

South Australia

Agricultural and Veterinary Products (Control of Use) Variation Regulations 2013

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

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Agricultural and Veterinary Products (Control of Use) Variation Regulations 2013*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Agricultural and Veterinary Products (Control of Use) Regulations 2004*

4—Substitution of regulation 34

Regulation 34—delete the regulation and substitute:

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.

5—Variation of Schedule 2—Restricted agricultural and veterinary products

(1) Schedule 2—before the table insert:

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

(2) Schedule 2—after the table insert:

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').

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 12 September 2013

No 232 of 2013

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