

NORTHERN TERRITORY OF AUSTRALIA
AGRICULTURAL AND VETERINARY CHEMICALS (CONTROL OF USE)
REGULATIONS

Regulations No. 22 of 2005

TABLE OF PROVISIONS

Regulation

PART 1 – PRELIMINARY MATTERS

1. Citation
2. Commencement
3. Definitions
4. Approved testing methods
5. Approved training courses

PART 2 – POSSESSION, USE AND SUPPLY OF CHEMICAL PRODUCTS
GENERALLY

Division 1 – Chemigation and aerial spraying equipment

6. Chemigation equipment
7. Aerial spraying equipment

Division 2 – Possession, use and supply of certain agricultural chemical products

8. Prescribed products
9. Persons having possession of or using prescribed products must be qualified
10. Supply of prescribed products to persons who are not authorised

Division 3 – Recording use of chemical products

11. Information about use of agricultural chemical products
12. Ground spray applicator or pilot must record information
13. Record of use of agricultural chemical products to be kept
14. Records about use of veterinary chemical products by non-veterinarians to be kept
15. Records to be signed and dated

PART 3 – POSSESSION AND USE OF RESTRICTED CHEMICAL PRODUCTS

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

PART 4 – POSSESSION AND USE OF S7 CHEMICAL PRODUCTS (S7 AUTHORISATIONS)

17. Application for authorisation
18. Issue of S7 authorisation

PART 5 – LICENSING REQUIREMENTS FOR GROUND AND AERIAL SPRAYING

Division 1 – Ground spraying

19. Classes of ground spray applicator's licence

Division 2 – Aerial spraying

20. Application for aerial spraying business licence
21. Application for pilot (chemical rating) licence

PART 6 – MANUFACTURE, SALE AND USE OF FERTILISERS

Division 1 – Application and interpretation

22. Fertilisers to which this Part applies
23. Substances exempt from application of this Part
24. Neutralising value of lime

Division 2 – Labelling of fertilisers by manufacturers and sellers

25. Offence
26. Containers to be labelled
27. Information on labels
28. Attaching labels to containers
29. Printing on labels and delivery dockets
30. Labels and delivery dockets to be in English
31. Other requirements for delivery dockets for bulk fertiliser or custom fertiliser mix
32. Additional information: phosphatic fertiliser

PART 7 – HARMFUL INGREDIENTS IN FERTILISERS

33. Harmful ingredients
34. Maximum amounts of harmful ingredients in fertilisers

PART 8 – STANDARDS FOR AGRICULTURAL PRODUCE

- 35. Chemical residues in agricultural produce
- 36. Maximum residue limits
- 37. Exceeding maximum residue limits
- 38. Requirements for working out chemical residues

PART 9 – INFRINGEMENT NOTICES

- 39. When infringement notice may be served
- 40. Prescribed amount
- 41. Contents of infringement notice
- 42. Expiation of offence
- 43. Withdrawal of infringement notice
- 44. How service effected
- 45. Additional matters

SCHEDULE 1

SCHEDULE 2

SCHEDULE 3



NORTHERN TERRITORY OF AUSTRALIA

Regulations No. 22 of 2005*

Agricultural and Veterinary Chemicals (Control of Use) Regulations

I, EDWARD JOSEPH EGAN, the 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 30 May 2005.

E. J. EGAN
Administrator

By His Honour's Command

CLARE MARTIN
Chief Minister
acting for and on behalf of the
Minister for Primary Industry and Fisheries

* Notified in the *Northern Territory Government Gazette* on 31 May 2005.

PART 1 – PRELIMINARY MATTERS

1. Citation

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

2. Commencement

(1) Regulation 6 comes into operation on the date fixed by the Minister by notice in the *Gazette*.

(2) The remaining provisions of these Regulations come into operation on the day on which these Regulations are notified in the *Gazette*.

