

## **PESTICIDES ACT 1999 – PESTICIDE CONTROL ORDER UNDER SECTION 38**

### **Name**

1. This Order may be known as the Pesticide Control (Endosulfan) Order (No. 2) 2000.

### **Commencement**

2. This Order commences on 17 November 2000.

### **Authority for Order**

3. This Order is made by the Environment Protection Authority with the approval of the Minister for the Environment under Part 4 of the Pesticides Act 1999.

### **Revocation of previous Order**

4. The previous Order known as the Pesticide Control (Endosulfan) Order 2000 gazetted on 21 January 2000 is hereby revoked.

### **Background**

#### *Restricted chemical products/restricted pesticides*

5. A chemical product containing endosulfan has been declared to be a “restricted chemical product” under regulation 45 of the Agricultural and Veterinary Chemicals Code Regulations of the Commonwealth.

Section 94 of the AgVet Code provides that “A person must not, without reasonable excuse, supply a restricted chemical product, or cause or permit a restricted chemical product to be supplied, to a person who is not authorised to use the product under another law of” NSW.

In NSW section 4 of the Pesticides Act provides that a “restricted pesticide” means a pesticide that is a restricted chemical product within the meaning of the Agvet Code. Section 17 of the Pesticides Act provides that a person must not use or possess a restricted pesticide unless authorised to do so by a certificate of competency or a pesticide control order.

### **Objects**

6. The objects of this Order are to:
  - (a) provide that persons, other than those described in condition 8(2), are not to use a chemical product containing endosulfan;
  - (b) authorise the use of a chemical product containing endosulfan by persons described in condition 8(2);
  - (c) impose a requirement on growers that is found on the NRA’s approved label for chemical products containing endosulfan;
  - (d) revoke the Pesticide Control (Endosulfan) Order 2000 gazetted on 21 January 2000.

### **Definitions**

7. In this Order:

**Agvet Code** means the provisions applying because of section 5 of the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*.

**Approved label**, in relation to a pesticide, means any label approved under Part 2 of the Agvet Code for or in respect of the pesticide.

**NRA** means the National Registration Authority for Agricultural and Veterinary Chemicals established by the *Agricultural and Veterinary Chemicals (Administration) Act 1992* of the Commonwealth.

**use** includes possess.

### **Persons authorised**

8. (1) A person, other than a person referred to in (2), must not use a chemical product containing endosulfan.
- (2) The following persons are authorised to use a chemical product containing endosulfan:
- (a) a person who conducts the business of selling or supplying pesticides;
  - (b) a person who:
    - (i) holds a pest control operator's licence under the Occupational Health and Safety (Pest Control) Regulation 1988; or
    - (ii) holds a pilot (pesticide rating) licence under the Pesticides Act 1999; or
    - (iii) holds an aircraft (pesticide applicator) licence under the Pesticides Act 1999;
  - (c) a person who is currently ChemCert Australia (formerly Farmcare) certified, holding a valid ChemCert Farm Chemical User Accreditation (valid for 5 years from date of issue). This certification is known:
    - (i) in Tasmania as the ChemCert Australia (Tas) Certificate;
    - (ii) in Victoria as the Victorian Farm Chemical Users course;
    - (iii) in Queensland as ChemCert Training Queensland Accreditation, or ChemSmart Training Queensland Accreditation, or the Chemsafe Training Queensland Certificate or the Certificate of Agricultural Chemical Application issued by Queensland Agricultural Chemicals Accreditation Council Inc.;
  - (d) a person who possesses an Agricultural Chemical User Permit issued in Victoria;
  - (e) a person who possesses a certificate of successful completion of the Chemical Handling Manual for Agricultural Aviation under Operation Spray Safe issued by the Aerial Agricultural Association of Australia; or
  - (f) a person who possesses a Statement of Attainment of successful completion of the SMARTtrain Chemical Application course or the SMARTtrain Managing Chemical Use course.

### **Condition on the use of chemical products containing endosulfan**

9. The person referred to in the approved label for chemical products containing endosulfan as "the grower" must keep a record of each application of such products in accordance with the record keeping requirements set out in the approved label.

LISA CORBYN  
Acting Director-General  
Environment Protection Authority

BOB DEBUS MP  
Minister for the Environment

**Notes**

*This Order revokes the previous Order and expands the classes of persons authorised to use a chemical product containing endosulfan in order to reflect the National Registration Authority's revised definition of such persons.*

*Words used in an Order have the same meaning as in the Pesticides Act.*

*A person must not contravene a Pesticide Control Order – maximum penalty \$120 000 in the case of a corporation and \$60 000 in the case of an individual*

*Other conditions on the use of chemical products containing endosulfan are found on the approved labels for the product and must be complied with by users.*