

# Pesticides Regulation 1995

[1995-510]



New South Wales

## Status Information

### Currency of version

Historical version for 1 July 2000 to 30 July 2002 (accessed 19 December 2024 at 23:59)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
Gazette No 190 of 14.12.2001, p 9899 (not commenced — to commence on 31.7.2002)
- **Note**  
The [Pesticides Regulation 1995](#) made under the [Pesticides Act 1978](#) is on and from 1.7.2000 taken to be a regulation under the [Pesticides Act 1999 No 80](#). See clause 11 of Schedule 2 to the [Pesticides Act 1999](#).

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 14 December 2001

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New South Wales

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# Pesticides Regulation 1995



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation may be cited as the *Pesticides Regulation 1995*.

### 2 Commencement

This Regulation commences on 1 September 1995.

### 3 Definitions

(1) In this Regulation:

**Food Standards Code** means the code of that name that is adopted, as a law of New South Wales, under the *Food Act 1989*.

**the Act** means the *Pesticides Act 1999*.

(2) The explanatory note and table of contents do not form part of this Regulation.

## Part 2 Licences and approvals for the application of pesticides from aircraft

### 4 Application for licence: section 46

(1) (Repealed)

(2) For the purposes of section 46 (2) (b) of the Act:

(a) \$50 is the prescribed fee to accompany an application for an aircraft (pesticide applicator) licence, and

(b) \$50 is the prescribed fee to accompany an application for a pilot (pesticide rating) licence.

(3) The fee to accompany an application for a pilot (pesticide rating) licence may be waived if the applicant is the holder of a current equivalent licence issued in another State or Territory.

## **5 Particulars to accompany application for licence: section 46**

- (1) For the purposes of section 46 (3) (c) of the Act, the following particulars are required to accompany an application for an aircraft (pesticide applicator) licence:
  - (a) evidence that the applicant is the holder of an air operator's certificate endorsed for agricultural operations and issued under the Air Navigation Regulations of the Commonwealth,
  - (b) the date of expiry of the insurance policy referred to in section 46 (3) (b).
- (2) For the purposes of section 46 (4) (b) of the Act, the following particulars are required to accompany an application for a pilot (pesticide rating) licence:
  - (a) evidence that the applicant is the holder of a current commercial or senior commercial pilot licence issued under the Air Navigation Regulations of the Commonwealth and endorsed with an agricultural rating,
  - (b) evidence that the applicant:
    - (i) is the holder of a certificate of approval issued under the Spray Safe Accreditation Program conducted by the Aerial Agricultural Association of Australia, or
    - (ii) has passed an examination conducted in accordance with the requirements of Schedule 2 or has passed an equivalent examination in another State or Territory,
  - (c) details of any pesticide to which the licence should be restricted,
  - (d) particulars of any licence or certificate issued to the applicant in New South Wales or any other State or Territory in relation to the aerial application of pesticides or of any refusal to issue any such licence or certificate or the cancellation or suspension of any such licence or certificate.

## **6 Prescribed qualifications for issue of licence: section 48**

- (1) For the purposes of section 48 (2) (b) of the Act, an applicant for an aircraft (pesticide applicator) licence has the prescribed qualifications if the applicant holds an air operator's certificate endorsed for agricultural operations and issued under the Air Navigation Regulations of the Commonwealth.
- (2) For the purposes of section 48 (3) (b) of the Act, an applicant for a pilot (pesticide rating) licence has the prescribed qualifications if:
  - (a) the applicant holds a current commercial or senior commercial pilot licence issued under the Air Navigation Regulations of the Commonwealth and endorsed with an agricultural rating, and

(b) the applicant:

- (i) is the holder of a certificate of approval issued under the Spray Safe Accreditation Program conducted by the Aerial Agricultural Association of Australia, or
- (ii) has passed an examination conducted in accordance with the requirements of Schedule 2 or has passed an equivalent examination in another State or Territory.

### **Part 3**

#### **7, 8 (Repealed)**

### **Part 4 Prohibited residues and restricted pesticides**

#### **9 (Repealed)**

#### **10 Prohibited residues: section 63**

- (1) For the purposes of paragraph (b) of the definition of **agricultural produce** in section 63 of the Act, the following are prescribed produce:
  - (a) any produce of a kind referred to in Column 3 of Schedule 1 to General Standard A14 of the Food Standards Code, and
  - (b) any vegetation from which produce of a kind so referred to is obtained.
- (2) For the purposes of section 63 (2) (a) of the Act:
  - (a) a substance referred to in Column 1 of Schedule 1 to General Standard A14 of the Food Standards Code is a prescribed substance, and
  - (b) the concentration of the substance specified in Column 2 of that Schedule in respect of any agricultural produce is prescribed as the maximum permissible concentration of that substance in respect of that produce.

#### **11 Certificates authorising preparation and use of restricted pesticides: section 56**

- (1) (Repealed)
- (2) For the purposes of section 56 (2) (b) of the Act, \$10 is the prescribed fee for an application for a certificate to authorise the use or possession of a restricted pesticide.
- (3) (Repealed)

## Part 5 Miscellaneous provisions

### 12 Definitions

In this Part:

***Infringement Processing Bureau*** means the Infringement Processing Bureau within the Police Service.

***IPB Code***, in relation to an offence, means the code allocated to the offence by the Infringement Processing Bureau.

