

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

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

Made by the Governor in Executive Council.

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.

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);

rate of application includes rate of lay;

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: \$20 000.

- (2) The information is as follows —
- (a) the name and contact details of the responsible owner or occupier;
 - (b) the name and contact details of the person who uses the agricultural chemical product (if that person is not 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 application 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.

Consultation Draft

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

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

r. 6

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*

Offence under <i>Biosecurity and Agriculture Management (Agricultural Chemical Record Keeping) Regulations 2020</i>		Modified penalty
		\$
r. 4(1)	Failing to ensure record of use of agricultural chemical product is made and to keep record for 2 years	400

Clerk of the Executive Council