



NEW LAW FOR KEEPING RECORDS OF PESTICIDE APPLICATIONS

FREQUENTLY ASKED QUESTIONS

A new law for keeping records on agricultural chemical (pesticide) applications has been finalised after considering public comments. The new law is called the [Biosecurity and Agriculture Management \(Agricultural Chemical Record Keeping\) Regulations 2020](#) and is part of the [Biosecurity and Agriculture Management Act 2007](#).

What does the new law say?

- If you use a pesticide on your produce or farm or in your business, then you must make a record of your pesticide use.
- The record needs to contain information about the name and contact details of the responsible owner or occupier, the name and contact details of the person who uses the agricultural chemical product (if that person is not the responsible owner or occupier), the date and time of the use, the full product trade name of the agricultural chemical product, a description of the crop or situation, the means of application, the location of the crop/situation, the rate of use, any other information required by the label or permit.
- The record needs to be made within 7 days of use and kept for two years.
- DPIRD officers may check these records at any reasonable time and penalties may apply if the records are not kept in accordance with the new law.
- There are some exemptions to the requirement to keep records.

Which pesticides are included?

Pesticides are those registered by the [Australian Pesticides and Veterinary Medicines Authority](#) (APVMA) and includes herbicides, fungicides, insecticides, rodenticides, baits, lures, repellents and products used for animal control.

Are there any exemptions?

Exemptions include the use of home garden products, use in dwellings, and sanitisers for public swimming pools, or products used in limited quantities.

Who does the law apply to?

Records must be kept by all people who use pesticides for commercial uses. For example, this applies to farmers, market gardeners, green keepers, nursery operators, local councils and government agencies that use pesticides.

Aerial operators and licenced ground operators and pest management technicians are already required to keep records under the [Biosecurity and Agriculture](#)

[Management \(Aerial Application\) Regulations 2018](#) and the [Health \(Pesticides\) Regulations 2011](#).

The new law does not apply to the small scale use of pesticides. This includes the use of a pesticide outdoors in quantities of no more than 5 litres/5 kilograms of concentrated product or 20 litres/20 kilograms of ready-to-use product, or use of a pesticide indoors in quantities of no more than 1 litre/1 kilogram of concentrated product or 5 litres/5 kilograms of the ready-to-use product.

Who has to keep the record?

If you are the responsible owner, occupier or manager of the property on which you or your employees applied pesticide, you need to keep the record of those applications.

If you are a business whose employees apply pesticides, then you will need to ensure that the records your employees make are kept by you.

If you are a contractor working on behalf of an owner/occupier, you will need to give a copy of your record to the owner/occupier of the land on which the pesticide was applied.

If a product was not being applied to a crop or animal (eg a firebreak), is it still covered?

Yes, it covers grains, horticulture, forestry, nurseries, and non-crop use. Note, it only covers agricultural chemicals and does not cover veterinary chemicals, so animal treatments are not included.

Do I have to record my own household pesticide use?

No. You do not need to make a record when you use home garden pesticides around your own home or garden, or when using things such as personal insect repellents. For example, you do not need to record the use of cockroach baits or pesticides used on your household vegetable garden or fruit trees.

What sorts of pesticide applications have to be recorded?

Circumstances where you must make a record of using pesticides include:

- spraying commercial crops, grain, nursery plants or other produce
- spraying fallow land (ie spraying before planting or harvest)
- spraying or dipping fruit and vegetables
- baiting pests like rabbits, foxes, wild dogs and feral pigs (the use of 1080 and strychnine have their own record keeping requirements)
- spraying in/around buildings for general pests.

In broadacre cropping, market gardeners and horticulturalists, records may not be required where small quantities are used for spot spraying of isolated infestations using hand held equipment.

Would it cover hydrogen peroxide or chlorine used in a sheep trough to kill algae?

Hydrogen peroxide and chlorine water sanitiser products for algae and bacteria control are registered by the APVMA as agricultural chemical products and therefore records of their use would be required.

