



Queensland

*Agricultural Chemicals Distribution Control Act 1966*

# **Agricultural Chemicals Distribution Control Regulation 1998**

**Reprinted as in force on 15 March 2008**

**Reprint No. 3C**

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

# Information about this reprint

This regulation is reprinted as at 15 March 2008. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

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

**Also see endnotes for information about—**

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

## **Dates shown on reprints**

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

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

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



Queensland

# Agricultural Chemicals Distribution Control Regulation 1998

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	5
2	Definitions . . . . .	5
3	Parts of State excluded—Act, s 3. . . . .	5
4	Exclusion from definition ground equipment . . . . .	6
<b>Part 2</b>	<b>Licences</b>	
<b>Division 1</b>	<b>General</b>	
5	Form of licence . . . . .	6
6	Classes of commercial operator's licence—Act, s 16(1) . . . . .	7
<b>Division 2</b>	<b>Licence qualifications</b>	
7	Pilot chemical rating licence—Act, s 12(2)(b). . . . .	7
8	Commercial operator's licence—Act, s 16(2) . . . . .	7
8A	Commercial operator's licence—relevant pest management qualification for pest management technician—Act, s 16A . . . . .	8
<b>Division 3</b>	<b>Examinations and approved accreditations</b>	
<b>Subdivision 1</b>	<b>Examinations</b>	
9	Who may sit for examination . . . . .	8
10	Conduct of examination . . . . .	9
11	Notice of examination . . . . .	9
12	Cancellation of result and re-examination . . . . .	9
<b>Subdivision 2</b>	<b>Approved accreditations</b>	
13	Board may approve . . . . .	11
<b>Division 4</b>	<b>Refusal of licences</b>	
14	When board may refuse . . . . .	11
15	Notice of refusal . . . . .	11

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

<b>Division 5</b>	<b>Suspension and cancellation</b>	
16	Notice of suspension by standards officer . . . . .	12
17	Right of appeal . . . . .	12
18	Substituted decision on appeal . . . . .	13
19	Surrender of licence suspended by standards officer . . . . .	13
19A	Surrender of licence suspended or cancelled by chief executive . . . . .	13
<b>Division 7</b>	<b>Miscellaneous</b>	
24	Production of licences . . . . .	14
<b>Part 3</b>	<b>Aerial and ground distribution</b>	
<b>Division 1</b>	<b>General</b>	
27	Notice of damage by agricultural chemicals—Act, s 30(1) . . . . .	15
28	Regulation of distribution if damage or injury to crop or stock . . . . .	15
29	Regulation of aerial distribution . . . . .	15
30	Restriction on opening containers of volatile chemicals . . . . .	16
31	Prescribed matters for register—Act, s 24(1) . . . . .	16
<b>Division 2</b>	<b>Hazardous areas</b>	
<b>Subdivision 1</b>	<b>Preliminary</b>	
32	Definitions for div 2 . . . . .	17
33	Hazardous areas—Act, s 28(1) . . . . .	17
<b>Subdivision 2</b>	<b>Distribution conditions</b>	
34	Prescribed conditions for distribution . . . . .	18
35	No distribution if damage or injury to crop or stock . . . . .	18
36	Smoke generation for aerial distribution . . . . .	19
37	Conditions for hazardous area No. 1 . . . . .	19
38	Conditions for hazardous area No. 2 . . . . .	19
38A	Conditions for hazardous area No. 3 . . . . .	20
<b>Subdivision 3</b>	<b>Distribution permits</b>	
39	Application for a distribution permit . . . . .	20
40	Issue of distribution permit . . . . .	21
41	Distribution permit conditions . . . . .	21
42	Notice of refusal . . . . .	22
43	Right of appeal . . . . .	22
<b>Part 4</b>	<b>Miscellaneous</b>	
44	False or misleading statements or documents . . . . .	23
45	Fees . . . . .	24
<b>Schedule 1</b>	<b>Areas excluded from Act</b> . . . . .	25

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

<b>Schedule 1A</b>	<b>Hazardous area No. 1</b> .....	26
<b>Schedule 1B</b>	<b>Hazardous area No. 2</b> .....	27
<b>Schedule 1C</b>	<b>Hazardous area No. 3</b> .....	28
<b>Schedule 2</b>	<b>Fees</b> .....	29
 <b>Endnotes</b>		
1	Index to endnotes .....	30
2	Date to which amendments incorporated .....	30
3	Key .....	30
4	Table of reprints .....	31
5	List of legislation .....	31
6	List of annotations .....	33



# **Agricultural Chemicals Distribution Control Regulation 1998**

[as amended by all amendments that commenced on or before 15 March 2008]

## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Agricultural Chemicals Distribution Control Regulation 1998*.

### **2 Definitions**

In this regulation—

*apply*, for a licence, includes an application to renew the licence by a person who holds the licence.

*approved accreditation* means an accreditation the holding of which is approved under section 13.

*examination*, for a licence, means an examination for the licence conducted under part 2, division 3, subdivision 1.

*hazardous area No. 1* see section 33(a).

*hazardous area No. 2* see section 33(b).

*hazardous area No. 3* see section 33(c).

### **3 Parts of State excluded—Act, s 3**

- (1) For section 3<sup>1</sup> of the Act, the parts of the State to which the Act does not apply are shown on the map in schedule 1.

