

Queensland



AGRICULTURAL STANDARDS ACT 1952

**Reprinted as in force on 24 November 1993
(includes amendments up to Act No. 23 of 1993)**

Reprint No. 1

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 24 November 1993. As required by section 5 of the *Reprints Act 1992*, it—

- shows the law as amended by all amendments that commenced on or before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the *Reprints Act 1992*, the reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

The opportunity has also been taken, under section 7 of the *Reprints Act 1992*, to do the following—

- omit the enacting words as permitted by section 7(1)(a) of that Act;
- use citations and references permitted by Division 2 of that Act;
- use updated references permitted by Division 3 of that Act;
- express gender specific provisions in a way consistent with current legislative drafting practice as permitted by section 24 of that Act;
- use gender neutral office names as permitted by section 25 of that Act;
- correct spelling, and use different spelling consistent with current legislative drafting practice, as permitted by section 26 of that Act;
- use punctuation and expressions consistent with current legislative drafting practice as permitted by sections 27 and 29 of that Act;
- use conjunctives and disjunctives consistent with current legislative drafting practice as permitted by section 28 of that Act;
- reorder definitions as permitted by section 30 of that Act;
- use the provision units permitted by section 32 of that Act;
- relocate marginal or cite notes as permitted by section 34 of that Act;
- use aspects of format and printing style consistent with current legislative drafting practice as permitted by section 35 of that Act;
- omit provisions that are no longer required as permitted by section 39 of that Act;
- omit unnecessary referential words as permitted by section 41 of that Act;
- use the numbering and renumbering of provisions and references permitted by section 43 of that Act;
- correct minor errors as permitted by section 44 of that Act.

Also see Endnotes for—

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

Queensland



AGRICULTURAL STANDARDS ACT 1952

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	7
6	Saving of the Health Act 1937	7
7	Interpretation	7
PART 2—ADMINISTRATION		
8	Appointment of officers	18
8A	Delegation by standards officer	19
8B	Functions of deputy standards officer	19
9	The Agricultural Requirements Board	19
10	Functions, powers, and duties of standards officer	21
11	The Seed Certification Committee	21
12	Certification subcommittees	22
PART 3—REGISTRATION OF CERTAIN AGRICULTURAL REQUIREMENTS		
14	Application of this Part	22
15	Prohibition of sale of unregistered agricultural requirements	22
16	Registration of agricultural requirement	23
16A	Provisional registration of agricultural requirement	23
17	Application for registration	24
18	Board to recommend as to registration of certain agricultural requirements	24
19	Registration of agricultural requirements	26
20	Registered name	27
20A	Board may request further information etc.	28

Agricultural Standards Act 1952

21	Power of the standards officer to require the furnishing of additional information etc.	28
22	Period of registration of agricultural requirements	30
23	Fees	31
24	Notifications from wholesale dealers in certain cases	31
25	Cancellation of registration on recommendation of the Board	33
26	Further provisions as to cancellation of registration	33
27	Alteration regarding registered agricultural requirement	34
28	Register of agricultural requirements registered under this Part	35
29	Wholesale dealer to have place of business in Queensland etc.	36
30	Information as to composition to be confidential	37
31	Appeal	37
32	Powers of standards officer with respect to samples of agricultural requirements	39
33	Notices by wholesale dealers	39
	PART 4—CLEARED AGRICULTURAL REQUIREMENTS	
34	Registration subject to clearance conditions	40
35	Clearance conditions additional and take precedence	40
36	Withdrawal or revocation of clearance	41
37	Wholesale dealer notified of cancellation	41
38	No appeal against cancellation	41
	PART 5—SEEDS	
	<i>Division 1—The committee and subcommittees</i>	
39	Membership of the committee	41
40	Membership of subcommittees	42
41	Term of office	43
42	Power of the committee to prepare and carry out certification schemes	44
42A	Delegation by committee	47
	<i>Division 2—Certified seed provisions</i>	
43	Registration of area to grow crop for production of certified seed	47
44	Production of certified seed subject to rules	48
45	Power of the committee to certify seeds etc.	48
46	Fastening and labelling of certified seed produced in Queensland	48