What do I have to record?

- **The name and contact details of the responsible owner or occupier**

The obligation to keep the record rests with the responsible owner or occupier of the property even if the chemicals are applied by an employee, agent or contractor. A record must be made of the responsible owner/occupiers name, address and contact details, this may be the owner of the land, a farm manager, a lessee or rental occupier.

- **The name and contact details of the person who uses the agricultural chemical product (if that person is not the responsible owner or occupier)**

If an employee, agent or contractor applies the pesticides they will need to record their contact details as well. For example, record their first name and surname (not nicknames), full property address, telephone/mobile number and email address.

- **The date and time of the use**

You must record the date and time you started and finished applying the pesticide.

- **The full product trade name of the agricultural chemical product**

You need to record the full product name of the pesticide that you used. This is usually found below the warning statements at the top of the front panel of the label and above the active ingredient information. A product name may include letters or numbers as part of its name and these must be recorded too. For example, 'mancozeb' would be insufficient, while 'Mancozeb 420 SC Fungicide' would be correct.

If you are using a pesticide in a way that is different from the label instructions as permitted by an APVMA off-label permit, you still have to record the full name of the product.

- **A description of the crop or of the situation**

Name and describe the crop or situation for which the pesticide is used. For example, wheat at tillering stage or canola at stem elongation.

If a label specifies a rate for 'vegetables', you still need to record which vegetable you sprayed. For example 'spinach and onions', not just vegetables. You don't have to, but it would be good practice to also record the disease or pest targeted.

- **The means of application**

Name the equipment that you used, for example, boom spray, hand spray, wiping, aerial spray, baiting, fumigation, mister, timber treatment, injection, dusts, foams, soil

drenching, pump systems, dipping, flood spraying, irrigation systems, wiper or fogger.

You don't have too, but it is suggested that you also note down nozzle settings and calibration information, as this may help to show you took all care to avoid any off-target movement of the pesticide.

- **The location of the crop/situation**

Record the property address and a delineation of the area where the pesticide is released. You could make sketch map of the property with the blocks of paddocks marked on it to show the specific areas that were treated for that job. The map could include roads, streets, fences, waterways or other landmarks that indicate the property boundary.

- **The rate of use**

The rate of use can be recorded in any way that you wish, provided that it is clear how much of the product is applied, either as concentrated formulation or ready to use mix and the area it covered in the application (e.g. square metres or hectares).

- **Any other information required by the label or permit**

On some product labels or permits, the APVMA has added directions that restrict their use to certain conditions, if this is the case, then you will need to record these too. This can include weather conditions like wind speed and direction, rainfall, temperature, humidity and/or nozzle droplet size.

How long do I have to keep the record?

Records must be kept for two years.

When do I make a record?

You must make your record within 7 days of applying the pesticide.

Can I record the same information in one place?

Yes. Some of the information may remain the same from one application to the next so you can record it in one place and refer to it rather than write it out in full each time you need to make a record.

Do I need a special form?

No. You don't need a special form – any suitable format is fine. You may already keep records for quality assurance programs and these will be sufficient if they include all the requirements specified here. If your current records don't include all of our requirements, then simply add in the missing parts. You do not need to keep two sets of records. Remember, any information that will remain the same for all applications can be recorded at the beginning of the logbook (i.e. owner of the property, a map that can be referred too) rather than recorded with each application. While developing your own method of recording pesticide use is likely to be the simplest approach, the Department of Primary Industries and Regional Development

has developed a simple, standard example form to assist people who would prefer not to develop their own recording system. You can use this form if you wish.

Are electronic records acceptable?

Both written and electronic forms of record keeping are acceptable.

Are there penalties to be applied for not complying?

The maximum possible penalty for an offence against the regulations is \$20,000.

The regulations also allow an offence against the record keeping requirements to be dealt with by an infringement notice and a modified penalty of \$400.