

(Reprint No. 3)

SOUTH AUSTRALIA

AGRICULTURAL CHEMICALS ACT 1955

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at **15 March 1995**.*

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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APPENDIX
LEGISLATIVE HISTORY

AGRICULTURAL CHEMICALS ACT 1955

being

Agricultural Chemicals Act 1955 No. 54 of 1955
[Assented to 8 December 1955]¹

as amended by

Statutes Amendment (Miscellaneous Metric Conversions) Act 1975 No. 32 of 1975
[Assented to 3 April 1975]²

Statutes Amendment (Agriculture) Act 1978 No. 96 of 1978 [Assented to 7 December 1978]

Statutes Amendment (Analysts) Act 1986 No. 43 of 1986 [Assented to 4 September 1986]³
Agricultural Chemicals Act Amendment Act 1987 No. 101 of 1987 [Assented to 17 December 1987]⁴

Agricultural and Veterinary Chemicals (South Australia) Act 1994 No. 47 of 1994
[Assented to 9 June 1994]⁵

¹ Came into operation 1 July 1957: *Gaz.* 27 June 1957, p. 1564.

² Came into operation 15 January 1976: *Gaz.* 15 January 1976, p. 174.

³ Came into operation 16 October 1986: *Gaz.* 16 October 1986, p. 1373.

⁴ Came into operation 22 December 1988: *Gaz.* 22 December 1988, p. 2098.

⁵ Came into operation (except Sched. cl. 1(a)) 1 July 1994; *Gaz.* 30 June 1994, p. 1841; Sched. cl. 1(a) came into operation 15 March 1995: *Gaz.* 23 February 1995, p. 674.

NOTE:

ù Asterisks indicate repeal or deletion of text.

ù For the legislative history of the Act see Appendix.
Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.

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An Act to regulate the sale and use of agricultural chemicals, to repeal the Fertilisers Act 1918 and the Pest Destroyers Act 1919-1935, to amend the Stock Medicines Act 1939, and for other purposes.

The Parliament of South Australia enacts as follows:

Short title

1. This Act may be cited as the *Agricultural Chemicals Act 1955*.

Operation

2. This Act shall come into operation on a day to be fixed by proclamation.

Repeals

3. The following Acts are repealed:-

Fertilisers Act 1918-No. 1355 of 1918;
 Pest Destroyers Act 1919-No. 1377 of 1919;
 Pest Destroyers Act 1934-No. 2175 of 1934.

Interpretation

4. (1) In this Act, unless the context otherwise requires, or some other meaning is clearly intended-

"active constituent" means-

- (a) any constituent substance of a substance which is effective for any of the purposes mentioned in the definition of "agricultural chemical" in this subsection of this section; or
- (b) any constituent substance of a substance which materially influences the effectiveness for any such purpose of any constituent substance mentioned in paragraph (a) of this definition;

"affixed" includes branded, stamped or printed;

"agricultural chemical" means-

- I. any substance-

- (a) commonly used; or
- (b) represented expressly or impliedly by a person selling, offering for sale, exposing for sale or having in his possession for the purpose of

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sale, the substance, as capable of being used,

for any one or more of the following purposes-

- (i) for preventing, regulating or promoting the growth of any vegetation or any part of any vegetation;
- (ii) for improving the fertility or structure of soil in any way;
- (iii) for protecting vegetation or the fruit or other product of any vegetation from attack by insects, animals, fungi, parasitic plants, bacteria or virus;
- (iv) for destroying rabbits, vermin, rodents or other noxious animals or noxious birds;

III. any substance declared by the Governor by proclamation to be an agricultural chemical:

"analyst" means-

- (a) a person appointed by the Minister as an analyst for the purposes of this Act; or
- (b) a person holding a position of a class approved by the Minister for the purposes of this Act;

"fodder" means food of any kind used for feeding livestock;

"inspector" means an inspector appointed under this Act or under the *Stock Diseases Act 1934*;

"label" includes brand;

* * * * *

"package" includes sack, bag, box, case, barrel, bottle, can, drum or other container;

"premises" means any land, building or structure;

"specimen copy" includes, in the case of a brand, a description;

"vehicle" includes a vessel or aircraft.

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(2) The Governor may by proclamation from time to time declare any substance to be an agricultural chemical.

