

Fertilizers Regulations 2005

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the Fertilizers Act 1993.

12 December 2005

W. J. E. COX

Governor

By His Excellency's Command,

STEVEN KONS

Minister for Primary Industries and Water

PART 1 - Preliminary

1. Short title

These regulations may be cited as the Fertilizers Regulations 2005.

2. Commencement

These regulations take effect on 1 January 2006.

3. Interpretation

In these regulations –

"**Act**" means the Fertilizers Act 1993;

"**animal material**" includes blood, bone, fish, animal flesh and feather meal;

"**lime**" means a substance which contains calcium carbonate, magnesium carbonate, calcium oxide or magnesium oxide and which is used –

(a) to increase the pH of soil; or

(b) as a soil conditioner; or

(c) as a fertilizer;

"**neutralizing value**" means the value equivalent to the amount of acid neutralized by an amount of fertilizer expressed as a percentage of the amount of acid neutralized by an equal amount of calcium carbonate;

"tolerance" means the amount, expressed as a percentage, by which a characteristic of a fertilizer set out in Schedule 3 may vary from the value of that characteristic stated on the label, invoice or delivery docket.

4. Effective neutralizing value

For the purpose of these regulations, effective neutralizing value is calculated in accordance with the following formula:

$$A = (B \times E) + (C \times 0.6E) + (D \times 0.1E)$$

where –

"A" is the effective neutralizing value; and

"B" is the proportion of weight of lime of particle size not greater than 300 micrometres; and

"C" is the proportion of weight of lime of particle size greater than 300 micrometres but not greater than 850 micrometres; and

"D" is the proportion of weight of lime of particle size greater than 850 micrometres; and

"E" is the neutralizing value of lime.

PART 2 - Labelling

5. Labels for fertilizers

(1) A person must not sell a fertilizer, other than a custom fertilizer mixture, unless the package in which it is contained has a label stating –

(a) the name of the fertilizer; and

(b) the concentration and form of each constituent of the fertilizer; and

(c) the quantity of fertilizer within the package; and

(d) any required warnings; and

(e) the name and place of business of the manufacturer or wholesaler.

Penalty:

Fine not exceeding 10 penalty units.

(2) A label for a custom fertilizer mixture is to state the ingredients in the mixture and their proportions by weight.

(3) A label is to be printed or stencilled on the package or securely fixed to the outside of the package.

(4) However, if a label for a bulk fertilizer or a custom fertilizer mixture is not capable of being attached to the package, the label is to be attached to, or form part of, the invoice or delivery docket.

6. Invoices for bulk fertilizers and custom fertilizer mixtures

(1) The seller of a bulk fertilizer or a custom fertilizer mixture is to ensure that the invoice or delivery docket in relation to the fertilizer is –

- (a) handed to the purchaser or person authorised by the purchaser; or
- (b) left in a safe and conspicuous position, at the place of dealing; or
- (c) posted to the purchaser.

(2) If the invoice or delivery docket is left in accordance with subregulation (1)(b), the seller is to post a copy of the invoice or delivery docket to the purchaser within 14 days of the delivery of the fertilizer.

7. Printing requirements

(1) Printing on any label, invoice or delivery docket is to be –

- (a) in English; and
- (b) clearly legible; and
- (c) indelible; and
- (d) in a distinctly contrasting colour to the background colour; and
- (e) proportional to the size of the label, invoice or delivery docket, but not less than 1.5 millimetres high in the case of capital letters and 1.0 millimetre high in the case of lower case letters.

(2) Information that is printed on a label, invoice or delivery docket in English may be repeated on the label or invoice in another language.

(3) If a fertilizer is sold in a package, the printing is to be on the outside face of the package.

8. Naming of fertilizers

(1) A fertilizer is to be named so as to make the fertilizer easily distinguishable from all other fertilizers.

(2) The name of a fertilizer is not to be inappropriate or misleading.

(3) If a constituent or ingredient of a fertilizer is used as part of the name, the name of the fertilizer is to include the manufacturer's name.

(4) The proportion of an ingredient in a fertilizer is not to be represented by numbers in the name.

(5) If the concentrations of nitrogen, phosphorus and potassium are included in the name of a fertilizer, the concentrations are to be in the following order:

- (a) nitrogen;
- (b) phosphorus;
- (c) potassium.

(6) The concentrations of nitrogen, phosphorus and potassium, if they are included in a name of a fertilizer, are to be represented as the nearest whole numbers, rounded down from and including the mid-range.

