



Queensland

Chemical Usage (Agricultural and Veterinary) Control Act 1988

Chemical Usage (Agricultural and Veterinary) Control Regulation 2017

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Chemical Usage (Agricultural and Veterinary) Control Regulation 2017

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Chemical Usage (Agricultural and Veterinary) Control Regulation 2017

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Chemical Usage (Agricultural and Veterinary) Control Regulation 2017*.

2 Commencement

This regulation commences on 1 September 2017.

3 Definitions

The dictionary in schedule 1 defines particular words used in this regulation.

Part 2 Prescribed maximum residue limits

4 Purpose of part

This part prescribes—

- (a) for the schedule of the Act, definition *maximum residue limit*, paragraph (a)—the MRL for the residue of a chemical mentioned in this part in or on agricultural produce; and
- (b) for the schedule of the Act, definition *maximum residue limit*, paragraph (b)—the MRL for the residue of a chemical mentioned in this part in—
 - (i) the tissue of a trade species animal; or
 - (ii) a product derived from a trade species animal.

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5 MRLs for chemicals for human food commodity—MRL standard

If the MRL standard fixes an MRL for a particular chemical for a particular human food commodity, the MRL is the prescribed MRL for the residue of the chemical in or on the commodity as a human food commodity.

6 Other MRLs for chemicals for human food commodity

- (1) If the MRL standard does not fix an MRL for a particular chemical for a particular human food commodity, the prescribed MRL for the residue of the chemical in or on the commodity as a human food commodity is zero.
- (2) If the MRL standard does not fix an MRL for a particular chemical for any human food commodities at all, the prescribed MRL for the residue of the chemical in or on each commodity as a human food commodity is zero.
- (3) However, subsections (1) and (2) do not apply to a chemical if the use of the chemical in relation to the commodity as a human food commodity is allowed under part 2 of the Act.
- (4) If subsection (3) applies for a particular chemical, no MRL is prescribed for the residue of the chemical in or on a commodity as a human food commodity.

7 Agricultural and veterinary chemicals in feed

- (1) This section applies if—
 - (a) a food mentioned in table 1, column 2 of the MRL standard is being used in or as animal food; and
 - (b) the food contains a compound mentioned opposite the substance in table 1, column 1 of the MRL standard, other than—
 - (i) aldrin; or
 - (ii) BHC; or
 - (iii) chlordane; or

- (iv) DDT; or
 - (v) dieldrin; or
 - (vi) HCB; or
 - (vii) heptachlor; or
 - (viii) lindane.
- (2) The maximum amount of the compound that may be in the substance is the MRL stated opposite the compound and substance in table 1, column 3 of the MRL standard.

8 Pesticide residues in feed

- (1) This section applies if—
- (a) an animal feed commodity mentioned in table 4, column 2 of the MRL standard is being used in or as animal food; and
 - (b) the animal feed commodity contains a compound mentioned opposite the animal feed commodity in table 4, column 1 of the MRL standard, other than—
 - (i) aldrin; or
 - (ii) BHC; or
 - (iii) chlordane; or
 - (iv) DDT; or
 - (v) dieldrin; or
 - (vi) endrin; or
 - (vii) HCB; or
 - (viii) heptachlor; or
 - (ix) lindane.
- (2) The maximum amount of the compound that may be in the animal feed commodity is the MRL stated opposite the compound and animal feed commodity in table 4, column 3 of the MRL standard.

Part 3 Use of chemical products

Division 1 Restricted chemical products

9 Restricted chemical products containing bifenthrin or chlorpyrifos

- (1) A person must not use a restricted chemical product containing bifenthrin or chlorpyrifos as a pre-construction termiticide product, unless the person—
- (a) has a statement of attainment issued by a registered training organisation stating the person has successfully completed all of the following units of competency of a VET course—
 - (i) CPPUPM3006—Manage pests by applying pesticides;
 - (ii) CPPUPM3008—Inspect for and report on timber pests;
 - (iii) CPPUPM3010—Control timber pests;
 - (iv) CPPUPM3018—Maintain equipment and pesticide storage area in pest management vehicles; or
 - (b) has a record of results issued by a registered training organisation for results showing the person has successfully completed the units of competency mentioned in paragraph (a); or
 - (c) has successfully completed training for using the product that is substantially equivalent to a statement of attainment mentioned in paragraph (a) or a record of results mentioned in paragraph (b).

Maximum penalty—40 penalty units.

- (2) For subsection (1), a person uses the restricted chemical product as a pre-construction termiticide product if the person uses the product to install a chemical soil barrier to impede

and discourage the concealed entry of termites into a structure before construction of the structure is completed.

10 **Restricted chemical products containing fluoroacetic acid or PAPP**

- (1) A person must not use a restricted chemical product containing fluoroacetic acid unless the person is authorised under the *Health (Drugs and Poisons) Regulation 1996* to obtain, possess and use fluoroacetic acid.

Maximum penalty—40 penalty units.

- (2) A person must not use a restricted chemical product containing PAPP unless the person is authorised under the *Health (Drugs and Poisons) Regulation 1996*, to obtain, possess and use PAPP.

Maximum penalty—40 penalty units.

11 **Restricted chemical products containing RHDV**

- (1) A person must not use a restricted chemical product containing rabbit haemorrhagic disease virus (*RHDV*) (also known as rabbit calicivirus) unless the person is an officer or employee of—

- (a) the State; or
- (b) a State authority; or
- (c) a local government; or
- (d) a local government entity; or
- (e) the Darling Downs–Moreton Rabbit Board; or
- (f) a natural resource management body that has an interest in managing biosecurity risks using RHDV.

Maximum penalty—40 penalty units.

