



## AgForce Queensland Farmers Limited

ABN 57 611 736 700

Second Floor, 110 Mary Street, Brisbane, Qld, 4000  
PO Box 13186, North Bank Plaza, cnr Ann & George Sts, Brisbane Qld 4003

Ph: (07) 3236 3100  
Fax: (07) 3236 3077  
Email: [agforce@agforceqld.org.au](mailto:agforce@agforceqld.org.au)  
Web: [www.agforceqld.org.au](http://www.agforceqld.org.au)

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## DAF inspectors conducting audits for agricultural chemical usage

### 1. Check if DAF staff conducting the property agchemical audit are authorised inspectors under the Queensland *Chemical Usage Control Act 1988*.

**Note: Requirements under the *Environmental Protection Act* for ERA Minimum Practice Standards for cane and grazing, including general record-keeping are outside the scope of DAF inspectors.**

Section 20(1)(j) of the *Chemical Usage Control Act 1988* - an inspector may require a person to produce any accounts, books, invoices, records or other documents relating to the sale, storage or use of any chemical or prescribed substance and may retain the same for the purpose of making a copy or taking an extract.

The *Chemical Usage Control Act 1988* allows for an inspector to enter any place where—

- (i) any chemical is kept, stored, used, made, manufactured, mixed or prepared for use; or
- (ii) there is or may be any equipment used or intended to be used in connection with the use of a chemical; or
- (iii) any chemical has been, is being or will be used; or
- (iv) any prescribed substance is kept, stored, used, made, cultivated, grazed, mixed or prepared for sale or sold.

### 2. Unless there is a direction on a label to keep a record, a general record must be kept. Make general record within two (2) days of use. Keep record for two years.

*Chemical Usage (Agricultural and Veterinary) Control Regulation 2017*

<https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2017-0136#pt.3-div.4>

#### General records must contain:-

- Trade name or product identification for approved label.
- User name & contact details
- Supervisor or responsible person overseeing the user (if relevant)
- Owner of the land (if not the user)
- Qualifications of user or supervisor
- Situation used and location
- Date used

- Equipment
- Weather conditions (before, during and after). Temp, relative humidity, wind speed & direction, cloud cover, any rainfall.
- Application Rate or enough info to show how rate was worked out (eg amount of product used, product concentration & area treated)

Must produce a record to the inspector, unless there is a reasonable excuse. The inspector may keep the record to make a copy and must return the record. Maximum penalty -50 penalty units <sup>[S24 - Chemical Usage Control Act]</sup>.

#### Other agchem usage requirements

- The agvet chemical container must have a label <sup>[S7 - Chemical Usage Control Act 1988]</sup>

### 3. Are you in the Burdekin, Wet Tropics or Mackay Whitsunday catchment and using a prescribed Environmentally Relevant Activity ERA product (residual Photosystem II herbicides)?

- In cane – prescribed ERA products are atrazine, ametryn, diuron, hexazinone

- In grazing – prescribed ERA product is tebuthiuron

<https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2017-0136#pt.3-div.3-sdiv.2>

If Yes, make record within three (3) days of use. Keep record for two (2) years for cane ERA products and for six (6) years for tebuthiuron use in grazing.

Additional records include:-

- A receipt or document from product purchase or acquisition.
- Evidence of agvet chem competency training (prescribed qualification) or uses product under direct supervision of a person with the prescribed qualification.
  - Ground users require three national competencies [ Control weeds AHCPMG301A; Transport & store chemicals AHCCCHM304 & Prepare & apply chemicals AHCCCHM307] or an unrestricted Commercial Operators Licence or equivalent qualifications.
  - Aerial users (including drones) require a pilot's Spraysafe accreditation from AAAA or equivalent.
- A contractor user of the prescribed ERA product must give a record to the cane farmer or grazier within five days.