9. Constituents

(1) Subject to subregulation (2), constituents are to be listed on the label, invoice or delivery docket in alphabetical order.

(2) Where a fertilizer contains one or more of the following constituents, those constituents are to be listed before any other constituents, in the following order:

- (a) nitrogen;
- (b) phosphorus;
- (c) potassium;
- (d) sulphur;
- (e) calcium;
- (f) magnesium.

10. Concentration and form of constituents

(1) The concentration of a constituent is to be printed on the label, invoice or delivery docket –

- (a) in the case of products sold by weight, as the percentage by weight; and
- (b) in the case of products sold by volume, as the percentage by volume.

(2) If nitrogen, phosphorus, potassium or sulphur is a constituent of a fertilizer, the form or forms in which the constituent is present and the concentration of each of those forms is to be printed on the label, invoice or delivery docket as follows:

- (a) Nitrogen (N) as Urea;
- (b) Nitrogen (N) as Ammonium;

- (c) Nitrogen (N) as Nitrate;
- (d) Nitrogen (N) as other (form to be stated);
- (e) Phosphorus (P) as Water-soluble;
- (f) Phosphorus (P) as Citrate-soluble;
- (g) Phosphorus (P) as Citrate-insoluble;
- (h) Phosphorus (P) as other (form to be stated);
- (i) Potassium (K) as Sulphate;
- (j) Potassium (K) as Chloride;
- (k) Potassium (K) as other (form to be stated);
- (l) Sulphur (S) as Sulphate;
- (m) Sulphur (S) as Elemental Sulphur;
- (n) Sulphur (S) as other (form to be stated).

11. Labelling in respect of lime

A seller must ensure that, in relation to lime, the label, invoice or delivery docket states –

- (a) the effective neutralizing value of the lime; and
- (b) the percentage of calcium in the lime; and
- (c) the percentage of magnesium in the lime; and
- (d) the grade of lime determined in accordance with regulation 27.

Penalty:

Fine not exceeding 10 penalty units.

12. Labelling in respect of gypsum

A seller must ensure that, in relation to gypsum, the label, invoice or delivery docket states the percentage of the gypsum which is capable of passing through a 2.0 millimetre sieve.

Penalty:

Fine not exceeding 10 penalty units.

13. Labelling in respect of elemental sulphur

A seller must ensure that, in relation to elemental sulphur, the label, invoice or delivery docket states the percentage content of each of the following:

- (a) fine particles which are capable of passing through a 0.25 millimetre sieve;
- (b) medium particles which are capable of passing through a 0.50 millimetre sieve but not a 0.25 millimetre sieve;
- (c) coarse particles which are not capable of passing through a 0.50 millimetre sieve.

Penalty:

Fine not exceeding 10 penalty units.

PART 3 - Warnings

14. Fertilizers containing biuret

(1) If a fertilizer containing biuret may be used for foliar application, the concentration of biuret is to be shown on the label, invoice or delivery docket as a percentage of the weight of the fertilizer.

(2) Subregulation (1) does not apply to the label, invoice or delivery docket for a fertilizer which is marked "This product is not to be used for foliar application".

(3) If a fertilizer contains 10 grams of biuret but not more than 20 grams of biuret per kilogram of total nitrogen, the label, invoice or delivery docket is to contain the following warning:

WARNING – Repeated foliar application of this fertilizer may cause damage to citrus.

(4) If a fertilizer contains more than 20 grams of biuret but not more than 30 grams of biuret per kilogram of total nitrogen, the label, invoice or delivery docket is to contain the following warning:

WARNING – This fertilizer is not recommended for repeated foliar application on annual or perennial horticultural crops.

(5) If a fertilizer contains more than 30 grams of biuret per kilogram of total nitrogen, the label, invoice or delivery docket is to contain the following warning:

WARNING – This fertilizer is not recommended for foliar application.

(6) In this regulation –

"foliar application" means application to the foliage of a plant.

15. Fertilizers containing cadmium

If a fertilizer, other than a custom fertilizer mixture, contains cadmium in a concentration greater than one-tenth of the maximum concentration set out in [regulation 30](#), the label, invoice or delivery docket is to contain the following warning:

WARNING – This fertilizer contains cadmium. Use of this fertilizer may increase cadmium concentrations in soil and in produce.

16. Fertilizers containing gypsum

If a fertilizer comprises gypsum or contains gypsum as an ingredient and contains more than 0.8% sodium, the label, invoice or delivery docket is to contain the following warning:

WARNING – This fertilizer is not suitable for reclamation of saline sodic soils but may be used as a fertilizer.