3. Definitions

In these Regulations, unless the contrary intention appears –

"AOAC" means the Association of the Official Analytical Chemists;

"approved testing method" has the meaning in regulation 4;

"approved training course" has the meaning in regulation 5;

"chemical residue", in agricultural produce, has the meaning in regulation 35;

"element" means boron, calcium, cobalt, copper, iron, magnesium, manganese, molybdenum, nitrogen, phosphorus, potassium, selenium, sulfur or zinc;

"harmful ingredient", in a fertiliser, has the meaning in regulation 33;

"lime" means agricultural lime that –

- (a) consists mainly of a combination of calcium and magnesium carbonates; and
- (b) has an effective neutralising value of at least 50%;

"minimum percentage content", of an element specified in Schedule 1, column 1 that is in a fertiliser, means –

- (a) if it is a solid fertiliser – the percentage content specified opposite in Schedule 1, column 2; or
- (b) if it is a liquid fertiliser – the percentage content specified opposite in Schedule 1, column 3;

"MRL Standard" means the MRL Standard published by or on behalf of the NRA, as amended from time to time;

"neutralising value", of lime, has the meaning in regulation 24;

"percentage content", of a solid that is in a substance, means –

- (a) if the solid is in a solid substance – the proportion (expressed as a percentage) that the solid's weight bears to the total weight of the substance; or
- (b) if the solid in a liquid substance – the proportion (expressed as a percentage) that the solid's weight bears to the total volume of the substance;

"phosphatic fertiliser" means a fertiliser that contains phosphorus in a percentage content greater than 2%;

"S7 authorisation" means an authorisation under Part 4 to have possession of and use an S7 chemical product.

4. Approved testing methods

An approved testing method for testing a substance is –

- (a) a method for testing the substance approved by the Chemicals Coordinator by notice in the *Gazette*; or
- (b) if there is no method approved by the Chemicals Coordinator – the method for testing the substance most recently published by the AOAC.

5. Approved training courses

An approved training course for handling a substance is a course for handling the substance approved by the Chemicals Coordinator by notice in the *Gazette*.

PART 2 – POSSESSION, USE AND SUPPLY OF CHEMICAL PRODUCTS GENERALLY

Division 1 – Division 1 – Chemigation and aerial spraying equipment

6. Chemigation equipment

- (1) A person must not use chemigation equipment unless –
 - (a) the equipment complies with the following:

Agricultural and Veterinary Chemicals (Control of Use) Regulations

- (i) a check valve, vacuum release valve and low pressure drain are installed between the irrigation water supply and the chemical injection point to prevent back-flow of water, or water and chemical, to that water supply;
 - (ii) a 2-way check valve protection system is installed in the chemical injection line to prevent movement of chemical solution on system shutdown;
 - (iii) an interlocking or electronic control mechanism is used to prevent a continued injection or siphoning of chemical when the water pump stops; or
- (b) the equipment is approved under subregulation (2).

Penalty: 30 penalty units.

(2) The Chemicals Coordinator may approve chemigation equipment if satisfied the equipment's safety mechanisms are sufficient to prevent the accidental release of chemical.

(3) In this regulation –

"check valve" means a valve that allows fluid to flow in one direction only;

"chemical" means agricultural chemical product, fertiliser or both;

"chemigation" means the application of chemical with water through an irrigation system;

"chemigation equipment" means equipment used for chemigation.

7. Aerial spraying equipment

(1) A person must not use aerial spraying equipment unless each of the individual spray nozzles used in the equipment is fitted with an operating leak proof cut off valve.

Penalty: 50 penalty units.

(2) A person must not carry out aerial spraying unless one or more of the following applies:

- (a) a smoke generating device is operated at ground level at or near the point at which the agricultural chemical product is applied immediately before, and at all times during, the application;

Agricultural and Veterinary Chemicals (Control of Use) Regulations

- (b) the aircraft is fitted with a smoke generating device that is operated immediately before, and at all times during, the application of the agricultural chemical product;
- (c) a windsock that is clearly visible to the pilot of the aircraft is operating at ground level at or near the point at which the agricultural chemical product is applied.

Penalty: 50 penalty units.

Division 2 – Division 2 – Possession, use and supply of certain agricultural chemical products

8. Prescribed products

For the Division, a prescribed product is pindone other than pindone that is a restricted chemical product.

