

South Australia

## **Agricultural and Veterinary Products (Control of Use) Regulations 2017**

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

---

### **Contents**

#### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Mandatory instructions
- 5 Trade species animal

#### Part 2—Agricultural chemical products

- 6 Off-label use of registered agricultural chemical products
- 7 Exemption in relation to horticultural crops
- 8 Exemptions in relation to home garden products

#### Part 3—Fertilisers

##### Division 1—Standards for fertilisers

###### Subdivision 1—Maximum permitted concentrations of heavy metals

- 9 Maximum permitted concentration of cadmium
- 10 Maximum permitted concentration of lead
- 11 Maximum permitted concentration of mercury

###### Subdivision 2—Standards for gypsum and lime fertilisers

- 12 Minimum percentage of sulphur in gypsum fertilisers
- 13 Fineness of gypsum fertilisers
- 14 Maximum permitted moisture content of gypsum fertilisers
- 15 Minimum neutralising value of lime fertilisers

##### Division 2—Labelling and information

###### Subdivision 1—General provisions

- 16 Requirement for label or advice note
- 17 General information to be included on label or advice note
- 18 Use of numbers in name of fertiliser on label or advice note

###### Subdivision 2—Requirements relating to content of fertilisers

- 19 Information about content and form of nutrients
- 20 Order in which nutrients in fertiliser must be listed
- 21 Concentration of nutrients in fertiliser

- 22 Information about micro-nutrients added during manufacture
- 23 Information about fineness of elemental sulphur
- 24 Information about fineness of rock phosphate
- 25 Information and warnings about gypsum fertilisers
- 26 Additional information about lime fertilisers
- 27 Information about biuret content of fertilisers containing urea
- 28 Information and warnings about biuret content of fertilisers
- 29 Information and warnings about heavy metals in fertilisers

#### **Part 4—Veterinary products**

- 30 Prescribed substances
- 31 Related species of animals
- 32 Off-label use of registered veterinary chemical products
- 33 Records to be kept by veterinary surgeons

#### **Part 5—Miscellaneous**

- 34 Restrictions on use of certain agricultural products or veterinary products
- 35 Products prohibited for use in treating food-producing animals
- 36 Confidentiality
- 37 Variation or revocation of notices

Schedule 1—Substances prescribed for purposes of sections 11 and 12 of Act

Schedule 2—Restricted agricultural products (regulation 34(2))

Schedule 3—Products prohibited for use in treating food-producing animals

Schedule 4—Revocation and transitional provisions

#### **Part 1—Revocation of *Agricultural and Veterinary Products (Control of Use) Regulations 2004***

- 1 Revocation of *Agricultural and Veterinary Products (Control of Use) Regulations 2004*

#### **Part 2—Transitional provisions**

- 2 Interpretation
  - 3 Continuation of approvals of quality assurance schemes for specified horticultural crops
  - 4 Continuation of declarations restricting use of certain agricultural products or veterinary products
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Agricultural and Veterinary Products (Control of Use) Regulations 2017*.

### **2—Commencement**

These regulations will come into operation 4 months after the day on which they are made (see *Subordinate Legislation Act 1978* section 10AA).

---

### 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

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

*crop* includes a plant not grown for its produce;

*gypsum* means a naturally occurring substance composed of calcium sulphate dihydrate;

*home garden product* means a registered agricultural chemical product that—

- (a) is supplied to the general public for use in the home and home garden; and
- (b) is supplied in a container the approved label for which indicates that the product is intended for such use;

*horticultural crop* includes fruit, nuts, herbs, vegetables, vines, flowers and ornamental plants;

*lime* means agricultural lime, dolomite or magnesite that—

- (a) has a neutralising value equal to or greater than 50%; and
- (b) contains calcium or magnesium carbonates or oxides or hydroxides, or a combination of calcium and magnesium carbonates or oxides or hydroxides,

when used for the purpose of decreasing the acidity of soil or when used as a fertiliser to supply principally calcium or magnesium;

*liming material* means an agricultural liming material that consists of or contains lime or dolomite that has a neutralising value of less than 50%;

*neutralising value* means the calcium carbonate equivalent as calculated from the calcium and magnesium carbonates, oxides and hydroxides;

*phosphatic fertiliser* means a fertiliser that contains not less than 2% phosphorus;

*State* includes a Territory of the Commonwealth;

*trace element* means boron, cobalt, copper, iron, manganese, molybdenum, selenium or zinc.