17. Fertilizers containing molybdenum

If a fertilizer, other than a custom fertilizer mixture, contains molybdenum as a constituent, the label, invoice or delivery docket is to contain the following warning:

WARNING – Excessive use of molybdenum may be harmful to stock. Check method, rate and frequency of molybdenum use with appropriate authorities.

18. Fertilizers containing selenium

If a fertilizer, other than a custom fertilizer mixture, contains selenium as a constituent, the label, invoice or delivery docket is to contain the following warning:

WARNING – This fertilizer should only be used in areas where selenium deficiency of stock exists. Do not allow stock access to spills of fertilizer. Seek advice on application rates from appropriate authorities.

19. Lime containing calcium oxide

If a lime contains calcium oxide, the label, invoice or delivery docket is to contain the following warning:

WARNING – Take care when handling as lime may cause burning or irritation if inhaled or ingested or brought into contact with skin or eyes.

20. Fertilizers sold in bulk

If a fertilizer is sold in bulk or in a package containing 25 kilograms or more of fertilizer, the label, invoice or delivery docket is to contain the following warning:

WARNING – Take care when handling as this fertilizer may cause irritation if inhaled or ingested or brought into contact with skin or eyes.

21. Custom fertilizer mixtures

The label, invoice or delivery docket in relation to a custom fertilizer mixture is to contain the following warning:

WARNING – Take care when handling as this fertilizer may cause irritation if inhaled or ingested or brought into contact with skin or eyes. If this fertilizer contains superphosphate its use may increase cadmium concentrations in soil and in produce. If this fertilizer contains molybdenum, check method, rate and frequency of molybdenum use with appropriate authorities as excessive molybdenum may be harmful to stock. If this fertilizer contains selenium it should only be used in areas where selenium deficiency of stock exists. Do not allow stock access to spills of fertilizer. Seek advice on application rate from appropriate authorities.

PART 4 - Standards

22. Minimum level of constituents

A constituent listed in column 1 of Schedule 1 is not to be listed on the label, invoice or delivery docket if the constituent is present in a concentration less than the concentration listed opposite the constituent in column 2 of that Schedule.

23. Blood and bone fertilizers

(1) A blood and bone fertilizer is to be made up of the following:

- (a) not less than 90% animal material;
- (b) not less than 4.5% total nitrogen;
- (c) not less than 5.0% total phosphorus;
- (d) not more than 0.2% water-soluble nitrogen;
- (e) not more than 0.5% water-soluble phosphorus.

(2) The label, invoice or delivery docket in relation to a blood and bone fertilizer is to state the percentage of the total weight of the fertilizer which is not of animal origin.

24. Organic fertilizers

(1) In relation to a fertilizer, other than blood and bone, not less than the following percentage of the weight of each of the nitrogen, phosphorus and potassium in the fertilizer is to be derived from unmineralized plant material or unmineralized animal material:

- (a) 65%, in the case of a fertilizer described as organically based;
- (b) 95%, in the case of a fertilizer described as organic.

(2) Not less than 10% of the weight of a fertilizer described as containing organic material is to be unmineralized plant material or unmineralized animal material.

(3) An unpelleted organic or organically based fertilizer is to be capable of passing through a 2.36 millimetre sieve.

(4) Not less than 50% of the fertilizer referred to in subregulation (3) is to be capable of passing through a 0.5 millimetre sieve.

(5) The label, invoice or delivery docket in relation to an organic or organically based fertilizer is to state the weight of organic material as a percentage of total weight.

(6) The label, invoice or delivery docket in relation to an organic or organically based fertilizer to which a non-organically based constituent has been added is to state the concentration of the non-organically based constituent separately.

(7) In this regulation –

"plant material" means any material which forms part of a plant.

25. Reactive phosphate rock fertilizers

(1) A reactive phosphate rock fertilizer is to –

(a) be derived only from naturally occurring deposits of calcium phosphate; and

(b) contain at least 12% phosphorus.

(2) A reactive phosphate rock fertilizer that is not highly reactive or moderately reactive is not to be sold.

(3) A highly reactive phosphate rock fertilizer is to contain at least 65% total phosphorus soluble in 2% formic acid.

(4) A moderately reactive phosphate rock fertilizer is to contain between 50% and 65% total phosphorus soluble in 2% formic acid.

(5) A sample of reactive phosphate rock fertilizer is not to be ground before testing its solubility in 2% formic acid.

