993 No. 32 s 3 sch 1  
 om 1994 No. 78 s 37 sch

**Use of unregistered chemical products**

**s 8** sub 1994 No. 78 s 37 sch  
 (5)–(6) exp 15 March 1997 (see 8(6))

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**Use of registered chemical products in contravention of labels**

s 8A ins 1994 No. 78 s 37 sch

**Use of registered chemical products taken from unlabelled containers**

s 8B ins 1994 No. 78 s 37 sch

**Use of chemical products for authorised veterinary purpose**

s 8C ins 1994 No. 78 s 37 sch

**Compliance with instructions**

s 8D ins 1994 No. 78 s 37 sch

**Use of controlled chemicals**

s 8E ins 1994 No. 78 s 37 sch

**Claims inconsistent with labels**

s 11 sub 1994 No. 78 s 37 sch

**Claims about unregistered chemicals**

s 11A ins 1994 No. 78 s 37 sch

**Use of package that contained chemical**

s 12 amd 1994 No. 78 s 37 sch

**Governor in Council may proscribe chemicals**

s 13 sub 1993 No. 32 s 3 sch 1; 1994 No. 78 s 37 sch

**Recall of chemicals etc.**

s 14 amd 1994 No. 78 s 37 sch

**Chemical residues to be notified**

s 15 amd 1994 No. 78 s 37 sch

**Agricultural produce etc. containing chemical residues not to be used etc.**

s 16 amd 1994 No. 78 s 37 sch

**Destruction of agricultural produce etc. at direction of chief executive**

prov hdg amd 1994 No. 78 s 37 sch

s 18 amd 1994 No. 78 s 37 sch

**Powers of inspectors**

s 20 amd 1994 No. 78 s 37 sch

**Right of appeal to Magistrates Court**

s 22 sub 1994 No. 78 s 37 sch

**How to start appeal**

s 22A ins 1994 No. 78 s 37 sch

**Stay of operation of decisions**

s 22B ins 1994 No. 78 s 37 sch

**Hearing procedures**

s 22C ins 1994 No. 78 s 37 sch  
amd 1995 No. 57 s 4 sch 1

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**Powers of court on appeal**

s 22D ins 1994 No. 78 s 37 sch

**Appeal to District Court**

s 22E ins 1994 No. 78 s 37 sch

**Failure to comply with notice**

s 23 om 1994 No. 78 s 37 sch

**Production of records**

s 24 sub 1994 No. 78 s 37 sch

**Obstruction of inspector**

s 25 amd 1994 No. 78 s 37 sch

**Tampering with seals, samples, etc.**

s 26 amd 1994 No. 78 s 37 sch

**Prosecutions generally**

s 28 sub 1994 No. 78 s 37 sch  
amd 1995 No. 57 s 4 sch 1

**Responsibility for acts or omissions of representatives**

s 30 sub 1994 No. 78 s 37 sch

**Executive officers must ensure corporation complies with Act**

s 30A ins 1994 No. 78 s 37 sch

**Protection from liability**

s 31 sub 1994 No. 78 s 37 sch

**Evidence, etc.**

s 34 amd 1994 No. 78 s 37 sch

**Exemption**

s 35 amd 1994 No. 78 s 37 sch

**Giving of notice**

s 36 om 1994 No. 78 s 37 sch

**Liability for offence by servant**

s 37 om 1994 No. 78 s 37 sch

**Regulations**

s 38 amd 1993 No. 32 s 3 sch 1; 1994 No. 78 s 37 sch