- (2) For the purposes of these regulations—

- (a) a fertiliser is *partially constituted of trace elements* if the nutritional value of the fertiliser is partially derived from trace elements or the salts of trace elements;
- (b) a fertiliser is *wholly constituted of trace elements* if the nutritional value of the fertiliser is derived only from trace elements or the salts of trace elements.

### 4—Mandatory instructions

- (1) For the purposes of the definition of *mandatory instruction* in section 3(1) of the Act, an instruction on an approved label for containers for a registered agricultural chemical product or a registered veterinary chemical product is a mandatory instruction if—

- (a) it uses the words "must", "must not", "may not", "do not", "not to be used", "not for use" or "use only"; or

- (b) it contains a statement that the product is for use only by a person who has specified qualifications.
- (2) For the purposes of the definition of *mandatory instruction* in section 3(1) of the Act, an instruction on an approved label for containers for a registered veterinary chemical product is a mandatory instruction if it is preceded by the heading "Restraints".

## **5—Trade species animal**

For the purposes of paragraph (c) of the definition of *trade species animal* in section 3(1) of the Act, horses, donkeys and mules are declared to be trade species animals.

## **Part 2—Agricultural chemical products**

### **6—Off-label use of registered agricultural chemical products**

- (1) A person must not use a registered agricultural chemical product in contravention of this regulation except as authorised by a permit.  
Maximum penalty: \$10 000.  
Expiation fee: \$315.
- (2) If the approved label for containers for the product includes instructions for the use of the product on specified crops, or in specified situations, in this State or in all States, the product—
  - (a) must not be used on a crop, or in a situation, not so specified; and
  - (b) must not be used on a crop, or in a situation, so specified at a rate or frequency that exceeds the rate or frequency specified on the label for use on that crop or in that situation (whether or not the specified rate or frequency is stated to be a maximum rate or frequency).
- (3) If the approved label for containers for the product does not include instructions for the use of the product on specified crops, or in specified situations, in this State but includes such instructions for another State, the product—
  - (a) must not be used in this State on a crop, or in a situation, not specified on the label for another State; and
  - (b) must not be used in this State on a crop, or in a situation, specified on the label for another State at a rate or frequency that exceeds the highest rate or frequency specified on the label for use on that crop or in that situation (whether or not the specified rate or frequency is stated to be a maximum rate or frequency).
- (4) This regulation does not apply to the use of a home garden product unless the product is used on a plant being grown or used for the purposes of trading in the plant or products derived from the plant or for producing products for sale.

## **7—Exemption in relation to horticultural crops**

- (1) A person who is an accredited participant of an approved quality assurance scheme is exempt from regulation 6 in relation to the use of a product on a horticultural crop in respect of which the scheme is approved on condition that the product is not used at a rate or frequency that exceeds the highest rate or frequency specified on the approved label for use on any crop (whether or not the specified rate or frequency is stated to be a maximum rate or frequency).
- (2) The Minister may, by notice in the Gazette, approve a quality assurance scheme for a specified horticultural crop.
- (3) A person is an accredited participant of an approved quality assurance scheme only if he or she satisfies requirements specified by the Minister in the notice approving the quality assurance scheme or by subsequent notice in the Gazette.
- (4) A notice under subregulation (2) will be taken to be revoked on the third anniversary of the day on which it was made.

## **8—Exemptions in relation to home garden products**

- (1) A person is exempt from section 7 of the Act in relation to the use of a home garden product unless the person is using the product on a plant that is being grown or used for the purposes of trading in the plant or products derived from the plant or for producing products for sale.
- (2) A person is exempt from section 7 of the Act in relation to the disposal of a home garden product.
- (3) A person is exempt from section 8 of the Act in relation to the keeping of a home garden product.

# **Part 3—Fertilisers**

## **Division 1—Standards for fertilisers**

### **Subdivision 1—Maximum permitted concentrations of heavy metals**

#### **9—Maximum permitted concentration of cadmium**

The concentration of cadmium in a fertiliser must not exceed—

- (a) in the case of a phosphatic fertiliser—300 milligrams for each kilogram of phosphorus in the fertiliser;
- (b) in the case of a non-phosphatic fertiliser—
  - (i) if the fertiliser is wholly constituted of trace elements—50 milligrams for each kilogram of the fertiliser; or
  - (ii) in any other case—10 milligrams for each kilogram of the fertiliser.

