

NORTHERN TERRITORY OF AUSTRALIA

AGRICULTURAL AND VETERINARY CHEMICALS (CONTROL OF USE)  
AMENDMENT REGULATIONS 2008

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Subordinate Legislation No. 20 of 2008

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Schedule





# NORTHERN TERRITORY OF AUSTRALIA

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## ***Agricultural and Veterinary (Control of Use) Amendment Regulations 2008***

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Agricultural and Veterinary Chemicals (Control of Use) Act*.

Dated 17 July 2008.

T. I. Pauling  
Administrator

By His Honour's Command

D. P. Lawrie  
Treasurer  
acting for the  
Minister for Primary Industry and Fisheries

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\* Notified in the *Northern Territory Government Gazette* on 30 July 2008.

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**1 Citation**

These Regulations may be cited as the *Agricultural and Veterinary Chemicals (Control of Use) Amendment Regulations 2008*.

**2 Regulations amended**

These Regulations amend the *Agricultural and Veterinary Chemicals (Control of Use) Regulations*.

**3 Amendment of regulation 3 (Definitions)**

(1) Regulation 3

*insert (in alphabetical order)*

**APVMA** means the Australian Pesticides and Veterinary Medicines Authority continued in existence by the *Agricultural and Veterinary Chemicals (Administration) Act 1992* (Cth).

(2) Regulation 3, definition **MRL Standard**

*omit*

NRA

*substitute*

APVMA

**4 Repeal and substitution of Part 2, Division 1 heading**

Part 2, Division 1, heading

*repeal, substitute*

**Division 1 Aerial spraying equipment**

**5 Repeal of regulation 6**

Regulation 6

*repeal*

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**6 Repeal and substitution of regulations 8 and 9**

Regulations 8 and 9

*repeal, substitute*

**8 Prescribed products**

The Chemicals Coordinator may, by *Gazette* notice, declare a product to be a prescribed product for this Division.

**9 Possession and use of prescribed product**

A person must not have possession of or use a prescribed product unless:

- (a) the person has successfully completed an approved training course for handling the product; or
- (b) the person is authorised to use the product under a ground spray applicator's licence or a pilot (chemical rating) licence and uses the product in accordance with the licence.

Maximum penalty: 30 penalty units.

**7 Amendment of regulation 11 (Information about use of agricultural chemical products)**

(1) Regulation 11(c)

*omit, substitute*

- (c) the full name and APVMA registration number of the product;

(2) Regulation 11(k)

*omit, substitute*

- (k) the weather conditions in the area at the time of use, including temperature and wind direction and speed, and any changes in wind direction or speed during the time of use;

**8 Amendment of regulation 13 (Record of use of agricultural chemical products to be kept)**

Regulation 13(3), definition *horticultural crop*

*omit*

spices;

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*substitute*

spices intended for sale.

**9 Repeal and substitution of regulation 16**

Regulation 16

*repeal, substitute*

**16 Persons authorised to have possession of and use restricted chemical products**

For section 48(5) of the Act:

- (a) a person specified in Schedule 2 is authorised to have possession of and use the restricted chemical product specified opposite in Schedule 2; and
- (b) the Chemicals Coordinator may authorise a person to have possession of and use a restricted chemical product.

**16A Application for authorisation**

An application for a restricted chemical product authorisation must be in the approved form.

**16B Issue of restricted chemical product authorisation**

- (1) The Chemicals Coordinator may issue a restricted chemical product authorisation that authorises the possession and use of a particular restricted chemical product if satisfied that the applicant:
  - (a) has a genuine and sufficient reason for having possession of and using the restricted chemical product; and
  - (b) is competent to handle the restricted chemical product.
- (2) A restricted chemical product authorisation is subject to the conditions specified in the authorisation.
- (3) A decision under this regulation to issue, or refuse to issue, a restricted chemical product authorisation is a reviewable decision and the applicant for the authorisation is the affected person for the decision.

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**10 Amendment of regulation 18 (Issue of S7 authorisation)**

Regulation 18(3)(b)

*omit, substitute*

- (b) an offence relating to the misuse of chemicals under another law of the Territory or a law of the Commonwealth, a State or another Territory.

**11 Repeal and substitution of regulation 20**

Regulation 20

*repeal, substitute*

**20 Application for aerial spraying business licence**

An application for an aerial spraying business licence must be accompanied by evidence that the applicant holds an Air Operator's Certificate under the *Civil Aviation Act 1988* (Cth) authorising the applicant to conduct aerial agricultural operations.

**12 Amendment of regulation 21 (Application for pilot (chemical rating) licence)**

Regulation 21(1), at the end

*insert*

- (e) evidence that the applicant holds a Spraysafe Certificate issued by the Aerial Agricultural Association of Australia.

**13 New Part 10**

After regulation 45

*insert*

**Part 10 Administrative matters**

**46 Information published in the *Gazette***

If the Chemicals Coordinator publishes information in the *Gazette*, the information must be made available for inspection by the public at a place specified in the *Gazette* notice.

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**14 Amendment of Schedule 2**

(1) Schedule 2

*omit*

all the words from "1. A person" to "item 1"

*substitute*

A person who is authorised under an S7 authorisation to have possession of and use the product.

(2) Schedule 2

*omit*

A restricted chemical product  
containing pindone

A conservation officer under the  
*Territory Parks and Wildlife  
Conservation Act*

**15 Amendment of Schedule 3**

(1) Schedule 3, Part A, column 1

*omit*

26, 39, 57 and 59

*substitute*

26 and 39

(2) Schedule 3, Part A, column 1

*omit*

30, 31 and 58

*substitute*

30 and 31

(3) Schedule 3, Part A, column 1

*omit*

40, 43 and 60

*substitute*

40 and 43



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(4) Schedule 3, Part B, column 1

*omit*

6, 7, 9

*substitute*

7

**16 Further amendments**

The Schedule has effect.

**Schedule**

regulation 16

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Provision	Amendment	
	omit	substitute
regulations 7(1) and (2), 10, 12, 13(2), 14, 15 and 25(1) and (2)	Penalty:	Maximum penalty:

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