

NORTHERN TERRITORY OF AUSTRALIA

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

Subordinate Legislation No. 20 of 2008

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Schedule



NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 20 of 2008*

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

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

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

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;

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.

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.

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

(4) Schedule 3, Part B, column 1

omit

6, 7, 9

substitute

7

16 Further amendments

The Schedule has effect.

Schedule

regulation 16

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