- (2) In this section—

biosecurity risk see the *Biosecurity Act 2014*, section 16.

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Darling Downs–Moreton Rabbit Board means the board of that name taken to be established under the *Biosecurity Act 2014*, section 62.

local government entity see the *Local Government Act 2009*, section 216A.

natural resource management body see the *Biosecurity Act 2014*, schedule 4.

State authority means an entity, other than a local government or local government entity, established under a law of the State.

12 Restricted chemical products containing copper, chromium and arsenic

- (1) This section applies to a restricted chemical product with a formulation containing all of the following as active constituents—
 - (a) copper;
 - (b) chromium;
 - (c) arsenic.
- (2) For subsection (1), an active constituent includes the active constituent in any of its chemical forms.
- (3) A person must not use the restricted chemical product unless the person—
 - (a) has a statement of attainment issued by a registered training organisation stating the person has successfully completed the unit of competency FWPSAW3201—Treat timber, of a VET course; or
 - (b) has a record of results issued by a registered training organisation for results showing the person has successfully completed the unit of competency mentioned in paragraph (a); or
 - (c) has a qualification, or successfully completed training for using the product, that is substantially equivalent to a

statement of attainment, or record of results, mentioned in paragraph (a) or (b).

Maximum penalty—40 penalty units.

13 Restricted chemical products containing acrolein, mevinphos or pindone

A person must not use a restricted chemical product containing acrolein, mevinphos or pindone, unless the person—

- (a) has a statement of attainment issued by a registered training organisation stating the person has successfully completed both of the following units of competency of a VET course—
 - (i) AHCCHM304—Transport and store chemicals;
 - (ii) AHCCHM307—Prepare and apply chemicals to control pest, weeds and diseases; or
- (b) has a record of results issued by a registered training organisation for results showing the person has successfully completed the units of competency mentioned in paragraph (a); or
- (c) has successfully completed training for using the product that is substantially equivalent to a statement of attainment mentioned in paragraph (a) or a record of results mentioned in paragraph (b).

Maximum penalty—40 penalty units.

13A Restricted chemical products containing alphachloralose or 4-aminopyridine

A person must not use a restricted chemical product containing alphachloralose or 4-aminopyridine, unless—

- (a) the person—
 - (i) has a statement of attainment issued by a registered training organisation stating the person has

[s 13B]

successfully completed the appropriate VET qualifications; or

- (ii) has a record of results issued by a registered training organisation for results showing the person has successfully completed the appropriate VET qualifications; or
 - (iii) has a spraysafe accreditation for using the product; or
 - (iv) has successfully completed training for using the product that is substantially equivalent to a statement of attainment mentioned in subparagraph (i), a record of results mentioned in subparagraph (ii), or an accreditation mentioned in subparagraph (iii); and
- (b) for using the product to control an avian pest—the person has successfully completed an approved avicide-use training course.

Maximum penalty—40 penalty units.

Division 1A Particular chemical products containing S7 poisons

13B Purpose and application of division

- (1) This division provides for using particular chemical products containing S7 poisons.

Note—

See, however, section 39.

- (2) However, this division does not apply for using a chemical product containing an S7 poison to the extent a provision in division 1 applies for using the chemical product.

13C Chemical product containing strychnine

A person must not use a chemical product containing an S7 poison that is strychnine unless the person is authorised under the *Health (Drugs and Poisons) Regulation 1996* to obtain, possess and use the strychnine.

Maximum penalty—40 penalty units.

13D Veterinary chemical product containing S7 poison

- (1) A person must not use a veterinary chemical product containing an S7 poison unless—
- (a) the person is a veterinary surgeon and uses the product for practising veterinary science; or
 - (b) the person is an accredited animal feed manufacturer and uses the product in manufacturing animal feed at an accredited site; or
 - (c) the person—
 - (i) has a statement of attainment issued by a registered training organisation stating the person has successfully completed both of the following units of competency of a VET course—
 - (A) AHCCHM304—Transport and store chemicals;
 - (B) AHCCHM307—Prepare and apply chemicals to control pest, weeds and diseases; or
 - (ii) has a record of results issued by a registered training organisation for results showing the person has successfully completed the units of competency mentioned in subparagraph (i); or
 - (iii) has successfully completed training for using the product that is substantially equivalent to a statement of attainment, mentioned in subparagraph (i) or a record of results mentioned in subparagraph (ii).

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Maximum penalty—40 penalty units.

(2) In this section—

accredited animal feed manufacturer means a person who holds a FeedSafe accreditation for manufacturing animal feed.

accredited site means a place for which an accredited animal feed manufacturer holds a FeedSafe accreditation for manufacturing animal feed.

FeedSafe accreditation means the accreditation given by SFMCA under the quality assurance accreditation program known as FeedSafe operated by SFMCA.

SFMCA means the Stock Feed Manufacturers' Council of Australia Inc. ABN 84 816 063 155.

veterinary science see the *Veterinary Surgeons Act 1936*, section 2A.

13E Agricultural chemical product containing S7 poison as liquid fumigant

- (1) A person must not use an agricultural chemical product containing an S7 poison that is a liquid fumigant, unless the person—
- (a) has a statement of attainment issued by a registered training organisation stating the person has successfully completed the unit of competency 'CPPUPM3011—Manage organisms by applying fumigants to commodities and environments' of a VET course; or
 - (b) has a record of results issued by a registered training organisation for results showing the person has successfully completed the unit of competency; or
 - (c) has successfully completed training for using the product that is substantially equivalent to a statement of attainment mentioned in paragraph (a) or a record of results mentioned in paragraph (b).

Maximum penalty—40 penalty units.