(3) The Governor may by proclamation declare that any specified provisions of this Act shall not apply to any substance, or shall apply to a substance only when sold, offered for sale, exposed for sale or kept for the purpose of sale in any specified circumstances or quantities or in any part of the State.

(4) The Governor may by proclamation revoke or vary any proclamation made under subsection (2) or subsection (3) of this section.

Chemical products under Agvet Code

4A. (1) Sections 8, 9, 10, 11, 22 and 26 of this Act do not apply to, or in relation to, an agricultural chemical that is a chemical product within the meaning of the Agvet Code of South Australia.

(2) An approved label under the Agvet Code of South Australia will be taken to be a registered label under this Act.

Inspectors and analysts

5. (1) The Governor may, for the purposes of this Act, appoint any fit and proper person to be an inspector under this Act.

* * * * *

Copy of registered label

6. For the purposes of this Act, a label shall be deemed to be a copy of a registered label if it states particulars identical in all material respects with those stated in a label registered under this Act.

When a substance deemed not to comply with particulars

7. For the purposes of this Act, a substance shall be deemed not to comply with particulars only where-

- (a) the quantity of any claimed active constituent contained in the substance is greater or less than the quantity indicated in the particulars by more than the prescribed proportion applicable in the particular case; or
- (b) the constituent substances are not properly mixed; or
- (c) the substance is deemed not to comply with the particulars by virtue of regulations.

Agricultural chemicals to be sold in labelled packages

8. A person shall not sell, offer for sale, expose for sale or

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have in his possession for the purpose of sale any agricultural chemical except in a package having affixed thereto a copy of a registered label.

Penalty-

- if the offender is a body corporate-\$40 000; or
- if the offender is a natural person-\$20 000.

Substance not complying with particulars

9. (1) A person shall not sell, offer for sale, expose for sale or have in his possession for the purpose of sale any substance in a package having affixed thereto a copy of a registered label if in any respect the substance does not comply with the particulars stated in such copy or the registered additional particulars.

Penalty-

- if the offender is a body corporate-\$40 000; or
- if the offender is a natural person-\$20 000.

(2) In proceedings for an offence against subsection (1) of this section, it shall be a defence that-

- (a) the substance was contained in the package and the copy of the registered label was affixed thereto at the time the defendant acquired the substance; and
- (b) the defendant believed on reasonable grounds that the substance complied in every respect with the particulars.

False or misleading description, etc.

10. (1) A person who in the course of his business-

- (a) sells an agricultural chemical; and
- (b) directly or indirectly by any means whatsoever gives any description of, or makes any statement with respect to, the agricultural chemical which is false or misleading in a material particular,

shall be guilty of an offence.

Penalty: \$5 000.

(2) In proceedings for an offence against subsection (1) of this

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section, it shall be a defence that the defendant believed on reasonable grounds that the description or statement was not so false or misleading.

Standards

11. (1) A person shall not sell, offer for sale, expose for sale or have in his possession for the purpose of sale an agricultural chemical which does not comply with the prescribed standard applicable to that agricultural chemical.

Penalty-

-if the offender is a body corporate-\$40 000; or

-if the offender is a natural person-\$20 000.

(2) In proceedings for an offence against subsection (1) of this section, it shall be a defence that-

- (a) at the time the offence is alleged to have been committed, the agricultural chemical was contained in a package; and
- (b) the agricultural chemical was contained in the package at the time the defendant acquired the agricultural chemical; and
- (c) the defendant believed on reasonable grounds that the agricultural chemical complied with the prescribed standard.

Removal of agricultural chemical

11A. (1) A person who has possession of an agricultural chemical sold under a registered label must keep the chemical in a package on which a copy of the registered label is displayed and must not remove the chemical from the package except to the extent required for an authorised purpose.

Penalty-

-if the offender is a body corporate-\$40 000; or

-if the offender is a natural person-\$20 000.

(2) Subject to a declaration by the Minister under subsection (3), an authorised purpose is-

- (a) a purpose stated on the label under which the chemical was sold (whether or not the registration of that label is still

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in force); or

- (b) if the registered label has been altered by the Minister under section 19-a purpose stated on the registered label as altered; or
- (c) a purpose authorised by the Minister; or
- (d) if the person is engaged in the business of manufacturing agricultural chemicals-the purpose of manufacturing another agricultural chemical; or
- (e) the transfer of the chemical to another package on which a copy of the same label is displayed.