46A	Fees	49
46B	False information as to identification of certified seed	49
47	Fastening and labelling of certified seed produced outside Queensland ..	49
48	Powers of seed certification officers etc.	49
49	Offences relating to certified seed	50
50	Publication of list of certified seed growers	52
PART 6—CERTAIN OFFENCES WITH RESPECT TO THE SALE OF AGRICULTURAL REQUIREMENTS		
51	Offences in relation to sale of agricultural requirements	52
52	Directions for use of agricultural requirement	53
53	Grade formula	54
54	Offences with respect to packages	54
55	Topping	55
56	Agricultural requirements containing prohibited material or an excessive amount of harmful ingredients	55
PART 7—LABELLING OF AGRICULTURAL REQUIREMENTS		
<i>Division 1—Labelling of seeds (other than certified seed)</i>		
57	Division 1 not to apply to certified seed	56
58	Labelling of seeds	56
<i>Division 2—Labelling of agricultural requirements registered under Part 3</i>		
59	Application of this Division	56
60	Offences with respect to labels	57
61	Registered labels	57
62	Labels of special mixtures	58
<i>Division 3—Labelling of certain stock foods</i>		
63	Labels of hay, chaff etc.	58
<i>Division 4—Labelling of agricultural requirements generally</i>		
64	General labelling provisions	58
65	Name to be printed upon package when risk of label becoming detached	59
66	Affixing false labels etc.	60

**PART 8—PROVISIONS RELATING TO INSPECTION,
SAMPLING AND ANALYSIS**

67	Powers of inspectors	60
68	Analysis	64
69	Analysis may be published	64
70	When officer to produce certificate of officer's appointment if so required	65
71	Powers to ensure that agricultural requirement etc. detained shall comply with this Act	65
72	Requests by inspector—to buyer	68
73	Obstruction of officers etc.	69
74	Tampering with seals, samples etc.	70
76	Analyst's report prima facie evidence	70

PART 9—MISCELLANEOUS PROVISIONS

77	Prohibition of sale or introduction of any agricultural requirement containing prohibited material	71
78	Prohibition of suggestion that agricultural requirement approved by the Government etc.	72
79	Prohibition of the supply of certain formulas	72
80	Right of buyer to refuse acceptance of delivery	73
81	Contract of sale of any agricultural requirement	73
82	When seeds deemed to be sold for planting or sowing	75
83	Offences	75
84	Forfeiture by court	76
85	Disposal of things forfeited	76
86	Expenses of analysis to be paid by offenders on conviction	76
87	Penalties etc. payable to Consolidated Fund	77
88	Body corporate	77
89	Protection of the Minister, officers etc.	77
90	Agent or servant liable in addition to principal	78
91	Evidence etc.	79
92	Service of request, direction, notice etc.	82
93	Power of the Governor in Council to exempt from Act	82
94	Regulations	82

SCHEDULE		83
SUBJECT MATTERS FOR REGULATIONS		
1	Agricultural requirements	83
2	Registration of agricultural requirements under Part 3	83
3	The Board; the committee; subcommittees	83
4	Disqualifications of members of the Board etc.	84
5	Sale of agricultural requirements for prescribed purposes etc.	84
6	Particulars in directions for use of agricultural requirements	84
7	Names of agricultural requirements	84
8	Standards	84
9	Further provisions relating to standards etc.	85
10	Labels	87
11	Prohibited seeds etc.	87
13	Special mixtures	87
14	Delivery to standards officer etc.	87
15	Samples	88
16	Methods of analysis etc.	88
17	Methods of treatment or processing	88
18	Standard sieves	88
19	Packages	88
20	Amount that may be packed in any package	89
21	Sealing of packages	89
22	Stock foods of low food value	89
23	Rules	89
24	Fees etc.	89
25	Officers	89
26	Definitions	90
27	Forms	90
28	Penalties	90

ENDNOTES

1	Index to Endnotes	91
---	-------------------------	----

Agricultural Standards Act 1952

2	Date to which amendments incorporated	91
3	List of legislation	91
4	List of annotations	92
5	Table of corrected minor errors	98
6	Table of renumbered provisions	98

AGRICULTURAL STANDARDS ACT 1952

[as amended by all amendments that commenced on or before 24 November 19932]

An Act to consolidate and amend the law relating to the sale of seeds, fertilisers, growth regulating materials, limes, pest destroyers, stock medicines, and stock foods, and to regulate the sale of marking preparations, and testing reagents, and for other purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Agricultural Standards Act 1952*^{3–6}.

Saving of the Health Act 1937

6. Nothing in this Act shall prejudice or affect the *Health Act 1937* or any regulation made under or in pursuance of that Act.