## **10—Maximum permitted concentration of lead**

The concentration of lead in a fertiliser must not exceed the following amount for each kilogram of the fertiliser:

- (a) in the case of a foliar fertiliser wholly constituted of trace elements—500 milligrams; or
- (b) in the case of a fertiliser (other than a foliar fertiliser) wholly constituted of trace elements—2 000 milligrams; or
- (c) in the case of a fertiliser partially constituted of trace elements—500 milligrams; or
- (d) in any other case—100 milligrams.

## **11—Maximum permitted concentration of mercury**

The concentration of mercury in a fertiliser must not exceed the following amount for each kilogram of the fertiliser:

- (a) in the case of a phosphatic fertiliser—10 milligrams; or
- (b) in any other case—5 milligrams.

## **Subdivision 2—Standards for gypsum and lime fertilisers**

### **12—Minimum percentage of sulphur in gypsum fertilisers**

A fertiliser supplied as gypsum must contain at least the following percentage of sulphur:

- (a) in the case of fertiliser supplied as premium grade gypsum—16.7% in weight of the total weight of the fertiliser;
- (b) in the case of fertiliser supplied as grade 1 gypsum—15% in weight of the total weight of the fertiliser;
- (c) in the case of fertiliser supplied as grade 2 gypsum—12.5% in weight of the total weight of the fertiliser;
- (d) in the case of fertiliser supplied as grade 3 gypsum—10% in weight of the total weight of the fertiliser.

### **13—Fineness of gypsum fertilisers**

If a fertiliser is supplied as gypsum—

- (a) at least 50% of the total amount of the fertiliser must be capable of passing through a sieve with apertures of 2 millimetres; and
- (b) at least 80% of the total amount of the fertiliser must be capable of passing through a sieve with apertures of 5.6 millimetres.

### **14—Maximum permitted moisture content of gypsum fertilisers**

The moisture content of a fertiliser supplied as gypsum must not exceed 15% of the total amount of the fertiliser (disregarding any water bound in the gypsum mineral structure of the fertiliser).

## **15—Minimum neutralising value of lime fertilisers**

A fertiliser supplied as lime must have the following minimum neutralising value:

- (a) in the case of fertiliser supplied as grade 1 lime—80%;
- (b) in the case of fertiliser supplied as grade 2 lime—65%;
- (c) in the case of a fertiliser supplied as grade 3 lime—50%.

## **Division 2—Labelling and information**

### **Subdivision 1—General provisions**

#### **16—Requirement for label or advice note**

- (1) A fertiliser must—
  - (a) if supplied in a package—have affixed to, or printed or stencilled on, the package a label or advice note that complies with this Division; or
  - (b) if supplied without a package—be supplied in accordance with this regulation with a label or advice note that complies with this Division.
- (2) If fertiliser supplied without a package is delivered to a person, the label or advice note for the fertiliser must be handed to the person or an agent of the person.
- (3) If fertiliser supplied without a package is delivered to premises where no person is in attendance to accept delivery of the label or advice note for the fertiliser, the label or advice note must, within 7 days of the delivery, be given or sent to the person to whom the fertiliser was supplied.
- (4) If—
  - (a) a fertiliser supplied as gypsum, lime or liming materials is supplied without a package to a person on more than 1 occasion during a calendar year; and
  - (b) on each occasion the specifications of the fertiliser are the same,compliance with the preceding subregulations is required only in relation to the first supply of the fertiliser during that year.

#### **17—General information to be included on label or advice note**

A label or advice note for a fertiliser must state—

- (a) the distinctive name of the fertiliser; and
- (b) the name and principal place of business of the manufacturer or supplier of the fertiliser.

#### **18—Use of numbers in name of fertiliser on label or advice note**

If the name of a fertiliser on a label or advice note for the fertiliser includes a number to indicate the percentage concentration of a nutrient in the fertiliser—

- (a) a number including or below the mid range (other than 0.5 or less) must be rounded down to the nearest whole number or the first decimal place;
- (b) a number above the mid range must be rounded up to the nearest whole number or the first decimal place.