(2) In this section—

liquid fumigant means a fumigant under the *Pest Management Act 2001*, section 5A, that is in the form of a liquid.

13F Agricultural chemical product containing S7 poison as an avicide

- (1) This section applies in relation to an agricultural chemical product containing an S7 poison if the instructions for use stated on the approved label for containers of the product relate to controlling an avian pest.
- (2) A person must not use the agricultural chemical product, unless—
 - (a) the person—
 - (i) has a statement of attainment issued by a registered training organisation stating the person has successfully completed the appropriate VET qualifications; or
 - (ii) has a record of results issued by a registered training organisation for results showing the person has successfully completed the appropriate VET qualifications; or
 - (iii) has a spraysafe accreditation for using the product; or
 - (iv) has successfully completed training for using the product that is substantially equivalent to a statement of attainment mentioned in subparagraph (i), a record of results mentioned in subparagraph (ii), or an accreditation mentioned in subparagraph (iii); and
 - (b) the person has successfully completed an approved avicide-use training course.

Maximum penalty—40 penalty units.

[s 13G]

13G Agricultural chemical product containing S7 poison as timber treatment

- (1) This section applies in relation to an agricultural chemical product containing an S7 poison if the instructions for use stated on the approved label for containers of the product relate to treating timber.
- (2) A person must not use the agricultural chemical product on a commercial basis, unless the person has successfully completed the unit of competency ‘FWPSAW3201—Treat timber’ of a VET course.

Maximum penalty—40 penalty units.

13H Other agricultural chemical products containing S7 poison

- (1) This section applies in relation to an agricultural chemical product containing an S7 poison, other than an agricultural chemical product to which section 13C, 13E, 13F or 13G applies.
- (2) A person must not use the agricultural chemical product unless—
 - (a) the person—
 - (i) has a statement of attainment issued by a registered training organisation stating the person has successfully completed the appropriate VET qualifications; or
 - (ii) has a record of results issued by a registered training organisation for results showing the person has successfully completed the appropriate VET qualifications; or
 - (iii) has a spraysafe accreditation for using the product; or
 - (iv) has successfully completed training for using the product that is substantially equivalent to a statement of attainment mentioned in subparagraph (i), a record of results mentioned in

subparagraph (ii), or an accreditation mentioned in subparagraph (iii); or

- (b) the person (the *user*)—
 - (i) uses the product under the direct supervision of a qualified person; and
 - (ii) has used the product on no more than—
 - (A) 4 days in the last month; and
 - (B) 12 days in the last year.

Maximum penalty—40 penalty units.

- (3) For subsection (2)(b)(i), a person is a *qualified person* if—
 - (a) subsection (2)(a)(i), (ii), (iii) or (iv) applies to the person; and
 - (b) before the product is used, the person—
 - (i) chooses the product and prepares it for use; and
 - (ii) checks that any equipment that is to be used to apply the product is in good working order; and
 - (iii) instructs the user how to use the product.

Division 2 Unregistered chemical products

Subdivision 1 Use etc. of particular unregistered veterinary chemical products

14 When veterinary surgeons or other persons may use unregistered veterinary chemical products

For section 12E(2) and (5) of the Act, a veterinary surgeon or other person may use an unregistered veterinary chemical that is a reserved veterinary chemical product to treat an animal if the veterinary surgeon or other person uses the product in a way that complies with any conditions under the Agvet Code relevant to the use of the product.

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Note—

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

Subdivision 2 Use of particular unregistered agricultural chemical products

15 Products to which s 13A(1) of Act does not apply—Act, s13

An unregistered agricultural chemical product that is a reserved agricultural chemical product is prescribed for section 13A(2) of the Act if the product is used in a way that complies with any conditions under the Agvet Code relevant to the use of the product.

Note—

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

Division 3 Prescribed agricultural ERA products and conditions for use for agricultural ERAs

Subdivision 1 Interpretation

16 What is a *water body*

(1) A *water body* is—

(a) a natural channel, whether or not containing water; or

Examples—

a creek, river or stream

(b) an artificial channel, other than an irrigation channel or interrow furrow, whether or not containing water; or

-
- (c) an area in which water is or can be contained by a dam or weir at full supply level; or
 - (d) a wetland.
- (2) Also, to remove any doubt, it is declared that if there is more than 1 natural channel within the outer limits of a water body, each channel is a **water body**.
- (3) However, a **water body** does not include—
- (a) a drainage depression; or
 - (b) an effective vegetated treatment area; or
 - (c) an area in which water is, or can be, contained by a dam or weir that is on land owned or occupied by an entity other than the Commonwealth, the State or a local government; or
 - (d) an area inundated by water contained by a structure if the water is separate from and not flowing into a channel, dam, weir, or wetland to which subsection (1) or (2) applies.

Examples of a structure—

a recycling pit, retention dam or sediment trap

- (4) In this section—

drainage depression means a channel, other than a drainage line or interrow furrow, that—

- (a) is within a field or paddock in which sugarcane is grown but not at or near the perimeter of the field or paddock; and
- (b) contains a permanent or intermittent flow of run-off; and
- (c) can be easily crossed by an agricultural machine, including, for example, a planter.

full supply level, for a dam or weir, means the level of the water surface when the dam or weir is holding as much water as it can hold while not affected by flood.

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17 What is the *edge* of a water body

- (1) The *edge* of a water body is the place at which the bank of the water body meets the adjacent flood zone.
- (2) However, if there is no obvious place under subsection (1), the *edge* of the water body is the part of the bank of the water body where the downward slope toward the bed of the water body is more than 2%.