Interpretation

7.(1) In this Act—

“**active constituent**” means where used with reference to any agricultural requirement, any constituent or active portion thereof which is or is claimed or prescribed to be the active principle of such agricultural requirement;

“**advertisement**” means where used with reference to any agricultural requirement, any method of advertising or conveying information or making any claim with respect to the agricultural requirement, whether orally or by writing or pictorially or otherwise, including any circular,

catalogue, leaflet, pamphlet, or other document, and any public announcement made orally or by writing or by any means of producing or transmitting light or sound and **“advertising matter”** where used with reference to any agricultural requirement includes any advertisement and any matter whatsoever containing or in the nature of an advertisement;

“agricultural requirement” means any seeds, fertiliser, growth regulating material, lime, pest destroyer, stock medicine, stock food, marking preparation, or testing reagent, and any other material prescribed to be an agricultural requirement for the purposes of all the provisions or the provisions or provision in question of this Act, and, where necessary, includes any group or subgroup of agricultural requirements as well as any agricultural requirement of any kind belonging to the group or subgroup of agricultural requirements;

“analysis” means analysis or examination or analysis and examination, including any test or determination relative to standard, quality, composition, or any other particular with respect to any material or agricultural requirement, required to be ascertained for the purposes of this Act;

“analyst” means any person appointed as an analyst by or under and for the purposes of this Act, and includes an acting analyst and, for the purposes of this Act in relation to seeds, includes any person appointed a seed analyst or seed specialist under this Act;

“as” (when used preceded by words indicating a percentage, proportion, or amount, and name of an active constituent, and succeeded by words indicating the form or forms in which that active constituent occurs) means that such active constituent is present in the agricultural requirement in the form or forms indicated and in the percentage, proportion, or amount indicated;

“Board” means the Agricultural Requirements Board constituted by and under and for the purposes of this Act;

“certificate of clearance”, in relation to an agricultural requirement, means a certificate of clearance issued under the Commonwealth Act clearing the agricultural requirement for registration in Queensland;

“certification scheme” means a certification scheme under and for purposes of this Act prepared and carried out by the committee;

“certified seed” means seeds and other parts of plants used or intended for propagation purposes which under and pursuant to a certification scheme prepared and carried out by the committee under and for the purposes of this Act are certified with respect to any prescribed particular or particulars, or, being produced in any place outside Queensland and certified under and pursuant to a certification scheme for that place, are approved by the committee as being certified for the purposes of this Act with respect to any prescribed particular or particulars and includes seed used in the production of certified seed;

“chaff” means hay or straw cut into short lengths;

“chemical steriliser” means any material used or intended for the treatment, for the purpose of destroying micro-organisms, of equipment, machinery, instruments, or utensils used on a dairy, and includes any material prescribed to be a chemical steriliser for the purposes of this Act;

“chief executive” means the chief executive of the department;

“cleanser” means any material used or intended for the purpose of cleansing equipment, machinery, instruments, or utensils used on a dairy, or used or intended for any other prescribed cleansing purpose relating to agriculture, or used or intended for the purpose of cleansing eggs, but does not include soaps and soap powder which are not specifically advocated for use for purposes relating to agriculture, and includes any material prescribed to be a cleanser for the purposes of this Act;

“clearance”, in relation to an agricultural requirement, means the clearance of the agricultural requirement for registration in Queensland as evidenced by the issue of a certificate of clearance for the agricultural requirement;

“cleared agricultural requirement” means an agricultural requirement for which a certificate of clearance is in force;

“Committee” means the Seed Certification Committee constituted by and under and for the purposes of this Act;

Commonwealth Act” means the *Agricultural and Veterinary Chemicals Act 1988* (Cwlth);

“contained” means where used with reference to any agricultural

requirement, contained, cased, covered, enclosed, or packed;

“crop” includes standing plants and the product of any plants grown (including seeds and other parts of plants used or intended for propagation purposes of a prescribed hybridism, variety, or strain);

“dairy” includes any place whatsoever used in connection with the production of milk or cream;

“declared drug” means any material declared for the purposes of this Act by the regulations to be a declared drug with respect to all or any agricultural requirements;

“disease” means where used with reference to any stock, plants, crop, or product thereof, any abnormality or feature affecting the stock, plants, crop, or product, and includes any insect, mite, nematode, fungus, bacterium, virus, or organism in any stage of development which for the purposes of this Act is prescribed to be a disease with respect to all or any stock, plants, crops, or products thereof;

“fertiliser” means any material used or intended as a fertiliser or manure, or for supplying nutriment for the use of plants, or for remedying or assisting to remedy any deficiency or excess in the soil, and includes any material prescribed to be a fertiliser for the purposes of this Act, but does not include lime, nor farmyard, sheep, poultry or stable manure, nor humus, peat, seaweed, town refuse, crude offal, night soil, or trade waste, unless—