(3) The Minister may, by notice published in the *Gazette* and in a newspaper circulating generally throughout the State, declare that a particular purpose is not an authorised purpose in relation to an agricultural chemical referred to in the notice.

Use of agricultural chemical

11B. (1) Subject to subsection (2), a person must not use an agricultural chemical except-

- (a) for an authorised purpose; and
- (b) in accordance with any directions applicable to that use-
 - (i) stated on the label registered in relation to the chemical; or
 - (ii) given by the Minister in authorising the use of the chemical for the relevant purpose.

(2) A person must not use an agricultural chemical in accordance with directions stated on a label if the Minister has, by notice published in the *Gazette* and in a newspaper circulating generally throughout the State, declared that the chemical should not be used in accordance with those directions.

(3) A person who contravenes a provision of this section is guilty of an offence.

Penalty-

- if the offender is a body corporate-\$40 000; or
- if the offender is a natural person-\$20 000.

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Removal of label

11C. A person must not remove a copy of a label from a package that contains an agricultural chemical in relation to which the label was registered.

Penalty: \$5 000.

Application for registration of a label and additional particulars

12. (1) An application for registration of a label and additional particulars under this Act shall be made to the Minister in the prescribed form and shall be accompanied by a specimen copy of the label.

(2) Subject to this section and section 13 of this Act, the specimen copy of the label shall state the following particulars:-

- (a) the distinctive name of the substance intended to be sold under the label; and
- (b) the place of manufacture and the name of the manufacturer of the substance; and
- (c) the net weights or volumes of the substance intended to be contained in the packages to which the label is intended to be affixed; and
- (d) the constituent substances of the substance which the applicant claims to be active constituents of the substance, and the proportions thereof, described in compliance with the regulations and such directions as may be given either generally or specially by the Minister; and
- (e) subject to the regulations, the purposes for which the applicant claims or intends the substance may be used; and
- (f) subject to the regulations, directions for use of the substance; and
- (g) such other particulars as may be prescribed.

(3) The proportion of any claimed active constituent shall not be expressed in the label as a variable quantity.

(4) The application shall state the following additional particulars:-

- (a) the substances of which the substance is composed and the

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proportions thereof, described in compliance with the regulations and such directions as may be given either generally or specially by the Minister; and

- (b) such other particulars as may be prescribed.

(5) Subject to this subsection, the label or additional particulars may indicate any particular by an abbreviation or symbol if-

- (a) a definition of the abbreviation or symbol is given in the application; and
- (b) the abbreviation or symbol complies with such directions as may be given either specially or generally by the Minister.

For the purposes of this Act, an abbreviation or symbol shall with respect to the label or additional particulars bear the meaning so ascribed to it.

A definition of an abbreviation or symbol shall not be required where the abbreviation or symbol is an abbreviation or symbol used in the ordinary course of chemistry.

(6) The application shall state the address of a place in the State where samples of the substance intended to be sold under the label may if the label and additional particulars are registered be purchased or otherwise obtained from the applicant.

(7) The application shall be accompanied in addition to the specimen copy of the label by-

- (a) subject to subsection (8) of this section, a statutory declaration by the applicant or in the case of a corporation, an officer thereof, verifying the particulars contained in the application and in the specimen copy of the label; and
- (b) a fee of five dollars.

(8) The particulars of composition stated in the specimen copy of the label and in the additional particulars may be verified by a statutory declaration by the manufacturer or some person on behalf of the manufacturer.

Non-inclusion of active constituents in label

13. (1) The applicant may insert in the specimen copy of a label

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the words "Particulars of active constituents registered pursuant to section 13 of the *Agricultural Chemicals Act 1955*", with or without particulars of any constituent substance which he claims to be an active constituent of the substance, in place of the particulars required under paragraph (d) of subsection (2) of section 12 of this Act, and state those particulars in the application as additional particulars.

(2) The Minister shall not deal with such an application unless he is first satisfied that, if the applicant were compelled to disclose those particulars in the label, a secret process or formula used or intended to be used by any person might be disclosed and that some person would thereby suffer loss.

(3) Before refusing to deal with the application, the Minister shall give the applicant an opportunity to be heard in support of his application.

