

LEGISLATIVE ASSEMBLY

(As sent to the Legislative Council)

A BILL

for

An Act to provide for Pesticides to be described as Agricultural Chemicals, to make provision concerning the Use of Agricultural Chemicals, to amend the *Pesticides Act 1958*, the *Health Act 1958*, the *Stock Medicines Act 1958*, the *Fertilizers Act 1974* and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *Agricultural Chemicals Act* 1980. Short title.

(2) In this Act the *Pesticides Act 1958* is called the Principal Act.

Principal Act
No. 6257.
Reprinted to
No. 8589.
Subsequently
amended by
Nos. 8848 and
9005.

10 (3) The several provisions of this Act shall come into operation on a day or on the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the *Government Gazette*.

Commence-
ment.

Amendment of
No. 6257 s. 1.
Citation of
Principal Act.

2. (1) The *Pesticides Act* 1958 shall hereafter be known and cited as the *Agricultural Chemicals Act* 1958.

(2) In section 1 of the Principal Act for the expression "*Pesticides Act* 1958" there shall be substituted the expression "*Agricultural Chemicals Act* 1958". 5

(3) Any reference in any other Act or in any proclamation appointment Order in Council order rule regulation legal proceedings instrument document or writing of any kind whatsoever—

(a) to the *Pesticides Act* 1958 shall be deemed and taken to refer to the *Agricultural Chemicals Act* 1958; and 10

(b) to a pesticide within the meaning of the *Pesticides Act* 1958 shall be deemed and taken to refer to an agricultural chemical within the meaning of the *Agricultural Chemicals Act* 1958.

Amendment of
No. 6257.

3. The Principal Act shall be amended as follows :— 15

(a) In section 3 in the interpretation of "Distinguishing name" for the words "a pesticide" and "that pesticide" there shall be substituted the words "an agricultural chemical" and "that agricultural chemical" respectively; 20

(b) In section 3 in the interpretation of "Product" and in sections 6, 7 (1) and (3), 8 (1), (2) and (5), 9 (3A) and 24 (a) for the words "a pesticide" (wherever occurring) there shall be substituted the words "an agricultural chemical"; 25

(c) In section 3 in the interpretation of "Wholesale dealer" and in sections 4 (1), (2) and (3), 5 (1), 8A (4), 9 (4), 10 (1), 11 (1), (2), (3) and (4), 12, 15, 16 (3), 17, 18, 18A, 18B (1), (2), (3), (5) and (6), 20, 21 (1) and 24 (aa), (eb) and (h) for the word "pesticide" (wherever occurring) there shall be substituted the words "agricultural chemical"; 30

(d) In sections 6, 7 (1) (d) and (2) and 8 (1) and (5) for the words "the pesticide" (wherever occurring) there shall be substituted the words "the agricultural chemical" respectively; 35

(e) In section 7 (1) for the words "that pesticide" and "such pesticide" (wherever occurring) there shall be substituted the words "that agricultural chemical" and "such agricultural chemical" respectively; 40

(f) In section 8 (2) for the words "that pesticide" there shall be substituted the words "that agricultural chemical";

(g) In

(g) In section 8 (4) for the words "A pesticide" there shall be substituted the words "An agricultural chemical";

(h) In section 8 (5) for the words "a registered pesticide" there shall be substituted the words "a registered agricultural chemical"; and

(i) In sections 9 (1) and (3), 10 (1) (b) (ii) and 24 (ea) (ii), (g), (i), (ia) (ii), (j) and (ja) for the word "pesticides" (wherever occurring) there shall be substituted the words "agricultural chemicals".

4. Section 3 of the Principal Act shall be amended as follows :—

(a) For the expression "3. In this Act" there shall be substituted the expression "3. (1) In this Act";

(b) Before the interpretation of "Analysis" there shall be inserted the following interpretations :—

"Advice document" means any document (excluding a label) containing any information about or advice on the use of an agricultural chemical which is supplied by the vendor to the purchaser of that agricultural chemical in connexion with the sale of that agricultural chemical.

Amendment of No. 6257 s. 3.