9. Persons having possession of or using prescribed products must be qualified

(1) 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; and
- (b) if the prescribed product is pindone – the person is a conservation officer under the *Territory Parks and Wildlife Conservation Act*.

Penalty: 30 penalty units.

(2) A person does not contravene subregulation (1) if –

- (a) 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; or
- (b) the product is a home garden product.

(3) In this regulation –

"home garden product" means a chemical product that –

- (a) is ordinarily used for home gardening or other domestic purposes;
- (b) is readily available to members of the public by purchase from retail outlets; and

- (c) is supplied in a container of a type and size normally purchased from retail outlets by members of the public.

10. Supply of prescribed products to persons who are not authorised

A person must not, without reasonable excuse, supply a prescribed product to a person who is not authorised under these Regulations to have possession of or use the product.

Penalty: 30 penalty units

Division 3 – Division 3 – Recording use of chemical products

11. Information about use of agricultural chemical products

The information required to be kept under section 72 of the Act, or recorded under regulation 12 or 13, about the use of agricultural chemical products is the following:

- (a) the name and address of the person who used the product;
- (b) if the product is used in a ground spraying business or an aerial spraying business – the names and addresses of the business, the licensee of the business and the client on whose behalf the product was used;
- (c) the name of the product;
- (d) the rate at which the product was applied or the amount of product applied;
- (e) the method of application;
- (f) if the method of application was aerial spraying –
 - (i) the name and address of the pilot who flew the aircraft used to apply the product;
 - (ii) the type of aircraft used and the registration mark of that aircraft; and
 - (iii) a description of the manner in which the product was applied and the equipment used to apply it;
- (g) if applicable – the expiry date of the product;
- (h) the date and time the product was used, including the times at which the use started and finished if applicable;

Agricultural and Veterinary Chemicals (Control of Use) Regulations

- (i) the address or location of the land on which the product was used, including sufficient information to identify the particular paddock or the particular part of a paddock, and the size of the area, on which the product was used;
- (j) the type of crop, pasture or other plants in the area where the product was used;
- (k) the weather conditions in that area at the time of use, including temperature and wind direction and speed;
- (l) the name of the pest intended to be controlled or eradicated by the use;
- (m) the withholding period;
- (n) details of the permit or authorisation authorising the use;
- (o) the additional information required under that permit or authorisation to be recorded.

12. Ground spray applicator or pilot must record information

A person who carries out spraying on behalf of a ground spraying business licensee or an aerial spraying business licensee must, as soon as practicable after carrying out the spraying –

- (a) record the information prescribed by regulation 11 in respect of that spraying; and
- (b) give the record to the licensee.

Penalty: 50 penalty units.

13. Record of use of agricultural chemical products to be kept

(1) This regulation applies to a person who uses an agricultural chemical product in any of the following ways:

- (a) in the course of a business (other than a ground spraying business or an aerial spraying business) involving the use of agricultural chemical products;
- (b) in the course of carrying out pest control operations on behalf of a public authority;
- (c) to treat turf on a sporting ground or other recreational area;
- (d) to treat by means of spray equipment a horticultural crop that has not been harvested;

Agricultural and Veterinary Chemicals (Control of Use) Regulations

- (e) to treat by any means whatsoever a horticultural crop that has been harvested;
- (f) to treat a crop or pasture other than a horticultural crop, or to treat trees in a plantation, by means of powered spray equipment;
- (g) to treat stored grain or stockfood;
- (h) for any other purpose by means of ground driven powered spray equipment.

(2) A person who uses an agricultural chemical product must keep for 2 years after the use a record of the information prescribed by regulation 11.

Penalty: 50 penalty units.

(3) In this regulation –

"ground driven powered spray equipment" means powered spray equipment that is mounted on or attached to a vehicle;

"horticultural crop" means fruit, vegetables, flowers, nuts, herbs or spices;

"powered spray equipment" means spray equipment that is powered other than by human energy;

"public authority" means –

- (a) the Territory;
- (b) a statutory corporation;
- (c) a council within the meaning of the *Local Government Act*; or
- (d) the Authority or Council within the meaning of the *Jabiru Town Development Act*;

"spray equipment" means a machine or other equipment used to spray a chemical product through the air.