- (a) mixed with a fertiliser; or
- (b) containing or claimed to contain active constituents as prescribed; or
- (c) claimed to possess fertilising value;

and also does not include any growth regulating material nor any material declared by the regulations to be not a fertiliser under this Act;

“fungicide” means any material used or intended for destroying or preventing the attacks on plants, parts of plants, or on any produce of the soil whatsoever, or on any stock food of fungi or other parasitic plants or bacteria which affect or which may affect such plants, parts of plants, produce of the soil, or stock food, and includes any material prescribed to be a fungicide for the purposes of this Act;

“grain” means seeds and grain used or intended for the feeding of any stock;

“growth regulating material” means any material used or intended for promoting or stimulating the growth of plants or parts of plants, or increasing the productivity of plants, or decreasing loss or improving the quality of crops, or improving the reproductive capacity of plants, and includes any material prescribed to be a growth regulating material for the purposes of this Act, but does not include any material declared by the regulations to be not a growth regulating material under this Act;

“hay” means any dried or cured cereal, grass, or legume cut before complete ripeness and from which grain or seed has not been removed;

“herbicide” means any material used or intended for destroying or preventing the spread of any plants, and includes any material prescribed to be a herbicide for the purposes of this Act;

“impurity” means, in relation to any agricultural requirement, any material or any matter or thing whatsoever declared for the purposes of this Act by the regulations to be an impurity with respect to that agricultural requirement;

“ingredient” means any ingredient, component, or material of composition of any agricultural requirement, and which is an original ingredient of composition, but, unless otherwise expressed or implied, ingredients may be secondary products derived from the application of any recognised process or chemical reaction on original ingredients;

“insecticide” means any material used or intended for destroying insects or other pests which affect or attack plants, or parts of plants, or any produce of the soil whatsoever, or any stock food, or any stock, or for preventing such insects or other pests from affecting or attacking plants, or parts of plants, or any produce of the soil whatsoever, or any stock food, or any stock, and includes any material prescribed to be an insecticide for the purposes of this Act, but does not include a nematicide;

“inspector” means any person appointed as an inspector under and for the purposes of this Act;

“label” means any label, tag, brand, stamp, stencil, or writing affixed to or upon or inserted in or used or intended for use in connection with any

package containing any agricultural requirement, whether or not comprising any trademark or pictorial or other descriptive matter distinguishing or identifying that agricultural requirement, and includes any legible brand, stamp, stencil, or writing however effected upon any package;

“lime” means any material containing lime used or intended for supplying lime in the practice of agriculture, and includes magnesium limes, dolomite, and gypsum;

“lure” means any material used or intended to lure or attract for purposes of destruction any insect or pest or vermin relating to agriculture, and includes any material prescribed to be a lure for the purposes of this Act;

“manufactured stock food” means any kind of meal or food for any stock, prepared, whether in whole or in part, from one or more than one kind of grain or oils or nuts or juices or meats or other materials of a like nature, and any condimental, patented or proprietary food for stock possessing or claimed to possess nutritive properties or nutritive as well as medicinal properties and any material of animal or vegetable origin produced in any process of treatment or manufacture not being the primary object of such process and any salt or any mineral feed or supplement for stock and any material used or intended as a lick for stock or stock lick;

“marking preparation” means any material used or intended for marking or branding any stock for purposes of identification, and includes any material prescribed to be a marking preparation for the purposes of this Act, but does not include fire branding or tattooing nor any material declared by the regulations to be not a marking preparation under this Act;

“material” means any article, material, or substance, natural or prepared, including any mixture or compound or derivative of a material, and includes any agricultural requirement or portion thereof and any material used or intended as an agricultural requirement or which enters into or is used in the composition or preparation of any agricultural requirement or any such material, and also includes any drug, ingredient, or active constituent;

“name” means where used with reference to any agricultural requirement,

the distinctive name or the name, designation, or brand of the agricultural requirement used for distinguishing or identifying such agricultural requirement or associated with and intended for distinguishing or identifying the same;

“nematicide” means any material used or intended for destroying or preventing the attacks on plants by nematodes, and includes any material prescribed to be a nematicide for the purposes of this Act;

“neutralising value”, used with reference to any prescribed material or any ingredient of any agricultural requirement, means capacity to neutralise acidity (such capacity to be ascertained by the prescribed method);