---

<sup>1</sup> Section 3 (Application of Act) of the Act

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

- (2) The exact location of the boundary of the parts of the State to which the Act does not apply is held in digital electronic form by the department.
- (3) A map showing the exact location of the boundary of the parts of the State to which the Act does not apply can be accessed, free of charge, on the department's website.

*Editor's note—*

The department's website address is <[www.dpi.qld.gov.au](http://www.dpi.qld.gov.au)>.

- (4) The information held in digital electronic form can be reduced or enlarged to show the details of the boundaries.

#### **4 Exclusion from definition *ground equipment***

- (1) For the definition *ground equipment* in the schedule of the Act, the equipment described in subsection (2) is, other than in a hazardous area, prescribed not to be ground equipment for the Act.
- (2) Subsection (1) applies to equipment used to distribute an agricultural chemical that is—
  - (a) powered by hand or by compressed air or gas applied directly to the spray liquid for distribution without the use of air blast techniques; or
  - (b) a hose proportioning device.

## **Part 2 Licences**

### **Division 1 General**

#### **5 Form of licence**

A licence or a renewal of a licence must be in the approved form.



*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

**6 Classes of commercial operator's licence—Act, s 16(1)**

For section 16(1) of the Act, the prescribed classes of commercial operator's licences are—

- (a) an unrestricted commercial operator's licence; and
- (b) a commercial operator's licence, restricted to herbicides or equipment stated in the licence.

**Division 2 Licence qualifications**

**7 Pilot chemical rating licence—Act, s 12(2)(b)**

For section 12(2)(b)<sup>2</sup> of the Act, the prescribed qualification for a person to apply for or hold a pilot chemical rating licence is that the person must—

- (a) have passed the examination for the licence; or
- (b) hold an approved accreditation for the licence.

**8 Commercial operator's licence—Act, s 16(2)**

For section 16(2)<sup>3</sup> of the Act, the prescribed qualification for a person to apply for or hold a commercial operator's licence is that the person must—

- (a) have passed the examination for the licence; or
- (b) hold an approved accreditation for the licence.

---

2 Section 12 (Pilot chemical rating licence) of the Act

3 Section 16 (Commercial operators' licence) of the Act

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

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

- (1) For section 16A(1)<sup>4</sup> 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.

**Division 3 Examinations and approved accreditations**

**Subdivision 1 Examinations**

**9 Who may sit for examination**

A person may sit for an examination for a pilot chemical rating licence or a commercial operator's licence if—

- (a) the person has not failed—
  - (i) an examination for the licence within 7 days; or
  - (ii) 3 consecutive examinations for the licence and the last failure was within 3 months; and

---

<sup>4</sup> Section 16A (When pest management technician is taken to hold commercial operator's licence) of the Act

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

- (b) the person gives written notice to the standards officer that the person wishes to sit for an examination for the licence.

## **10 Conduct of examination**

- (1) This section applies if a person mentioned in section 9 has given notice to the standards officer under section 9(b).
- (2) The standards officer must conduct the examination as soon as practicable.
- (3) The standards officer may—
  - (a) appoint another person who has appropriate qualifications, experience or standing to help the officer conduct the examination; or
  - (b) fix conditions for the conduct of the examination; or
  - (c) fix the standard to pass the examination.
- (4) An appointment must be by signed writing.

## **11 Notice of examination**

- (1) The standards officer must give each applicant to sit for an examination notice of its time and place as soon as practicable after the officer receives the application.
- (2) Notice under subsection (1) may be given orally.
- (3) The officer must also give each applicant written notice of the following before the examination starts—
  - (a) any conditions fixed for the conduct of the examination;
  - (c) the standard for a pass.

## **12 Cancellation of result and re-examination**

- (1) This section applies if the board considers that—
  - (a) cheating or an irregularity happened in the conduct of an examination; and

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

- (b) the examination result for a person who sat for the examination (the *candidate*) would not have been the same if the cheating or irregularity had not happened.
- (2) The board may cancel the candidate's result.
- (3) If the result is cancelled, the candidate—
  - (a) is taken not to have sat for the examination; and
  - (b) subject to section 9(a),<sup>5</sup> may apply to sit for the examination again.
- (4) The board must give written notice of the cancellation as soon as practicable after making the cancellation.
- (5) The notice must state the following—
  - (a) the result cancelled;
  - (b) the reasons for the cancellation;
  - (c) that the candidate may appeal against the cancellation to a Magistrates Court within 28 days after the candidate receives the notice;
  - (d) how to start an appeal.<sup>6</sup>
- (6) The candidate may appeal against the cancellation to a Magistrates Court within 28 days after the candidate receives the notice.
- (7) Sections 22A to 22E of the Act apply to the appeal as if the cancellation were a decision of the board to refuse an application for a licence.
- (8) This section does not apply to a decision that the court substitutes for the cancellation.

---

<sup>5</sup> Section 9 (Who may sit for examination)

<sup>6</sup> For how to start an appeal, see section 12(7) of this regulation and section 22A (How to start appeal) of the Act.