## **Subdivision 2—Requirements relating to content of fertilisers**

### **19—Information about content and form of nutrients**

- (1) A label or advice note for a fertiliser must state the name of each element present in the fertiliser and—
  - (a) if the fertiliser contains nitrogen—the following information:
    - (i) the percentage of nitrogen as nitrate;
    - (ii) the percentage of nitrogen as ammonium;
    - (iii) the percentage of nitrogen as urea;
    - (iv) the percentage of nitrogen in any other form (to be stated);
    - (v) the total percentage content of nitrogen; and
  - (b) if the fertiliser contains phosphorus—the following information:
    - (i) the percentage of phosphorus as water soluble;
    - (ii) the percentage of phosphorus as ammonium citrate soluble;
    - (iii) the percentage of phosphorus as ammonium citrate insoluble;
    - (iv) the percentage of phosphorus in any other form (to be stated);
    - (v) the total percentage content of phosphorus; and
  - (c) if the fertiliser contains potassium—the following information:
    - (i) the percentage of potassium as chloride;
    - (ii) the percentage of potassium as nitrate;
    - (iii) the percentage of potassium as phosphate;
    - (iv) the percentage of potassium as sulphate;
    - (v) the percentage of potassium in any other form (to be stated);
    - (vi) the total percentage content of potassium; and
  - (d) if the fertiliser contains calcium—the following information:
    - (i) the percentage of calcium as carbonate;
    - (ii) the percentage of calcium as hydroxide;
    - (iii) the percentage of calcium as oxide;
    - (iv) the percentage of calcium as sulphate;
    - (v) the percentage of calcium as nitrate;
    - (vi) the percentage of calcium as chloride;
    - (vii) the percentage of calcium as superphosphate or phosphate;
    - (viii) the percentage of calcium as silicate;
    - (ix) the percentage of calcium in any other form (to be stated);
    - (x) the total percentage content of calcium; and
  - (e) if the fertiliser contains magnesium—the following information:



- (i) the percentage of magnesium as carbonate;
  - (ii) the percentage of magnesium as hydroxide;
  - (iii) the percentage of magnesium as oxide;
  - (iv) the percentage of magnesium as silicate;
  - (v) the percentage of magnesium as sulphate;
  - (vi) the total percentage content of magnesium; and
- (f) if the fertiliser contains sulphur—the following information:
- (i) the percentage of sulphur as sulphate;
  - (ii) the percentage of sulphur as elemental sulphur;
  - (iii) the percentage of sulphur in any other form (to be stated);
  - (iv) the total percentage content of sulphur; and
- (g) if the fertiliser contains micro-nutrients as a straight product, blended or as a coating—the following information in relation to each micro-nutrient:
- (i) the percentage of the micro-nutrient as sulphate;
  - (ii) the percentage of the micro-nutrient as chelate and the form of the chelate;
  - (iii) the percentage of the micro-nutrient as oxide;
  - (iv) the percentage of the micro-nutrient in any other form (to be stated).
- (2) If a fertiliser is named on a label or advice note by use of a number that does not reflect the actual percentage content of each element present in the fertiliser, the label or advice note must also state each element's percentage content directly below the fertiliser's name.

## **20—Order in which nutrients in fertiliser must be listed**

A label or advice note for a fertiliser must—

- (a) list the following nutrients in the following order:
- (i) nitrogen;
  - (ii) phosphorus;
  - (iii) potassium;
  - (iv) sulphur;
  - (v) calcium;
  - (vi) magnesium; and
- (b) list all other nutrients in decreasing quantity.

## **21—Concentration of nutrients in fertiliser**

A label or advice note for a fertiliser must state the concentration of a nutrient in the fertiliser—

- (a) in the case of a fertiliser supplied by weight—as a percentage in weight of the total weight of the fertiliser (% wt/wt);

- (b) in the case of a fertiliser sold by volume—as a percentage in weight of the total volume of the fertiliser (% wt/vol).

## **22—Information about micro-nutrients added during manufacture**

If a fertiliser contains micro-nutrients added during a manufacturing process and, due to chemical reactions the form of the micro-nutrients in the end product is not known, the label or advice note for the fertiliser must state the concentration of micro-nutrients present in the fertiliser in elemental form.