*Chemical Usage (Agricultural and Veterinary) Control Regulation 2017*

<https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2017-0136#pt.3-div.3>

- Maximum penalty of 100 units if registered ERA product is not used, prepared or stored as per ERA conditions <sup>[S13E - AgVet Chem Control Act]</sup>

#### Prescribed ERA products to be used as per label requirements

- **Diuron** use in cane has many constraints for use as per label

Example label:

[http://www.fmccrop.com.au/download/herbicides/label/diuron\\_900wg\\_label\\_au.pdf](http://www.fmccrop.com.au/download/herbicides/label/diuron_900wg_label_au.pdf)

- Includes application only by directed band spray, downwind buffer zones, no application during wet season months and not at all in the Wet Tropics.
- *NOTE: a DAF inspector may request evidence to check if product is being applied as per constraints on the label (eg. buffer zones and nozzles).*
- Products containing **hexazinone**, such as BobCat also have label constraints for use  
Example label: [https://www.adama.com/documents/1380147/1382291/BOBCAT+i-MAXX-pmanualV6\\_tcm46-66679.pdf](https://www.adama.com/documents/1380147/1382291/BOBCAT+i-MAXX-pmanualV6_tcm46-66679.pdf)
- **Atrazine** has less label constraints  
Example label:  
[http://www.fmccrop.com.au/download/herbicides/label/atrazine\\_900wg\\_label\\_au.pdf](http://www.fmccrop.com.au/download/herbicides/label/atrazine_900wg_label_au.pdf)

#### 4. Are you using ametryn in cane?

If yes, **additional conditions apply to use of ametryn (unless it is a mixture of 731.5g/kg ametryn and 18.5g/kg trifloxysulfuron sodium).**

- Ametryn must not be PREPARED within 20m of a water body edge or sinkhole or well or area susceptible to runoff.
- Requires a vegetated strip between treated area and down-slope water body and not USED within 5m edge of water body.
- Do not USE within 20m of a down-slope water body or sink hole.
- Do not USE on waterlogged soil or place susceptible to runoff.
- Do not irrigate to the point of run-off within 48 hours of use. Does not apply to interrow furrow, if runoff does not leave the furrow.
- Apply ametryn with shielded sprayer or spray device with medium size droplets directed to the ground.
- Can only apply ametryn within 30m of the edge of a water body with shielded sprayer, or applied below the canopy of 600mm high cane with nozzles directed downward, or water body is NOT downwind.
- Do not apply more than 2.3kg of ametryn / ha / year  
<https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2017-0136#pt.3-div.3-sdiv.4>

#### 5. Are you using tebuthiuron in grazing? Are you in either the Burdekin, Wet Tropics or Mackay Whitsunday catchments?

##### Applying tebuthiuron from an aircraft

- Do not apply from 1 November to 31 March.
- Do not apply more than 4.6kg active constituent / ha over 3 year period and no more than 6.8kg a.c. / ha over 6 year period.
- Do not use within 20m of a relevant drainage line, nor during rainfall nor at wind speeds greater than 20km/h.
- Prepare a map of the treated area.

##### Applying tebuthiuron from the ground

- Do not use on a drainage line, nor a place susceptible to run-off, nor within 20m of a sinkhole or well.

<https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2017-0136#pt.3-div.3>

## 6. Power of DAF inspectors [S20 -Chemical Usage Control Act]

- An inspector can enter a place where any chemical is kept, stored, used or prepared for use or where there is spray equipment or where chemical is used.
- Can investigate and inquire if the Act is being complied with.
- Search and inspect any chemical or equipment.
- Seize and detain any agricultural produce or trade animal that is suspected of containing chemical residues.
- Require a person to produce accounts, books, invoices, records or other documents relating to sale, storage or use of an agvet chemical. May retain the record for making a copy or taking an extract.
- Require a person in possession of agvet chemical to state name and address (if known) or identify person where chemical was acquired.
- Can take photos, audio and visual recordings.
- Stop, detain and search any vehicle used to convey or apply any agvet chemical.
- Maximum penalty for not complying – 100 penalty units.

## 7. Only an ‘authorised person’ under the *Environmental Protection Act 1994* can check compliance for Agricultural ERA records. This is separate duties to a DAF inspector conducting an audit pertaining to the *Chemical Usage Control Act 1988*?

