

South Australia

Agricultural and Veterinary Products (Control of Use) Regulations 2004

under the *Agricultural and Veterinary Products (Control of Use) Act 2002*

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Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Agricultural and Veterinary Products (Control of Use) Regulations 2004*.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

Act means the *Agricultural and Veterinary Products (Control of Use) Act 2002*;

ChemCert accreditation means—

- (a) a written accreditation issued by ChemCert Australia (SA) Incorporated; or
- (b) a written accreditation issued by—
 - (i) ChemCert Australia (Tas); or

- (ii) ChemCert Australia (Vic) Inc; or
- (iii) ChemCert (NSW) Ltd; or
- (iv) ChemCert Training Queensland; or
- (v) ChemCert (NT); or
- (vi) ChemCert (WA),

that is recognised in writing by ChemCert Australia (SA) Incorporated;

crop includes a plant not grown for its produce;

gypsum means a naturally occurring substance composed of calcium sulphate dihydrate;

home garden product means a registered agricultural chemical product that—

- (a) is supplied to the general public for use in the home and home garden; and
- (b) is supplied in a container the approved label for which indicates that the product is intended for such use;

horticultural crop includes fruit, nuts, herbs, vegetables, vines, flowers and ornamental plants;

lime means agricultural lime, dolomite or magnesite that—

- (a) has a neutralising value equal to or greater than 50%; and
- (b) contains calcium or magnesium carbonates or oxides or hydroxides, or a combination of calcium and magnesium carbonates or oxides or hydroxides,

when used for the purpose of decreasing the acidity of soil or when used as a fertiliser to supply principally calcium or magnesium;

liming material means an agricultural liming material that consists of or contains lime or dolomite that has a neutralising value of less than 50%;

neutralising value means the calcium carbonate equivalent as calculated from the calcium and magnesium carbonates, oxides and hydroxides;

prescribed qualification, in relation to an agricultural product or a veterinary product, means—

- (a) a valid ChemCert accreditation accrediting the holder in the use of that product; or
- (b) a qualification approved by the Minister by notice in the Gazette;

phosphatic fertiliser means a fertiliser that contains not less than 2% phosphorus;

State includes a Territory of the Commonwealth;

trace element means boron, cobalt, copper, iron, manganese, molybdenum, selenium or zinc.

(2) For the purposes of these regulations—

- (a) a fertiliser is **partially constituted of trace elements** if the nutritional value of the fertiliser is partially derived from trace elements or the salts of trace elements;

- (b) a fertiliser is *wholly constituted of trace elements* if the nutritional value of the fertiliser is derived only from trace elements or the salts of trace elements.

4—Mandatory instructions

- (1) For the purposes of the definition of *mandatory instruction* in section 3(1) of the Act, an instruction on an approved label for containers for a registered agricultural chemical product or a registered veterinary chemical product is a mandatory instruction if—
- (a) it uses the words "must", "must not", "may not", "do not", "not to be used", "not for use" or "use only"; or
 - (b) it contains a statement that the product is for use only by a person who has specified qualifications.
- (2) For the purposes of the definition of *mandatory instruction* in section 3(1) of the Act, an instruction on an approved label for containers for a registered veterinary chemical product is a mandatory instruction if it is preceded by the heading "Restrictions".

5—Trade species animal

For the purposes of paragraph (c) of the definition of *trade species animal* in section 3(1) of the Act, horses, donkeys and mules are declared to be trade species animals.