14. Records about use of veterinary chemical products by non-veterinarians to be kept

If a person who is not a veterinarian uses a registered veterinary chemical product to treat an animal of a food-producing species, the person must keep for 2 years after the use a record of the following:

- (a) the name of the product or the chemical name or common name of the active constituent of the product;

- (b) the dates and times the product is administered;
- (c) the amount of the dose administered;
- (d) the route by which the dose is administered;
- (e) the withholding period;
- (f) the means by which the animal can be identified.

Penalty: 50 penalty units.

15. Records to be signed and dated

A person who is required to keep a record under section 72 of the Act or under this Division must sign and date the record on the day on which the record is made.

Penalty: 50 penalty units.

PART 3 – POSSESSION AND USE OF RESTRICTED CHEMICAL PRODUCTS

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

For section 48(5) of the Act, a person specified in Schedule 2 is authorised to have possession of and use the restricted chemical specified opposite in Schedule 2.

**PART 4 – POSSESSION AND USE OF S7 CHEMICAL PRODUCTS
(S7 AUTHORISATIONS)**

17. Application for authorisation

An application for an S7 authorisation must be in the approved form.

18. Issue of S7 authorisation

(1) The Chemicals Coordinator may issue an S7 authorisation that authorises the possession and use of a particular S7 chemical product if satisfied that the applicant –

- (a) has a genuine and sufficient reason for having possession of and using the S7 chemical product; and
- (b) is competent to handle the S7 chemical product.

(2) An S7 authorisation is subject to the conditions specified in the authorisation.

Agricultural and Veterinary Chemicals (Control of Use) Regulations

(3) The Chemicals Coordinator may refuse to issue an S7 authorisation if the applicant has, within the 3 years immediately before the date of the application, been found guilty of –

- (a) an offence against the Act or these Regulations; or
- (b) an offence relating to the misuse of chemicals under another law in force in the Territory.

(4) The Chemicals Coordinator must not issue an S7 authorisation in respect of a particular S7 chemical product if satisfied that the applicant's possession or use of the product would pose an unacceptable risk to –

- (a) the health or safety of persons;
- (b) the environment; or
- (c) domestic or export trade in agricultural produce.

(5) A decision under this regulation to issue, or refuse to issue, an S7 authorisation is a reviewable decision and the applicant for the authorisation is the affected person for the decision.

PART 5 – LICENSING REQUIREMENTS FOR GROUND AND AERIAL SPRAYING

Division 4 – Division 1 – Ground spraying

19. Classes of ground spray applicator's licence

(1) The Chemicals Coordinator may grant an unrestricted or a restricted ground spray applicator's licence.

(2) An unrestricted ground spray applicator's licence authorises the carrying out of all classes of ground spraying.

(3) A restricted ground spray applicator's licence authorises the carrying out of the class of ground spraying specified in the licence.

Division 5 – Division 2 – Aerial spraying

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 aerial work licence under the *Civil Aviation Act 1988* (Cth) that is endorsed to conduct agricultural operations.

21. Application for pilot (chemical rating) licence

(1) An application for a pilot (chemical rating) licence must be accompanied by the following:

- (a) evidence that the applicant holds a commercial or senior commercial pilot's licence under the *Civil Aviation Act 1988* (Cth) that is endorsed with an agricultural rating;
- (b) details of any applications for an equivalent interstate licence made by the applicant at any time, including the outcomes of those applications;
- (c) details of any equivalent interstate licences held by the applicant at any time, including details of any cancellations or suspensions;
- (d) the conditions to which the applicant proposes that the licence should be subject.

(2) In subregulation (1) –

"equivalent interstate licence", in relation to a licence under Part 5, Division 2 of the Act, means a licence or other authorisation granted or issued under a law of a State or another Territory of the Commonwealth that is equivalent to the licence under that Division.