"Advice document."

"Agricultural chemical" means any dairy cleanser, fungicide, herbicide, insecticide, molluscicide, nematocide, plant regulator or vermin destroyer and includes anything purporting to be an agricultural chemical.;

"Agricultural chemical."

(c) In the interpretation of "Dairy cleanser" in paragraph (c) for the words "any other product" there shall be substituted the words "any product or class of products";

(d) After the interpretation of "Distinguishing name" there shall be inserted the following interpretation :—

"Formulator" means, in relation to an agricultural chemical, the person who manufactures or prepares that agricultural chemical; and "formulate" "formulation" and "formulated" have corresponding interpretations.;

"Formulator."

(e) In the interpretation of "Fungicide" in paragraph (f) for the words "any other product" there shall be substituted the words "any product or class of products";

(f) In

- (f) In the interpretation of "Herbicide" in paragraph (b) after the words "any product" there shall be inserted the words "or class of products";
- (g) In the interpretation of "Insecticide" for the expression—
 "and
 (c) any product which is by proclamation declared to be an insecticide for the purposes of this Act—
 but does not include a household insecticide within the meaning of the *Health Act* 1958 when sold in accordance with the provisions of that Act."
 there shall be substituted the following expression:—
 "(c) any household insecticide within the meaning of the *Health Act* 1958; and
 (d) any product or class of products which is by proclamation declared to be an insecticide for the purposes of this Act.";
- (h) In the interpretation of "Inspector" before the words "an inspector" there shall be inserted the words "the Chief Chemist or";
- (i) In the interpretation of "Molluscicide" in paragraph (b) after the words "any product" there shall be inserted the words "or class of products";
- (j) In the interpretation of "Nematocide" in paragraph (b) after the words "any product" there shall be inserted the words "or class of products";
- (k) After the interpretation of "Nematocide" there shall be inserted the following interpretation:—
 " "Officer" means an officer of the Department of Agriculture and includes an inspector and an analyst other than a referee analyst. "
- (l) In the interpretation of "Package" for the words "a pesticide is cased covered closed contained or packed" there shall be substituted the words "an agricultural chemical is cased covered closed contained or packed but does not include any inner lining included in a package for the purpose only of preventing the agricultural chemical from being in contact with that package";
- (m) The interpretation of "Pesticide" shall be repealed;
- (n) In the interpretation of "Plant regulator" in paragraph (b) after the words "any product" there shall be inserted the words "or class of products";

(o) In

"Officer."

(o) In the interpretation of "Sell" after the words "advertising for sale" there shall be inserted the words "or supplying or giving away for the purpose of advertisement or in furtherance of any trade or business";

(p) In the interpretation of "Stock pesticide" the conjunction "and" between paragraphs (a) and (b) shall be repealed and after the word "sheep" there shall be inserted the following expression:—

" ; and

(c) any product or class of products which is by proclamation declared to be a stock pesticide for the purposes of this Act";

(q) In the interpretation of "Vermin destroyer" in paragraph (b) after the words "any product" there shall be inserted the words "or class of products which is by proclamation"; and

(r) At the end of the section there shall be inserted the following sub-section:—

"(2) For the purposes of this Act, the appropriation of any agricultural chemical by one person for use—

Sale of agricultural chemicals.

(a) in the performance for hire or reward of services to another person in pursuance of a contract in that behalf; or

(b) under arrangements with another person not constituting a sale of the agricultural chemical to that other person, being arrangements which are intended to benefit both the person appropriating the agricultural chemical and that other person but under which the probability or extent of any benefit to that other person may be affected by the quality of the agricultural chemical—

shall be treated as a sale of that agricultural chemical to that other person by the person so appropriating it and references to sale or purchase and cognate expressions shall be construed accordingly."

5. After section 3 of the Principal Act there shall be inserted the following section:—

New s. 3A inserted in No. 6257.

Exemption by proclamation.

"3A. Subject to this Act, the Governor in Council may by proclamation exempt any agricultural chemical or class of agricultural chemicals from any of the provisions of this Act in respect of labelling, registration or permits."