18 What is an *effective vegetated treatment area*

- (1) An *effective vegetated treatment area* is an area—
 - (a) of at least 5m between—
 - (i) any point where low flow run-off can leave a place where a prescribed agricultural ERA product is used for relevant sugarcane growing; and
 - (ii) the edge of a down-slope water body; and
 - (b) that has a slope of less than 2%; and
 - (c) in which there are no depressions more than 5cm deep; and

Example—

depressions caused by the tracks or tyres of an agricultural machine or the movement of water

- (d) at least 80% of which is covered by grass that is kept at a height of no more than 15cm.
- (2) To remove any doubt, it is declared that the land on which the effective vegetated treatment area is situated and the adjacent land on which the relevant sugarcane growing is carried out need not be owned by the same person.

Note—

To help users of this regulation, the chemical use (sugarcane growing) guideline provides guidance in identifying effective vegetated treatment areas.

Subdivision 2 Prescribed agricultural ERA products

19 Prescribed agricultural ERA products—Act, s 13C

For section 13C(1)(a) of the Act, an agricultural chemical product is declared to be a prescribed agricultural ERA product if the product contains any of the following—

- (a) ametryn;
- (b) atrazine;
- (c) diuron;
- (d) hexazinone;
- (e) tebuthiuron.

Subdivision 3 General prescribed conditions

20 Conditions for relevant sugarcane growing and cattle grazing—Act, s 13C

For section 13C(1)(b) of the Act—

- (a) section 21 and subdivision 4 prescribe the conditions for preparing and using particular prescribed agricultural ERA products for carrying out relevant sugarcane growing; and
- (b) section 21 and subdivision 5 prescribe the conditions for preparing and using particular prescribed agricultural ERA products for carrying out relevant cattle grazing.

21 Who may prepare and use particular products

- (1) Subsection (2) applies to a person who personally prepares or uses—
 - (a) an agricultural chemical product containing the following for carrying out relevant sugarcane growing—

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- (i) ametryn;
 - (ii) atrazine;
 - (iii) diuron;
 - (iv) hexazinone; or
 - (b) an agricultural chemical product containing tebuthiuron for carrying out relevant cattle grazing.
- (2) The person may prepare or use the product only if the person—
- (a) has the prescribed qualification; or
 - (b) prepares or uses the product under the direct supervision of another person who has the prescribed qualification.
- (3) Subsection (4) applies to a person who employs or engages another person (the *direct user*) to prepare or use—
- (a) a product mentioned in subsection (1)(a) for carrying out relevant sugarcane growing on the person’s behalf; or
 - (b) a product mentioned in subsection (1)(b) for carrying out relevant cattle grazing on the person’s behalf.
- (4) The person may allow the direct user to prepare or use the product only if the direct user—
- (a) has the prescribed qualification; or
 - (b) prepares or uses the product under the direct supervision of another person who has the prescribed qualification.

Subdivision 4 Additional conditions for relevant sugarcane growing

22 Application of subdivision

- (1) This subdivision applies to a person who prepares or uses, or causes to be prepared or used, an agricultural chemical

product containing ametryn for carrying out relevant sugarcane growing.

- (2) However, this subdivision does not apply to the preparation or use of a registered agricultural chemical product containing ametryn and trifloxysulfuron sodium as its only active constituents in the following quantities for each kilogram of the product—
- (a) for ametryn—731.5g;
 - (b) for trifloxysulfuron sodium—18.5g.

23 Preparing products

The person must not prepare the product or allow the product to be prepared—

- (a) at a place susceptible to run-off; or
- (b) within 20m of the edge of a water body; or
- (c) within 20m of a sinkhole or well.

24 Using products—weather conditions

- (1) The person may use the product or allow the product to be used only if—
- (a) the latest forecast that is published before the product is used is not a forecast indicating moderate to heavy rain affecting the area in which the product is to be used for the 48 hours after the use; and
 - (b) within 2 hours before the product is used, the Bureau of Meteorology has not published a report or observation about, or a representational image showing, moderate to heavy rain—
 - (i) at the area in which the product is to be used; or
 - (ii) within 50km of, and approaching, the area; and

Example of a representational image—

an image of an area from a weather watch radar station

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- (c) the wind speed at the site at which the product is applied is—
 - (i) less than 20km/h, if the product is applied—
 - (A) using a shielded sprayer; or
 - (B) below the canopy of sugarcane that is at least 600mm high; or
 - (ii) otherwise—more than 3km/h and less than 20km/h.
- (2) For subsection (1)(c), the wind speed must be measured above the canopy of the sugarcane on which the product is to be applied.
- (3) In this section—

forecast indicating moderate to heavy rain means a forecast (however described) issued by the Bureau of Meteorology of a chance or greater likelihood of—

- (a) moderate to heavy rain; or
- (b) weather conditions associated with moderate to heavy rain.

Example—

a forecast of scattered or widespread thunderstorms associated with moderate to heavy rain

moderate to heavy rain means rain falling at a rate of at least 100mm in 24 hours.

published includes published on radio, television or the internet whether by the Bureau of Meteorology or another entity.

25 Using products—proximity to water bodies

The person may use the product or allow the product to be used only if—

- (a) both of the following apply—

-
- (i) there is an effective vegetated treatment area between each point where low flow run-off can leave the place where the product is used and the edge of a down-slope water body;
 - (ii) the product is not used within 5m of the edge of the water body; or
- (b) otherwise—the product is not used within 20m of the edge of a down-slope water body.

Notes—

- 1 Under section 16(2), if there is a second natural channel (an *interior channel*) within the outer limits of a water body, both the interior channel and the water body at its outer limits are water bodies under this division. So, if the product is being used on a flood zone adjacent to the bank of the water body at its outer limit and on a lower flood zone on the bank adjacent to the interior channel, it is necessary to measure a distance under this section from both the edge of the water body at its outer limit and the edge of the interior channel.
- 2 To help users of this regulation, the chemical use (sugarcane growing) guideline provides guidance for measuring the distance from the edge of a water body.