### 13 Penalty notice offences: section 75

Each offence created by a provision specified in Column 1 of Schedule 1 is prescribed as a penalty notice offence for the purposes of Division 2 of Part 10 of the Act.

### 14 Amounts of penalty payable: section 78

The prescribed penalty payable under a penalty notice in relation to a penalty notice offence is:

- (a) the amount specified in Column 5 of Schedule 1, or
- (b) if the person alleged to have committed the offence is a corporation, and if a greater amount is specified in Column 6 of Schedule 1, the amount specified in Column 6 of Schedule 1.

### 15 Short descriptions of offences

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 1 consists of:
  - (a) if one or more IPB codes are set out in relation to the offence in Column 2 or 3 of Schedule 1, any of those IPB codes together with:
    - (i) the text set out in relation to the offence in Column 4 of Schedule 1, or
    - (ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence, or
  - (b) if no IPB code is set out in relation to the offence in Column 2 or 3 of Schedule 1:
    - (i) the text set out in relation to the offence in Column 4 of Schedule 1, or
    - (ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to

the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.

- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

## 16 Repeal

- (1) The *Pesticides Regulation 1979* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Pesticides Regulation 1979*, had effect under that Regulation continues to have effect under this Regulation.

## Schedule 1 Penalty notice offences and short descriptions

(Clauses 13-15)

Column 1 Provision of the Act	Column 2 IPB Code (indivs)	Column 3 IPB Code (corpns)	Column 4 Short description code	Column 5 Penalty \$ (indivs)	Column 6 Penalty \$ (corpns)
Section 10 (1) (a)	4040	4050	pesticide injure/likely to injure person	400	800
Section 10 (1) (b)	4041	4051	pesticide damage/likely to damage property	400	800
Section 11 (1) (a)	8199	8080	pesticide harm non-target animal/plant	400	800
Section 11 (1) (b)	7563	8081	unapproved pesticide harm animal/ plant	400	800
Section 12	7564	8082	possess unregistered pesticide without/ contrary to permit	400	800
Section 13	7572	8083	use unregistered pesticide without/ contrary to permit	400	800
Section 14 (1)	7574	8084	not read label	200	400
Section 14 (2)	4042	4052	not read permit	200	400
Section 15	7589	8085	use pesticide contrary to label	400	800



Section 16	4043	4053	no approved label on container	200	400
Section 17	7630	8086	possess/use restricted pesticide	400	800
Section 19 (4)	7631	8181	not comply with clean-up notice	400	800
Section 25	7632	8221	not comply with prevention notice	400	800
Section 39 (4)	7633	8223	contravene pesticide control order	400	800
Section 41 (2)	7634	8227	not comply with direction	400	800
Section 42 (4)	4044	4054	contravene notice to cease using equipment	400	800
Section 42 (6)	4045	4063	remove/obliterate/interfere with defect notice	400	800
Section 43	7635	8228	attach spray equipment to non-approved aircraft	400	800
Section 45 (1) (a)	7707	8229	pilot without (rating) licence	400	800
Section 45 (1) (b)	4059	4061	pilot without own or employer/principal (applicator) licence	400	800
Section 45 (2) (a)	7723	8230	unlicensed person employ/engage pilot	400	800
Section 45 (2) (b)	4060	4062	person employ/engage unlicensed pilot	400	800
Section 52	7724	8231	not notify change in particulars in licence	200	400
Section 53 (1)	7725	8232	not notify change in particulars in licence application	200	400
Section 53 (2)	4046	4055	not notify cease to be qualified	200	400
Section 53 (3)	4047	4056	not notify expire/vary/suspend/ cancel insurance policy	200	400
Section 54 (1)	7726	8183	not record aerial application	400	800

Section 54 (3)	7727	8184	not keep record for 3 years	400	800
Section 59	7728	8185	contravene conditions of licence/ certificate	400	800
Section 61 (1)	8079	8186	unauthorised possession of licence/ certificate	400	800
Section 61 (2)	4048	4057	forge/alter licence/ certificate	400	800
Section 61 (3)	4049	4058	lend/allow use of licence/certificate	400	800

## Schedule 2 Qualifying examination

(CII 5, 6)

- 1** The Environment Protection Authority is responsible for conducting examinations.
- 2** A person may apply to sit for an examination by making a request in writing to the Environment Protection Authority.
- 3** A candidate for examination must be notified by the Environment Protection Authority of the time and place and conditions of the examination.
- 4** A candidate for examination must be the holder of a current commercial or senior commercial pilot licence issued under the Air Navigation Regulations of the Commonwealth and endorsed with an agricultural rating.
- 5** The Environment Protection Authority must determine from time to time the percentage of marks required to be obtained by a candidate to pass the examination.
- 6** In the case of a failure to pass an examination, a person must not sit for a further examination within 7 days of failing.