26. Superphosphate fertilizers

(1) Single superphosphate is to contain –

(a) not less than 7% phosphorus that is water-soluble; and

(b) not less than 8% phosphorus that is water-soluble and citrate-soluble; and

(c) not less than 10% sulphur; and

(d) not more than 2.5% fluorine; and

(e) not more than 3.5% iron and aluminium as a mixed oxide; and

(f) not more than 2.0% iron as an iron oxide.

(2) Double superphosphate is to contain not less than –

(a) 13% phosphorus that is water-soluble; and

(b) 15% phosphorus that is water-soluble and citrate-soluble.

(3) Triple superphosphate is to contain not less than –

(a) 15% phosphorus that is water-soluble; and

(b) 17% phosphorus that is water-soluble and citrate-soluble.

(4) Subregulations (1), (2) and (3) do not apply to superphosphate that is mixed with another ingredient.

27. Grades of lime

The grade of liming material is to be determined in accordance with the table set out in Schedule 2.

28. Standards of gypsum

(1) Grade 1 gypsum is to contain at least 15% sulphur and at least 19% calcium.

(2) Grade 2 gypsum is to contain at least 12.5% sulphur and at least 15.5% calcium.

(3) Grade 3 gypsum is to contain at least 10% sulphur and at least 12.5% calcium.

(4) Phospho-gypsum is to contain at least 17% sulphur and at least 21% calcium.

(5) By-product gypsum is to contain at least 14% sulphur and at most 20% of the dry weight of the gypsum as moisture.

29. Standards of elemental sulphur

(1) In the case of elemental sulphur that is to be applied other than from the air, not less than 50% of the sulphur is to be capable of passing through a 0.25 millimetre sieve.

(2) In the case of elemental sulphur that is to be applied from the air, not more than 30% of the sulphur is to be capable of passing through a 0.25 millimetre sieve.

30. Impurities

(1) A fertilizer is not to contain more than 5 milligrams of mercury for each kilogram of fertilizer.

(2) A fertilizer is not to contain more than the following amounts of cadmium:

(a) in the case of a phosphatic fertilizer, 300 milligrams for each kilogram of phosphorus;

(b) in the case of a trace element fertilizer, 50 milligrams for each kilogram of fertilizer;

(c) in any other type of fertilizer, 10 milligrams for each kilogram of fertilizer.

(3) A fertilizer is not to contain more than the following amounts of lead:

(a) in the case of a fertilizer wholly constituted by trace elements, 2000 milligrams for each kilogram of fertilizer;

(b) in the case of a fertilizer partially constituted by trace elements, 500 milligrams for each kilogram of fertilizer;

(c) in the case of a fertilizer not containing trace elements, 100 milligrams for each kilogram of fertilizer;

(d) in the case of a soil conditioner, 10 milligrams for each kilogram of fertilizer.

(4) In this regulation –

"phosphatic fertilizer" means a fertilizer of which more than 2% is phosphorus;

"soil conditioner" means a product used to alter the physical, chemical or biological characteristics of soil;

"trace element fertilizer" means a fertilizer mainly intended to supply one or more of the following:

(a) iron;

(b) manganese;

(c) copper;

(d) zinc;

(e) boron;

(f) molybdenum;

(g) cobalt;

(h) chlorine;

(i) selenium.

PART 5 - Miscellaneous

31. Taking of samples

(1) For the purposes of section 10 of the Act, a sample of a fertilizer is to be taken in the presence of the seller if possible.

(2) Subject to subregulation (3), a sample of a solid fertilizer is to be taken from a package of the fertilizer by inserting a tube into the centre of the package and removing a core of the fertilizer.

(3) If a solid fertilizer is of a consistency which prevents a sample being taken in accordance with subregulation (2) –

(a) the fertilizer is to be emptied from its package and broken and mixed to form a uniform mixture; and

(b) the sample is to be taken from the uniform mixture.

(4) In the absence of proof to the contrary, it is not a defence that a deficiency in a sample is due to the separation of constituents or ingredients during sampling or a lack of homogeneity in the fertilizer.

32. Number of samples

(1) If the number of packages of fertilizer to be sampled is greater than one, the samples taken from each package are to be combined to form a composite sample.

(2) If the number of packages of fertilizer to be sampled is less than 5, a sample is to be taken from each package.

(3) If the number of packages of fertilizer to be sampled is not less than 5, a sample is to be taken from one in every 10 packages but in any case from not less than 5 packages.

(4) The total weight of a sample or composite sample of a particular fertilizer is not to be less than one kilogram.