Part 2—Agricultural chemical products

6—Off-label use of registered agricultural chemical products

- (1) A person must not use a registered agricultural chemical product in contravention of this regulation except as authorised by a permit.
Maximum penalty: \$10 000.
- (2) If the approved label for containers for the product includes instructions for the use of the product on specified crops, or in specified situations, in this State or in all States, the product—
- (a) must not be used on a crop, or in a situation, not so specified; and
 - (b) must not be used on a crop, or in a situation, so specified at a rate or frequency that exceeds the rate or frequency specified on the label for use on that crop or in that situation (whether or not the specified rate or frequency is stated to be a maximum rate or frequency).
- (3) If the approved label for containers for the product does not include instructions for the use of the product on specified crops, or in specified situations, in this State but includes such instructions for another State, the product—
- (a) must not be used in this State on a crop, or in a situation, not specified on the label for another State; and
 - (b) must not be used in this State on a crop, or in a situation, specified on the label for another State at a rate or frequency that exceeds the highest rate or frequency specified on the label for use on that crop or in that situation (whether or not the specified rate or frequency is stated to be a maximum rate or frequency).

- (4) This regulation does not apply to the use of a home garden product unless the product is used on a plant being grown or used for the purposes of trading in the plant or products derived from the plant or for producing products for sale.

7—Exemption in relation to horticultural crops

- (1) A person who is an accredited participant of an approved quality assurance scheme is exempt from regulation 6 in relation to the use of a product on a horticultural crop in respect of which the scheme is approved on condition that the product is not used at a rate or frequency that exceeds the highest rate or frequency specified on the approved label for use on any crop (whether or not the specified rate or frequency is stated to be a maximum rate or frequency).
- (2) The Minister may, by notice in the Gazette, approve a quality assurance scheme for a specified horticultural crop.
- (3) A person is an accredited participant of an approved quality assurance scheme only if he or she satisfies requirements specified by the Minister in the notice approving the quality assurance scheme or by subsequent notice in the Gazette.
- (4) A notice under subregulation (2) will be taken to be revoked on the third anniversary of the day on which it was made.

8—Exemptions in relation to home garden products

- (1) A person is exempt from section 7 of the Act in relation to the use of a home garden product unless the person is using the product on a plant that is being grown or used for the purposes of trading in the plant or products derived from the plant or for producing products for sale.
- (2) A person is exempt from section 7 of the Act in relation to the disposal of a home garden product.
- (3) A person is exempt from section 8 of the Act in relation to the keeping of a home garden product.

Part 3—Fertilisers

Division 1—Standards for fertilisers

Subdivision 1—Maximum permitted concentrations of heavy metals

9—Maximum permitted concentration of cadmium

The concentration of cadmium in a fertiliser must not exceed—

- (a) in the case of a phosphatic fertiliser—300 mg for each kilogram of phosphorus in the fertiliser;
- (b) in the case of a non-phosphatic fertiliser—
 - (i) if the fertiliser is wholly constituted of trace elements—50 mg for each kilogram of the fertiliser; or
 - (ii) in any other case—10 mg for each kilogram of the fertiliser.

10—Maximum permitted concentration of lead

The concentration of lead in a fertiliser must not exceed the following amount for each kilogram of the fertiliser:

- (a) in the case of a foliar fertiliser wholly constituted of trace elements—500 mg; or
- (b) in the case of a fertiliser (other than a foliar fertiliser) wholly constituted of trace elements—2 000 mg; or
- (c) in the case of a fertiliser partially constituted of trace elements—500 mg; or
- (d) in any other case—100 mg.

11—Maximum permitted concentration of mercury

The concentration of mercury in a fertiliser must not exceed the following amount for each kilogram of the fertiliser:

- (a) in the case of a phosphatic fertiliser—10 mg; or
- (b) in any other case—5 mg.

Subdivision 2—Standards for gypsum and lime fertilisers

12—Minimum percentage of sulphur in gypsum fertilisers

A fertiliser supplied as gypsum must contain at least the following percentage of sulphur:

- (a) in the case of fertiliser supplied as premium grade gypsum—16.7% in weight of the total weight of the fertiliser;
- (b) in the case of fertiliser supplied as grade 1 gypsum—15% in weight of the total weight of the fertiliser;
- (c) in the case of fertiliser supplied as grade 2 gypsum—12.5% in weight of the total weight of the fertiliser;
- (d) in the case of fertiliser supplied as grade 3 gypsum—10% in weight of the total weight of the fertiliser.