6. Section

Amendment of
No. 6257 s. 7.

6. Section 7 of the Principal Act shall be amended as follows :—

(a) In sub-section (1)—

- (i) the words “ and thereafter during the month of May immediately preceding each new registration period ” shall be repealed ; and 5
- (ii) for paragraph (c) there shall be substituted the following paragraph:—

“ (c) the name of the formulator and the place of formulation of the agricultural chemical; and ”; 10

(b) In sub-section (2)—

- (i) after paragraph (a) there shall be inserted the following paragraph:—

“ (aa) a statement setting out—

- (i) the name of the manufacturer 15
of each constituent which
is claimed to be an active
constituent in the
agricultural chemical ; and

- (ii) the principal impurities 20
associated with each such
constituent as is mentioned
in sub-paragraph (i) ; ”;
and

- (ii) in paragraph (e) for the words “ a statutory declaration by the wholesale dealer ” there shall be substituted the words “ a statement in the prescribed form signed by the wholesale dealer or, where the wholesale dealer is a body corporate, by any prescribed officer of such body corporate ”; 30

(c) In sub-section (3)—

- (i) for the words “ the manufacturer ” there shall be substituted the words “ the formulator, manufacturer of the ingredients ” ; and 35

- (ii) for the words “ a statutory declaration ” there shall be substituted the words “ a statement in the prescribed form signed by such formulator, manufacturer or other person or, where such formulator, manufacturer or other person is a body corporate, by any prescribed officer of such body corporate ”; 40
and

(d) At

(d) At the end of the section there shall be inserted the following sub-section :—

“ (4) Any person who makes a false statement for the purposes of or in connexion with an application under sub-section (1) shall be guilty of an offence.

Penalty : \$400.”.

7. In section 8A (1) of the Principal Act for the words “ A registration ” there shall be substituted the expression “ Subject to section 8B, a registration ”.

Amendment of No. 6257 s. 8A(1).

8. After section 8A of the Principal Act there shall be inserted the following sections :—

New ss. 8B and 8C inserted in No. 6257.

“8B. (1) This section applies to every agricultural chemical registered under this Act other than—

Application for renewal of registration of certain agricultural chemicals.

(a) an agricultural chemical the distinguishing name of which the wholesale dealer proposes to alter ;

(b) an agricultural chemical the claimed active constituents of which or the proportion or quantity of any such constituent of which the wholesale dealer proposes to alter ; or

(c) an agricultural chemical in respect of which the Chief Chemist has issued a notice under sub-section (6).

(2) Every wholesale dealer in an agricultural chemical registered under this Act to which this section applies shall during the month of May immediately preceding each new registration period apply to the Director-General in writing in the prescribed form for renewal of the registration of such agricultural chemical, setting out—

(a) his name and place of business ; and

(b) the distinguishing name used in connexion with that agricultural chemical.

(3) An application made under sub-section (2) shall be accompanied by the prescribed renewal fee.

(4) Where any wholesale dealer in an agricultural chemical registered under this Act to which this section applies has not before the 30th day of June immediately preceding a new registration period applied for renewal of the registration of such agricultural chemical in accordance with sub-section (2) and paid the prescribed renewal fee, the registration of that agricultural chemical shall expire at the end of the current registration period and that wholesale dealer shall be deemed for the purposes of this Act to have ceased business or trade as a wholesale dealer in that agricultural chemical as from the date of such expiry.

(5) Where

(5) Where any wholesale dealer in an agricultural chemical registered under this Act to which this section applies before the 30th day of June immediately preceding a new registration period makes application in accordance with sub-section (2) for renewal of the registration of such agricultural chemical and pays the prescribed renewal fee, the registration of that agricultural chemical shall be renewed for the duration of that new registration period. 5

(6) Where the Chief Chemist is of the opinion that it is not appropriate to permit the registration of any agricultural chemical registered under this Act to be renewed in accordance with the provisions of this section he shall cause notice of that decision to be sent by certified mail, as soon as is practicable, to the wholesale dealer in such agricultural chemical at his last known place of business. 10

Application for re-registration of certain agricultural chemicals.