“officer” means the standards officer, the deputy standards officer or any assistant standards officer, analyst, seed analyst, inspector, seed certification officer, seed specialist, member of the Board, member of the committee, member of any subcommittee, or other officer appointed by or under and for the purposes of this Act;

“package” means anything (including any sack, barrel, case, packet, and parcel) in or by which any agricultural requirement is contained, and where agricultural requirements are sold without containers or exterior covering, any bale, block, cake, or slab of agricultural requirement;

“parts of plants” includes seeds, flowers, runners, cuttings, buds, bulbs, roots, slips, and any other parts of plants;

“pest destroyer” means any chemical steriliser, cleanser, fungicide, insecticide, nematicide, lure, repellent, vermin destroyer, or herbicide, and any other material prescribed to be a pest destroyer for the purposes of this Act;

“place” includes any house, shop, warehouse, factory, vehicle, station, wharf, jetty, shed, tent, thoroughfare, and any land, building, or premise whatsoever and wheresoever situated;

“plant” includes any tree, vine, shrub, vegetable, or other plant whether of the same kind as the plants before enumerated or not and any part of any plant;

“prohibited material” means, in relation to any agricultural requirement, any material or matter or thing whatsoever declared for the purposes of this Act by the regulations to be a prohibited material with respect to that agricultural requirement, and in relation to seeds includes

prohibited seeds;

“prohibited seeds” means seeds, whether within the meaning of this Act or not, or grains declared for the purposes of this Act by the regulations to be prohibited seeds;

“purity” means analytical purity, and, in relation to seeds, **“pure seed”** means the seeds of which the parcel purports to consist after the impurities have been eliminated, and in relation to seeds, the use of the term “purity” or of the term “pure seed” shall not be construed as meaning purity of variety or strain unless expressly prescribed;

“registered”, in relation to any agricultural requirement, includes provisionally registered;

“registered composition” means where used with reference to any agricultural requirement registered under Part 3, the composition thereof as set forth in the application for registration of that agricultural requirement under that Part;

“registered name” means where used with reference to any agricultural requirement registered under Part 3, the name under which, for the purposes of this Act, that agricultural requirement is registered under that Part;

“repellent” means any material used or intended to repel any insect or pest or vermin relating to agriculture, and includes any materials prescribed to be a repellent for the purposes of this Act;

“sale” includes placing or causing to be placed on the market in Queensland, and barter and exchange and supply, and also offering or attempting to sell, and supplying or receiving for sale, or having in possession for sale, or exposing for sale, or sending, forwarding, or delivering for sale or on sale, or causing or suffering, or allowing to be sold or offered for sale, and includes the supplying or using of any agricultural requirement under a contract for work, labour and materials;

“seed analyst” means any person appointed under and for the purposes of this Act as a seed analyst to analyse seeds, and includes an acting seed analyst;

“seed certification officer” means any person appointed under and for the purposes of this Act as a seed certification officer, and includes an

acting seed certification officer;

“seeds” means seeds used or intended for planting or sowing, and where necessary includes certified seed, and in the case of seeds to which, or to clusters of which, any fruit or part thereof normally adheres, any fruit or part thereof so adhering shall, for the purposes of this Act, be deemed to form part of the seeds;

“seed specialist” means an officer of the department appointed under and for the purposes of this Act as a seed specialist to analyse or to cause to be analysed seeds, and includes an acting seed specialist;

“special mixture” means with respect to any agricultural requirement to and with respect to which the provisions of Part 3 apply (so far as they are applicable), any mixture of 2 or more ingredients specially made up to the order of the buyer, but does not include any mixture regularly sold;

“standards officer” means the standards officer or deputy standards officer appointed under this Act, and includes any assistant standards officer in respect of the powers, functions, authorities and duties delegated to the assistant standards officer by the standards officer under section 8A;

“stock” means any horse, mule, ass, cattle, camel, buffalo, deer, sheep, goat, pig, dog, cat, domestic fowl, turkey, duck, goose, rabbit, pigeon, bee, and any other animal or bird in captivity;

“stock food” means any chaff, grain, hay, manufactured stock food, straw, and any other material prescribed to be a stock food for the purposes of this Act, and includes stock foods prescribed to be of low food value, but does not include cultivated crops cut and sold as green feed, wet brewer’s grains, arrowroot, bagasse, whey, skim milk, butter milk or cornflour factory wet waste, nor any material declared by the regulations to be not a stock food under this Act;