Registration

14. (1) Subject to the provisions of this Act, on the making of an application for the registration of a label and additional particulars in accordance with the provisions of this Act, the Minister shall register the label together with the additional particulars unless he is satisfied that-

- (a) the substance intended to be sold under the label is substantially ineffective for any purpose mentioned therein or in the additional particulars as a purpose for which the applicant claims or intends the substance may be used; or
- (b) if the substance is used for any such purpose, there may be a substantial risk of injury to the health of members of the public; or
- (c) the distinctive name of the substance is misleading; or
- (d) any statement in the application or in the label is false or misleading in a material particular; or
- (e) in any respect the substance does not comply with the particulars stated in the label or the additional particulars; or
- (f) a standard having been prescribed which applies to the substance, the substance does not comply with the standard; or

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(g) a constituent substance which is not claimed as an active constituent ought to be so claimed.

(2) The Minister shall not register a label unless he is satisfied that, if the substance were sold under the label, it would not be sold in contravention of The Poison Regulations.

(3) Before refusing to register a label and additional particulars pursuant to subsection (1) or subsection (2) of this section, the Minister shall give the applicant an opportunity to be heard in support of his application.

Registration of one label for various sized packages

15. Where more than one net weight or volume is mentioned in the label pursuant to paragraph (c) of subsection (2) of section 12 of this Act, and the label is registered, a separate label shall be deemed to be registered in respect of each net weight or volume.

Certificate of registration

16. The Minister shall on registering a label and additional particulars issue a certificate of registration to the applicant.

Duration of registration

17. (1) The registration of a label and additional particulars shall unless sooner cancelled continue in force until the thirtieth day of June following the day of the registration of the label and additional particulars, but may be renewed for a further period expiring on the thirtieth day of June next following the day upon which the registration is renewed and so on from time to time.

(2) Despite subsection (1), the Governor may, by proclamation, in relation to the period of registration applying until 30 June 1994, extend the period of registration-

(a) of labels and additional particulars of a specified class or classes; or

(b) of all labels and additional particulars, other than labels and additional particulars of a specified class; or

(c) of all labels and additional particulars,

until-

(d) a subsequent day fixed by the proclamation; or

(e) a day to be fixed by subsequent proclamation.

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Renewal of registration

18. (1) Subject to subsection (2) of this section, an application for renewal of registration shall be made and dealt with in the same manner as an application for registration.

(2) Where the applicant for renewal of registration does not desire to alter the registered label or the registered additional particulars-

- (a) it shall not be necessary for a specimen copy of the label to accompany the application; and
- (b) if the application is made before the thirty-first day of May preceding the day of expiry of the registration, a fee of one dollar only need accompany the application.

Alteration of registered label or registered additional particulars

19. (1) A person who has obtained the registration of a label and additional particulars may apply to the Minister to alter the registered label or the registered additional particulars.

(2) The application shall be accompanied by a fee of five dollars.

(3) The Minister shall deal with the application in the same way as if the application were for registration of the registered label and registered additional particulars so altered.

Sample and analysis

20. The Minister may before deciding any application under this Act request the applicant to supply-

- (a) a sample of the substance intended to be sold under the label, of such size and taken in such manner as the Minister shall require;
- (b) such details of the composition or manufacture of the substance as the Minister shall require.

Reference of matters to Central Board of Health

21. The Minister may before deciding any application under this Act refer any matter arising out of the application to the Central Board of Health for the report of the Central Board of Health.

Register

22. (1) The Minister shall keep a register in the prescribed form of labels and additional particulars registered under this Act.

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(2) Any member of the public shall be entitled to inspect any registered label.

(3) A member of the public shall not be entitled to inspect any registered additional particulars except with the consent of the Minister.

Cancellation of registration

23. (1) Subject to this section, the Minister may cancel the registration of a label and additional particulars by notice in writing given to the person who obtained the registration of the label and additional particulars-

(a) if the Minister is satisfied that-

(i) the person has sold, offered for sale, or exposed for sale or had in his possession for the purpose of sale any substance contained in a package having a copy of the registered label affixed thereto; and

(ii) in any respect the substance did not comply with the particulars stated in the copy of registered label or the registered additional particulars; or

(b) if the person is convicted of an offence against this Act with respect to or in connection with the registered label or registered additional particulars or the substance intended to be sold under the registered label.

(2) The Minister shall publish notice of the cancellation in the *Gazette*.