PART 6 – MANUFACTURE, SALE AND USE OF FERTILISERS

Division 6 – Division 1 – Application and interpretation

22. Fertilisers to which this Part applies

(1) This Part applies in relation to a fertiliser that –

- (a) contains at least one element in at least its minimum percentage content;
- (b) is manufactured, or is sold, for conditioning, altering the acidity of or fertilising soil or for supplying nutrients to plants; and
- (c) is manufactured for sale, or is sold, in containers of 25 kilograms or more or as bulk supplies.

(2) The substances to which this Part applies include gypsum, lime and soil conditioner.

(3) In subregulation (2) –

"soil conditioner" means a substance for improving soil structure by enhancing soil aggregation and permeability to air and water and by reducing crusting of dry soil.

23. Substances exempt from application of this Part

(1) This Part does not apply to any of the following substances unless the manufacturer or seller of the substance claims that it is a fertiliser:

- (a) composted or unprocessed animal manure;
- (b) material attached to, or supplying nutrients to, seed;
- (c) peat or peat moss;
- (d) pelletised or mixed animal manure, whether mixed with vegetable matter or not;
- (e) planting unit mixture;
- (f) potting mixture;
- (g) unprocessed biological manufacturer's waste.

(2) In subregulation (1) –

"claim" includes a representation that the percentage content of an element in a substance is at least equal to the element's minimum percentage content.

24. Neutralising value of lime

The neutralising value of lime is the ability of lime to neutralise acidity compared with the ability of pure calcium carbonate to neutralise acidity and must be worked out using AOAC official method 955.01.

Division 7 – Division 2 – Labelling of fertilisers by manufacturers and sellers

25. Offence

(1) A person who manufactures fertiliser for sale in the Territory must comply with the requirements of this Part in relation to the fertiliser.

Penalty: 30 penalty units.

(2) A person who sells fertiliser in the Territory must comply with the requirements of this Part in relation to the fertiliser.

Penalty: 30 penalty units.

(3) A person does not contravene this regulation if the fertiliser is manufactured for sale, or is sold, to another person who is in the business of manufacturing fertiliser.

26. Containers to be labelled

A container of fertiliser must be labelled.

27. Information on labels

(1) The label of a container of fertiliser (including a custom fertiliser mixture) must include the following information:

- (a) the fertiliser's distinguishing name;
- (b) the name and principal place of business of its manufacturer or seller;
- (c) in respect of each element that is in the fertiliser in at least its minimum percentage content –
 - (i) the element's name;
 - (ii) the percentage content of the element in the fertiliser; and
 - (iii) each form of the element that is in the fertiliser;
- (d) the additional information specified in regulation 32 if applicable.

(2) In subregulation (1) –

"distinguishing name", of a fertiliser, means the name that identifies the fertiliser from another fertiliser;

"principal place of business" means –

- (a) for a fertiliser manufacturer – the manufacturer's principal place of business in Australia; or
- (b) for a fertiliser seller – the seller's principal place of business in the Territory or, if the seller does not have a principal place of business in the Territory, the seller's principal place of business in Australia.

28. Attaching labels to containers

(1) The label of a container of fertiliser must be printed or stencilled on, or securely attached to, the outside of the container.

(2) If it is not possible to comply with subregulation (1) because the fertiliser is a bulk fertiliser or a custom fertiliser mix, the label must be attached to the delivery docket for the fertiliser.

29. Printing on labels and delivery dockets

The printing on a label of a container of fertiliser or the delivery docket for fertiliser must be –

- (a) legible;
- (b) indelible; and
- (c) in a colour that affords a distinct contrast to the background colour.

30. Labels and delivery dockets to be in English

The information on the label of a container of fertiliser or the delivery docket for fertiliser must be in English and may also be in another language.

31. Other requirements for delivery dockets for bulk fertiliser or custom fertiliser mix

The delivery docket for a bulk fertiliser or a custom fertiliser mix –

- (a) must be handed to the purchaser, or a person authorised by the purchaser, at the time of delivery; or
- (b) if neither the purchaser nor a person authorised by the purchaser is present at the time of delivery – must be left in a conspicuous place on the purchaser's premises and a copy of the docket must be posted to the purchaser within 7 days after the delivery.