8c. (1) Every wholesale dealer in an agricultural chemical registered under this Act (not being an agricultural chemical to which section 8B applies) shall during the month of May immediately preceding each new registration period apply to the Director-General in writing in the prescribed form for re-registration of that agricultural chemical. 15 20

(2) The provisions of section 7 shall apply to an application made under sub-section (1) as they apply to an application made under section 7 (1)."

New ss. 9A-9C inserted in No. 6257.

Application by wholesale dealer for cancellation of registration of agricultural chemical.

9. After section 9 of the Principal Act there shall be inserted the following sections :— 25

"9A. (1) Any wholesale dealer in an agricultural chemical registered under this Act may at any time apply in writing in the prescribed form to the Director-General for cancellation of the registration of that agricultural chemical.

(2) The Director-General may approve of the cancellation of the registration of an agricultural chemical and, if he so approves, shall cause that registration to be cancelled from such date and subject to such conditions as he thinks fit. 30

(3) The Director-General may, if he thinks fit, cause to be published from time to time in the *Government Gazette* notice of the cancellation pursuant to this section of the registration of any agricultural chemical. 35

Wholesale dealer to send notice of cessation of registration to retail dealers.

9B. (1) Where for any reason any agricultural chemical ceases to be registered under this Act the wholesale dealer in such agricultural chemical shall within 30 days of that agricultural chemical ceasing to be so registered— 40

(a) send by post notice in writing of that cessation to all retail dealers in Victoria in that agricultural chemical whose names are known to him ; and

(b) send

(b) send by post to the Chief Chemist a copy of such notice together with a list of the names of all retail dealers to whom it was sent.

5 (2) Sub-section (1) shall not apply where any agricultural chemical which was registered temporarily pursuant to section 8 (5) ceases to be so registered.

9c. (1) Where any wholesale dealer in an agricultural chemical registered under this Act desires to formulate that agricultural chemical—

10 (a) using an ingredient not mentioned in the list referred to in paragraph (a) of section 7 (2) or without using an ingredient mentioned in that list ; or

15 (b) using a constituent (being a constituent which is claimed to be an active constituent in the agricultural chemical) manufactured by some person other than the person described as manufacturer in the statement referred to in paragraph (aa) of section 7 (2)—

20 he shall make application to the Director-General in the prescribed form for approval of the change of ingredients or manufacturer (as the case may be).

(2) The Director-General shall consider any application made under sub-section (1) and may grant the approval sought in the application, refuse to grant that approval or grant that approval subject to such conditions as the Director-General thinks fit to impose.

(3) The Director-General shall cause notice of his decision under sub-section (2) in relation to any application under sub-section (1) to be sent by post, as soon as is practicable, to the applicant at the address stated for this purpose in the application.”.

30 10. Section 10 of the Principal Act shall be amended as follows:—

(a) In sub-section (1) after the words “ any of such pesticide ” there shall be inserted the words “ an approved label bearing the following particulars ” ;

35 (b) For paragraph (c) of sub-section (1) there shall be substituted the following paragraph :—

“ (c) such other statements as are prescribed.” ;

(c) For sub-sections (2) and (3) there shall be substituted the following sub-sections :—

40 “ (2) Where it is not practicable having regard to the size of the package containing an agricultural chemical to brand, stamp upon or durably affix to that package a label bearing all the particulars required by this section, the vendor shall at the time

Application to Director-General for approval of change of ingredients used or change of manufacturer of active constituent.

Amendment of No. 6257 s. 10.

of

of the sale and in such manner as is prescribed supply to the purchaser an approved advice document bearing the particulars required by sub-section (1) to be shown on the label and such document shall be deemed for the purposes of this Act to be a label and to be durably affixed to that package. 5

(3) The vendor of any agricultural chemical who supplies to the purchaser of that agricultural chemical an advice document shall be guilty of an offence unless that document is an approved advice document and has been supplied to the purchaser at the time of the sale and in such manner as is prescribed. 10

(4) A person guilty of an offence under sub-section (3) shall be liable in the case of a first offence to a penalty of not more than \$500 and in the case of a second or any subsequent offence to a penalty of not more than \$1,000. 15

(5) A statement appearing in any label or advice document shall, notwithstanding any agreement to the contrary, have effect as a warranty by the vendor of the accuracy of such statement.”. 20

New ss. 10A-10F inserted in No. 6257.