“stock medicine” means any material, including any mixture, or compound of 1 or more drugs or ingredients in any form, or any biological product, including both living and dead organisms and sera, used or intended for administering or application to any stock by any means for the purpose of—

(a) curing, alleviating or treating any injury to stock; or

- (b) preventing, curing, alleviating or treating any disease or ailment in stock; or
- (c) destroying any internal parasite or internal pest affecting stock; or
- (d) diagnosis in relation to stock; or
- (e) improving the health of or increasing the capacity of stock for work, production, reproduction of progeny or show purposes; and

any material prescribed to be a stock medicine for the purposes of this Act, and includes—

- (f) aphrodisiacs and anaphrodisiacs; and
- (g) dehorning preparations; but

does not include—

- (h) any pest destroyer or stock food or testing reagent; and
- (i) any stock medicine actually prescribed by a veterinary surgeon registered under the *Veterinary Surgeons Act 1936* in the course of the practice of the veterinary surgeon's profession as such; and
- (j) any stock medicine supplied by a veterinary surgeon registered under the *Veterinary Surgeons Act 1936* for any stock for the time being under the veterinary surgeon's professional care or charge; and
- (k) any stock medicine actually compounded by a pharmacist registered under the *Pharmacy Act 1976* for the purposes of its application to any particular stock under the control of a particular person, but

any stock medicine regularly sold or compound for general sale in the State shall be a stock medicine under and for the purposes of this Act;

“straw” means any dried, ripe, or mature cereal, grass, or legume from which seed or grain has been removed in any manner whatsoever;

“subcommittee” means a certification subcommittee constituted under and for the purposes of this Act;

“testing reagent” means any material (whether as prepared or on dilution) used or intended for analysing, testing, or standardising any agricultural requirement or soil or water and any material which

indicates or is claimed to indicate any property or condition associated with any stock or plants or products thereof, and includes any material prescribed to be a testing reagent for the purposes of this Act, but does not include any testing reagent used in any recognised laboratory or industrial premises nor any material declared by the regulations to be not a testing reagent under this Act;

“vehicle” means any vehicle of transport by land, water, or air;

“vermin destroyer” means any material used or intended for destroying rabbits, hares, feral pigs, rodents, dingoes, foxes, or other prescribed noxious animals or any prescribed noxious birds, and includes any material prescribed to be a vermin destroyer for the purposes of this Act;

“wholesale dealer” means, in relation to any agricultural requirement, any person who, whether as manufacturer, importer, distributor, seller, agent, or otherwise, is or will be primarily responsible for placing or causing to be placed that agricultural requirement on the market in Queensland.

Meaning of term “agricultural requirement contained in a package” when agricultural requirement sold without container

(4) Unless the context otherwise indicates or requires, any reference in this Act to any agricultural requirement contained in a package or to any package of agricultural requirement shall, in its application to agricultural requirements which are sold without containers or exterior covering, be construed as a reference to any bale, block, cake, or slab of the agricultural requirement.

Groups of agricultural requirements etc.

(5) Any reference in this Act to groups of agricultural requirements refers to the seeds, fertilisers, growth regulating materials, limes, pest destroyers, stock medicines, stock foods, marking preparations, and testing reagents groups and any other prescribed groups of agricultural requirements, and any reference in this Act to subgroups of agricultural requirements refers, in the case of pest destroyers, to the chemical sterilisers, cleansers, fungicides, insecticides, nematicides, lures, repellents, vermin destroyers, and herbicides subgroups and any other prescribed subgroups of those agricultural requirements, and, in the case of stock foods, to the chaff, grain, hay, manufactured stock foods, and straw subgroups and any other

prescribed subgroup of those agricultural requirements, and, in the case of any other group of agricultural requirements, if prescribed as so prescribed.

Meanings of terms in labels etc. relating to agricultural requirements

(6) Unless otherwise expressly provided by this Act any term to which a meaning is assigned by this section used in any invoice, label, or advertisement relating to any agricultural requirement or used in any form for the purposes of this Act shall be deemed to have the meaning assigned to that term by this section.

PART 2—ADMINISTRATION

Appointment of officers

8.(1) Officers necessary for the administration of this Act, including—

- (a) a standards officer; and
- (b) a deputy standards officer; and
- (c) assistant standards officers; and
- (d) analysts; and
- (e) seed analysts; and
- (f) inspectors; and
- (g) seed certification officers; and
- (h) seed specialists;

may be appointed under the *Public Service Management and Employment Act 1988*.

(2) Subsection (1) does not apply to the appointment of a person to be a member of the Board, the committee or any subcommittee.