26 Using products—other conditions about site suitability

- (1) The person must not use the product or allow the product to be used—
 - (a) on waterlogged soil; or
 - (b) at a place susceptible to run-off; or
 - (c) within 20m of a sinkhole or well.
- (2) The person must ensure no area where the product has been used is irrigated to the point of run-off within 48 hours after the use.
- (3) Subsection (2) does not prevent an interrow furrow being irrigated to the point of run-off, but only if the run-off does not leave the furrow.
- (4) In this section—

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irrigated to the point of run-off, in relation to an area, means more water is applied to the area than can be absorbed by the soil in the area, resulting in run-off from the area.

27 Applying products—spraying

- (1) The person may apply the product or allow the product to be applied only if—
 - (a) the product is applied using a shielded sprayer fitted with nozzles that produce spray droplets (*medium range spray droplets*) no smaller than the medium spray quality category under ASAE S572; or
 - (b) the product is applied below the canopy of sugarcane that is at least 600mm high using another type of spraying device fitted with nozzles that—
 - (i) are directed at the ground; and
 - (ii) produce medium range spray droplets; or
 - (c) the product is applied using a spraying device fitted with nozzles that produce spray droplets no smaller than the coarse spray quality category under ASAE S572.
- (2) The person may apply the product, or allow the product to be applied, within 30m of the edge of a water body only if—
 - (a) the product is applied using a shielded sprayer; or
 - (b) the product is applied below the canopy of sugarcane that is at least 600mm high using a spraying device fitted with nozzles directed at the ground; or
 - (c) the water body is not downwind of where the product is being applied.
- (3) The person may apply the product or allow the product to be applied using a shielded sprayer only if the product is applied at ground level.
- (4) In this section—

ASAE S572 means the standard ASAE S572 published by the American Society of Agricultural Engineers.

Notes—

- 1 ASAE S572 is available for inspection during normal business hours at the department's head office in Brisbane and regional offices in Cairns, Mackay and Townsville.
- 2 The document titled 'Agricultural chemical users' manual—Guidelines and principles for responsible agricultural chemical use' and published by the department in 2005 contains information about the nozzle classification system on which ASAE S572 is based. The document can be viewed on the department's website.

28 Quantities of particular constituents of products that may be used

The person must take reasonable steps to ensure no more than a total of 2.3kg of ametryn, as a constituent of any agricultural chemical product, is used on a hectare of land in a year.

Example of a reasonable step—

checking records required to be kept about the quantity of relevant agricultural chemical products that has been used on a parcel of land

Subdivision 5 Additional conditions for relevant cattle grazing

29 Application of subdivision

This subdivision applies to a person who prepares or uses, or causes to be prepared or used, an agricultural chemical product containing tebuthiuron for carrying out relevant cattle grazing.

30 Using the product from an aircraft

- (1) This section applies to the use of the agricultural chemical product on or from an aircraft in flight.
- (2) The person—
 - (a) must not use the product or allow the product to be used from 1 November to 31 March; and

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- (b) must take reasonable steps to ensure—
 - (i) subject to subparagraph (ii), no more than a total of 4.6kg of tebuthiuron as a constituent of any agricultural chemical product is used on a hectare of land in any 3 year period; and
 - (ii) no more than a total of 6.8kg of tebuthiuron as a constituent of any agricultural chemical product is used on a hectare of land in any 6 year period.
- (3) Also, the person may use the product or allow the product to be used only if—
 - (a) before the product is used, the person—
 - (i) identifies each drainage line (a ***relevant drainage line***) wider than 20m in or near the area in which the product is to be used; and
 - (ii) ensures an appropriate map of the area is prepared; and
 - (b) the person ensures that while the product is used another person—
 - (i) observes the use of the product from the ground; and
 - (ii) communicates with the person using the product about the location of the relevant drainage lines; and
 - (c) the product is not used—
 - (i) within 20m of a relevant drainage line; or
 - (ii) if it is raining where the product is to be used; or
 - (iii) if the wind speed where the product is to be used is more than 20km/h.
- (4) In this section—

appropriate map, of an area, means a map showing—

- (a) the boundary of the area and each relevant drainage line in the area on an image base; and

- (b) 5 or more points visible in the image base that correspond to identifiable fixed features; and
- (c) mapping projection coordinates and zone references for each point by reference to the geodetic reference framework prescribed for the *Survey and Mapping Infrastructure Act 2003*, section 6(4); and
- (d) a description of the feature that each point represents.

identifiable fixed features include road intersections, fence intersections, survey marks and built infrastructure.

image base means an image or mosaic of images, for example an aerial photograph or a satellite image.

31 Preparing or using the product from the ground

- (1) This section applies to the preparation or use of the agricultural chemical product other than on or from an aircraft in flight.
- (2) The person must not prepare or allow the product to be prepared at a place susceptible to run-off.
- (3) The person must not use the product or allow the product to be used—
 - (a) on a drainage line; or
 - (b) at a place susceptible to run-off; or
 - (c) within 20m of a sinkhole or well.

Division 4 Records of chemical product use

Subdivision 1 Records of use of particular chemical products

33 Record of use of chemical product under instruction or condition

- (1) This section applies to a person if—
 - (a) the person uses a chemical product; and
 - (b) either of the following apply—
 - (i) an approved label for containers for the product contains an instruction;
 - (ii) a permit for the product that applies to the person is subject to a condition under the Agvet Code; and
 - (c) the instruction or condition requires the person to make a stated record of the use of the product.
- (2) The person must make the record—
 - (a) if the instruction or condition states a day by which the record must be made—on or before that day; or
 - (b) otherwise—as soon as practicable after the person uses the chemical product.