Power to prescribe prohibited constituents.

11. After section 10 of the Principal Act there shall be inserted the following sections :— 25

“ 10A. (1) The Governor in Council may by proclamation prescribe any substance to be a prohibited constituent of any agricultural chemical used or intended to be used for any prescribed purpose.

(2) Any person who sells purchases or uses any agricultural chemical that contains a prohibited constituent having regard to the purpose for which that agricultural chemical is sold, purchased or used (as the case may be) shall be guilty of an offence against this section. 30

Permits to purchase and use unregistered agricultural chemicals.

10B. (1) The Director-General or any prescribed person may, upon application made in the prescribed form, issue to any person a permit to purchase and use for the purposes of any scientific experiment to be carried out by that person any agricultural chemical that is not registered under this Act. 35

(2) A permit issued under sub-section (1) shall be subject to such conditions as are prescribed and to such other conditions (if any) as the Director-General may impose in any particular case. 40

(3) If

(3) If the Director-General is satisfied that the holder of a permit issued under sub-section (1) has contravened or failed to comply with any of the conditions to which the permit is subject he may cancel that permit and, in addition, may direct that no further permit may be issued to that person under sub-section (1).

(4) Any person who purchases or uses any agricultural chemical that is not registered under this Act shall be guilty of an offence against this section unless a permit issued under sub-section (1) is valid in respect of the purchase or use of that agricultural chemical and in making that purchase or so using that agricultural chemical he has complied with the conditions to which that permit is subject.

10C. Any person who is guilty of an offence against sections 10A or 10B shall be liable in the case of a first offence to a penalty of not more than \$500 and in the case of a second or any subsequent offence to a penalty of not more than \$1,000. Penalty.

10D. (1) Any person authorized either generally or in any particular case by the Director-General in writing (in this section and in section 10E referred to as an "authorized person") may demand from any person whom he suspects is using or has used or has caused to be used any agricultural chemical in contravention of section 10B full information concerning any permit issued in respect of the use of that agricultural chemical and he may demand the production of such permit for his inspection. Power to demand information and inspect permit.

(2) Any person who fails to furnish an authorized person with such information as he may reasonably demand under sub-section (1) or who knowingly gives any false or misleading information to an authorized person engaged in carrying out his duties under this section or fails to produce or to permit an authorized person to inspect any permit in his possession the production of which the authorized person demands under sub-section (1) shall be guilty of an offence.

Penalty : \$1,000 or imprisonment for six months or both.

10E. (1) An authorized person may, where he suspects that any agricultural chemical has been used in contravention of section 10A or 10B on any land or in any building, enter that land or building and may take and remove for examination and analysis such samples of any thing or matter on that land or in that building as he deems fit. Power to enter land, &c.

(2) Any person who hinders or prevents an authorized person from entering any land or building or refuses to allow an authorized person to take and remove such samples of any thing or matter on that land or in that building as he deems fit shall be guilty of an offence.

Penalty : \$400.

10F. Sections 10A to 10E shall bind the Crown.?

Sections 10A-10E to bind Crown.

Amendment of
No. 6257 s. 11.