Delegation by standards officer

8A. The standards officer may delegate the standards officer's powers under this or another Act to an assistant standards officer.

Functions of deputy standards officer

8B. The deputy standards officer shall have all the powers, functions, authorities and duties under this Act of the standards officer other than the power of delegation conferred by the provisions of section 8A.

The Agricultural Requirements Board

9.(1) For the purposes of this Act with respect to growth regulating materials, pest destroyers, stock medicines, stock foods in relation to which any claim as to efficacy is or is intended to be made, testing reagents, and other agricultural requirements which cannot be registered under Part 3 except upon and in accordance with its recommendation, and other prescribed matters, there shall be constituted a Board to be called ‘The Agricultural Requirements Board’, which shall have such functions, powers, authorities, and duties as are conferred or imposed upon it by this Act.

Constitution of the Board

(2) The Board shall be deemed to be constituted on and from the date of the first appointment of the members, other than the ex officio members, thereof, and shall consist of—

- (a) the chief executive who is the chairperson; and
- (b) the standards officer for the time being who shall ex officio be a member of the Board, and in and during the standards officer’s absence and in the event of and during any vacancy in that office the deputy standards officer for the time being who shall also act without appointment; and

6 other members appointed from time to time on the nomination of the Minister by the Governor in Council by notification published in the Gazette, such other members being respectively—

- (c) an entomologist (plants); and
- (d) a parasitologist (veterinary); and
- (e) a pathologist (plants); and
- (f) a scientist with expert knowledge of weed control; and
- (g) a veterinary surgeon; and

(h) a veterinary surgeon.

(2A) However, the Board shall have power to coopt any officer of the department to act in an advisory capacity with respect to all or any agricultural requirements.

Tenure of office

(3) Each and every member of the Board other than the ex officio members thereof shall, subject to this Act, hold office as such for such term as is prescribed (but so that any such term shall not exceed 3 years) and be eligible for reappointment.

(3A) Any member of the Board, other than an ex officio member, may be removed from office at any time by the Governor in Council by notification published in the Gazette.

Extraordinary vacancies

(4) When a vacancy arises in the office of a member of the Board other than the ex officio members, by death, resignation, removal or otherwise howsoever, the Governor in Council shall thereupon appoint, by notification published in the Gazette, a member to hold office for the remainder of the term of the member's predecessor.

Deputy members

(5) If any member is likely from any cause to be absent from any meetings of the Board for any period the Minister may appoint a deputy to act for that member during the member's absence, and that deputy shall, while the deputy so acts, have the powers and authorities and shall perform the duties of the member whose deputy the member is.

Quorum

(6) Not less than 4 members of the Board shall form a quorum at any meeting of the Board.

Meetings

(7) The Board shall meet at such times and places and conduct its business in such manner as may be prescribed or, in so far as not prescribed, as it may from time to time decide.

Temporary chairperson

(8) The chairperson of the Board shall preside at all meetings of the

Board at which the chairperson is present.

(8A) In the absence of the chairperson or in the event of any vacancy in that office a temporary chairperson shall be appointed by the Board.

(8B) The person presiding at any meeting of the Board (whether the chairperson or the temporary chairperson) shall have a deliberative vote and, in the event of an equal division of votes, shall also have a casting vote.

Power to form committees

(9) The Board may from time to time form committees for the purpose of conducting business with respect to any agricultural requirement or agricultural requirements and may at any time terminate any and every committee so formed.

Functions, powers, and duties of standards officer

10. The standards officer shall be secretary of the Board and shall have such functions, powers, and authority and shall perform such duties as are conferred or imposed on the standards officer by this Act.

The Seed Certification Committee

11. For the purposes of this Act with respect to the certification of seeds and other parts of plants used or intended for propagation purposes and other prescribed matters, there shall be constituted a committee to be called 'The Seed Certification Committee' which shall have such functions, powers, authorities, and duties as are conferred or imposed upon it by this Act.

Certification subcommittees

12.(1) The Minister may from time to time, by notification published in the Gazette, constitute such and so many subcommittees as the Minister may deem necessary for the purposes of this Act, and may, at any time by like notice, cancel any such subcommittee.

(2) Each such subcommittee shall be called 'The (*Designation of Seeds or, as the case may be, other parts of plants*) Certification Subcommittee', shall have such functions, powers, authorities and duties as are conferred or

imposed upon it by or under this Act and, subject to this Act, shall assist the committee in the performance and execution of its functions, powers, authorities, and duties under this Act and shall be subject to any specific directions by the committee in relation thereto.

