

services & information for new landholders



Do you own a small property in rural Victoria?

responsibilities of Victorian landholders

Landholders have many responsibilities and legal obligations to consider.

The Federal Government makes laws about taxation, trade and commerce and quarantine.

State Government laws govern native vegetation, water, health, animal welfare, planning, environment protection, movement of plant materials, noxious weeds and vermin.

Local Government by-laws govern planning, buildings and improvements, health and neighbourhood disputes.

Maintaining health and welfare of your animals, responsible chemical use and farm safety are important requirements.

Land managers also need to protect water resources, control pest animals, eradicate noxious weeds, conserve soil and avoid contributing to land degradation.

These rules are important for ensuring long term healthy and productive land. Abiding by them also helps build friendly communities.

In addition to regulations there are industry-based Codes of Practice –

administered by Local and State Government staff.

More information

- Call the Customer Service Centre of the Departments of Primary Industries and Sustainability and Environment on 136 186, Worksafe Victoria Advisory Service on 1800 136 089, the EPA Victoria Information Centre on 9695 2722, or your Local Council, if you have specific questions.
- Download the Environmental Requirements for Victorian Farmers booklet series.

www.dpi.vic.gov.au

Type “Victorian legislation relevant to EMS” into the search engine.

- Buy the Rural Law Handbook, A guide for primary producers.
- Join in discussion groups on Rural Law On-line
www.rurallaw.org.au
- Access legislation at:
www.legislation.vic.gov.au/

This fact sheet covers areas of legal responsibility relevant to small landholders in rural Victoria.

DEPARTMENT OF
PRIMARY INDUSTRIES

Topic	Details	Further Information
Chemical use on-farm	<p>There are many laws relating to chemical management, broadly grouped as:</p> <ul style="list-style-type: none"> Regulation and use of agricultural and veterinary chemicals. Occupational Health & Safety & chemical & hazardous substances storage, transport & purchase. Environment protection. <p>From July 2007, the Agricultural and Veterinary chemical (Control of Use) Regulations 2007 took effect and these provide an operational framework for monitoring the use of agricultural and veterinary chemicals and support the administration of the Agricultural and Veterinary chemicals (Control of Use) Act 1992.</p> <p>For small landholders, the most significant change to the regulations is in relation to a requirement for record keeping for agricultural and veterinary chemical use. Templates are available to show how records can be kept on the DPI website.</p> <p>Chemical users are responsible for making sure that their spraying does not cause problems on a neighbour's property. Spray drift which damages others crops or livestock is an offence in Victoria and may be investigated by DPI. Spraying which drifts over a neighbouring residence and results in adverse health consequences for the occupants may be investigated by local government Environmental Health Officers and/or WorkSafe Victoria. Good communications between neighbours and only spraying during appropriate weather conditions will minimise the potential for these conflicts to arise.</p>	<ul style="list-style-type: none"> Department of Primary Industries www.dpi.vic.gov.au <p>Visit Agriculture and Food > General Farming > Chemical Use</p> <p>Agricultural Chemical Control Areas restrict the types of herbicides that can be used. The locations of the control areas are shown on the DPI website.</p> <ul style="list-style-type: none"> Worksafe Victoria www.worksafe.vic.gov.au Email: info@worksafe.vic.gov.au EPA Victoria Notifiable Chemical Orders www.epa.vic.gov.au/about_us/legislation/nco.asp <p>It is an offence to cause pollution to land, air and water, or to cause or permit an environmental hazard.</p> <p>Other relevant Acts are: Agricultural and Veterinary Chemicals (Victoria) Act 1994, Agricultural and Veterinary Chemicals (Cwth) Act 1994, including the Agvet Code, OH&S Act 2005, OH&S Regulations 2007, Dangerous Goods Act 1985, Dangerous Goods (Storage and Handling) Regulations 2000 and Dangerous Goods (Explosives) Regulations 2000, Environment Protection Act 1970.</p>
	<p>Disposal of chemicals and containers</p> <p>DrumMUSTER is the national program for the collection and recycling of empty, cleaned, non-returnable crop protection and animal health chemical containers.</p> <p>ChemClear is the national program for the collection and disposal of unwanted currently registered rural chemicals.</p>	<p>DrumMuster - www.drummuster.com.au/</p> <p>ChemClear - www.chemclear.com.au or call 1800 008 182</p>
	<p>Training - Using Chemicals Safely is an entry-level course for people with no background in using agricultural or veterinary chemicals. There is also a more detailed course for agricultural producers called the AgVet Chemical Users Course (previously known as the Farm Chemical Users Course). Successful completion of this course entitles you to apply for an Agricultural Chemical User Permit (ACUP). This permit allows a person to use certain agricultural chemicals. When you have completed the AgVet Chemical Users Course you will then need to apply to the Department of Primary Industries (DPI) for an ACUP permit. You will need an additional 1080 endorsement to your ACUP to be able to buy and use 1080 pest animal bait products.</p>	<p>For information on training in safe chemical use courses see: www.chemcertvic.org.au/</p> <p>For ACUP See http://www.dpi.vic.gov.au/chemicalstandards, and then click on Application forms.</p> <p>Phone 1300 101 080 for information and locations of half-day endorsement courses for 1080 bait use.</p>
Farm Safety	<p>There is a requirement to provide a safe working environment for family members, visitors, contractors and employees. There is also an obligation to train people in safe operating procedures, and to take all reasonable means to ensure their occupational health and safety. This means there needs to be safe systems of work (how people do tasks) and plant and equipment must be safe and maintained.</p> <p>Details of legislation are found in the Occupational Health and Safety Regulations 2007 - General Duties and Issue Resolution.</p>	<p>Worksafe Victoria www.worksafe.vic.gov.au Email info@worksafe.vic.gov.au</p> <p>Farm Safe www.farmsafe.org.au/</p>

