

1995—No. 86

**AGRICULTURAL AND VETERINARY CHEMICALS (NEW
SOUTH WALES) ACT 1994—REGULATION**

(Agricultural and Veterinary Chemicals (New South Wales) Regulation 1995)

NEW SOUTH WALES



[Published in Gazette No. 23 of 3 March 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Agricultural and Veterinary Chemicals (New South Wales) Act 1994, has been pleased to make the Regulation set forth hereunder.

IAN R. CAUSLEY, M.P.,
Minister for Agriculture and Fisheries.

PART I—PRELIMINARY

Citation

1. This Regulation may be cited as the Agricultural and Veterinary Chemicals (New South Wales) Regulation 1995.

Commencement

2. This Regulation commences on 15 March 1995.

Definitions

3. In this Regulation:

“**pesticide**” has the same meaning as in the Pesticides Act 1978;

“**stock medicine**” has the same meaning as in the Stock Medicines Act 1989.

Eligible laws for the purposes of Agvet Code

4. The following provisions are declared to be eligible laws for the purposes of the definition of “permit” in section 109 of the Agvet Code:

- (a) sections 30 (3), 31 and 33 of the Pesticides Act 1978;
- (b) sections 38 and 39 of the Stock Medicines Act 1989.

PART 2—RELATIONSHIP BETWEEN AGVET CODE AND PESTICIDES ACT 1978

Registration of pesticides

5. (1) Registration of a pesticide under the Agvet Code is taken to be registration of the pesticide for the purposes of the Pesticides Act 1978.

(2) The suspension or cancellation of registration of a pesticide under the Agvet Code is taken to be the suspension or cancellation of registration of the pesticide for the purposes of the Pesticides Act 1978.

(3) A reference in section 30 (2) of the Pesticides Act 1978 to disposing of a pesticide in accordance with a notification under section 21 of that Act includes a reference to dealing with the pesticide in accordance with a notice under section 55 of the Agvet Code.

Labels for pesticides

6. A reference in the Pesticides Act 1978 to a label registered under, or required or permitted by, that Act in relation to a pesticide is taken to be a reference to a label approved under the Agvet Code in relation to that pesticide.

Permits for pesticides

7. (1) A reference to a permit in a provision of the Pesticides Act 1978 referred to in clause 4 (a) includes a reference to a permit within the meaning of the Agvet Code.

(2) Anything authorised by section 25 of the Pesticides Act 1978 is taken, for the purposes of any provision of that Act referred to in clause 4 (a), to be something authorised by a permit within the meaning of the Agvet Code.

Expiry dates

8. A reference in section 42 (2) (b) or 43 (b) of the Pesticides Act 1978 to a date required to be borne by a container for the purposes of section 42 (1) (b) of that Act is taken to be a reference to the expiry date required to be contained on the label for the container, as referred to in section 91 (1) (b) of the Agvet Code.

Suspension of operation of certain provisions of Pesticides Act 1978

9. The following provisions of the Pesticides Act 1978 are suspended:

- (a) Divisions 1–4 of Part 3;
- (b) sections 30 (1), 34–36, 38, 41, 42 (1) and 44;
- (c) sections 42 (2) and 43 (but only to the extent to which those provisions relate to the sale or supply of a date-controlled pesticide).

PART 3—RELATIONSHIP BETWEEN AGVET CODE AND STOCK MEDICINES ACT 1989**Registration of stock medicines**

10. (1) Registration of a stock medicine under the Agvet Code is taken to be registration of the stock medicine for the purposes of the Stock Medicines Act 1989.

(2) The suspension or cancellation of registration of a stock medicine under the Agvet Code is taken to be the suspension or cancellation of registration of the stock medicine for the purposes of the Stock Medicines Act 1989.

(3) A reference in section 21 (3) of the Stock Medicines Act 1989 to a notification that requires a person to dispose of a stock medicine includes a reference to a notice under section 55 of the Agvet Code that requires a person to deal with the stock medicine in a particular way.

Labels for stock medicines

11. A reference in the Stock Medicines Act 1989 to a label registered under, or required or permitted by, that Act in relation to a stock medicine is taken to be a reference to a label approved under the Agvet Code in relation to that stock medicine.

Permits for stock medicines

12. (1) A reference to a permit in a provision of the Stock Medicines Act 1989 referred to in clause 4 (b) includes a reference to a permit within the meaning of the Agvet Code.

(2) Anything authorised under section 33 of the Stock Medicines Act 1989 is taken, for the purposes of any provision of that Act referred to in clause 4 (b), to be something authorised by a permit within the meaning of the Agvet Code.

Suspension of operation of certain provisions of Stock Medicines Act 1989

13. The following provisions of the Stock Medicines Act 1989 are suspended:

- (a) sections 4 and 5;
- (b) Part 2 (except section 21 (3));
- (c) sections 44 and 45.

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EXPLANATORY NOTE

The Agricultural and Veterinary Chemicals (New South Wales) Act 1994 applies a national code with respect to agricultural and veterinary chemicals (“the Agvet Code”) as a law of New South Wales. The object of this Regulation is to make provision consequent on the commencement of that Act. In particular, the Regulation:

- (a) prescribes certain provisions of the Pesticides Act 1978 and the Stock Medicines Act 1989 as eligible laws for the purposes of the Agvet Code; and

- (b) suspends the operation of certain provisions of the Pesticides Act 1978 and the Stock Medicines Act 1989 that are covered by the Agvet Code; and
- (c) contains other provisions of a savings or transitional nature.

This Regulation relates to matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State or Territory.

This Regulation is made under the Agricultural and Veterinary Chemicals (New South Wales) Act 1994, including section 32 (the general regulation making power), and sections 33 and 36.