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

## **Subdivision 2      Approved accreditations**

### **13      Board may approve**

- (1) The board may, by gazette notice, approve the holding of an accreditation as an alternative qualification to the passing of the examination for a pilot chemical rating or commercial operator's licence.
- (2) The board may approve an accreditation only if satisfied the holding of the accreditation is an appropriate qualification for the licence.

## **Division 4            Refusal of licences**

### **14      When board may refuse**

- (1) The board may refuse an application for a licence if the applicant has committed an offence against the Act or the *Health (Drugs and Poisons) Regulation 1996*, section 290.<sup>7</sup>
- (2) The board may also refuse an application for an aerial distribution contractor licence or ground distribution contractor's licence if the applicant has contravened a request by the standards officer under section 26(2)<sup>8</sup> of the Act.

### **15      Notice of refusal**

- (1) If the board decides to refuse an application for a licence, the standards officer must give the applicant notice of the decision as soon as practicable after the making of the decision.
- (2) The notice must state the following—
  - (a) the decision;
  - (b) the reasons for the decision;

---

<sup>7</sup> *Health (Drugs and Poisons) Regulation 1996*, section 290 (Unsafe disposal of poisons)

<sup>8</sup> Section 26 (Records to be kept) of the Act

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

- (c) that the applicant may appeal against the decision to a Magistrates Court within 28 days after the applicant receives the notice;
- (d) how to start an appeal.<sup>9</sup>

## **Division 5                      Suspension and cancellation**

### **16            Notice of suspension by standards officer**

- (1) If the standards officer decides to suspend a licence under section 20<sup>10</sup> of the Act, the standards officer must give the holder of the licence notice as soon as practicable after the making of the decision.
- (2) The notice must state the following—
  - (a) the decision;
  - (b) the reasons for the decision;
  - (c) that the applicant may appeal against the decision to a Magistrates Court within 28 days after the applicant receives the notice;
  - (d) how to start an appeal.

### **17            Right of appeal**

- (1) This section applies if the standards officer gives the holder of a suspended licence notice of the officer's decision to suspend the licence.
- (2) The holder may appeal against the suspension to a Magistrates Court within 28 days after the applicant receives notice of the suspension.
- (3) Subject to section 18, sections 22A to 22E of the Act apply to the appeal as if the decision were a decision of the chief executive to suspend the licence.

---

<sup>9</sup> For how to start an appeal, see section 22A (How to start appeal) of the Act.

<sup>10</sup> Section 20 (Suspension of licence by standards officer) of the Act

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

**18 Substituted decision on appeal**

Sections 16 and 17 do not apply to a decision that a Magistrates Court substitutes for the decision that was appealed from.<sup>11</sup>

**19 Surrender of licence suspended by standards officer**

(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.

(2) The holder must comply with the notice unless the holder has a reasonable excuse for not complying with it.

Maximum penalty—20 penalty units.

(3) The standards officer must return the licence to the holder as soon as practicable if, because of an appeal, the suspension mentioned in the notice ends.

**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)<sup>12</sup> 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.

---

11 See also section 17(3) of this regulation and section 22D(2) (Powers of court on appeal) of the Act.

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

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

## **Division 7                      Miscellaneous**

### **24            Production of licences**

- (1) This section applies if the standards officer or an inspector—
  - (a) finds a licensee committing, or reasonably suspects a licensee has committed, an offence against the Act; or
  - (b) is exercising a power under section 32 or 34<sup>13</sup> of the Act and the exercise of the power relates to a licensee.
- (2) The officer may require the licensee to produce to the officer at a stated reasonable time and place any licence held by the person that relates to the offence or the exercise of the power.
- (3) The person must comply with the requirement unless the person has a reasonable excuse for not complying with it.

Maximum penalty—20 penalty units.
- (4) If the person is required to produce a commercial operator's licence, the requirement may also be complied with by the production of the licence within 2 days to—
  - (a) the person in charge of any police station nominated by the officer; or
  - (b) a public service employee employed by the department who is nominated by the officer.

---

13 Section 32 (Powers of inspection in case of damage to crops etc.) or 34 (Powers of inspectors) of the Act



## **Part 3                      Aerial and ground distribution**

### **Division 1                General**

#### **27        Notice of damage by agricultural chemicals—Act, s 30(1)**

For section 30(1)<sup>14</sup> of the Act, the prescribed particulars and information for a notice to the standards officer are the particulars and information required to be given in the approved form.

#### **28        Regulation of distribution if damage or injury to crop or stock**

- (1) This section applies to—
  - (a) the pilot in command in charge of aerial distribution; or
  - (b) a licensed commercial operator in charge of ground distribution.
- (2) The pilot or operator must not carry out the distribution with equipment or under meteorological conditions that might reasonably be expected to cause damage or injury to—
  - (a) a crop that the pilot or operator did not intend to treat by the distribution; or
  - (b) stock.

Maximum penalty—20 penalty units.

#### **29        Regulation of aerial distribution**

A pilot in command must not carry out aerial distribution unless each spray nozzle used to carry out the distribution is fitted with a positive and effective leak-proof cut-off system.

Maximum penalty—20 penalty units.

---

14 Section 30 (Notice of damage by agricultural chemicals) of the Act

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

**30 Restriction on opening containers of volatile chemicals**

- (1) This section applies if a container holds a volatile formulation of 2,4-D, MCPA or picloram (a *volatile chemical*).
- (2) A person must not open the container within 25m of a crop or of stock that is susceptible to damage from a volatile chemical unless the person has a reasonable excuse for opening the container.

