PESTICIDES ACT 1999 – PESTICIDE CONTROL ORDER UNDER SECTION 38

Name

1. This Order is to be known as the Pesticide Control (Mevinphos) Order 2003.

Commencement

2. This Order commences on 2 May 2003.

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.

Definitions

4. In this Order -

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

Mevinphos means any chemical product containing mevinphos.

Use includes possess.

Background

Restricted chemical products/restricted pesticides

5. A chemical product containing mevinphos 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 this jurisdiction”.

In NSW section 4 of the Pesticides Act 1999 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 1999 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 authorise those persons described in condition 8 to use mevinphos.

Application

7. This Order authorises the use of mevinphos, subject to conditions as specified in this Order.
Persons authorised

8. (1) A person, other than a person referred to in (2), must not use mevinphos unless authorised by this Order.

(2) A person who holds:

(a) a certificate of completion under the ChemCert (NSW) Ltd Farm Chemical User Training Program (also known as the Farmcare Australia Farm Chemical User Training Program), or

(b) a statement of attainment on completion of the SMARTtrain Chemical Application course of the SMARTtrain Managing Chemical Use course, is authorised to use mevinphos.

Notes

Words used in this Order have the same meaning as in the Pesticides Act 1999.

A person must not contravene this Order – maximum penalty $120 000 in the case of a corporation and $60 000 in the case of an individual.

LISA CORBYN
Director-General
Environment Protection Authority

BOB DEBUS MP
Minister for the Environment

1 Read “or” instead
2 This course is now called SMARTtrain Chemical Risk Management course