13—Fineness of gypsum fertilisers

If a fertiliser is supplied as gypsum—

- (a) at least 50% of the total amount of the fertiliser must be capable of passing through a sieve with apertures of 2 mm; and
- (b) at least 80% of the total amount of the fertiliser must be capable of passing through a sieve with apertures of 5.6 mm.

14—Maximum permitted moisture content of gypsum fertilisers

The moisture content of a fertiliser supplied as gypsum must not exceed 15% of the total amount of the fertiliser (disregarding any water bound in the gypsum mineral structure of the fertiliser).

15—Minimum neutralising value of lime fertilisers

A fertiliser supplied as lime must have the following minimum neutralising value:

- (a) in the case of fertiliser supplied as grade 1 lime—80%;
- (b) in the case of fertiliser supplied as grade 2 lime—65%;
- (c) in the case of a fertiliser supplied as grade 3 lime—50%.

Division 2—Labelling and information**Subdivision 1—General provisions****16—Requirement for label or advice note**

- (1) A fertiliser must—
 - (a) if supplied in a package—have affixed to, or printed or stencilled on, the package a label or advice note that complies with this Division; or
 - (b) if supplied without a package—be supplied in accordance with this regulation with a label or advice note that complies with this Division.
- (2) If fertiliser supplied without a package is delivered to a person, the label or advice note for the fertiliser must be handed to the person or an agent of the person.
- (3) If fertiliser supplied without a package is delivered to premises where no person is in attendance to accept delivery of the label or advice note for the fertiliser, the label or advice note must, within 7 days of the delivery, be given or sent to the person to whom the fertiliser was supplied.
- (4) If—
 - (a) a fertiliser supplied as gypsum, lime or liming materials is supplied without a package to a person on more than one occasion during a calendar year; and
 - (b) on each occasion the specifications of the fertiliser are the same,compliance with the preceding subregulations is required only in relation to the first supply of the fertiliser during that year.

17—General information to be included on label or advice note

A label or advice note for a fertiliser must state—

- (a) the distinctive name of the fertiliser; and
- (b) the name and principal place of business of the manufacturer or supplier of the fertiliser.

18—Use of numbers in name of fertiliser on label or advice note

If the name of a fertiliser on a label or advice note for the fertiliser includes a number to indicate the percentage concentration of a nutrient in the fertiliser—

- (a) a number including or below the mid range (other than 0.5 or less) must be rounded down to the nearest whole number or the first decimal place;
- (b) a number above the mid range must be rounded up to the nearest whole number or the first decimal place.

Subdivision 2—Requirements relating to content of fertilisers

19—Information about content and form of nutrients

- (1) A label or advice note for a fertiliser must state the name of each element present in the fertiliser and—
 - (a) if the fertiliser contains nitrogen—the following information:
 - (i) the percentage of nitrogen as nitrate;
 - (ii) the percentage of nitrogen as ammonium;
 - (iii) the percentage of nitrogen as urea;
 - (iv) the percentage of nitrogen in any other form (to be stated);
 - (v) the total percentage content of nitrogen; and
 - (b) if the fertiliser contains phosphorus—the following information:
 - (i) the percentage of phosphorus as water soluble;
 - (ii) the percentage of phosphorus as ammonium citrate soluble;
 - (iii) the percentage of phosphorus as ammonium citrate insoluble;
 - (iv) the percentage of phosphorus in any other form (to be stated);
 - (v) the total percentage content of phosphorus; and
 - (c) if the fertiliser contains potassium—the following information:
 - (i) the percentage of potassium as chloride;
 - (ii) the percentage of potassium as nitrate;
 - (iii) the percentage of potassium as phosphate;
 - (iv) the percentage of potassium as sulphate;
 - (v) the percentage of potassium in any other form (to be stated);
 - (vi) the total percentage content of potassium; and
 - (d) if the fertiliser contains calcium—the following information:
 - (i) the percentage of calcium as carbonate;
 - (ii) the percentage of calcium as hydroxide;
 - (iii) the percentage of calcium as oxide;
 - (iv) the percentage of calcium as sulphate;
 - (v) the percentage of calcium as nitrate;
 - (vi) the percentage of calcium as chloride;
 - (vii) the percentage of calcium as superphosphate or phosphate;
 - (viii) the percentage of calcium as silicate;
 - (ix) the percentage of calcium in any other form (to be stated);
 - (x) the total percentage content of calcium; and
 - (e) if the fertiliser contains magnesium—the following information:

