

ORDERS IN COUNCIL

Agricultural and Veterinary Chemicals (Control of Use) Act 1992**ORDER REGULATING THE USE OF AGRICULTURAL CHEMICAL PRODUCTS
BY AUTHORISED PERSONNEL**

The Governor in Council makes the following Order:

Objective

1. The objective of this Order is to –
 - (a) revoke the Order Regulating the Use of Agricultural Chemical Products by Authorised Personnel made under section 25A of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992** dated 15 July 1997 and published in the Government Gazette on 31 July 1997; and
 - (b) regulate the use of specified agricultural chemical products by authorised personnel.

Authorising provision

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

Commencement

3. This Order comes into operation on 1 January 2002.

Revocation

4. The Order Regulating the Use of Agricultural Chemical Products by Authorised Personnel made under 25A of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992** dated 15 July 1997 and published in the Government Gazette on 31 July 1997 is revoked.

Definitions

5. In this Order –
“**Act**” means the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**;
“**Table**” means the table attached to this Order.

Use of specified agricultural chemical products

6. A person must not use an agricultural chemical product (other than a home garden product) that contains a constituent referred to in the Table unless –
 - (a) the use is specified in a permit issued under section 25A(2)(b) of the Act; or
 - (b) the use is specified in a permit issued under Part 7 of the Schedule to the **Agricultural and Veterinary Chemicals Code Act 1994** of the Commonwealth; or
 - (c) the person is licensed under Division 2A of Part 5 of the **Health Act 1958** as an authorised user of the product and is operating in accordance with the provisions of that Act and Regulations made under that Act, and –
 - (i) the use is not other than in accordance with the directions contained on the label for the agricultural chemical product which has been approved by the

National Registration Authority for Agricultural and Veterinary Chemicals;
and

- (ii) the use is not subject to any prohibitions made under the Act; or
- (d) the person holds and operates in accordance with a current agricultural chemical user permit issued under section 25A(2)(b) of the Act, or is acting under the direct and immediate supervision of a person who holds such a permit; and—
 - (i) the use is not other than in accordance with the directions contained on the label for the agricultural chemical product which has been approved by the National Registration Authority for Agricultural and Veterinary Chemicals; and
 - (ii) the use is not subject to any prohibitions made under the Act; or
- (e) the person holds and operates in accordance with a current Pilot (Chemical Rating) Licence issued under Schedule 1 to the Act and—
 - (i) the agricultural chemical product is used by aerial spraying; and
 - (ii) the use is not other than in accordance with the directions contained on the label for the agricultural chemical product which has been approved by the National Registration Authority for Agricultural and Veterinary Chemicals; and
 - (iii) the use is not subject to any prohibitions made under the Act; or
- (f) the person holds and operates in accordance with a current Commercial Operator Licence issued under Schedule 1 to the Act or is an employee of a person holding a current Commercial Operator Licence and—
 - (i) the use is not other than in accordance with the directions contained on the label of the agricultural chemical product which has been approved by the National Registration Authority for Agricultural and Veterinary Chemicals; and
 - (ii) the use is not subject to any prohibitions made under the Act; or
- (g) the person—
 - (i) has completed a course in farm chemical use that is listed on the State Register of Accredited Courses and Recognised Qualifications under section 19 of the **Victorian Qualifications Authority Act 2000** or is under the direct and immediate supervision of a person who has completed such a course; and
 - (ii) is operating under an accredited quality assurance program that requires that—
 - A the use is not other than in accordance with the directions contained on the label for the agricultural chemical product which has been approved by the National Registration Authority for Agricultural and Veterinary Chemicals; and
 - B the use of an agricultural chemical product that contains a constituent referred to in the Table to be independently audited at regular intervals of less than 2 years.

TABLE

Constituent
A Schedule 7 poison within the meaning of the Drugs Poisons and Controlled Substances Act 1981 .
Atrazine
Metham Sodium.
Ester formulations of : (4-Chloro-2-methyl phenoxy) acetic acid (MCPA); 2,4-Dichlorophenoxy acetic acid (2,4-D); 4-(2,4-Dichlorophenoxy) butyric acid (2,4-DB); and Triclopyr.

Dated 11 December 2001

Responsible Minister:
KEITH HAMILTON
Minister for Agriculture

HELEN DOYE
Clerk of the Executive Council

Agricultural and Veterinary Chemicals (Control of Use) Act 1992

EXEMPTIONS UNDER SECTION 5

The Governor in Council makes the following Order:

Objective

1. The objective of this Order is to –
 - (a) revoke the Order of exemptions under section 5 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992** dated 30 July 1996 and published in the Government Gazette on 1 August 1996; and
 - (b) exempt certain persons from specified provisions of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**.

Authorising provision

2. This Order is made under section 5 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**.

Commencement

3. This Order comes into operation on 1 January 2002.

Revocation

4. The Order of exemptions under section 5 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992** dated 30 July 1996 and published in the Government Gazette on 1 August 1996 is **revoked**.

Exemptions

5. A person using an unregistered veterinary chemical product for the purposes of carrying out a scientific procedure in accordance with the **Prevention of Cruelty to Animals Act 1986**