Maximum penalty—40 penalty units.

- (3) The person must keep the record for at least 2 years after the use to which the record relates, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

Subdivision 2 **Records of use of particular agricultural chemical products**

33A **Application of subdivision**

- (1) This subdivision applies in relation to the use of an agricultural chemical product, other than—
- (a) an agricultural chemical product in relation to which section 33(1)(b) and (c) applies; or
 - (b) a sanitiser used in water in a recreational water structure; or
 - (c) a biocidal substance contained or used in a device for sanitising water in a recreational water structure; or
 - (d) a domestic agricultural chemical product.

- (2) In this section—

domestic agricultural chemical product means an agricultural chemical product that is—

- (a) ordinarily used for household use; and
- (b) ordinarily available in a retail store where groceries are sold; and
- (c) applied by hand or by using a hand-held device; and
- (d) used other than on a commercial basis.

hand-held device, for applying an agricultural chemical product, means a device—

- (a) operated manually by a person to apply the product; and
- (b) in which the product is stored before it is applied; and
- (c) that the person is reasonably able to carry while the device is being used to store or apply the product.

Example of a type of hand-held device—

a manually operated backpack spray unit

[s 33B]

recreational water structure means a structure, ordinarily containing or using water, that is used entirely or mainly for recreation, whether intended for public or private use.

Examples of types of recreational water structure—

artificial lagoon, spa, swimming pool, water slide

33B Making required usage record

- (1) A person who uses an agricultural chemical product must make a record of the use complying with section 33C (the ***required usage record***) within the required period, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (2) In this section—

required period means—

- (a) for a person using a prescribed agricultural ERA product to carry out relevant cattle grazing or relevant sugarcane growing—3 days after using the product; or
- (b) otherwise—2 days after using the agricultural chemical product.

33C Content of required usage record

- (1) The required usage record for the use of an agricultural chemical product must state—
- (a) at least 1 of the following—
- (i) the full trade name of the product;
- (ii) the distinguishing number for the product;
- (iii) a combination of the information mentioned in subparagraphs (i) and (ii) to identify the product; and
- (b) enough information to identify the approved label for the product, including, for example, the distinguishing number given to the label by the APVMA; and

- (c) the full name and contact details, including address and telephone number, of—
 - (i) the person who used the product (the *user*); and
 - (ii) the owner or occupier of the land on which the product was used; and
 - (iii) if a person (the *responsible person*) employed or otherwise engaged the user to use the product, or was engaged by the owner or occupier of the land on which the product was used to oversee the use of the product—the responsible person; and
 - (iv) if a person (the *supervisor*) directly supervised the user to use the product—the supervisor; and
- (d) the qualifications of the user, responsible person and supervisor relevant to using the product; and
- (e) the situation for which the product was used; and
- (f) the date the product was used; and
- (g) the places where the product was used and, if the product was used in an area within a parcel of land, information identifying the location of the area within the parcel; and
- (h) the equipment and methods used to apply the product; and
- (i) the weather conditions observed before, during and after the product was used and the times the observations were made; and
- (j) the rate at which the product was used or enough information to show how the rate was worked out, including, for example—
 - (i) the amount of the product used; and
 - (ii) the concentration at which the product was used; and
 - (iii) the area over which the product was used; and

[s 33D]

- (iv) the settings of the equipment used to apply the product.
- (2) For an agricultural chemical product that is a prescribed agricultural ERA product used to carry out relevant cattle grazing or relevant sugarcane growing, the required usage record must also include—
 - (a) a document (including, for example, a receipt) relevant to the acquisition of the product; and
 - (b) if the user had a prescribed qualification to use the product—a copy of the prescribed qualification; and
 - (c) if the user had another qualification to use the product evidenced by a document—a copy of the document.
- (3) In this section—

weather conditions include—

 - (a) ambient temperature; and
 - (b) relative humidity; and
 - (c) wind speed and direction; and
 - (d) the extent of cloud cover, if any; and
 - (e) if there is rain—the amount of rain.

33D Record keeping—relevant cattle grazing or sugarcane growing

- (1) This section applies to a required usage record for the use of a prescribed agricultural ERA product by a person (the *user*) for carrying out relevant cattle grazing or relevant sugarcane growing.
- (2) Subsection (3) applies if—
 - (a) the user carried out the relevant cattle grazing or relevant sugarcane growing under an arrangement with the owner of the land (the *responsible person*) on which the activity was carried out; or

- (b) the user was employed or otherwise engaged by another person (also the *responsible person*) to carry out the relevant cattle grazing or relevant sugarcane growing.
- (3) The user must give the required usage record to the responsible person as soon as practicable, but no later than 5 days, after the record is made.

Maximum penalty—20 penalty units.

- (4) Subsection (5) applies to—
 - (a) the user; or
 - (b) if the user gives the required usage record to the responsible person under subsection (3)—the responsible person.
- (5) The person must, unless the person has a reasonable excuse, keep the required usage record for—
 - (a) if the record relates to the use of a prescribed agricultural ERA product containing tebuthiuron—6 years after the product is used; or
 - (b) otherwise—2 years after the prescribed agricultural ERA product is used.

Maximum penalty—40 penalty units.

33E Record keeping—generally

- (1) This section applies to a required usage record for the use of an agricultural chemical product to which section 33D does not apply.
- (2) The person who used the agricultural chemical product must keep the required usage record for 2 years after using the product, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

Part 4 Hormonal growth promotants

34 Obligation to make required earmark

- (1) A person must, when giving HGP treatment, permanently mark the animal treated by piercing its right ear with the required earmark so as to leave a space of any size on all sides within the margin of the ear.

