



Western Australia

**Biosecurity and Agriculture Management
(Agricultural Chemical Record Keeping)
Regulations 2020**

Compare between:

[14 Aug 2020, 00-a0-00] and [11 Sep 2020, 00-b0-00]

Biosecurity and Agriculture Management (Agricultural Chemical Record Keeping) Regulations 2020

Part 1 — Preliminary

1. Citation

These regulations are the *Biosecurity and Agriculture Management (Agricultural Chemical Record Keeping) Regulations 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the 28th day after that day.

~~[Parts~~ **Part 2** — **Agricultural chemical record keeping**

3. Terms used

(1) In these regulations —

agricultural chemical product means a chemical product within paragraph (a) of the definition of that term in section 6 of the Act;

approved label — see subregulation (2);

container — see subregulation (2);

domestic product means an agricultural chemical product that is supplied to the general public for use for domestic purposes (including home gardening);

dwelling has the meaning given in section 63 of the Act;

excepted domestic product use — see subregulation (3);

responsible owner or occupier, in relation to the use of an agricultural chemical product on any land, means the owner or occupier of the land —

(a) who uses the agricultural chemical product or who arranges (directly or indirectly) for it to be used; or

(b) for whom, or on whose behalf, the agricultural chemical product is used or is arranged (directly or indirectly) to be used;

use, in relation to an agricultural chemical product, includes apply, disperse, drop, lay, spray or spread the agricultural chemical product by any means (for example, by hand or by the use of a machine or any type of equipment (including aerial spraying equipment)).

(2) In these regulations, each of the following terms has the meaning given in the Agvet Code of Western Australia section 3 —

approved label

container

(3) For the purposes of these regulations, the use of an agricultural chemical product is an *excepted domestic product use* if —

(a) the agricultural chemical product is a domestic product; and

(b) the agricultural chemical product is used —

(i) by hand; or

(ii) by using an applicator that is carried by hand or otherwise on the body and that is operated by hand;

and

(c) if the use is outdoors — no more than 20 litres or 20 kilograms of “ready-to-use” product, or 5 litres or 5 kilograms of concentrated product, is used; and

(d) if the use is indoors — no more than 5 litres or 5 kilograms of “ready-to-use” product, or 1 litre or 1 kilogram of concentrated product, is used.

4. Responsible owner or occupier to have record of use of agricultural chemical product

(1) If an agricultural chemical product is used on any land, the responsible owner or occupier must —

(a) ensure that a record containing the information set out in subregulation (2) is made no later than 7 days after the date of the use; and

(b) keep that record until the end of the period of 2 years starting on the date of the use.

Penalty for this subregulation: a fine of \$20 000.

(2) The information is as follows —

(a) the name and contact details of the responsible owner or occupier;

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- (b) the name and contact details of the person who uses the agricultural chemical product (if that person is ~~not come into operation.~~ the responsible owner or occupier);
 - (c) the date and time of the use;
 - (d) the full product trade name of the agricultural chemical product;
 - (e) a description —
 - (i) of the crop or other thing, or of the situation, in relation to which the agricultural chemical product is used; and
 - (ii) of the means by which the agricultural chemical product is used;
 - (f) the exact location of the crop, other thing or situation referred to in paragraph (e)(i), described in sufficient detail to enable that location to be readily identified;
 - (g) the rate of use of the agricultural chemical product or other information that is sufficient to enable that rate to be readily determined;
 - (h) any other information that a requirement included in the approved label of the container of the agricultural chemical product requires to be recorded in relation to the use;
 - (i) if the use occurs under the authority of a permit issued under the Agvet Code of Western Australia Part 7 — any other information that a condition of the permit requires to be recorded in relation to the use.
- (3) This regulation is subject to regulation 5.

5. Exceptions to requirement to have record

Regulation 4 does not require a record to be made and kept in any of the following cases —

- (a) the use occurs in a dwelling;

(b) the use occurs in the grounds of a dwelling and is not for the purposes of an agricultural activity;

(c) the use is an excepted domestic product use;

(d) the use is for the purpose of sanitising a public swimming pool or a public spa bath.

Biosecurity and Agriculture Management (Agricultural Chemical Record Keeping) Regulations 2020

Part 3 Biosecurity and Agriculture Management (Infringement Notices) Regulations 2013 amended

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Part 3 — Biosecurity and Agriculture Management (Infringement Notices) Regulations 2013 amended

6. Regulations amended

This Part amends the *Biosecurity and Agriculture Management (Infringement Notices) Regulations 2013*.

7. Schedule 1 Division 6 inserted

At the end of Schedule 1 insert:

Division 6 — Biosecurity and Agriculture Management (Agricultural Chemical Record Keeping) Regulations 2020

<u>Offence under <i>Biosecurity and Agriculture Management (Agricultural Chemical Record Keeping) Regulations 2020</i></u>	<u>Modified penalty</u>
<u>r. 4(1) Failing to ensure record of use of agricultural chemical product is made no later than 7 days after the use and to keep record for 2 years</u>	<u>\$ 400</u>

Notes

This is a compilation of the *Biosecurity and Agriculture Management (Agricultural Chemical Record Keeping) Regulations 2020*. For provisions that have come into operation see the compilation table. ~~For provisions that have not yet come into operation see the uncommenced provisions table.~~

Compilation table

Citation	Published	Commencement
<i>Biosecurity and Agriculture Management (Agricultural Chemical Record Keeping) Regulations 2020</i> Pt. 1	SL 2020/130 14 Aug 2020	Pt. 1: 14 Aug 2020 (see r. 2(a)); Regulations other than Pt. 1: 11 Sep 2020 (see r. 2(b))

Uncommenced provisions table

~~To view the text of the uncommenced provisions see *Subsidiary legislation as made on the WA Legislation website*.~~

Citation	Published	Commencement
<i>Biosecurity and Agriculture Management (Agricultural Chemical Record Keeping) Regulations 2020</i> Pt. 2 and 3	SL 2020/130 14 Aug 2020	11 Sep 2020 (see r. 2(b))