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- (i) the percentage of magnesium as carbonate;
 - (ii) the percentage of magnesium as hydroxide;
 - (iii) the percentage of magnesium as oxide;
 - (iv) the percentage of magnesium as silicate;
 - (v) the percentage of magnesium as sulphate;
 - (vi) the total percentage content of magnesium; and
- (f) if the fertiliser contains sulphur—the following information:
- (i) the percentage of sulphur as sulphate;
 - (ii) the percentage of sulphur as elemental sulphur;
 - (iii) the percentage of sulphur in any other form (to be stated);
 - (iv) the total percentage content of sulphur; and
- (g) if the fertiliser contains micro-nutrients as a straight product, blended or as a coating—the following information in relation to each micro-nutrient:
- (i) the percentage of the micro-nutrient as sulphate;
 - (ii) the percentage of the micro-nutrient as chelate and the form of the chelate;
 - (iii) the percentage of the micro-nutrient as oxide;
 - (iv) the percentage of the micro-nutrient in any other form (to be stated).
- (2) If a fertiliser is named on a label or advice note by use of a number that does not reflect the actual percentage content of each element present in the fertiliser, the label or advice note must also state each element's percentage content directly below the fertiliser's name.

20—Order in which nutrients in fertiliser must be listed

A label or advice note for a fertiliser must—

- (a) list the following nutrients in the following order:
 - (i) nitrogen;
 - (ii) phosphorus;
 - (iii) potassium;
 - (iv) sulphur;
 - (v) calcium;
 - (vi) magnesium; and
- (b) list all other nutrients in decreasing quantity.

21—Concentration of nutrients in fertiliser

A label or advice note for a fertiliser must state the concentration of a nutrient in the fertiliser—

- (a) in the case of a fertiliser supplied by weight—as a percentage in weight of the total weight of the fertiliser (% wt/wt);

- (b) in the case of a fertiliser sold by volume—as a percentage in weight of the total volume of the fertiliser (% wt/vol).

22—Information about micro-nutrients added during manufacture

If a fertiliser contains micro-nutrients added during a manufacturing process and, due to chemical reactions the form of the micro-nutrients in the end product is not known, the label or advice note for the fertiliser must state the concentration of micro-nutrients present in the fertiliser in elemental form.

23—Information about fineness of elemental sulphur

If a fertiliser contains elemental sulphur, the label or advice note for the fertiliser must state—

- (a) the percentage of sulphur particles capable of passing through a sieve with apertures of 0.25 mm; and
- (b) the percentage of sulphur particles capable of passing through a sieve with apertures of 0.5 mm but not through a sieve with an aperture of 0.25 mm; and
- (c) the percentage of sulphur particles not capable of passing through a sieve with apertures of 0.5 mm.

24—Information about fineness of rock phosphate

A label or advice note for a fertiliser containing rock phosphate must state—

- (a) the percentage of the rock phosphate that is capable of passing through a sieve with apertures of 1.003 mm; and
- (b) the percentage of the rock phosphate that is capable of passing through a sieve with apertures of 500 microns.