12. Section 11 of the Principal Act shall be amended as follows :—

- (a) In sub-section (1) in paragraph (b) for the words “ the distinguishing name particulars or label required by this Act ” there shall be substituted the words “ an approved label bearing the particulars required by section 10 ” ; 5
- (b) In sub-section (2)—
- (i) in paragraph (a) for the words “ the particulars required by this Act to be ” there shall be substituted the words “ the particulars required by section 10 to be printed or written on the label ” ; 10
- (ii) the word “ or ” between paragraphs (a) and (b) shall be repealed ; 15
- (iii) before paragraph (b) there shall be inserted the following paragraphs :—
- “ (aa) has, without the approval of the Director-General under section 9C, been formulated using an ingredient not mentioned in the list referred to in paragraph (a) of section 7 (2) or has been formulated without using an ingredient mentioned in that list ; 20 25
- (ab) has, without the approval of the Director-General under section 9C, been formulated using a constituent manufactured by some person other than the person described as manufacturer in the statement referred to in paragraph (aa) of section 7 (2) ; or ” ; and 30
- (iv) before the words “ be guilty of ” there shall be inserted the expression “, subject to sub-sections (2A) and (2B),” ; and 35
- (c) After sub-section (2) there shall be inserted the following sub-sections :—
- “ (2A) A person who sells to any person for the purposes of any scientific experiment to be carried out by that person any agricultural chemical which is not registered under this Act shall not be guilty of an offence against this Act if the purchaser is the holder of a valid permit issued under section 10B (1). 40 45
- (2B) Subject

(2B) Subject to sub-section (2c), a person shall not be guilty of an offence against this Act by reason only of the sale by him of an agricultural chemical which is not registered under this Act if the sale took place within the period of twelve months immediately after that agricultural chemical ceased to be registered under this Act and that agricultural chemical formed part of a stock of such agricultural chemicals which was in the possession of that person immediately prior to that agricultural chemical ceasing to be registered under this Act.

(2c) Sub-section (2B) shall not apply to—

- (a) the sale of an agricultural chemical by a wholesale dealer in that agricultural chemical ;
- (b) the sale of an agricultural chemical the registration of which has ceased pursuant to section 9 (4) ; or
- (c) the sale of an agricultural chemical that contains a prohibited constituent having regard to the purpose for which that agricultural chemical is sold.”.

13. After section 12 of the Principal Act there shall be inserted the following section :—

“ 12A. (1) The Director-General may in respect of any agricultural chemical cause to be published in the *Government Gazette* a notice specifying the purposes for which that agricultural chemical might be used and, if in the opinion of the Director-General it is appropriate to do so, such notice shall contain directions as to the manner in which that agricultural chemical is to be used when being used for any such purpose.

(2) The provisions of sub-section (1) shall be read and construed as in aid of and not in derogation from any provisions of this Act that impose restrictions on the use of any agricultural chemical.

(3) Any notice under sub-section (1) may, by like notice published in the *Government Gazette*, be revoked or amended.

(4) Any statement appearing in a notice under sub-section (1) shall not have effect as a warranty by the Director-General of the accuracy of such statement.”

14. Section 13 of the Principal Act shall be amended as follows :—

(a) For the expression “ 13. Subject ” there shall be substituted the expression “ 13. (1) Subject ” ; and

(b) At

New s. 12A inserted in No. 6257.

Director-General to issue notices specifying possible usages for agricultural chemicals.

Amendment of No. 6257 s. 13.

(b) At the end of the section there shall be inserted the following sub-section :—

“(2) A notice published in the *Government Gazette* by the Director-General of the appointment of any analyst or inspector shall be sufficient evidence of such appointment.”. 5

New ss. 17A-17B inserted in No. 6257.

Wholesale dealer or vendor to forward samples for analysis.

15. After section 17 of the Principal Act there shall be inserted the following sections :—

‘17A. A wholesale dealer in or vendor of any agricultural chemical shall when required so to do by the Director-General forward for analysis to the Chief Chemist without payment a sample of that agricultural chemical not exceeding 500 grams in weight or 500 millilitres in volume or a sample of that agricultural chemical of such a quantity that it contains active constituents not exceeding 50 grams in weight or 50 millilitres in volume. 10 15

Referee analysis.

17B. (1) The court at the hearing of any information for an offence against this Act shall upon the request of either the informant or defendant cause any part of the sample of agricultural chemical to be sent to an analyst nominated for this purpose by the Minister (in this section called a “referee analyst”) to make an analysis thereof and give a certificate to such court of the result of such analysis and the cost of such analysis shall be paid by the informant or defendant as the court may direct. 20

(2) In any proceedings against any person for an offence against this Act the production of a document purporting to be the certificate of a referee analyst shall be sufficient evidence of the facts therein stated unless it is proved that the document is not the certificate of the referee analyst.’. 25

Amendment of No. 6257 s. 18B.