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Livestock & Pets	<p>Animal welfare There is a duty of care to ensure that animals are fed adequately, transported in the least stressful manner, and have appropriate shelter. This is covered under a range of Codes of Practice and the Prevention of Cruelty to Animals Act 1986.</p>	<p>Department of Primary Industries www.dpi.vic.gov.au/animalwelfare Inspectors for cruelty/neglect investigations: 1. RSPCA (pets, companion animals, horses and live stock on small holdings) 2. Council authorised officers 3. DPI animal health officers (commercial livestock enterprises) 4. Police</p>
	<p>National Livestock Identification System (NLIS) All cattle and sheep must have National Livestock Identification System tags before leaving the property for any purpose. All properties with cattle and sheep must have a Property Identification Code.</p>	<p>Department of Primary Industries www.dpi.vic.gov.au</p>
	<p>Intensive animal production Permits may be necessary under Local Council planning schemes. A works approval and/or a licence may also be required under the Environment Protection Act 1970 and the Environment Protection (Scheduled Premises and Exemptions) Regulations 2007.</p>	<p>Local Council www.mav.asn.au EPA Victoria www.epa.vic.gov.au</p>
	<p>Pet issues • Dog & cat management, annual registration and microchip identification • Responsible pet ownership • Wandering pets • Pets attacking livestock (Domestic (Feral and Nuisance) Animals Act 1994) Domestic animal business registration (pet shops, dog/cat breeding/rearing operations, dog/cat boarding operations, dog training operations, dog/cat shelters & pounds).</p>	<p>• Local Council (for pets harassing, injuring, or killing neighbours' livestock, pet registration or wandering pets) www.mav.asn.au • Responsible pet ownership information www.pets.info.vic.gov.au/ • Codes/standards for operation of domestic animal businesses www.dpi.vic.gov.au/animalwelfare • Codes of practice: Department of Primary Industries www.dpi.vic.gov.au/animalwelfare</p>
	<p>Livestock –other Stolen livestock should be reported to police. Trespassing or stray livestock should be reported to council. (Impounding Livestock Act) Agistment of horses – liens and contracts. (Impounding Livestock Act)</p>	<p>Victoria Police www.police.vic.gov.au Local council www.mav.asn.au Liens on agisted horses www.dpi.vic.gov.au/horses</p>
	<p>Biosecurity risks Biosecurity is about protecting the economy, environment and people's health from pests and disease. It is also about trying to prevent new pests and disease from arriving and helping control outbreaks when they do occur. If you suspect a disease report it to your vet. The feeding of restricted animal material to ruminants is banned throughout Australia. It is illegal to feed swill to pigs. Swill is any food waste that includes, or has been in contact with, meat, bone, meat product or some dairy products such as soft cheeses. So, in most cases, scraps from the kitchen or from restaurants are swill.</p>	<p>To report anything unusual please contact Emergency Animal Disease Watch Hotline 1800 675 888 For more information on biosecurity and links to other relevant information see: www.daff.gov.au/biosecurity Department of Primary Industries www.dpi.vic.gov.au Type 'ruminant feed ban' into search engine</p>