25—Information and warnings about gypsum fertilisers

(1) A label or advice note for fertiliser supplied as gypsum must state—

- (a) whether the fertiliser is premium grade, grade 1, grade 2 or grade 3 gypsum; and
- (b) the minimum amount (expressed as a percentage weight in weight) of each of the following substances in the fertiliser:
 - (i) gypsum;
 - (ii) calcium;
 - (iii) sulphur; and
- (c) the minimum percentage of the fertiliser that will pass through a sieve with apertures of 2 mm; and
- (d) the minimum percentage of the fertiliser that will pass through a sieve with apertures of 5.6 mm.

(2) If the concentration of sodium in a fertiliser supplied as gypsum exceeds 0.8% for each kilogram of the fertiliser, the label or advice note for the fertiliser must contain—

- (a) a statement that continual application of the fertiliser may have a detrimental effect on soil; or

- (b) the following warning:

WARNING—This product is not suitable for reclamation of saline sodic soils.

26—Additional information about lime fertilisers

- (1) A label or advice note for a fertiliser supplied as lime must state—
- (a) whether the lime is grade 1, grade 2 or grade 3 lime; and
 - (b) the neutralising value of the lime.
- (2) A label or advice note for a fertiliser supplied as liming material must state the neutralising value of the liming material.

27—Information about biuret content of fertilisers containing urea

If a fertiliser contains urea, the label or advice note for the fertiliser must state the maximum proportion of biuret in the fertiliser.

28—Information and warnings about biuret content of fertilisers

If a fertiliser contains biuret, the label or advice note for the fertiliser must contain the following:

- (a) for a foliar fertiliser (other than solely for turf) containing—
 - (i) more than 10 grams but not more than 20 grams of biuret for each kilogram of nitrogen—a warning that the fertiliser is not recommended for repeated foliar application on citrus trees;
 - (ii) more than 20 grams but not more than 30 grams of biuret for each kilogram of nitrogen—a warning that the fertiliser is not recommended for repeated foliar application on annual or perennial horticultural crops;
 - (iii) more than 30 grams of biuret for each kilogram of nitrogen—a warning that the fertiliser is not recommended for foliar application;
- (b) for a foliar fertiliser used solely on turf—a statement that the fertiliser is for use on turf only and must not be used in other foliar sprays;
- (c) for a non-foliar fertiliser—a statement that the fertiliser is for soil application only and must not be used as a foliar spray.

29—Information and warnings about heavy metals in fertilisers

- (1) A label or advice note for a fertiliser containing cadmium must contain—
- (a) a statement of the maximum content of cadmium in milligrams for each kilogram of the fertiliser; and
 - (b) in the case of a fertiliser containing more than 1 milligram of cadmium for each kilogram of the fertiliser—the following warning:

WARNING—Use of this product may result in cadmium residues in excess of the maximum permissible concentration (MPC) in plant and animal products and may also result in accumulation of these residues in soils.

- (2) A label or advice note for a phosphatic fertiliser must state the maximum content of cadmium and fluorine in milligrams for each kilogram of phosphorus in the fertiliser.
- (3) A label or advice note for a fertiliser containing lead must contain—
- (a) a statement of the maximum content of lead in milligrams for each kilogram of the fertiliser; and
 - (b) in the case of a fertiliser containing more than 20 milligrams of lead for each kilogram of the fertiliser—the following warning:

WARNING—Use of this product may result in lead residues in excess of the maximum permissible concentration (MPC) in plant and animal products and may also result in accumulation of these residues in soils.

- (4) A label or advice note for a fertiliser that is supplied for application on pastures and contains more than 0.001% of molybdenum must contain the following warning:

WARNING—Excessive use of molybdenum can be harmful to stock. Plant levels of molybdenum can be high for 4 weeks after application. It is advisable to keep stock off treated areas for this period. Check rate and frequency of molybdenum use with appropriate authorities.

- (5) A label or advice note for a fertiliser containing mercury must contain—
- (a) a statement of the maximum content of mercury in milligrams for each kilogram of the fertiliser; and
 - (b) in the case of a fertiliser containing more than 0.2 milligrams of mercury per kilogram of the fertiliser—the following warning:

WARNING—Use of this product may result in mercury residues in excess of the maximum permissible concentration (MPC) in plant and animal products and may also result in accumulation of these residues in soils.