Maximum penalty—20 penalty units.

- (3) It is a reasonable excuse for the person to open the container if the person was not reasonably aware that—
  - (a) the container held a volatile chemical; and
  - (b) the stock or crop was susceptible to damage from a volatile chemical.

**31 Prescribed matters for register—Act, s 24(1)**

- (1) For section 24(1)<sup>15</sup> of the Act, the register must be kept in an electronic form.<sup>16</sup>
- (2) For section 24(1) of the Act, the following are the prescribed particulars for licensees to be entered in the register—
  - (a) the licensee's address;
  - (b) the number of the licensee's licence or renewal of licence;

---

15 Section 24 (Register) of the Act

16 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
- Maroochy Research Station, Mayers Road, Nambour
- Corner Bruce Highway and Yeppoon Road, Rockhampton
- 203 Tor Street, Toowoomba
- 202 River Boulevard, Oonoonba.

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

- (c) the date the licence or renewal was granted.
- (3) The standards officer may also enter other particulars in the register that the standards officer thinks are appropriate.

## **Division 2            Hazardous areas**

### **Subdivision 1        Preliminary**

#### **32        Definitions for div 2**

In this division—

*authorised technique*, for ground distribution, means—

- (a) a stem injection; or
- (b) cut stump treatment, frill ringing or basal bark treatment carried out no less than 100m of a crop that—
  - (i) is not on a property owned by the person for whom the treatment is carried out; and
  - (ii) is susceptible to damage from the treatment.

*distribution permit* means a distribution permit issued by the board under section 40.

*permit condition* means a condition imposed under section 41.

#### **33        Hazardous areas—Act, s 28(1)**

- (1) For section 28 of the Act, each of the following is declared to be a hazardous area—
  - (a) the area shown on the map in schedule 1A (*hazardous area No. 1*);
  - (b) the area shown on the map in schedule 1B (*hazardous area No. 2*);
  - (c) the area shown on the map in schedule 1C (*hazardous area No. 3*).

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

- (2) The exact location of the boundary of each of the hazardous areas is held in digital electronic form by the department.
- (3) Maps showing the exact location of the boundary of each of the hazardous areas can be accessed, free of charge, on the department's website.

*Editor's note—*

The department's website address is <www.dpi.qld.gov.au>.

- (4) The information held in digital electronic form can be reduced or enlarged to show the details of the boundaries.

## **Subdivision 2      Distribution conditions**

### **34      Prescribed conditions for distribution**

This subdivision prescribes, for section 29<sup>17</sup> of the Act, the conditions for a person to carry out aerial or ground distribution in a hazardous area.

### **35      No distribution if damage or injury to crop or stock**

Aerial or ground distribution must not be carried out in a hazardous area with equipment or under meteorological conditions that might reasonably be expected to cause damage or injury to—

- (a) a crop that the person did not intend to treat by the distribution; or
- (b) stock.

---

<sup>17</sup> Under section 29 (Carrying out of distributions in hazardous areas) of the Act, a person must not carry out aerial or ground distribution in a hazardous area unless the distribution is carried out under the conditions prescribed by regulation for the area. The maximum penalty for contravention of section 29 is 100 penalty units or 6 months imprisonment.

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

**36 Smoke generation for aerial distribution**

Aerial distribution must not be carried out in a hazardous area unless—

- (a) the aircraft used to carry out the distribution has a smoke generating device installed or attached; and
- (b) the device is used to show air movement immediately before and during the distribution.

**37 Conditions for hazardous area No. 1**

- (1) This section applies to hazardous area No. 1.
- (2) Aerial distribution of picloram or ester formulations of MCPA or 2,4-D (a *chemical*) must not be carried out unless the person carrying out the distribution holds a distribution permit that allows the person to carry out the distribution.
- (3) Ground distribution of a chemical must not be carried out unless—
  - (a) the person carrying out the distribution holds a distribution permit that allows the person to carry out the distribution; or
  - (b) the distribution is by an authorised technique.

**38 Conditions for hazardous area No. 2**

- (1) This section applies to hazardous area No. 2.
- (2) Aerial or ground distribution of ester formulations of 2,4-D must not be carried out.
- (3) Aerial distribution of an ester formulation of picloram must not be carried out unless the person carrying out the distribution holds a distribution permit that allows the person to carry out the distribution.
- (4) Ground distribution of an ester formulation of picloram must not be carried out unless—

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

- (a) the person carrying out the distribution holds a distribution permit that allows the person to carry out the distribution; or
- (b) the distribution is by an authorised technique.

**38A Conditions for hazardous area No. 3**

- (1) This section applies to hazardous area No. 3.
- (2) Aerial distribution of an ester formulation of 2,4-D must not be carried out unless the person carrying out the distribution holds a distribution permit that allows the person to carry out the distribution.
- (3) Ground distribution of an ester formulation of 2,4-D must not be carried out unless—
  - (a) the person carrying out the distribution holds a distribution permit that allows the person to carry out the distribution; or
  - (b) the distribution is by an authorised technique.