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Pest Plants & animals	<p>Land managers are responsible for managing pest animals and weeds on their land. Section 20 of the Catchment and Land Protection Act 1994 specifies the responsibilities for land managers. A land owner must take all reasonable steps to:</p> <ul style="list-style-type: none"> • Prevent the spread of, and as far as possible eradicate, established pest animals. • Eradicate regionally prohibited weeds. • Prevent the growth and spread of regionally controlled weeds. <p>Use of traps for vermin control is regulated by Codes of Practice & Prevention of Cruelty to Animals Act 1986 requirements.</p>	<p>Department of Sustainability and Environment www.dse.vic.gov.au</p> <p>Department of Primary Industries www.dpi.vic.gov.au</p> <p>Department of Primary Industries www.dpi.vic.gov.au/animalwelfare</p>
Wildlife	<p>The Wildlife Act 1975 makes it an offence to possess, harass, injure or kill any native wildlife. The use of poisons to kill wildlife is highly prohibited.</p> <p>Landowners can apply for authority to destroy over-abundant or otherwise problem wildlife, such as kangaroos, wombats and wood ducks.</p>	<p>Consult the Department of Sustainability and Environment if you are having problems with native wildlife. www.dse.vic.gov.au, search for 'problem wildlife'</p> <p>Note: care should be taken to prevent accidental, off-target kills when trying to get rid of pest animals (such as mice, rabbits and foxes).</p>
	<p>The habitat of native wildlife is protected (Regulation 9 of the Wildlife Regulations 2002), as such, clearing native vegetation, or even falling a large hollow bearing tree for firewood could be illegal without a licence, permit or authority (Forest Act 1958, Planning and Environment Act), which allows for the disturbance, damage or destruction of the wildlife habitat.</p>	<p>Local Council The Municipal Association of Victoria website provides contact details for all local councils. www.mav.asn.au</p>
	<p>Injured wildlife Wildlife as pets. It is prohibited to take native animals from the wild and keep them as pets.</p>	<p>Wildlife Rescue – www.wildlifevictoria.org.au/ Department of Sustainability and Environment. www.dse.vic.gov.au</p>
Water	<p>There are 18 heritage rivers in Victoria, works on Heritage Rivers, must be in accordance with the Heritage Rivers Act.</p>	<p>Department of Sustainability and Environment www.dse.vic.gov.au Local Catchment Management Authority www.vcmc.vic.gov.au</p>
	<p>It is an offence to cause pollution of waters under the Environment Protection Act 1970. The discharge of any waste must comply with the State Environment Protection Policy.</p>	<p>EPA Victoria www.epa.vic.gov.au/about_us/legislation/sepps.asp</p>
	<p>Authority is required to take or use surface water or groundwater from a waterway, bore, spring, soak or private dam.</p> <p>Authority is also required to interfere, obstruct or carry out works in relation to a waterway, bore or drainage course, or (in some cases) a private dam.</p>	<p>Water Authorities: www.dse.vic.gov.au Follow the links: water – water governance arrangements – water authorities</p>
Soil	<p>Under the Catchment and Land Protection Act 1994 landowners must take all reasonable steps to conserve soil and avoid contributing to land degradation on someone else's land.</p> <p>The Environment Protection Act 1970 is designed to prevent pollution, including soil pollution. Inappropriate disposal of wastes can cause contamination, pollution and increase your liability. EPA encourages waste disposal options to be adopted in the following order of preference:</p> <ol style="list-style-type: none"> 1. Avoid or reduce generating wastes; 2. Reuse and recycle wastes where possible; 3. Treat wastes where appropriate; 4. Dispose of wastes as a last resort and only where permitted. 	<p>Department of Primary Industries www.dpi.vic.gov.au</p> <p>EPA Victoria www.epa.vic.gov.au Waste > Publications > Waste Management on Farms Waste > Publications > What to do with farm wastes Waste > Publications > Transport and Management of Used Containers</p>