(3) Before cancelling the registration, the Minister shall give the person an opportunity to show cause why the registration should not be cancelled.

Powers of inspectors

24. (1) Subject to this section, an inspector may-

(a) enter any premises or vehicle, in which the inspector suspects on reasonable grounds that there may be an agricultural chemical, for the purposes of ascertaining whether the provisions of this Act are being complied with; and

(b) for that purpose, require the person in control of a vehicle, to stop the vehicle.

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(2) An inspector must not enter premises used as a place of residence unless authorised by warrant under subsection (3).

(3) A justice may, if satisfied on the application of an inspector that there is a proper ground for doing so, issue a warrant authorising an inspector to enter premises used as a place of residence.

(4) While an inspector is in or on any premises or vehicle pursuant to this section, the inspector may-

- (a) inspect or search the premises or vehicle;
- (b) require any person to produce any books, papers or documents or any agricultural chemical or other substance;
- (c) examine any books or documents and take extracts from any of them or make copies of any of them and, for that purpose, remove the books or documents;
- (d) examine any agricultural chemical or other substance or any equipment on the premises or vehicle;
- (e) take from the premises or vehicle samples of any agricultural chemical or other substance for analysis;
- (f) take photographs;
- (g) where the inspector suspects on reasonable grounds that an offence against this Act has been committed-seize and remove from the premises or vehicle anything that the inspector has reasonable cause to suspect affords evidence of the offence;
- (h) give such directions as are reasonably necessary for, or incidental to, the effective exercise of powers under this Act.

(5) An inspector may require any person to answer questions relevant to the enforcement of this Act to the best of that person's ability.

(6) A person may not decline on the grounds of self-incrimination to answer a question put by an inspector under this section but the answer to any such question will not be admissible except-

- (a) in civil proceedings; or

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(b) in proceedings for an offence against this Act.

(7) If, in the opinion of an inspector, a person has committed, is committing or is about to commit an offence against this Act in relation to an agricultural chemical, the inspector may seize and remove the chemical.

(8) Where in the opinion of an inspector fodder is contaminated with a prescribed agricultural chemical and the level of contamination exceeds the level prescribed in relation to that chemical, the inspector may, by notice in writing, direct the owner of the fodder-

(a) to destroy or treat it in accordance with directions set out in the notice; or

(b) not to use it for a period stated in the notice.

(9) If a person on whom notice is served under subsection (8) does not comply with the notice, the inspector may destroy the fodder and the cost of destruction will be a debt due by that person to the Minister.

(10) A notice referred to in subsection (8) may be served-

(a) on the owner personally; or

(b) by posting it to the owner's last known address; or

(c) by fixing it in a prominent position on the premises where the fodder is situated.

(11) In the exercise of powers under this section, an inspector may be accompanied by such persons as the inspector considers necessary or desirable in the circumstances.

(12) A person must not-

(a) hinder or obstruct an inspector, or a person accompanying an inspector, in the exercise of the powers conferred by this section; or

(b) refuse or fail to comply with a requirement made or direction given, pursuant to this section.

Penalty: \$5 000 or imprisonment for 6 months.

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Right of buyer to analysis

26. (1) Any person who has bought any agricultural chemical shall, subject to this section, be entitled to have a sample of the agricultural chemical so bought analysed by an analyst.

(2) Any person intending to submit a sample for analysis under this section shall within three months after delivery of the agricultural chemical to him give notice in writing by post to the seller or his agent of his intention and of the day (not being earlier than fourteen days from the day the notice is posted), time and place when the sample will be taken.

(3) The buyer shall on the day and at the place and time mentioned in the notice in the presence of a justice of the peace or member of the police force and of the seller or the agent or other representative of the seller, if the seller or his agent or other representative desires to be present-

- (a) take a sample of the agricultural chemical in the prescribed manner (if any); and
- (b) thoroughly mix the sample and divide it into three approximately equal parts; and
- (c) place each such part in a separate package and fasten or seal each such package; and
- (d) attach a label to each such package-
 - (i) stating the name of the buyer; and
 - (ii) stating so far as is known to the buyer, the name of the seller; and
 - (iii) stating so far as is known to the buyer, the name of the agricultural chemical; and
 - (iv) stating the time and the place of the taking of the sample; and
 - (v) if possible signed by the seller, or his agent or representative; and
- (e) if requested to do so by the seller or his agent or representative, deliver one of the labelled packages to the seller or his agent or representative.