Maximum penalty—40 penalty units.

- (2) In this section—

required earmark means the mark of an equal sided triangle with sides of 20mm.

35 Obligation to record HGP treatment

- (1) A person who has given HGP treatment to an animal must make a written record (a *HGP treatment record*) as required by this section—

- (a) identifying the animal treated; and
- (b) stating the following—
 - (i) the HGP with which the animal was treated;
 - (ii) the day (the *treatment day*) the treatment was given;
 - (iii) any HGP acquired for the treatment that was not used and was disposed of, destroyed or lost;
 - (iv) the day (the *disposal day*) on which the HGP is disposed of, destroyed or lost.

Maximum penalty—40 penalty units.

- (2) For subsection (1)(a), the animal may be identified by referring to its sex and breed.
- (3) For subsection (1)(b)(i), the HGP may be stated by giving a distinguishing number for, or particulars to identify, the chemical product that contained the HGP.

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- (4) The information must be entered in the HGP treatment record—
- (a) for information mentioned in subsection (1)(a) and (b)(i) and (ii)—before the treatment day ends; or
 - (b) for information mentioned in subsection (1)(b)(iii) and (iv)—before the disposal day ends.
- (5) The person must keep the record for at least 2 years after the treatment day, unless the person has a reasonable excuse.
- Maximum penalty—20 penalty units.

Part 5 Supervision fees and expenses

36 Application of part—Act, s 33

This part applies to a person if—

- (a) the person has been given a direction under section 18 of the Act that requires or allows a thing to be done; and
- (b) the direction requires the thing be done under an inspector's supervision.

37 Hourly fee

- (1) A fee is payable by the person for each hour or part of an hour of the supervision.
- (2) If the supervision, or a part of the supervision, is on a business day, the hourly fee for the supervision or part of the supervision is—
 - (a) for working hours—\$52.40; or
 - (b) otherwise—\$78.90.
- (3) If the supervision, or a part of the supervision, is on a day that is not a business day, the hourly fee for the supervision or part of the supervision is \$105.30.

- (4) The person must pay for the time the inspector takes to travel between the inspector's place of work and the place of supervision at the rate mentioned in subsection (2) or (3).

38 Overnight absence expenses

- (1) The person must pay the expense for each overnight absence by the inspector for the supervision.
- (2) The expense for each overnight absence is the amount that is, or would be, payable under the *Public Service Act 2008* to the inspector as if the inspector is or were a public service officer travelling on official duty.

Part 6 Transitional provisions for Chemical Usage (Agricultural and Veterinary) Control (Record Keeping and Training) Amendment Regulation 2020

39 Application of new requirements about chemical products containing S7 poison

Part 3, division 1A does not apply to the use of a chemical product until 1 year after the commencement.

40 Record keeping for relevant cattle grazing or sugarcane growing carried out before commencement

- (1) This section applies to the use of a prescribed agricultural ERA product to carry out relevant cattle grazing or relevant sugarcane growing before the commencement.
- (2) Former section 32 continues to apply in relation to the use as if it had not been repealed.
- (3) However, if the period for making a record about the use under former section 32 has not ended on the commencement—

- (a) former section 32 does not apply in relation to the use;
and
 - (b) part 3, division 4, subdivision 2 must be complied with
in relation to the use.
- (4) In this section—
former section 32 means section 32 as in force before the
commencement.

Schedule 1 Dictionary

section 3

animal food means the following intended or normally used for animal consumption—

- (a) agricultural produce;
- (b) the tissue of a trade species animal;
- (c) a product derived from—
 - (i) agricultural produce; or
 - (ii) a trade species animal.

applied, for an agricultural chemical product, includes administered, dispersed, injected, sprayed and spread.

appropriate VET qualifications means—

- (a) both of the following units of competency of a VET course—
 - (i) AHCCHM304—Transport and store chemicals;
 - (ii) AHCCHM307—Prepare and apply chemicals to control pest, weeds and diseases; or
- (b) both of the following units of competency of a VET course—
 - (i) CPPUPM3006—Manage pests by applying pesticides;
 - (ii) CPPUPM3018—Maintain equipment and pesticide storage area in pest management vehicles; or
- (c) both of the following units of competency of a VET course—
 - (i) FDFWGG3001A—Apply chemicals and biological agents;

- (ii) FBPVIT3009—Monitor and control vine disorders and damage.

approved avicide-use training course means a training course—

- (a) the chief executive is satisfied includes appropriate training in—
 - (i) identifying avian pests and understanding their behaviour; and
 - (ii) controlling avian pests in various situations—
 - (A) by using chemical products; and
 - (B) in other ways; and
- (b) that is stated to be an approved avicide-use training course in a list kept by the chief executive and published on the department's website.

AQF means the Australian Qualifications Framework within the meaning of the *Higher Education Support Act 2003* (Cwlth), schedule 1.

avian pest means a pest that is a bird.

cattle includes a bull, calf, cow, heifer, ox and steer.

chemical use (sugarcane growing) guideline means the document titled 'Sugarcane Grower's Guide to Chemical Use under the Reef Protection Legislation' published by the department in which the *Environmental Protection Act 1994* is administered.