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Pollution	Under the Environment Protection Act 1970, it is an offence to cause land, air, water or noise pollution. This affects disposal of unused chemicals, noisy and smoky vehicles, chemical containers, dead stock, household rubbish, silage wrap, waste oils and lubricants, house hold effluent, farm effluent and nutrients. The Environment Protection Authority (EPA Victoria) administers the legislation in cooperation with Local Councils.	EPA Victoria www.epa.vic.gov.au Waste > Publications > Waste Management on Farms Waste > Publications > What to do with farm wastes Waste > Publications > Transport and Management of Used Containers Local Council can provide tip information and details of local transfer and recycling facilities. Knackeries or Stock Removers should be contacted for dead stock but, if unavailable, contact EPA Victoria for suitable burial methods.
Farm Forestry	Local Government planning officers need to be contacted when planning a tree plantation. Tree growing is usually "as of right" but protection of native vegetation and other matters means the Shire may have imposed restrictions. WorkSafe Industry Standard 'safety in forest operations (harvesting and haulage)'. Published July 2007.	Farm Forestry Information sources and services www.dpi.vic.gov.au/privateforestry The Code of Forest Practice for Timber Production, 2007 www.dse.vic.gov.au Worksafe Victoria www.worksafe.vic.gov.au
Movement of plants, plant products, used packages and used agricultural machinery into and within Victoria	<ul style="list-style-type: none"> Importing into Victoria : Ensure that any plant, plant product used package or used agricultural machinery meets import requirements under the Victorian Plant Health and Plant Products Act 1995. Movement within Victoria: Check if plant material, used packages and agricultural machinery requires certification before movement to another part of Victoria. Notify a DPI Plant Standards Inspector without delay if you suspect that an exotic pest or disease is present on any plant or plant product. 	Department of Primary Industries www.dpi.vic.gov.au/psb DPI Plant Standards locations and contact details see www.dpi.vic.gov.au/psb Contact Exotic Plant Pest Hotline 1 800 084 881 For more information on plant biosecurity see www.daff.gov.au/biosecurity
Crown Land including road sides	Occupation, use and other activities on Crown land including cultivation grazing, earthworks, structures and other improvements require written consent from DSE Land Managers.	Consult the Department of Sustainability & Environment regarding the requirements for using Crown land. www.dse.vic.gov.au Follow links to fact sheets from DSE home page > Land Management > Publications > Managing Crown Land - Fact Sheets
	Collection of firewood, native plants including seeds, and grazing crown land requires a permit.	Department of Sustainability and Environment www.dse.vic.gov.au Land Victoria www.land.vic.gov.au
	Moving stock on roads, wide vehicles and trees across roads.	VicRoads for highways Local council for local roads.
Issues with Neighbours	Consideration of the agricultural activities of neighbouring properties is an important first step when considering purchasing a rural property. Rural activities occur in rural zones. This may include activities such as night harvesting, moving stock across roads, truck movements associated with timber harvesting and farm noises.	Disputes Settlement Centre, Department of Justice www.justice.vic.gov.au Living together in rural Victoria www.dpi.vic.gov.au/new-landholders Shire of Yarra Ranges brochure - "Being a better rural neighbour" www.yarraranges.vic.gov.au

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Fire	Fire Restrictions can be applied across most areas of Victoria by The Country Fire Authority and by the Department of Sustainability and Environment, when fire danger is high. Typically this is over the summer period of November through to April. Local council may also have bylaws in place which restrict activity involving fire or open flame. DSE is responsible for the management of both wildfire and the use of planned fire on public land.	Country Fire Authority www.cfa.vic.gov.au Department of Sustainability and Environment www.dse.vic.gov.au Local council municipal fire prevention officer www.mav.asn.au
Firearms	Firearms must be registered.	Victorian Police www.police.vic.gov.au
Cultural Heritage	It is important to be aware of the Aboriginal Heritage Act 2006 prior to undertaking activities that may potentially damage Aboriginal cultural places or objects.	Aboriginal Affairs Victoria www.aav.vic.gov.au .
Employment Law	When employing staff there are many things to consider see Employment Law section from the Rural Law web-page.	Rural Law On-line www.rurallaw.org.au Business Victoria www.business.vic.gov.au
Vehicles	Vehicles owned and operated by farmers are required to be registered (with some exceptions) and meet the standards of other vehicles on the road. Motorbikes and other recreational vehicles can create noise issues. 'Use of recreational vehicles' can be governed by some local councils and EPA has laws about 'unreasonable noise' levels.	VicRoads www.vicroads.vic.gov.au Local Council www.mav.asn.au Environment Protection Authority www.epa.vic.gov.au

Updated in 2007 by the New Landholder Team.

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For more information contact the DPI Customer Service Centre on 136 186

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