**Subdivision 3 Distribution permits**

**39 Application for a distribution permit**

- (1) A person who holds an aerial distribution contractor licence may apply to the board for a distribution permit for a stated individual to carry out aerial distribution in a stated hazardous area 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.

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

- (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.
- (3) An application must be made—
  - (a) in the approved form; and
  - (b) at least 10 days before the day on which the applicant proposes to start the distribution applied for.
- (4) The board must grant or refuse the application.
- (5) If the board does not grant or refuse the application within 3 months of the making of the application, it is taken to have—
  - (a) refused the application; and
  - (b) given the applicant a notice under section 42 refusing the application at the end of the 3 months.

**40 Issue of distribution permit**

If the board grants the application, it must issue a distribution permit in the approved form within 14 days.

**41 Distribution permit conditions**

- (1) The board may impose reasonable conditions for the issuing of the distribution permit.

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

- (2) If the board imposes a permit condition, it must give the applicant written notice within 14 days after the imposition of the condition.
- (3) The notice must state the following—
  - (a) the permit condition;
  - (b) that the applicant may appeal against the imposition of the permit condition to a Magistrates Court within 28 days after the applicant receives the notice;
  - (d) how to start an appeal.

#### **42 Notice of refusal**

- (1) If the board decides to refuse the application, it must give the applicant written notice within 14 days after the making of the decision.
- (2) The notice must state the following—
  - (a) the decision;
  - (b) the reasons for the decision;
  - (c) that the applicant may appeal against the decision to a Magistrates Court within 28 days after the applicant receives the notice;
  - (d) how to start an appeal.<sup>18</sup>

#### **43 Right of appeal**

- (1) This section applies if the board—
  - (a) gives the applicant for a distribution permit notice of the board's decision to refuse the application; or
  - (b) decides to grant the application, but to impose a permit condition for the issuing of the distribution permit.

---

<sup>18</sup> For how to start an appeal, see section 43(3) of this regulation and section 22A (How to start appeal) of the Act.





*Agricultural Chemicals Distribution Control  
Regulation 1998*

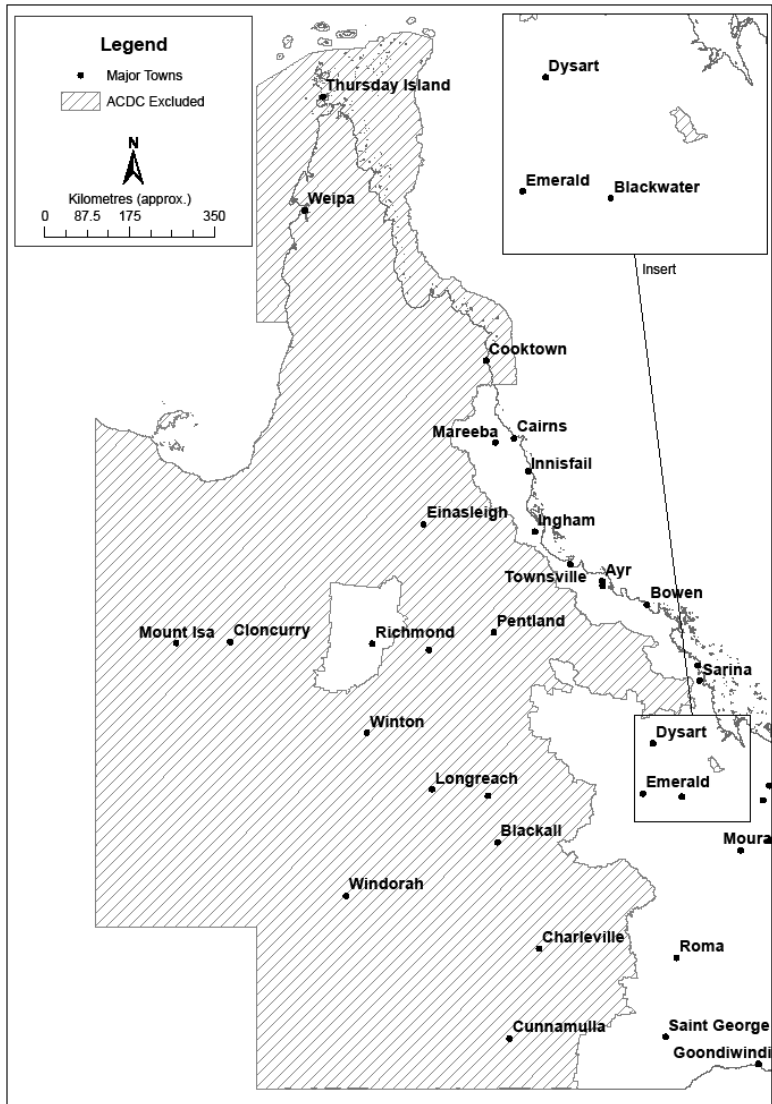
---

**45 Fees**

The fees payable under the Act are in schedule 2.