## **23—Information about fineness of elemental sulphur**

If a fertiliser contains elemental sulphur, the label or advice note for the fertiliser must state—

- (a) the percentage of sulphur particles capable of passing through a sieve with apertures of 0.25 millimetres; and
- (b) the percentage of sulphur particles capable of passing through a sieve with apertures of 0.5 millimetres but not through a sieve with an aperture of 0.25 millimetres; and
- (c) the percentage of sulphur particles not capable of passing through a sieve with apertures of 0.5 millimetres.

## **24—Information about fineness of rock phosphate**

A label or advice note for a fertiliser containing rock phosphate must state—

- (a) the percentage of the rock phosphate that is capable of passing through a sieve with apertures of 1.003 millimetres; and
- (b) the percentage of the rock phosphate that is capable of passing through a sieve with apertures of 500 microns.

## **25—Information and warnings about gypsum fertilisers**

(1) A label or advice note for fertiliser supplied as gypsum must state—

- (a) whether the fertiliser is premium grade, grade 1, grade 2 or grade 3 gypsum; and
- (b) the minimum amount (expressed as a percentage weight in weight) of each of the following substances in the fertiliser:
  - (i) gypsum;
  - (ii) calcium;
  - (iii) sulphur; and
- (c) the minimum percentage of the fertiliser that will pass through a sieve with apertures of 2 millimetres; and
- (d) the minimum percentage of the fertiliser that will pass through a sieve with apertures of 5.6 millimetres.

- (2) If the concentration of sodium in a fertiliser supplied as gypsum exceeds 0.8% for each kilogram of the fertiliser, the label or advice note for the fertiliser must contain—
- (a) a statement that continual application of the fertiliser may have a detrimental effect on soil; or
  - (b) the following warning:  
**WARNING**—This product is not suitable for reclamation of saline sodic soils.

## **26—Additional information about lime fertilisers**

- (1) A label or advice note for a fertiliser supplied as lime must state—
- (a) whether the lime is grade 1, grade 2 or grade 3 lime; and
  - (b) the neutralising value of the lime.
- (2) A label or advice note for a fertiliser supplied as liming material must state the neutralising value of the liming material.

## **27—Information about biuret content of fertilisers containing urea**

If a fertiliser contains urea, the label or advice note for the fertiliser must state the maximum proportion of biuret in the fertiliser.

## **28—Information and warnings about biuret content of fertilisers**

If a fertiliser contains biuret, the label or advice note for the fertiliser must contain the following:

- (a) for a foliar fertiliser (other than solely for turf) containing—
  - (i) more than 10 grams but not more than 20 grams of biuret for each kilogram of nitrogen—a warning that the fertiliser is not recommended for repeated foliar application on citrus trees;
  - (ii) more than 20 grams but not more than 30 grams of biuret for each kilogram of nitrogen—a warning that the fertiliser is not recommended for repeated foliar application on annual or perennial horticultural crops;
  - (iii) more than 30 grams of biuret for each kilogram of nitrogen—a warning that the fertiliser is not recommended for foliar application;
- (b) for a foliar fertiliser used solely on turf—a statement that the fertiliser is for use on turf only and must not be used in other foliar sprays;
- (c) for a non-foliar fertiliser—a statement that the fertiliser is for soil application only and must not be used as a foliar spray.

## **29—Information and warnings about heavy metals in fertilisers**

- (1) A label or advice note for a fertiliser containing cadmium must contain—
- (a) a statement of the maximum content of cadmium in milligrams for each kilogram of the fertiliser; and
  - (b) in the case of a fertiliser containing more than 1 milligram of cadmium for each kilogram of the fertiliser—the following warning:

**WARNING**—Use of this product may result in cadmium residues in excess of the maximum permissible concentration (MPC) in plant and animal products and may also result in accumulation of these residues in soils.

- (2) A label or advice note for a phosphatic fertiliser must state the maximum content of cadmium and fluorine in milligrams for each kilogram of phosphorus in the fertiliser.
- (3) A label or advice note for a fertiliser containing lead must contain—
  - (a) a statement of the maximum content of lead in milligrams for each kilogram of the fertiliser; and
  - (b) in the case of a fertiliser containing more than 20 milligrams of lead for each kilogram of the fertiliser—the following warning:

**WARNING**—Use of this product may result in lead residues in excess of the maximum permissible concentration (MPC) in plant and animal products and may also result in accumulation of these residues in soils.