32. Additional information: phosphatic fertiliser

(1) The label on a container of phosphatic fertiliser must include a warning that the fertiliser must not be fed to stock if it contains more than –

- (a) 40 grams of fluorine per kilogram of phosphorus; or
 - (b) 100 milligrams of cadmium per kilogram of phosphorus.
- (2) In subregulation (1) –

"stock" means vertebrate animals, bees, crustaceans or molluscs.

PART 7 – HARMFUL INGREDIENTS IN FERTILISERS

33. Harmful ingredients

The following are harmful ingredients in fertilisers:

- (a) cadmium;
- (b) lead;
- (c) mercury.

34. Maximum amounts of harmful ingredients in fertilisers

- (1) The maximum amount of cadmium a fertiliser may contain is –
 - (a) if it is phosphatic fertiliser – 300 milligrams per kilogram of phosphorus;
 - (b) if it is nonphosphatic fertiliser other than trace element fertiliser – 10 milligrams per kilogram of total product; or
 - (c) if it is a trace element fertiliser – 50 milligrams per kilogram of total product.
- (2) The maximum amount of lead a fertiliser may contain is –
 - (a) if it is a fertiliser other than lime or gypsum, a fertiliser containing at least 25% organic matter, a fertiliser with added zinc for soil or a trace element fertiliser – 100 milligrams per kilogram of total product;
 - (b) if it is lime or gypsum – 30 milligrams per kilogram of total product;
 - (c) if it is a fertiliser containing at least 25% organic matter – 300 milligrams per kilogram of total product;
 - (d) if it is a fertiliser with added zinc for soil – 500 milligrams per kilogram of total product; or
 - (e) if it is trace element fertiliser for –
 - (i) foliar application only – 500 milligrams per kilogram of total product;
 - (ii) foliar or direct soil application – 500 milligrams per kilogram of total product; or

- (iii) direct soil application only – 2 000 milligrams per kilogram of total product.

(3) The maximum amount of mercury a fertiliser may contain is 5 milligrams per kilogram of total product.

- (4) In this regulation –

"fertiliser with added zinc for soil" means a fertiliser for direct soil application containing at least 5% added zinc but does not include a trace element fertiliser;

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

"trace element fertiliser" means a fertiliser for direct soil application or foliar application in which the only elements in at least their minimum percentage contents are trace elements.

PART 8 – STANDARDS FOR AGRICULTURAL PRODUCE

35. Chemical residues in agricultural produce

(1) A chemical residue in agricultural produce is a substance that is present in or on the produce as a result of –

- (a) the direct or indirect use of a chemical product in relation to the produce; or
- (b) contact between a chemical product and the produce.

- (2) In this regulation –

"environmental contaminant" means a substance the source of which is environmental and not the direct or indirect use of a chemical product;

"substance" includes an active constituent of a chemical product, a metabolite produced as a result of the direct or indirect use of a chemical product, and an environmental contaminant.

36. Maximum residue limits

(1) The maximum residue limits for a chemical product, or a substance associated with a chemical product, in agricultural produce intended or normally used for human consumption are the maximum residue limits set out in Table 1 of the MRL Standard.

(2) The maximum residue limits for a chemical product, or a substance associated with a chemical product, in agricultural produce intended or normally used for animal consumption are the maximum residue limits set out in Table 4 of the MRL Standard.

(3) The maximum residue limits for a chemical product, or a substance associated with a chemical product, in agricultural produce intended or normally used for both human and animal consumption are the maximum residue limits set out in Table 1 of the MRL Standard.

37. Exceeding maximum residue limits

(1) A chemical residue in agricultural produce exceeds the maximum residue limit if the chemical residue in the produce exceeds the maximum residue limit prescribed by regulation 36.

(2) If no maximum residue limit is prescribed by regulation 36 for a chemical residue in agricultural produce, the chemical residue must not be present in the produce.

(3) For subregulation (1), a chemical residue must be worked out in accordance with regulation 38.