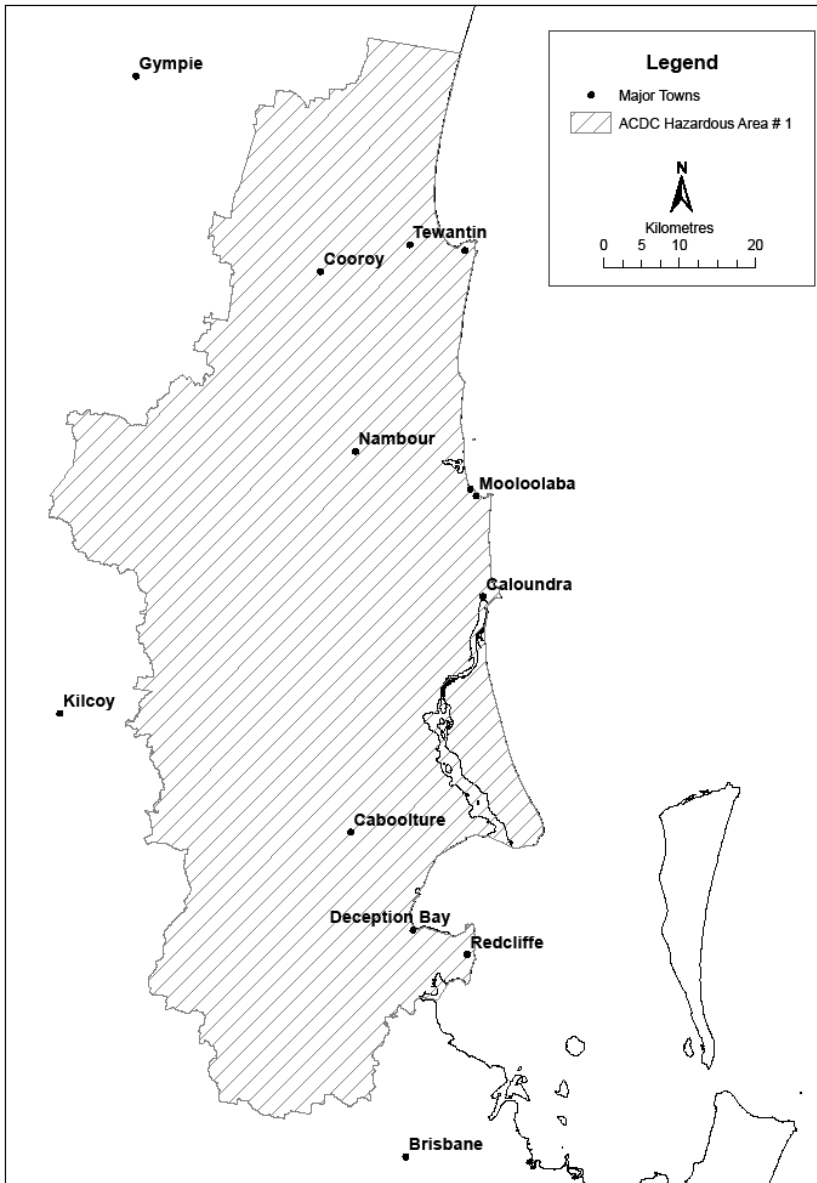
# Schedule 1 Areas excluded from Act

section 3



**Schedule 1A Hazardous area No. 1**

section 33(1)(a)