### General record-keeping for commercial cane and grazing producers since 1 December 2019

The minimum practice ERA standard for sugar cane (page 10 -

[https://www.qld.gov.au/\\_data/assets/pdf\\_file/0017/113147/sugarcane-era-standard.pdf](https://www.qld.gov.au/_data/assets/pdf_file/0017/113147/sugarcane-era-standard.pdf)) and grazing (page 5 -

[https://www.qld.gov.au/\\_data/assets/pdf\\_file/0014/113144/grazing-agricultural-era-standard.pdf](https://www.qld.gov.au/_data/assets/pdf_file/0014/113144/grazing-agricultural-era-standard.pdf) )

- Applies to commercial cane and grazing areas across five Reef regions, since 1 December 2019.
- Records of ag chemicals applied to land within 3 days of use.
- **Records kept for six years.** (whereas *Chemical Usage Control Act 1988* requires only two years)
- Records on invoices or receipts of agchem product
- Product name
- Application Rate
- Date used
- Location (farm number, block name) of application
- Person conducting Agric ERA
- Person making record
- Property address
- Cadastral lots within the enterprise

Section 25 of the *Environmental Protection Regulation 2019*, administered by DES, requires a person providing technical ERA advice to provide a map or diagram where ag chemicals were applied and a description of the method used to apply the ag chemical <https://www.legislation.qld.gov.au/view/html/asmade/sl-2019-0155#sec.25>

### **Power to require production of documents**

- An authorised person, under the *EPA Act 1994*, may require a person to produce a document for inspection that is required for an agric ERA standard that applies to an agric ERA, or a recognised accreditation program for an agric ERA <sup>[s466(1)]</sup>.
- The authorised person may keep a produced document to take an extract or make a copy and must return the document as soon as practicable <sup>[s466(2),(3)]</sup>.

### **Failure to produce document**

- A person required to produce a document for an agric ERA standard must comply, unless the person has a reasonable excuse. Maximum penalty – 50 penalty units.

### **False or misleading documents and incomplete documents**

Must not give a false or misleading document or information to an authorised person, if the person knows, or ought reasonable know it is false or misleading. Maximum penalty 4,500 penalty units or 2 years jail<sup>[s480 and 481]</sup>

## **8. Storage of agvet chemicals is outlined in the Australian Standard for the Storage and Handling of Agricultural and Veterinary Chemicals AS2507:1998.**

**NOTE: WorkSafe Queensland, not DAF, is responsible for regulating safe storage of agvet chemicals.**

### **Minor storage less than 1000kg or Litres**

#### **Types of storage**

- An outdoor storage area with a security fence that may have a roof.
- A free-standing, roofed building.
- A room, enclosure or area within a building or attached building.

#### **Separation of the minor storage area**

Storage of pesticides must be located at least:

- 15m from the boundary property, 10m from buildings occupied by people or livestock, 3m from unrelated work areas, offices and amenities.
- 3m from flammable materials and fuel storage, 5m from any watercourse, body of water, drain or sewer.

#### **Construction of a minor storage area**

- Be fire resistant and structurally sound.
- Be protected against extreme heat and exposure to sunlight.
- Have floors made from concrete or other material which is impervious and resistant to chemical erosion.
- Provide a method for containing spills i.e. bunding.
- Be located in an area that is safe from flooding or inundation, and is also not in the immediate catchment of a dam or waterway.
- Be securely lockable.
- Secured area to prevent unauthorised access, including children.
- Have sturdy, non-absorbent shelving that is adequate to store chemicals without stacking.

- Ventilation to prevent build-up of chemical vapours.
- Quick easy access to a safety shower and eye wash in the case of an emergency.

#### **Containing spills**

- Spills contained by constructing a bunded area or sloping floor that drains to a containment pit or tank.
  - The method must be capable of containing 25% of the total liquid stored.
- A spill kit containing the following materials must be kept in the storage area:
- Absorbent material i.e. 'kitty litter'
  - Hydrated lime
  - Shovel and broom
  - Containers for storage of contaminated substances used to treat a spill.

#### **Signage and Safety Data Sheets SDS**

On the entry point there should be a sign stating:

- "Chemical Store Keep Out" – "Authorised Staff Only".
- "No smoking" "No naked flames".
- Current SDS must be held for all products found in the chemical store and must have easy access, in case of an emergency.
- Inventory should be updated every three months, including quantity and trade names of chemicals.

For further information, contact Marie Vitelli, AgForce Senior Policy Officer, Ph 0429 062 852  
Email: [vitellim@agforceqld.org.au](mailto:vitellim@agforceqld.org.au)