(4) The buyer shall send or deliver two of the labelled packages

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to the Minister together with the prescribed fee for analysis.

(5) The Minister shall retain one of the packages delivered to him for future comparison and shall send or deliver the other package to an analyst who shall, with all convenient speed, analyse the contents thereof and deliver a certificate in duplicate to the Minister stating the result of his analysis.

(6) Subject to subsection (7) of this section, the Minister shall forthwith forward one of the certificates to the buyer.

(7) Where the agricultural chemical was at the time it was purchased contained in a package having affixed thereto a copy of a label registered pursuant to an application made under section 13 of this Act, the Minister shall forward, in lieu of the certificate, a statement indicating the result of the analysis, but not containing any matter which might disclose, or lead to the disclosure of, the secret process or formula.

Publication of result of analysis

27. (1) The Minister may, subject to subsection (2) of this section, publish in such manner as he thinks fit, the result of the analysis by an analyst of any sample or part thereof of any substance purchased or taken under this Act, together with-

- (a) the name and address of the place of business of the seller or person who appeared to have the custody of the substance when the sample was taken; and
- (b) if the sample or any part thereof was contained at the time it was purchased or taken in a package having a copy of a registered label affixed thereto, the name and address of the place of business of the person who obtained the registration of the label; and
- (c) such explanations and comments on the result of the analysis as the Minister thinks fit.

(2) Where the substance was at the time the sample was purchased or taken contained, or, in the opinion of the Minister, proposed to be placed, in a package having affixed thereto a copy of a label registered pursuant to an application made under section 13 of this Act, the Minister shall not publish any matter pursuant to subsection (1) of this section with respect to that substance which might disclose, or lead to the disclosure of, the secret process or formula.

Evidence of analysis

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28. In proceedings for an offence against this Act, evidence of the analysis of any substance shall not be admissible on behalf of the complainant unless the complainant proves that the analysis was of a sample or part of a sample purchased or taken and dealt with substantially in accordance with this Act.

Payment of costs of analysis

29. On the conviction of any person for an offence against this Act by means of evidence of the analysis of any sample or part of any sample purchased or taken under this Act, the court may order that the person pay to the complainant such amount as the court thinks fit as the costs of and incidental to the obtaining of the analysis.

* * * * *

Secrecy

31. A person must not divulge or communicate information obtained in, or in connection with, the administration of this Act except-

- (a) with the consent of the person from whom the information was obtained; or
- (b) for the purposes of legal proceedings under this Act; or
- (c) for any other purpose connected with the administration of this Act.

Penalty: \$10 000.

Responsibility for offences by bodies corporate

31A. If a body corporate is guilty of an offence against this Act-

- (a) each director of the body corporate; and
- (b) each manager of the body corporate or any aspect of its business who was involved in the circumstances of the offence,

is guilty of an offence and is liable to the penalty to which a natural person is liable for the principal offence unless it is proved that the director or manager could not, by the exercise of reasonable diligence, have prevented the commission of the offence by the body corporate.

Regulations

32. (1) The Governor may make regulations prescribing any matter

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or thing required or permitted to be prescribed or necessary or expedient to be prescribed for carrying this Act into effect and without limiting the generality of the foregoing, for or with respect to-

- (a) prescribing forms to be used in connection with anything done under this Act;
- (b) prescribing fees to be paid for anything done under this Act, either in addition to or in substitution for any fees fixed by this Act;
- (c) regulating and fixing standards for agricultural chemicals and the composition thereof;
- (d) prescribing methods of analysis and taking of samples, including grab samples, for the purposes of this Act, and the method of dealing with grab samples;
- (e) regulating the labelling of packages containing agricultural chemicals, and, in particular, requiring packages containing agricultural chemicals to be labelled with brands in specified circumstances;
- (f) providing that the particulars required to be stated in a specimen copy of a label under paragraphs (e) and (f) of subsection (2) of section 12 of this Act may be stated in the application as additional particulars;
- (g) prescribing penalties for offences against regulations, not exceeding in any case the sum of \$5 000.

(2) Regulations may be made under subsection (1) of this section with respect to agricultural chemicals generally, or specified agricultural chemicals or specified classes of agricultural chemicals.