- (6) A label or advice note for a fertiliser containing more than 0.001% of selenium must contain the following warning:

WARNING—Excessive use of this product can be toxic to livestock and should not be used if selenium deficiency does not exist in stock grazing on the area where the product is to be applied. Do not allow stock access to spilt or unused fertiliser.

Part 4—Veterinary products

30—Prescribed substances

- (1) For the purposes of section 11 of the Act, substances containing one or more of the substances specified in Schedule 1 are prescribed.
- (2) For the purposes of section 12 of the Act, the substances specified in Schedule 1 are prescribed.

31—Related species of animals

For the purposes of section 14(2)(a)(ii)(C) of the Act—

- (a) cattle are declared to be related to buffalo, goats and deer; and

- (b) chickens are declared to be related to ducks, geese, Guinea fowl, pheasants, quails, pigeons and turkeys; and
- (c) alpacas, camels and llamas are declared to be related to each other; and
- (d) horses, donkeys and mules are declared to be related to each other; and
- (e) kangaroos and wallabies are declared to be related to each other.

32—Off-label use of registered veterinary chemical products

- (1) A person other than a veterinary surgeon must not use a registered veterinary chemical product in contravention of this regulation except as authorised by a permit or in accordance with the written instructions of a veterinary surgeon.

Maximum penalty: \$10 000.

- (2) If the approved label for containers for the product includes instructions for the use of the product on specified animals, or in specified situations, in this State or in all States, the product —
 - (a) must not be used on an animal, or in a situation, so specified at a rate, dosage or frequency that exceeds the rate, dosage or frequency specified on the label for use on that animal or in that situation (whether or not the specified rate, dosage or frequency is stated to be a maximum rate, dosage or frequency); and
 - (b) must not, if the label specifies a method of administration to an animal, be administered to an animal by any other method.
- (3) If the approved label for containers for the product does not include instructions for the use of the product on specified animals, or in specified situations, in this State but includes such instructions for another State, the product may be used in this State on an animal, or in a situation, specified for another State but—
 - (a) must not be used at a rate or frequency that exceeds the highest rate or frequency specified on the label for use on that animal or in that situation (whether or not the specified rate or frequency is stated to be a maximum rate or frequency); and
 - (b) must not, if the label specifies a method of administration to an animal, be administered to an animal by any other method.

33—Records to be kept by veterinary surgeons

- (1) A veterinary surgeon who treats trade species animals using a veterinary chemical product in a manner that contravenes a mandatory instruction on the approved label for containers of the product must, unless he or she is using the product in accordance with a permit, keep a record of the following information:
 - (a) the approval number allocated to the product by the NRA or the full name of the product and the concentration of each active constituent used in treating the animals;
 - (b) the date on which the product was used;
 - (c) the address at which the product was used;
 - (d) the name, address and telephone number of the person responsible for the care of the animals treated using the product;

- (e) the species of animal treated using the product;
- (f) the number of animals treated using the product;
- (g) the nature of the departure from the mandatory instruction.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A veterinary surgeon who treats animals using a veterinary product prepared by him or her must keep a record of the following information:
- (a) the concentration of each active constituent used in treating the animals;
 - (b) the date on which the product was used;
 - (c) the address at which the product was used;
 - (d) the name, address and telephone number of the person responsible for the care of the animals treated using the product;
 - (e) the species of animal treated using the product;
 - (f) the number of animals treated using the product.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) A veterinary surgeon must, on request by the Minister in writing, provide the Minister with specified information contained in a record kept under this regulation within the time specified in the request.

Maximum penalty: \$2 500.

Expiation fee: \$210.

Part 5—Miscellaneous

34—Restrictions on use of certain agricultural or veterinary products

- (1) If a person uses an agricultural or veterinary product of a kind specified in the left column of the table in Schedule 2 Part 1 and the person does not belong to a class of persons specified opposite in the right column of the table, the person is guilty of an offence.