38. Requirements for working out chemical residues

A chemical residue must be worked out in accordance with the following:

- (a) the portion of the agricultural produce that must be sampled and analysed is the portion set out in Table 1 of the MRL Standard;
- (b) the sampling method must be in accordance with the Codex Alimentarius, Volume 2A, Codex Standards for Pesticides in Foods, Section 1, Recommended Methods of Sampling for the Determination of Pesticide Residues for Compliance with MRL's, as amended from time to time;
- (c) the results of the analysis are to be rounded in accordance with AS 2706-1984, Australian Standard for Numerical Values – Rounding and Interpretation of Limiting Values, as amended from time to time, to take into account the number of significant figures in the maximum residue limit;
- (d) if practicable, the analysis must be carried out by a laboratory that has a relevant accreditation from the National Association of Testing Authorities Australia.

PART 9 – INFRINGEMENT NOTICES

39. When infringement notice may be served

If a chemical adviser believes a person has committed an offence against a provision of the Act or these Regulations specified in Schedule 3, column 1, the chemical adviser may serve an infringement notice on the person.

40. Prescribed amount

The prescribed amount that may be paid, instead of the penalty that may otherwise be imposed for an offence specified in Schedule 3, column 1 is the amount specified opposite in column 2.

41. Contents of infringement notice

- (1) An infringement notice must include the following particulars:
 - (a) the name and address of the alleged offender, if known;
 - (b) the date of the infringement notice;
 - (c) the date, time and place of the offence;
 - (d) the nature of the offence and the prescribed amount payable in respect of that offence;
 - (e) the enforcement agency, within the meaning of the *Fines and Penalties (Recovery) Act*, to whom the prescribed amount is payable.
- (2) An infringement notice must contain the following statements:
 - (a) a statement to the effect that –
 - (i) the alleged offender may expiate the offence and avoid enforcement action under the *Fines and Penalties (Recovery) Act* if he or she pays the prescribed amount to the enforcement agency specified in the infringement notice within 28 days of service of the infringement notice; and
 - (ii) if the alleged offender pays the prescribed amount within the period specified in the infringement notice, the enforcement agency will take no further action in relation to the offence;
 - (b) a statement to the effect that if the alleged offender does not pay the prescribed amount within the period specified in the infringement notice and does not serve on the enforcement agency specified in the infringement notice a statement of election to have the matter

dealt with by a court (as contained in the infringement notice), unless the infringement notice is withdrawn –

- (i) the *Fines and Penalties (Recovery) Act* will apply and the alleged offender may be served with a courtesy letter in accordance with that Act requiring payment of the prescribed amount together with the costs in respect of the issue of that letter; and
 - (ii) if the alleged offender does not make the payment as required by a courtesy letter, enforcement action may be taken against him or her under the *Fines and Penalties (Recovery) Act* which, after due process, may result in the suspension of the alleged offender's licence to drive, the seizure of property, the deduction of wages or salary, the registration of a statutory charge on land, a community work order or imprisonment if a community work order is breached;
- (c) a statement to the effect that the alleged offender may elect under section 21 of the *Fines and Penalties (Recovery) Act* to have the matter dealt with by a court instead of under the *Fines and Penalties (Recovery) Act* by completing a statement of election (as contained in the infringement notice) and serving it on the enforcement agency specified in the infringement notice;
- (d) a statement of election, for completion by the alleged offender if he or she elects to have the matter dealt with by a court, that includes the information required by regulation 7(1) of the *Fines and Penalties (Recovery) Regulations*.

42. Expiation of offence

(1) If an alleged offender pays the prescribed amount specified in an infringement notice in accordance with the notice, the alleged offender is taken to have expiated the offence and no further proceedings are to be taken in respect of the offence.

(2) If an alleged offender tenders a cheque in payment of a prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on presentation.

43. Withdrawal of infringement notice

An infringement notice may be withdrawn at any time within 28 days after it is served, but before payment of the prescribed amount specified in the infringement notice, by serving on the alleged offender a notice –

- (a) signed by the Chemicals Coordinator; and
- (b) stating that the infringement notice is withdrawn.

44. How service effected

Service of an infringement notice or a notice of withdrawal of an infringement notice is effected –

- (a) by serving it personally on the alleged offender;
- (b) by posting it to the alleged offender at his or her last known address; or
- (c) by leaving it for the alleged offender at his or her last known place of residence or business with a person apparently resident or employed there and apparently not less than 16 years of age.