(3) Regulations made under subsection (1) of this section for the purposes of paragraph (a) of section 7 of this Act may prescribe varying proportions for different substances and circumstances, and, in particular and without limiting the generality of the foregoing, may prescribe varying proportions where grab samples are taken.

Who may prosecute

33. A complaint for an offence against this Act may be made by the person aggrieved, by an inspector, or by any person authorised in that behalf by the Minister.

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Limitation of time for laying complaints

34. A complaint for an offence against this Act shall be made within twelve months of the time when the matter of the complaint arises.

Summary proceedings

35. All proceedings in respect of offences against this Act shall be disposed of summarily.

Temporary provisions

36. In proceedings for an offence against section 8 of this Act, it shall be a defence-

(1) that-

- (a) at the time the offence is alleged to have been committed the agricultural chemical, being a pest destroyer registered under the *Pest Destroyers Act 1919-1935* at the commencement of this Act, was contained in a package labelled in a manner complying with the provisions of that Act; and
- (b) the agricultural chemical was placed in the package and the label affixed thereto on or before the thirtieth day of June next following the commencement of this Act; and
- (c) the defendant had otherwise with respect to the agricultural chemical complied with the provisions of the *Pest Destroyers Act 1919-1935*;

(2) that-

- (a) at the time the offence is alleged to have been committed the agricultural chemical, being a fertiliser licensed under the *Fertilisers Act 1918* at the commencement of this Act, was contained in a package branded, stamped, or marked in a manner complying with the provisions of that Act; and
- (b) the agricultural chemical was placed in the package and the package branded, stamped or marked on or before the thirty-first day of January next following the commencement of this Act; and
- (c) the defendant had otherwise with respect to the agricultural chemical complied with the provisions

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of the *Fertilisers Act 1918*;

(3) that-

- (a) at the time the offence is alleged to have been committed the agricultural chemical, not being a pest destroyer or fertiliser as mentioned in paragraph (1) or (2) of this section, was contained in a package; and
- (b) the agricultural chemical was placed in the package before the expiration of three months after the commencement of this Act.

Amendment of Stock Medicines Act 1939, s. 3-Interpretation

37. Section 3 of the *Stock Medicines Act 1939* is amended-

- (a) by inserting at the end of paragraph (b) in the definition of "stock medicine" therein the words "or (c) preventing insects or other pests from attacking such stock";
- (b) by striking out paragraph (ii) in the definition of "stock medicine" therein and inserting in its place the following paragraph:-
 - (ii) any agricultural chemical within the meaning of the *Agricultural Chemicals Act 1955*.

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APPENDIX

LEGISLATIVE HISTORY

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 1 of The General Public Acts of South Australia 1837-1975 at page 276.

Legislative history since 3 February 1976 (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

Long title:	amended by 101, 1987, s. 3
Section 4(1):	definition of "analyst" substituted by 43, 1986, s. 3(a)
	definition of "fodder" inserted by 101, 1987, s. 4(a)
	definition of "inspector" substituted by 101, 1987, s. 4(b)
	definition of "Minister" repealed by 96, 1978, s. 4
	definition of "premises" inserted by 101, 1987, s. 4(c)
	definition of "vehicle" inserted by 101, 1987, s. 4(d)
Section 4A:	inserted by 47, 1994, Sched. cl. 1(a)
Section 5(1):	amended by 43, 1986, s. 3(b)
Section 5(2):	repealed by 43, 1986, s. 3(c)
Section 8:	amended by 101, 1987, s. 5
Section 9(1):	amended by 101, 1987, s. 6
Section 10:	amended by 101, 1987, s. 7
Section 11(1):	amended by 101, 1987, s. 8
Sections 11A - 11C:	inserted by 101, 1987, s. 9
Section 17:	redesignated as s. 17(1) by 47, 1994, Sched. cl. 1(b)
Section 17(2):	inserted by 47, 1994, Sched. cl. 1(b)
Section 24:	substituted by 101, 1987, s. 10
Section 25:	repealed by 101, 1987, s. 10
Section 27(1):	amended by 96, 1978, s. 5
Section 30:	repealed by 101, 1987, s. 11
Section 31:	substituted by 101, 1987, s. 12
Section 31A:	inserted by 101, 1987, s. 12
Section 32(1):	amended by 101, 1987, s. 13