Maximum penalty: \$10 000.

- (2) If—
- (a) a person uses an agricultural product of a kind specified in the left column of the table in Schedule 2 Part 2; and
 - (b) the person does not belong to a class of persons specified opposite in the right column of the table; and
 - (c) the use of that product is—
 - (i) in the course of a prescribed business; and
 - (ii) in the prescribed area; and
 - (iii) by a method involving spraying,

the person is guilty of an offence.

Maximum penalty: \$10 000.

- (3) If a person uses an agricultural product of a kind specified in the left column of the table in Schedule 2 Part 2 as referred to in subregulation (2)(c), the person must—
- (a) make a record of that use in a manner and form approved by the Minister; and
 - (b) keep that record for a period of 2 years from the date of the making of the record; and
 - (c) keep the record readily accessible for inspection on request by an authorised officer.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) In this regulation—

prescribed area means that part of the State south of a line commencing at the north-western corner of the boundary of the District Council of Lower Eyre Peninsula at a point closest to latitude 33°56'24.79"S, longitude 135°12'56.85"E, then easterly along said boundary to the western boundary of The District Council of Tumby Bay, then beginning northerly along said boundary to a point closest to latitude 33°59'38.38"S, longitude 136°29'44.15"E, then east to the western boundary of the District Council of the Copper Coast, then generally north-easterly along said boundary to the boundary of the District Council of Barunga West, then generally north-easterly along said boundary to the boundary of Port Pirie Regional Council, then generally northerly along said boundary to the boundary of The District Council of Mount Remarkable, then beginning westerly along said boundary to the western boundary of the District Council of Orroroo/Carrieton, then beginning northerly along said boundary to the boundary of the District Council of Peterborough, then beginning easterly along said boundary to the boundary of the Regional Council of Goyder, then southerly along said boundary to the boundary of Mid Murray Council, then beginning easterly along said boundary to the boundary of the District Council of Loxton Waikerie, then beginning easterly along said boundary to latitude 34°03'10"S, then east to longitude 140°21'20"E, south to latitude 34°07'10"S, east to a western boundary of Renmark Paringa Council, then beginning northerly along said boundary to a point closest to latitude 34°03'56"S, longitude 140°42'05.84"E, then east to a western boundary of Renmark Paringa Council, then beginning north-easterly along said boundary to the eastern border of the State;

prescribed business means—

- (a) the business of a primary producer; or
 - (b) a pest control business as defined in *Controlled Substances (Pesticides) Regulations 2003*.
- (5) Unless the contrary intention appears, all lines in the spatial description of the **prescribed area** in subregulation (4) are geodesics based on the *Geocentric Datum of Australia 1994 (GDA94)* as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995, and all coordinates are expressed in terms of GDA94.

35—Products prohibited for use in treating food-producing animals

A person must not treat an animal kept or used as a food-producing species (within the meaning of the *Agvet Code of South Australia*) using a product specified in Schedule 3 except as authorised by a permit.

Maximum penalty: \$10 000.

36—Confidentiality

For the purposes of section 38(a) of the Act, the following Acts are prescribed:

- (a) the *Controlled Substances Act 1984*;
- (b) the *Dangerous Substances Act 1979*;
- (c) the *Environment Protection Act 1993*;
- (d) the *Occupational Health, Safety and Welfare Act 1986*;
- (e) the *Public and Environmental Health Act 1987*.

37—Variation or revocation of notices

The Minister may, by subsequent notice in the Gazette, vary or revoke a notice published in the Gazette under these regulations.

