

Giving advice on agricultural and veterinary chemical use



If you provide advice on agricultural or veterinary chemical use to others, it is important that you recognise your responsibilities under the Agricultural and Veterinary Chemicals (Control of Use) Act 1992.

Agricultural and veterinary chemical users often rely on advice when selecting and using a chemical product on their property. If you provide advice, whether professionally or casually (e.g. neighbourly advice), you have a duty of care to ensure that information you provide is accurate, reliable and is not illegal.

What's on a label

Agricultural and veterinary chemical product labels are approved by the Australian Pesticides and Veterinary Medicines Authority (APVMA). The label is an important source of information and advice for chemical users and outlines how the manufacturer intends the product to be used.

The types of information appearing on labels include:

- the crop/species or situation in which the chemical product is registered to be used
- the pests the product will control
- how the product should be used
- application rates
- withholding periods (WHP)
- warnings and prohibitions (e.g. do not apply by aircraft).

It is advisable to always follow the label directions, as this minimises the likelihood of the chemical product causing any unintended effects.

Off-label advice

Advice regarding the use of a chemical product other than by the directions for use specified on the product label is called 'off-label' advice. The person who provides off-label advice is responsible for any adverse consequences that may result from the user following their advice.

There are three areas where providing off-label advice is an offence under the Act. These are:

1. When the advice, if relied upon, would cause a user of the chemical product to breach part of the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* or the regulations made under the Act.

Example 1

It is an offence to advise a person to use a chemical product at an application rate higher than the maximum rate stated on the chemical product label unless an applicable permit for this use has been issued.

Example 2

It is an offence to advise a person to use a chemical product in a way that contradicts any 'DO NOT' statements contained on the label unless an applicable permit to do so has been issued.

2. When the advice, if relied upon, leads to the contamination of stock animals or agricultural produce.

Example

It is an offence to advise a person to use a chemical product on a crop that is not listed on the label that results in produce containing chemical residues that exceed the maximum residue limit (MRL). If an MRL has not been established, any detection is a violation.

3. When the advice, if relied upon, would injuriously affect plants to which the chemical product is to be applied.

Example

If a person provided information stating that a particular herbicide should be used in a situation not stated on the label of the chemical product and the crop is damaged as a result of the application.

Information relating to areas where agricultural spraying is to occur, including site maps or diagrams

People who use or coordinate agricultural spraying contractors for agricultural spraying work may provide the applicator with information (e.g. maps or diagrams) relating to the areas to be sprayed.

Information provided to spray contractors must be accurate and reliable, and contain information on the target area, its surroundings (e.g. crops/livestock, waterways, dams) and whether there are any sensitive areas (i.e. school, hospital, aged care service or children's services such as kindergartens or child care centres) within 200 metres of the land to be sprayed and the location of these sensitive areas.

It is an offence for a person to provide maps or diagrams containing information about agricultural spraying to agricultural spraying contractors where the information leads the applicator to commit an offence under the Act.

Information relating to record keeping

It is an offence to advise a person that they do not have to keep a specified record of chemical use or hold a relevant authorisation (i.e. ACUP) for use.

Duty of care

If you provide information on the use of agricultural and veterinary chemicals then you may also be liable for any adverse consequences that result if negligence is proven under civil law. It is recommended that persons providing advice on chemical products should:

- operate only within their level of skill and expertise
- provide any qualification, limitation and timeframe within which the advice applies
- keep full and detailed records of all advice and recommendations
- obtain professional indemnity insurance.

Further information

For general information

DPI Chemical Standards website
(www.dpi.vic.gov.au/chemicalstandards)

DPI Customer Service Centre (136 186)

Chemical application equipment manufacturers and suppliers

For specific information

Chemical product manufacturers and resellers

Australian Pesticides and Veterinary Medicines Authority (AVPMA) website www.apvma.gov.au

Food Standards Australia and New Zealand (FSANZ) website www.foodstandards.gov.au

If you would like to receive this information/publication in an accessible format (such as large print or audio) please call the Customer Service Centre on: 136 186, TTY: 1800 122 969, or email customer.service@dpi.vic.gov.au

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