33. Division of samples

(1) The inspector taking a sample is to mix the sample or composite sample thoroughly and divide the sample or composite sample into 3 equal parts.

(2) The inspector taking the sample is to seal each part of the sample in a suitable package in the presence of the person apparently in charge of the premises or conveyance where the fertilizer has been sampled.

(3) The inspector taking the sample is to mark each package with –

(a) the date of sampling; and

(b) the inspector's name; and

(c) the address at which the sample was taken; and

(d) the name of the person apparently in charge of the premises or conveyance or fertilizer; and

(e) any details necessary to distinguish that part of the sample from parts of other fertilizers sampled at the premises or conveyance.

(4) The inspector taking the sample is to –

- (a) provide one part to an analyst for analysis; and
- (b) retain one part; and
- (c) give one part to the person referred to in subregulation (2).

34. Analysis

Analysis of a sample is to be carried out by an analyst in accordance with procedures recommended by the National Association of Testing Authorities in Australia.

35. Tolerance

(1) The level of a characteristic of a fertilizer listed in column 1 of Schedule 3 as stated in a label, invoice or delivery docket is to be within the tolerance listed in column 2 of that Schedule.

(2) In determining whether a characteristic of a sample of a fertilizer, of which phosphorus is a constituent, is within the tolerance –

(a) an excess of water-soluble phosphorus may be set off against a deficiency of citrate-soluble phosphorus; and

(b) an excess of citrate-soluble phosphorus may be set off against a deficiency of water-soluble phosphorus, if the percentage of citrate-soluble phosphorus is not more than 25% of the sum of the percentages of citrate-soluble phosphorus and water-soluble phosphorus.

36. Fees

The fees specified in Schedule 4 are fees prescribed for the purposes of the Act.

37. Exemptions

(1) An application for exemption under section 25 of the Act is to contain details of any action to be taken to make the fertilizer comply with the Act.

(2) The Secretary may only grant an exemption if the applicant undertakes to notify the Secretary in writing, when required by the Secretary to do so, of the progress in making the fertilizer comply with the Act.

(3) The Secretary may revoke an exemption if of the opinion that, in relation to making the fertilizer comply with the Act –

(a) there has not been sufficient progress; or

(b) the applicant has not given sufficient notification to the Secretary of the progress that has been made.

(4) If the Secretary revokes an exemption, the Secretary, by notice in writing, is to notify the applicant of the revocation and the reasons for the revocation.

SCHEDULE 1 - Concentration of constituents

Regulation 22

	Column 1 Constituent	Column 2 Concentration %
1.		
	(a) Nitrogen	0.5
	(b) Nitrogen as nitrate, ammonia, urea or any other form	0.2
2.		
	(a) Phosphorus	0.5
	(b) Phosphorus as water-soluble or citrate-soluble	0.2
	(c) Phosphorus as citrate-insoluble	0.2
3.		
	(a) Potassium	0.5
	(b) Potassium as sulphate, chloride, nitrate or any other form	0.2
4.	Calcium	0.5
5.	Magnesium	0.5
6.	Sulphur	0.5
7.	Iron	0.01
8.	Manganese	0.01
9.	Copper	0.005
10.	Zinc	0.005
11.	Boron	0.005
12.	Molybdenum	0.001
13.	Cobalt	0.001
14.	Chloride	0.001
15.	Aluminium	0.001
16.	Selenium	0.001

SCHEDULE 2 - Grades of Lime

Regulation 27

[Click here to view image](#)

SCHEDULE 3 - Accuracy of label, invoice or delivery docket

Regulation 35

	COLUMN 1	COLUMN 2
	Characteristic of fertilizer	Tolerance
1.	Effective neutralizing value	10.0%
2.	Particle size	10.0%
3.	A constituent which comprises 25% or more of the weight of the fertilizer	2.0%
4.	A constituent which comprises 10% or more but less than 25% of the weight of the fertilizer	4.0%
5.	A constituent which comprises less than 10% of the weight of the fertilizer	10.0%

SCHEDULE 4 - Fees

Regulation 36

1.	Making a complaint under <u>section 14</u> of the Act	25 fee units
2.	Application for exemption under <u>section 25</u> of the Act	100 fee units

Displayed and numbered in accordance with the [Rules Publication Act 1953](#).

Notified in the *Gazette* on 21 December 2005.

These regulations are administered in the Department of Primary Industries, Water and Environment.

Table Of Amendments

Citation	Serial Number	Date of commencement
Fertilizers Regulations 2005	S.R. 2005, No. 143	1.1.2006