- (4) A label or advice note for a fertiliser that is supplied for application on pastures and contains more than 0.001% of molybdenum must contain the following warning:

**WARNING**—Excessive use of molybdenum can be harmful to stock. Plant levels of molybdenum can be high for 4 weeks after application. It is advisable to keep stock off treated areas for this period. Check rate and frequency of molybdenum use with appropriate authorities.

- (5) A label or advice note for a fertiliser containing mercury must contain—
  - (a) a statement of the maximum content of mercury in milligrams for each kilogram of the fertiliser; and
  - (b) in the case of a fertiliser containing more than 0.2 milligrams of mercury per kilogram of the fertiliser—the following warning:

**WARNING**—Use of this product may result in mercury residues in excess of the maximum permissible concentration (MPC) in plant and animal products and may also result in accumulation of these residues in soils.

- (6) A label or advice note for a fertiliser containing more than 0.001% of selenium must contain the following warning:

**WARNING**—Excessive use of this product can be toxic to livestock and should not be used if selenium deficiency does not exist in stock grazing on the area where the product is to be applied. Do not allow stock access to spilt or unused fertiliser.

## **Part 4—Veterinary products**

### **30—Prescribed substances**

- (1) For the purposes of section 11 of the Act, substances containing 1 or more of the substances specified in Schedule 1 are prescribed.
- (2) For the purposes of section 12 of the Act, the substances specified in Schedule 1 are prescribed.

### **31—Related species of animals**

For the purposes of section 14(2)(a)(ii)(C) of the Act—

- (a) cattle are declared to be related to buffalo, goats and deer; and
- (b) chickens are declared to be related to ducks, geese, Guinea fowl, pheasants, quails, pigeons and turkeys; and
- (c) alpacas, camels and llamas are declared to be related to each other; and
- (d) horses, donkeys and mules are declared to be related to each other; and
- (e) kangaroos and wallabies are declared to be related to each other.

### **32—Off-label use of registered veterinary chemical products**

- (1) A person other than a veterinary surgeon must not use a registered veterinary chemical product in contravention of this regulation except as authorised by a permit or in accordance with the written instructions of a veterinary surgeon.

Maximum penalty: \$10 000.

Expiation fee: \$315.

- (2) If the approved label for containers for the product includes instructions for the use of the product on specified animals, or in specified situations, in this State or in all States, the product —
- (a) must not be used on an animal, or in a situation, so specified at a rate, dosage or frequency that exceeds the rate, dosage or frequency specified on the label for use on that animal or in that situation (whether or not the specified rate, dosage or frequency is stated to be a maximum rate, dosage or frequency); and
  - (b) must not, if the label specifies a method of administration to an animal, be administered to an animal by any other method.
- (3) If the approved label for containers for the product does not include instructions for the use of the product on specified animals, or in specified situations, in this State but includes such instructions for another State, the product may be used in this State on an animal, or in a situation, specified for another State but—
- (a) must not be used at a rate or frequency that exceeds the highest rate or frequency specified on the label for use on that animal or in that situation (whether or not the specified rate or frequency is stated to be a maximum rate or frequency); and
  - (b) must not, if the label specifies a method of administration to an animal, be administered to an animal by any other method.

### **33—Records to be kept by veterinary surgeons**

- (1) A veterinary surgeon who treats trade species animals using a veterinary chemical product in a manner that contravenes a mandatory instruction on the approved label for containers of the product must, unless he or she is using the product in accordance with a permit, as soon as practicable after treating the animals, make a record of the following information:
- (a) the approval number allocated to the product by the NRA or the full name of the product and the concentration of each active constituent used in treating the animals;
  - (b) the date on which the product was used;
  - (c) the address at which the product was used;
  - (d) the name, address and telephone number of the person responsible for the care of the animals treated using the product;
  - (e) the species of animal treated using the product;
  - (f) the number of animals treated using the product;
  - (g) the nature of the departure from the mandatory instruction.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A veterinary surgeon who treats animals using a veterinary product prepared by the veterinary surgeon must, as soon as practicable after treating the animals, make a record of the following information:
- (a) the concentration of each active constituent used in treating the animals;
  - (b) the date on which the product was used;
  - (c) the address at which the product was used;
  - (d) the name, address and telephone number of the person responsible for the care of the animals treated using the product;
  - (e) the species of animal treated using the product;
  - (f) the number of animals treated using the product.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) 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.