16. Section 18B of the Principal Act shall be amended as follows :— 30

(a) In sub-section (1) for the word “manufactured” there shall be substituted the word “formulated”; and

(b) In sub-section (6) for the word “manufactured” there shall be substituted the word “formulated”.

Amendment of No. 6257 s. 19.

17. In section 19 of the Principal Act for the words “no inspector analyst or other officer shall be” there shall be substituted the words “an officer shall not be”. 35

New section substituted for No. 6257 s. 22. Provisions as to proceedings.

18. For section 22 of the Principal Act there shall be substituted the following section :—

“22. (1) A prosecution for an offence against this Act may be instituted by any officer authorized either generally or in any particular case by the Minister in writing. 40

(2) In

(2) In any prosecution or other legal proceedings under this Act instituted by or under the direction of the Minister or any authorized officer—

- 5 (a) proof shall not be required—
 (i) of any order or authority to prosecute ; or
 (ii) of the particular or general appointment of any authorized officer ;
- 10 (b) the burden of proof that anything alleged to be an agricultural chemical on or in any retail or wholesale premises or any warehouse, store or vehicle is not an agricultural chemical shall be on the defendant ; and
- 15 (c) the burden of proof that any agricultural chemical on or in any retail or wholesale premises or any warehouse, store or vehicle was not for sale shall be on the defendant.”.

19. Section 24 of the Principal Act shall be amended as follows :— Amendment of No. 6257 s. 24.

- 20 (a) In paragraph (aa) for the word “ manufacturer ” there shall be substituted the word “ formulator ” ;
- 20 (b) After paragraph (d) there shall be inserted the following paragraphs :—
- 25 “ (da) prescribing the persons or class of persons who may approve labels for the purposes of section 10 (1) ;
- (db) prescribing the manner in which such documents as are mentioned in section 10 (2) are to be supplied to purchasers of any agricultural chemical ;
- 30 (dc) prescribing the persons or class of persons who may approve advice documents ;
- (dd) prescribing the manner in which advice documents are to be supplied to purchasers of any agricultural chemical ;” ;
- 35 (c) After paragraph (ha) there shall be inserted the following paragraph :—
- “ (hb) applications for renewal of registration of agricultural chemicals and the prescribing of fees to accompany such applications ;” ;
- and
- 40 (d) After paragraph (ia) there shall be inserted the following paragraphs :—
- “ (ib) prescribing the persons or class of persons who may issue permits under section 10B ;
- 45 (ic) prescribing conditions to which permits issued under section 10B are subject ;” .

20. In

Amendment of
No. 6257 s. 3.

20. In section 3 of the *Health Act 1958* in the interpretation of “ Household insecticide ” for the words “ a substance which is registered pursuant to the *Pesticides Act 1958* when such substance ” there shall be substituted the words “ any substance or compound which ”.

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Amendment of
No. 6384 s. 3.

21. In section 3 of the *Stock Medicines Act 1958* in the interpretation of “ Stock medicine ” for the expression “ *Pesticides Act 1958* ” there shall be substituted the expression “ *Agricultural Chemicals Act 1958* ”.

Amendment of
No. 8604.

22. The *Fertilizers Act 1974* shall be amended as follows :— 10

- (a) In section 3 (1) the interpretation of “ Pesticide ” shall be repealed ;
- (b) In section 7 (1) for the expression “ any pesticide within the meaning of the *Pesticides Act 1958* ” there shall be substituted the expression “ any agricultural 15
chemical within the meaning of the *Agricultural Chemicals Act 1958* ”; and
- (c) In paragraph (b) of section 12 (5) for the words “ any pesticide ” there shall be substituted the words “ any agricultural chemical within the meaning of the 20
Agricultural Chemicals Act 1958 ”.