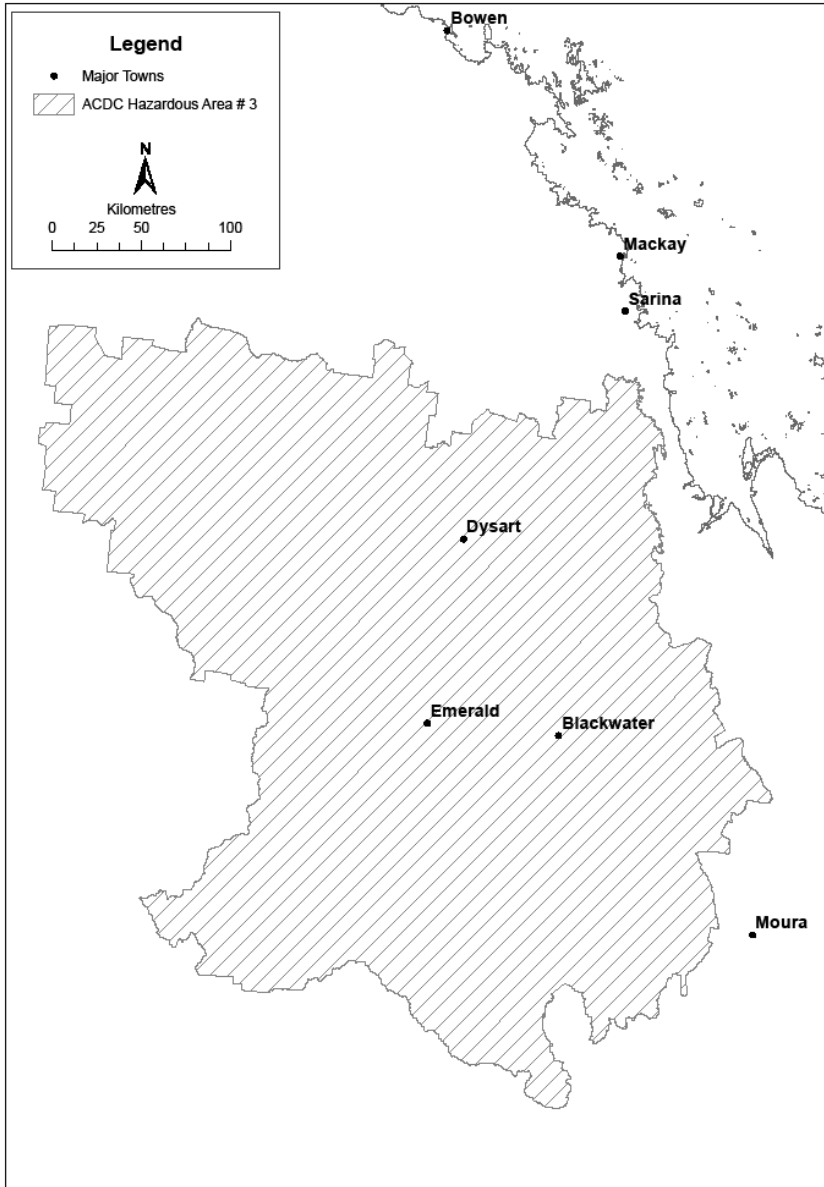
# Schedule 1B Hazardous area No. 2

section 33(1)(b)



## Schedule 1C Hazardous area No. 3

section 33(1)(c)



*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

## Schedule 2      Fees

section 45

		\$
1	Examination fee for commercial operator's licence or pilot chemical rating licence .....	25.15
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 .....	22.80
	(b) for 3 years .....	53.60
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 .....	15.40
	(b) for 3 years .....	46.20

## Endnotes

### 1 Index to endnotes

		Page
2	Date to which amendments incorporated. . . . .	30
3	Key . . . . .	30
4	Table of reprints . . . . .	31
5	List of legislation . . . . .	31
6	List of annotations . . . . .	33

### 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 15 March 2008. Future amendments of the Agricultural Chemicals Distribution Control Regulation 1998 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		



*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

## 4 Table of reprints

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

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

Reprint No.	Amendments to	Effective	Reprint date
1	none	15 May 1998	3 July 1998
1A	1999 SL No. 184	6 August 1999	6 September 1999
1B	2000 SL No. 169	1 July 2000	4 July 2000
1C	2000 SL No. 283	10 November 2000	13 November 2000
2	2001 SL No. 177	28 September 2001	2 November 2001

Reprint No.	Amendments included	Effective	Notes
2A	2002 SL No. 351	13 December 2002	
2B	2003 SL No. 239	4 November 2003	
2C	2003 SL No. 335	14 December 2003	
2D	2004 SL No. 231	29 November 2004	
2E	2005 SL No. 268	11 December 2005	
2F	2006 SL No. 267	4 December 2006	R2F withdrawn, see R3
3	—	4 December 2006	
3A	2007 SL No. 77	4 May 2007	
3B	2007 SL No. 232	29 October 2007	
3C	2008 SL No. 38	15 March 2008	

## 5 List of legislation

### **Agricultural Chemicals Distribution Control Regulation 1998 SL No. 135**

made by the Governor in Council on 14 May 1998

notfd gaz 15 May 1998 pp 311–16

commenced on date of notification

exp 1 September 2008 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Primary Industries Legislation Amendment Regulation (No. 2) 1999 SL No. 184 ss 1, 15 sch**

notfd gaz 6 August 1999 pp 1983–4

commenced on date of notification

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

**Primary Industries Legislation Amendment Regulation (No. 1) 2000 SL No. 169 pts 1–2**

notfd gaz 30 June 2000 pp 736–48  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2000 (see s 2)

**Agricultural Chemicals Distribution Control Amendment Regulation (No. 1) 2000 SL No. 283**

notfd gaz 10 November 2000 pp 1016–17  
commenced on date of notification  
Note—A regulatory impact statement and explanatory note were prepared

**Primary Industries Legislation Amendment Regulation (No. 1) 2001 SL No. 177 pts 1–2**

notfd gaz 28 September 2001 pp 328–30  
commenced on date of notification

**Primary Industries Legislation Amendment Regulation (No. 2) 2002 SL No. 351 pts 1–2**

notfd gaz 13 December 2002 pp 1266–9  
commenced on date of notification

**Primary Industries Legislation Amendment Regulation (No. 1) 2003 SL No. 239 pts 1–2**

notfd gaz 3 October 2003 pp 382–5  
ss 1–2 commenced on date of notification  
remaining provisions commenced 4 November 2003 (see s 2)

**Primary Industries Legislation Amendment Regulation (No. 2) 2003 SL No. 335 pts 1–2, s 3 sch**

notfd gaz 12 December 2003 pp 1203–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 14 December 2003 (see s 2)

**Primary Industries Legislation Amendment Regulation (No. 1) 2004 SL No. 231 pts 1–2**

notfd gaz 29 October 2004 pp 734–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 29 November 2004 (see s 2)

**Primary Industries Legislation Amendment Regulation (No. 1) 2005 SL No. 268 pts 1–2**

notfd gaz 11 November 2005 pp 955–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 11 December 2005 (see s 2)

**Primary Industries Legislation Amendment Regulation (No. 1) 2006 SL No. 267 pts 1–2**

notfd gaz 3 November 2006 pp 1103–4  
ss 1–2 commenced on date of notification  
remaining provisions commenced 4 December 2006 (see s 2)