- (4) A veterinary surgeon must, on request by the Minister in writing, provide the Minister with specified information contained in a record kept under this regulation within the time specified in the request.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## Part 5—Miscellaneous

### 34—Restrictions on use of certain agricultural products or veterinary products

- (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.
- (2) A person must not contravene a notice referred to in subregulation (1).  
Maximum penalty: \$10 000.  
Expiation fee: \$315.
- (3) If—
  - (a) a person uses an agricultural product of a kind specified in the left column of the table in Schedule 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.  
Expiation fee: \$315.
- (4) If a person uses an agricultural product of a kind specified in the left column of the table in Schedule 2 as referred to in subregulation (3)(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.

- (5) 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" South, longitude 135°12'56.85" East, 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" South, longitude 136°29'44.15" East, 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" South, then east to longitude 140°21'20" East, south to latitude 34°07'10" South, east to a western boundary of Renmark Paringa Council, then beginning northerly along said boundary to a point closest to latitude 34°03'56" South, longitude 140°42'05.84" East, 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 the *Controlled Substances (Pesticides) Regulations 2017*.
- (6) Unless the contrary intention appears, all lines in the spatial description of the **prescribed area** in subregulation (5) 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.

### **35—Products prohibited for use in treating food-producing animals**

A person must not treat an animal kept or used as a food-producing species (within the meaning of the *Agvet Code of South Australia*) using a product specified in Schedule 3 except as authorised by a permit.

Maximum penalty: \$10 000.

Expiation fee: \$315.

### **36—Confidentiality**

For the purposes of section 38(a) of the Act, the following Acts are prescribed:

*Controlled Substances Act 1984*

*Dangerous Substances Act 1979*

*Environment Protection Act 1993*



*Food Act 2001*

*Livestock Act 1997*

*National Parks and Wildlife Act 1972*

*Natural Resources Management Act 2004*

*Primary Produce (Food Safety Schemes) Act 2004*

*South Australian Public Health Act 2011*

*Work Health and Safety Act 2012*

### **37—Variation or revocation of notices**

The Minister may, by subsequent notice in the Gazette, vary or revoke a notice published in the Gazette under these regulations.

## **Schedule 1—Substances prescribed for purposes of sections 11 and 12 of Act**

Aldrin  
Benzene hexachloride (BHC)  
Chlordane  
DDT  
Dieldrin  
Endrin  
Heptachlor  
Hexachlorobenzene (HCB)  
Lindane  
Methoxychlor  
Toxaphene (camphechlor)

## **Schedule 2—Restricted agricultural products (regulation 34(2))**

<b>Agricultural product</b>	<b>Class of person authorised to use product</b>
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').

## **Schedule 3—Products prohibited for use in treating food-producing animals**

Chloramphenicol and any product related to chloramphenicol  
Crystal (gentian) violet  
Diethylstilboestrol and any product related to diethylstilboestrol  
Dihydrostreptomycin (injectable)  
Fluoroquinolone antibiotics  
Gentamycin  
Nitrofurantoin antibacterials including furaldatoxime, furazolidone, nifuraldizone, nitrofurantoin and nitrofurazone  
Strychnine  
Sulfonamide antibacterials other than sulfadiazine, sulfadimidine, sulfadoxine, sulfaquinoxaline or sulfatroxazole

## **Schedule 4—Revocation and transitional provisions**

### **Part 1—Revocation of *Agricultural and Veterinary Products (Control of Use) Regulations 2004***

#### **1—Revocation of *Agricultural and Veterinary Products (Control of Use) Regulations 2004***

The *Agricultural and Veterinary Products (Control of Use) Regulations 2004* are revoked.

### **Part 2—Transitional provisions**

#### **2—Interpretation**

In this Part—

*revoked regulations* means the *Agricultural and Veterinary Products (Control of Use) Regulations 2004*.

#### **3—Continuation of approvals of quality assurance schemes for specified horticultural crops**

An approval under regulation 7 of the revoked regulations in force immediately before the commencement of this clause will, on that commencement, continue in force as if it were an approval under section 7 of these regulations.

#### **4—Continuation of declarations restricting use of certain agricultural products or veterinary products**

A declaration under regulation 34 of the revoked regulations in force immediately before the commencement of this clause will, on that commencement, continue in force as if it were a declaration under regulation 34 of these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 19 September 2017

No 281 of 2017

17MAFF0034