



Queensland

Chemical Usage (Agricultural and Veterinary) Control (Record Keeping and Training) Amendment Regulation 2020

Subordinate Legislation 2020 No. 96

made under the

Chemical Usage (Agricultural and Veterinary) Control Act 1988

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Amendment Regulation 2020

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1 Short title

This regulation may be cited as the *Chemical Usage (Agricultural and Veterinary) Control (Record Keeping and Training) Amendment Regulation 2020*.

2 Regulation amended

This regulation amends the *Chemical Usage (Agricultural and Veterinary) Control Regulation 2017*.

3 Replacement of s 9 (Restricted chemical products containing bifenthrin or chlorpyrifos)

Section 9—

omit, insert—

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.

4 **Amendment of s 11 (Restricted chemical products containing RHDV)**

- (1) Section 11(1)—

omit, insert—

- (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) Section 11(2)—

insert—

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

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

5 Replacement of s 13 (Other restricted chemical products)

Section 13—

omit, insert—

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 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.

6 Insertion of new pt 3, div 1A

Part 3—

insert—

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).

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.

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.

7 Omission of pt 3, div 3, sdiv 6 (Records of use)

Part 3, division 3, subdivision 6—

omit.

8 Insertion of new pt 3, div 4, sdiv 1, hdg

Part 3, division 4, after division 4, heading—

insert—

Subdivision 1 Records of use of particular chemical products

9 Amendment of s 33 (Record of use of chemical product)

Section 33, heading, after 'product'—

insert—

under instruction or condition

10 Insertion of new pt 3, div 4, sdiv 2

Part 3, division 4, after section 33—

insert—

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

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
 - (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.

11 Amendment of s 34 (Obligation to make required earmark)

Section 34(2), definition *required earmark*—

omit, insert—

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

12 Insertion of new pt 6

After section 38—

insert—

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.

13 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definition *MRL standard*—

omit.

- (2) Schedule 1—

insert—

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.

avian pest means a pest that is a bird.

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

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).

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

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

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.

- (3) Schedule 1, definition *prescribed qualification*, paragraph (a)(ii)—
omit, insert—
(ii) a spraysafe accreditation; or
- (4) Schedule 1, definition *prescribed qualification*, paragraph (b)(i)(B)—
omit.
- (5) Schedule 1, definition *prescribed qualification*, paragraph (b)(i)—
insert—
(D) AHCCHM307—Prepare and apply chemicals to control pest, weeds and diseases; or
- (6) Schedule 1, definition *prescribed qualification*, paragraph (b)(i)(C) and (D)—
renumber as paragraph (b)(i)(B) and (C).

ENDNOTES

- 1 Made by the Governor in Council on 18 June 2020.
- 2 Notified on the Queensland legislation website on 19 June 2020.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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