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

**Primary Industries Legislation Amendment Regulation (No. 1) 2007 SL No. 77 pts 1–2**

notfd gaz 4 May 2007 pp 116–17  
commenced on date of notification

**Primary Industries Legislation Amendment Regulation (No. 2) 2007 SL No. 232 ss 1–2(1), pt 2**

notfd gaz 21 September 2007 pp 447–9  
ss 1–2 commenced on date of notification  
remaining provisions commenced 29 October 2007 (see s 2(1))

**Primary Industries and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 38 pts 1–2**

notfd gaz 29 February 2008 pp 1012–14  
ss 1–2 commenced on date of notification  
remaining provisions commenced 15 March 2008 (see s 2)

## 6 List of annotations

### Definitions

- s 2 def “**authorised technique**” om 2000 SL No. 283 s 3(1)  
def “**distribution permit**” om 2000 SL No. 283 s 3(1)  
def “**hazardous area No. 1**” sub 2000 SL No. 283 s 3(1)–(2)  
def “**hazardous area No. 2**” sub 2000 SL No. 283 s 3(1)–(2)  
def “**hazardous area No. 3**” ins 2000 SL No. 283 s 3(2)  
def “**permit condition**” om 2000 SL No. 283 s 3(1)

### Parts of State excluded—Act, s 3

- s 3 amd 2008 SL No. 38 s 4

### Exclusion from definition “ground equipment”

- s 4 amd 2007 SL No. 77 s 2

### Form of licence

- s 5 amd 2003 SL No. 335 s 4

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

- s 8A ins 2003 SL No. 335 s 5

### Cancellation of result and re-examination

- s 12 amd 2003 SL No. 335 s 3 sch

### Board may approve

- s 13 amd 2003 SL No. 335 s 3 sch

### When board may refuse

- prov hdg amd 2003 SL No. 335 s 3 sch  
s 14 amd 2003 SL No. 335 ss 3 sch, 6

### Notice of refusal

- s 15 amd 2003 SL No. 335 s 3 sch

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

**Surrender of licence suspended by standards officer**

**prov hdg** amd 2003 SL No. 335 s 7(1)

**s 19** amd 2003 SL No. 335 s 7(2)–(4)

**Surrender of licence suspended or cancelled by chief executive**

**s 19A** ins 2003 SL No. 335 s 8

**Division 6—Amendment of aerial distribution contractor licences**

**pt 2 div 6 (ss 20–23)** om 2003 SL No. 335 s 9

**Prescribed security for ground distribution—Act, s 25(3)(b)**

**s 25** om 2003 SL No. 335 s 10

**Aerial and ground equipment that may be used**

**s 26** om 2003 SL No. 335 s 10

**Prescribed matters for register—Act, s 24(1)**

**prov hdg** amd 2003 SL No. 335 s 11(1)

**s 31** amd 2003 SL No. 335 s 11(2)–(5)

**Definitions for div 2**

**s 32** def “**distribution permit**” amd 2003 SL No. 335 s 3 sch

def “**hazardous area No. 1**” om 2000 SL No. 283 s 4

def “**hazardous area No. 2**” om 2000 SL No. 283 s 4

**Hazardous areas—Act, s 28(1)**

**s 33** amd 2000 SL No. 283 s 5

sub 2008 SL No. 38 s 5

**Smoke generation for aerial distribution**

**s 36** amd 2003 SL No. 335 s 12

**Conditions for hazardous area No. 1**

**s 37** amd 2000 SL No. 283 s 6

**Conditions for hazardous area No. 2**

**s 38** amd 2000 SL No. 283 s 7

**Conditions for hazardous area No. 3**

**s 38A** ins 2000 SL No. 283 s 8

**Application for a distribution permit**

**s 39** amd 2003 SL No. 335 ss 3 sch, 13

**Issue of distribution permit**

**s 40** amd 2003 SL No. 335 s 3 sch

**Distribution permit conditions**

**s 41** amd 2003 SL No. 335 s 3 sch

**Notice of refusal**

**s 42** amd 2003 SL No. 335 s 3 sch

**Right of appeal**

**s 43** amd 2003 SL No. 335 s 3 sch

*Agricultural Chemicals Distribution Control  
Regulation 1998*

---

**False or misleading statements or documents**

**s 44** amd 2003 SL No. 335 s 14

**Fees**

**s 45** amd 1999 SL No. 184 s 15 sch

**REPEAL**

**pt 5 (ss 46–47)** exp 16 May 1998 (see s 47)

**SCHEDULE 1—AREAS EXCLUDED FROM ACT**

sub 2000 SL No. 283 s 9; 2008 SL No. 38 s 6

**SCHEDULE 1A—HAZARDOUS AREA No. 1**

ins 2008 SL No. 38 s 6

**SCHEDULE 1B—HAZARDOUS AREA No. 2**

ins 2008 SL No. 38 s 6

**SCHEDULE 1C—HAZARDOUS AREA No. 3**

ins 2008 SL No. 38 s 6

**SCHEDULE 2—FEES**

sub 2000 SL No. 169 s 4; 2001 SL No. 177 s 3; 2002 SL No. 351 s 3; 2003 SL No. 239 s 4; 2003 SL No. 335 s 15; 2004 SL No. 231 s 4; 2005 SL No. 268 s 4; 2006 SL No. 267 s 4; 2007 SL No. 232 s 4