

## Agricultural and Veterinary Chemicals (Control of Use) Act 1992

### ORDER REGULATING THE USE OF SPECIFIED CHEMICAL PRODUCTS UNDER CERTAIN LICENCES AND PERMITS

The Governor in Council makes the following Order:

#### 1 Purposes

The purpose of this Order is to regulate the use of those products by specified persons under certain circumstances and subject to certain conditions.

#### 2 Authorising provision

This Order is made under section 25A of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**.

#### 3 Commencement

This Order comes into operation on 23 July 2017.

#### 4 Revocation

The Order entitled *Order Regulating the Use of Agricultural Products by Authorised Personnel* made on 11 December 2001 and published in Government Gazette No. G50 on 13 December 2001, page 3106, is **revoked**.

#### 5 Definitions

In this Order—

**APVMA** means the Australian Pesticides and Veterinary Medicines Authority continued in existence by section 6 of the Agricultural and Veterinary Chemicals (Administration) Act 1992 of the Commonwealth;

**home garden product** means an agricultural chemical product that is—

- (a) packaged and supplied to the general public for use in and around dwellings; and
- (b) specified, on a label approved by the APVMA, for use in the home garden;

**regulated chemical product** means a chemical product, or a chemical product of a class, that is specified in the Table in clause 6;

**the Act** means the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**.

#### 6 Regulation on use of chemical products

Subject to clause 7, the use of an agricultural chemical product (other than a home garden product) that is of a class, or contains a constituent that is specified in the following table is **prohibited**.

**Table**

<b>Item Number</b>	<b>Class or constituent of agricultural chemical product</b>
1	A Schedule 7 poison within the meaning of the <b>Drugs, Poisons and Controlled Substances Act 1981</b> (except an agricultural chemical product containing sodium fluoroacetate (1080) or 4- aminoprophenone (PAPP))
2	Chemical products that contain atrazine
3	Chemical products that contain metham sodium
4	Chemical products that contain ester formulations of— (a) (4-chloro-2-methyl phenoxy) acetic acid (MCPA); (b) 2,4-dichlorophenoxy acetic acid (2,4-D); or (c) 4-(2,4-dichlorophenoxy) butyric acid (2,4-DB); or (d) Triclopyr

Note: a prohibition on an agricultural chemical product containing sodium fluoroacetate (1080) or 4-aminoprophenone (PAPP) is provided for under a separate Order made under section 25A of the Act.

**7 Circumstances under which regulated chemical products are permitted to be used**

Clause 6 does not apply to a person who uses a regulated chemical product—

- (a) under and in accordance with a pest control licence issued under Division 2 of Part 7 of the **Public Health and Wellbeing Act 2008**; or
- (b) in accordance with a permit referred to in section 25A(2)(b) of the Act and issued under Schedule 1 to the Act ; or
- (c) while acting under the direct and immediate supervision of a person referred to in paragraph (b); or
- (d) in accordance with a commercial operator licence referred to in section 31 of the Act and issued under Schedule 1 to the Act; or
- (e) an employee of a person referred to in paragraph (d) who is acting under and in accordance with that licence; or
- (f) by conducting aerial spraying under and in accordance with a pilot (chemical rating) licence referred to in section 42 of the Act and issued under Schedule 1 to the Act.

Dated:

Responsible Minister:

**JAALA PULFORD**

**Minister for Agriculture**

Clerk of the Executive Council