Schedule 1—Substances prescribed for purposes of sections 11 and 12 of Act

Aldrin
Benzene hexachloride (BHC)
Chlordane
DDT
Dieldrin
Endrin
Heptachlor
Hexachlorobenzene (HCB)
Lindane
Methoxychlor
Toxaphene (camphechlor)

Schedule 2—Restricted agricultural and veterinary products

Part 1—Restricted agricultural and veterinary products (regulation 34(1))

<u>Agricultural or veterinary product</u>	<u>Class of person authorised to use product</u>
1 An agricultural chemical product that is a pre-construction termiticide product containing bifenthrin or chlorpyrifos.	A person who holds a valid pest management technician's licence under the <i>Controlled Substances (Pesticides) Regulations 2003</i> authorising the person to use that product pursuant to the licence.
2 An agricultural chemical product containing pindone if— (a) the product is a concentrate; and	A person who holds a valid pest management technician's licence under the <i>Controlled Substances (Pesticides) Regulations 2003</i> authorising the person to use that

Agricultural or veterinary product	Class of person authorised to use product
(b) the instructions on the approved label for containers of the product require the product to be mixed with carriers before it is ready for use as a bait.	product pursuant to the licence. An authorised officer under the <i>Natural Resources Management Act 2004</i> who has been trained in the use of that product.
3 An agricultural chemical product containing sodium monofluoroacetate (1080) if— (a) the product is a concentrate; and (b) the instructions on the approved label for containers of the product require the product to be mixed with carriers before it is ready for use as a bait.	An authorised officer under the <i>Natural Resources Management Act 2004</i> who has been trained in the use of that product. A person who is authorised to handle that product pursuant to a licence issued under section 22 of the <i>Controlled Substances Act 1984</i> .
4 An agricultural chemical product containing— (a) mevinphos; or (b) endosulfan; or (c) acrolein.	A person who holds a prescribed qualification.
5 An agricultural product or a veterinary product to which section 15 of the <i>Controlled Substances Act 1984</i> applies.	A person who holds a prescribed qualification.

Part 2—Restricted agricultural products (regulation 34(2))

Agricultural product	Class of person authorised to use product
1 An agricultural chemical product that— (a) contains any of the following: (i) 2, 4-D; (ii) 2, 4-DB; (iii) MCPA; (iv) dicamba; (v) triclopyr; (vi) picloram; (vii) clopyralid; (viii) fluroxypyr; and (b) is not a home garden product.	A person who holds a valid statement of attainment issued by a training organisation registered by the Australian Skills Quality Authority for the unit of competence AHCCHM303A ('Prepare and Apply Chemicals').

Schedule 3—Products prohibited for use in treating food-producing animals

Chloramphenicol and any product related to chloramphenicol
 Crystal (gentian) violet
 Diethylstilboestrol and any product related to diethylstilboestrol
 Dihydrostreptomycin (injectable)

Fluoroquinolone antibiotics

Gentamycin

Nitrofurantoin antibiotics including furaldatoxone, furazolidone, nifuraldizone, nitrofurantoin and nitrofurazone

Strychnine

Sulfonamide antibiotics other than sulfadiazine, sulfadimidine, sulfadoxine, sulfaquinoxaline or sulfatroxazole

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Agricultural and Veterinary Products (Control of Use) Regulations 2004* revoked the following:

Agricultural Chemicals Regulations 1996

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2004	182	<i>Gazette 26.8.2004 p3420</i>	29.8.2004: r 2
2005	154	<i>Gazette 30.6.2005 p2239</i>	Pt 2 (r 4)—1.7.2005: r 2
2013	232	<i>Gazette 12.9.2013 p3826</i>	12.9.2013: r 2
2014	76	<i>Gazette 12.6.2014 p2487</i>	10.11.2014: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 2	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.7.2005</i>
Pt 5		
r 34	substituted by 232/2013 r 4	12.9.2013
Sch 2	varied by 154/2005 r 4	1.7.2005
Pt 1		
heading	inserted by 232/2013 r 5(1)	12.9.2013
Pt 2	inserted by 232/2013 r 5(2)	12.9.2013
Sch 4	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.7.2005</i>

Historical versions

1.7.2005