Note—

The chemical use (sugarcane growing) guideline is not applied, adopted or incorporated by this regulation.

down-slope water body, in relation to a place where a prescribed agricultural ERA product is used for relevant sugarcane growing, means the water body that is nearest to any point where low flow run-off can leave the place.

drainage line means a channel—

- (a) consisting of either, or a combination, of the following—

Schedule 1

- (i) an area showing evidence of erosion or deposition, including, for example, a gravel, pebble, rock or sand bed;
 - (ii) an incised channel that is more than 30cm deep and has clearly defined beds and banks; and
- (b) in which run-off flows continuously or from time to time.

edge, of a water body, see section 17.

effective vegetated treatment area see section 18.

flood zone means the land adjacent to the edge of a water body on which the flow of water is not contained or directed by the water body.

fluoroacetic acid includes—

- (a) sodium fluoroacetate; and
- (b) sodium monofluoroacetate.

Note—

Fluoroacetic acid is also known as 1080.

Great Barrier Reef catchment map means the map called ‘Great Barrier Reef catchment and river basins’, dated 23 August 2018 and held by the department in which the *Environmental Protection Act 1994* is administered.

height, for measuring the height of the canopy of sugarcane, means the height of the canopy measured from the base of the sugarcane to the highest point of its leaves.

HGP means hormonal growth promotant.

HGP treatment means implanting a HGP into an animal.

HGP treatment record see section 35(1).

hormonal growth promotant means a product that—

- (a) contains an anabolic substance or a hormone; and

Examples of an anabolic substance or a hormone—

- 17 beta oestradiol
- oestradiol benzoate

- progesterone
- testosterone propionate
- trenbolone acetate
- zeranol

(b) is used to promote the growth of bovines or bubalines.

human food commodity means the following intended or normally used for human consumption—

- (a) agricultural produce;
- (b) the tissue of a trade species animal;
- (c) a product derived from a trade species animal.

interrow furrow means a furrow constructed for relevant sugarcane growing.

irrigation channel means an artificial channel in which there is only water that is intended to be used for irrigation.

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

maximum residue limit (MRL) see the MRL standard.

MRL standard means the MRL standard under the *Agricultural and Veterinary Chemicals Code (MRL Standard) Instrument 2019* (Cwlth).

PAPP means 1-(4-Aminophenyl)propan-1-one.

Note—

PAPP is also known as 4-aminopropiophenone and para-aminopropiophenone.

place susceptible to run-off, for preparing or using an agricultural chemical product, means a place from which a constituent of the product can easily enter a water body by—

- (a) being carried by run-off into the water body; or
- (b) binding with soil particles that can be carried by run-off into the water body.

Examples—

access roads, farm tracks

poison see the *Therapeutic Goods Act 1989* (Cwlth), section 3.

Poisons Standard means the current Poisons Standard within the meaning of the *Therapeutic Goods Act 1989* (Cwlth), section 52A(1).

prescribed qualification, for a person preparing or using an agricultural chemical product, means—

- (a) if the person prepares or uses the product on or from an aircraft in flight—
 - (i) a pilot chemical rating licence under the *Agricultural Chemicals Distribution Control Act 1966*; or
 - (ii) a spraysafe accreditation; or
- (b) if the person prepares or uses the product otherwise than on or from an aircraft in flight—
 - (i) a statement of attainment issued by a registered training organisation stating that the person has successfully completed each of the following units of competency of a VET course—
 - (A) AHCPMG301—Control weeds;
 - (B) AHCCHM304—Transport and store chemicals;
 - (C) AHCCHM307—Prepare and apply chemicals to control pest, weeds and diseases; or
 - (ii) a record of results issued by a registered training organisation for results that show the person has successfully completed each unit of competency mentioned in subparagraph (i); or
 - (iii) a qualification, or successfully completed training, that is substantially equivalent to a statement of attainment, or record of results, mentioned in subparagraph (i) or (ii); or
 - (iv) an unrestricted commercial operator’s licence prescribed as a class of commercial operator’s

licence under the *Agricultural Chemicals Distribution Control Act 1966*, section 16(1).

record of results, in relation to a unit of competency of a VET course, means a record of results given to a person under the AQF confirming the results the person has attained for the unit of competency stated in the record.

registered training organisation see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

relevant cattle grazing means cattle grazing that is—

- (a) an agricultural ERA; and
- (b) carried out in any of the following regions shown on the Great Barrier Reef catchment map—
 - (i) the Wet Tropics Region;
 - (ii) the Burdekin Region;
 - (iii) the Mackay Whitsunday Region.

relevant sugarcane growing means commercial sugarcane growing that is—

- (a) an agricultural ERA; and
- (b) carried out in any of the following regions shown on the Great Barrier Reef catchment map—
 - (i) the Wet Tropics Region;
 - (ii) the Burdekin Region;
 - (iii) the Mackay Whitsunday Region.

required usage record, for part 3, division 4, subdivision 2, see section 33B(1).

reserved agricultural chemical product means an agricultural chemical product that is a reserved chemical product.

reserved chemical product see section 3 of the Agvet Code.

reserved veterinary chemical product means a veterinary chemical product that is a reserved chemical product.

restricted chemical product means a restricted chemical product under the Agvet Code.

run-off means water from rainfall, irrigation or seepage of groundwater that flows over the surface of land.

S7 poison means a poison to which the Poisons Standard, schedule 7 applies.

shielded sprayer means a device for applying an agricultural chemical product consisting of 1 or more nozzles that are surrounded by a shield except for a gap at the bottom of the shield through which the product is applied.

spraysafe accreditation means an accreditation, given by Aerial Application Association of Australia Ltd ACN 002 501 886, relating to safety in spraying, spreading or disbursing agricultural chemical products from an aircraft in flight.

statement of attainment means a VET statement of attainment under the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

VET course see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

water body see section 16.

wetland includes—

- (a) a tidal wetland, estuary, salt marsh, melaleuca swamp (and any other coastal swamp), mangrove area, marsh or lake; and
- (b) a minor coastal stream regardless of whether it is of a saline, freshwater or brackish nature.