**AGRICULTURAL CHEMICALS ACT AMENDMENT BILL 1987**

**House of Assembly, 8 October 1987, pages 1097-8**

Second reading

**The Hon. M.K. MAYES (Minister of Agriculture)** obtained leave and introduced a Bill for an Act to amend the Agricultural Chemicals Act 1955. Read a first time.

The Hon. M.K. MAYES: I move: That this Bill be now read a second time. I seek leave to have the second reading explanation inserted in Hansard without my reading it. Leave granted.

Explanation of Bill

The purpose of the current Act is to provide for the registration of chemicals used in agriculture and specify the approved uses and conditions of these uses including withholding periods.

It does not prevent the use of chemicals for other than those specified on the label. It provides for the control of sale but not end use.

An amendment to the Act is necessary to ensure that chemicals are not used for non-registered uses.

A further amendment is necessary to provide for the treatment or destruction of materials contaminated with agricultural chemicals and to prevent such materials being fed to stock.

It is also necessary to update penalties for breaches of the Act in line with Government policy, and as an added deterrent to misuse.

The recent detection of violative residue levels of persistent organochlorine insecticides in meat for both local and export consumption indicates serious misuse of these chemicals.

Consumers rightly expect that the food they eat does not contain unacceptable levels of agricultural chemicals.

The Australian Agricultural Council (AAC) at its recent meeting agreed to ban all uses of DDT in agriculture and to restrict the uses of other persistent organochlorine insecticides including dieldrin.

To implement the AAC decisions and protect our agricultural produce from unacceptable contamination from these chemicals controls on their use are necessary. The most appropriate way of preventing misuse of agricultural chemicals is by making it illegal to use them for any other use than that specified on the label.

Additional powers will be required by inspectors to enable policing of end use and control and treatment of contaminated fodder.

Provision should be made however for the Minister to authorise the use of an agricultural chemical for purposes other than those specified on the label to meet certain circumstances, e.g. control of an exotic disease outbreak or research activities.

The penalties under the current Act (maximum $200) are no longer a deterrent to potential offenders and should be updated accordingly consistent with Government policy.

Clauses 1, 2 and 3 are formal.

Clause 4 amends section 4 of the principal Act which is the interpretation provision. ‘Fodder’, ‘premises’ and ‘vehicle’ (which are terms used in the new section 24 of the principal Act) are defined and the definition of ‘inspector’ is expanded to include an inspector appointed under the Stock Diseases Act 1934.

Clauses 5 and 6 amend the penalty provisions of, respectively, sections 8 and 9 of the principal Act by increasing the maximum penalties for offences against those sections to $20 000 where the offender is a natural person and to $40 000 where the offender is a body corporate. In both sections the maximum was $200. Section 8 prohibits selling an agricultural chemical except in a package that has affixed to it a copy of a registered label. Section 9 prohibits selling a substance in a package having affixed to it a copy of a registered label if in any respect the substance does not comply with the particulars stated on the label or with registered additional particulars.

 Clause 7 amends section 10 of the principal Act which makes it an offence for a person in the course of business to make a false or misleading statement with respect to an agricultural chemical which is being sold. The maximum penalty is increased from $100 to $5 000.

Clause 8 amends section 11 of the principal Act which prohibits the selling of an agricultural chemical that does not comply with the prescribed standard applicable to that chemical.

The maximum penalty is increased from $100 to $20 000 where the offender is a natural person and to $40 000 where the offender is a body corporate.

Clause 9 inserts sections lla, llb and 11c into the principal Act.

Section 11 a (1) provides that 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 a label registered under the Act is displayed and must not remove the chemical from the package except to the extent required for an authorised purpose.

Subsection (2) sets out what an authorised purpose is. Subsection (3) provides that the Minister may declare by notice that a particular purpose is not an authorised purpose in relation to an agricultural chemical referred to in the notice. Section llb (1) provides that a person must not use an agricultural chemical except for an authorised purpose and in accordance with any directions applicable to that use stated on the label or given by the Minister.

Subsection (2) provides that a person must not use an agricultural chemical in accordance with directions stated on the label if the Minister has, by notice, declared that the chemical should not be used in accordance with those directions.

Subsection (3) provides that a person who contravenes a provision of section 11b is guilty of an offence.

The maximum penalty for offences against sections lla and llb is $20 000 where the offender is a natural person and $40 000 where the offender is a body corporate.

Section llc prohibits the removal of a copy of a label registered under the Act from a package that contains an agricultural chemical in relation to which the label was registered. The maximum penalty is $5 000.

Clause 10 repeals sections 24 and 25 of the principal Act and substitutes a new section 24. The new section sets out provisions giving inspectors wide powers of inspection, search and seizure.

Subsection (5) provides that 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 to destroy or treat it in accordance with the inspector’s directions, or not to use the fodder for a period stated in the notice.

Subsection (6) provides that if a person on whom notice is served under subsection (5) 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.

Subsection (9) makes it an offence to (a) hinder or obstruct an inspector, or a person accompanying an inspector, in the exercise of powers conferred by the section or (b) refuse or fail to comply with a requirement made or direction given, pursuant to the section. The maximum penalty is $5 000 or 6 months imprisonment.

Clause 11 repeals section 30 of the principal Act.

Clause 12 amends section 32 of the principal Act (the regulation making power) by increasing the maximum penalty for breach of any regulation from $100 to $5 000.

The Hon. E.R. GOLDSWORTHY secured the adjournment of the debate.