

South Australia

Agricultural and Veterinary Products (Control of Use) Variation Regulations 2014

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 2014*.

2—Commencement

These regulations will come into operation on 10 November 2014.

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—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *ChemCert accreditation*—delete the definition
- (2) Regulation 3(1), definition of *prescribed qualification*—delete the definition

5—Variation of regulation 6—Off-label use of registered agricultural chemical products

Regulation 6(1), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$10 000.
Expiation fee: \$315.

6—Variation of regulation 32—Off-label use of registered veterinary chemical products

Regulation 32(1), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$10 000.
Expiation fee: \$315.

7—Variation of regulation 33—Records to be kept by veterinary surgeons

- (1) Regulation 33(1)—delete "keep" and substitute:
as soon as practicable after treating the animals, make
- (2) Regulation 33(2)—delete "keep" and substitute:
, as soon as practicable after treating the animals, make
- (3) Regulation 33—after subregulation (2) insert:
 - (2a) A veterinary surgeon who is required to make a record of information under this regulation must keep the record for 2 years from the date of the making of the record.
Maximum penalty: \$2 500.
Expiation fee: \$210.

8—Variation of regulation 34—Restrictions on use of certain agricultural products or veterinary products

- (1) Regulation 34(1)—delete subregulation (1) and substitute:
 - (1) The Minister may, by notice in the Gazette, declare that the use of an agricultural product or veterinary product specified in the notice is prohibited except by persons of a class specified in the notice.
 - (1a) A person must not contravene a notice referred to in subregulation (1).
Maximum penalty: \$10 000.
Expiation fee: \$315.

- (2) Regulation 34(2)—delete "Part 2"
- (3) Regulation 34(2), penalty provision—delete the penalty provision and substitute:
 - Maximum penalty: \$10 000.
 - Expiation fee: \$315.
- (4) Regulation 34(3)—delete "Part 2"

9—Variation of regulation 35—Products prohibited for use in treating food-producing animals

Regulation 35, penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$10 000.
Expiation fee: \$315.

10—Substitution of regulation 36—Confidentiality

Regulation 36—delete the regulation and substitute:

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 *Food Act 2001*;
- (e) the *Livestock Act 1997*;
- (f) the *National Parks and Wildlife Act 1972*;
- (g) the *Natural Resources Management Act 2004*;
- (h) the *Occupational Health, Safety and Welfare Act 1986*;
- (i) the *Primary Produce (Food Safety Schemes) Act 2004*;
- (j) the *South Australian Public Health Act 2011*.

11—Substitution of Schedule 2

Schedule 2—delete the Schedule and substitute:

Schedule 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').

Made by the Governor

with the advice and consent of the Executive Council
on 12 June 2014

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