45. Additional matters

This Part –

- (a) does not prevent more than one infringement notice for the same offence being served on an alleged offender, but it is sufficient for the application of regulation 42 to an alleged offender on whom more than one infringement notice has been served for the alleged offender to pay the prescribed amount in accordance with any one of those notices;
 - (b) does not limit the penalty that may be imposed by a court for an offence; and
 - (c) does not require an infringement notice to be served and does not affect the liability of a person to be prosecuted in a court for an offence in respect of which an infringement notice has not been served.
-

SCHEDULE 1

Regulation 3

**MINIMUM PERCENTAGE CONTENTS OF ELEMENTS IN
FERTILISERS**

Column 1 Element	Column 2 Minimum percentage content in solid fertiliser (% w/w)	Column 3 Minimum percentage content in liquid fertiliser (% w/v)
Boron	0.005	0.005
Calcium	0.5	0.1
Cobalt	0.001	0.001
Copper	0.005	0.005
Iron	0.01	0.005
Magnesium	0.5	0.1
Manganese	0.01	0.005
Molybdenum	0.001	0.001
Nitrogen – in the form of ammonium, nitrate, organic, urea or other form – total nitrogen	0.2 0.5	0.1
Phosphorus – citrate or water soluble – citrate insoluble – total phosphorus	0.2 0.1 0.5	0.1

Agricultural and Veterinary Chemicals (Control of Use) Regulations

Potassium – in the form of chloride, nitrate, organic, sulphate or other form – total phosphorus	0.2 0.5	0.1
Selenium	0.001	0.001
Sulfur	0.5	0.1
Zinc	0.005	0.005

SCHEDULE 2

Regulation 16

**PERSONS AUTHORISED TO HAVE POSSESSION OF AND USE
RESTRICTED CHEMICAL PRODUCTS**

A restricted chemical product containing bifenthrin or chlorpyrifos	A person who is licensed or otherwise authorised by or under the <i>Poisons and Dangerous Drugs Act</i> to have possession of and use the product
A restricted chemical product containing sodium monofluoroacetate (1080)	<ol style="list-style-type: none">1. A person –<ol style="list-style-type: none">(a) who has successfully completed a training course in handling the product approved by the Parks and Wildlife Commission; and(b) whose possession and use of the product is in accordance with the standard operating procedures for the product developed by the Commission2. A person who has possession of and uses the product under the direction of a person referred to in item 1
A restricted chemical product containing endosulfan	A person who is authorised under an S7 authorisation to have possession of and use the product
A restricted chemical product containing pindone	A conservation officer under the <i>Territory Parks and Wildlife Conservation Act</i>

SCHEDULE 3

Regulations 39 and 40

**INFRINGEMENT NOTICES
PRESCRIBED OFFENCES AND AMOUNTS**

Column 1 Offence Provision	Column 2 Prescribed Amount
Part A – Offences against Act	
Sections 17, 19, 21, 42, 46, 47 and 72 – if the alleged offender is a natural person – if the alleged offender is a body corporate	1 penalty unit 5 penalty units
Sections 22 and 25 – if the alleged offender is a natural person – if the alleged offender is a body corporate	2 penalty units 10 penalty units
Sections 23, 26, 39, 57 and 59 – if the alleged offender is a natural person – if the alleged offender is a body corporate	4 penalty units 20 penalty units
Sections 27, 33, 34 and 35	2 penalty units
Sections 28, 29, 30, 31 and 58	4 penalty units
Sections 38, 48, 49, 50, 53, 54 and 55 – if the alleged offender is a natural person – if the alleged offender is a body corporate	5 penalty units 25 penalty units
Sections 40, 43 and 60	5 penalty units
Sections 41, 44, 45 and 51	1 penalty unit

Agricultural and Veterinary Chemicals (Control of Use) Regulations

Part B – Offences against Regulations	
Regulations 6, 7, 9, 12, 13, 14, 15 and 25	2 penalty units