PART 3—REGISTRATION OF CERTAIN AGRICULTURAL REQUIREMENTS

Application of this Part

14.(1) This Part shall, except where the context herein otherwise indicates or requires, apply to and with respect to fertilisers, growth regulating materials, limes, pest destroyers, stock medicines, manufactured stock foods, stock foods in relation to which any claim as to efficacy is or is intended to be made, marking preparations, testing reagents, and other agricultural requirements to and with respect to which the provisions of this Part are declared by regulation to extend and apply.

(2) However, this Part shall not apply to and with respect to any agricultural requirement hereinbefore referred to in this subsection which is sold to a person who uses that agricultural requirement in the process of manufacturing, mixing or preparing for sale any agricultural requirement.

Prohibition of sale of unregistered agricultural requirements

15.(1) A person shall not sell any agricultural requirement to and with respect to which this Part applies, unless that agricultural requirement is registered under this Part.

(2) A person shall not sell an agricultural requirement that is provisionally registered under this Part unless—

- (a)** the person is or acts on behalf of the wholesale dealer in whose name that requirement is provisionally registered; and
- (b)** if a condition of such registration is that such agricultural requirement shall be sold only to certain specified persons—the sale is to or to the agent of any of such persons.

(3) Where, with respect to any agricultural requirement, a person who is a wholesale dealer in that agricultural requirement is convicted for an offence against this section the person shall be liable for a first offence to a penalty of not less than 2 penalty units and not exceeding 20 penalty units, and for any subsequent offence to a penalty of not less than 4 penalty units and not exceeding 20 penalty units.

Registration of agricultural requirement

16.(1) Subject to this Part, an agricultural requirement to which this Part applies may be registered in the name of a wholesale dealer.

(1A) An agricultural requirement may be so registered notwithstanding that that agricultural requirement is registered in the name of another wholesale dealer or the names of other wholesale dealers.

(2) The registration of an agricultural requirement mentioned in section 22(1)(a) may be renewed by an application made at least 1 month before expiry of the registration.

Provisional registration of agricultural requirement

16A.(1) Subject to this Part, an agricultural requirement to which this Part applies may be provisionally registered in the name of a wholesale dealer.

(2) The provisions of section 16(2) do not apply to an agricultural requirement provisionally registered under this section.

Application for registration

17.(1) An application for registration under section 16(1) or 16A—

- (a) shall be made to the standards officer; and
- (b) shall be in or to the effect of the prescribed form; and
- (c) shall contain such particulars as are prescribed; and
- (d) shall be accompanied by such matters or things (including specimens of labels) as may be prescribed; and
- (e) shall be accompanied by the prescribed fee (if any); and

- (f) if the agricultural requirement is of a type for which a certificate of clearance may be issued—must be accompanied by a copy of a certificate of clearance;

and shall be taken to have been duly made when this subsection has been complied with.

(2) An application for renewal of registration under section 16(2)—

- (a) shall be made to the standards officer; and
- (b) shall be in or to the effect of the prescribed form; and
- (c) shall be accompanied by such matters or things as may be prescribed (if any); and
- (d) shall be accompanied by the prescribed registration fee (if any).

(3) A person shall not, in connection with an application under this section, make a statement or furnish information that is false or misleading in any material particular.

Maximum penalty—10 penalty units.

Board to recommend as to registration of certain agricultural requirements

18.(1) The standards officer shall refer to the Board the documents comprising each application for registration or provisional registration under this Part of—

- (a) a growth regulating material; or
- (b) a pest destroyer; or
- (c) a stock medicine; or
- (d) a stock food in relation to which a claim as to efficacy is or is intended to be made; or
- (e) a testing reagent; or
- (f) a marking preparation; or
- (g) any other agricultural requirement to which the provisions of this section are prescribed to apply;

together with such other documents, matters and things as the Board may

from time to time require for the purposes of this section.

(2) The Board shall recommend to the standards officer whether or not the agricultural requirement the subject of the application referred to it under subsection (1) should be registered.

(2A) A recommendation that an agricultural requirement be registered may be unconditional or conditional upon—

- (a) the compliance by the applicant for registration of such conditions; or
- (b) the variation of the relevant application for registration or any document, matter or thing in such manner;

as the Board considers appropriate.

(2B) The Board shall not recommend the registration of an agricultural requirement referred to in subsection (1) where it is of the opinion that the requirement is not efficacious as claimed or intended to be claimed but may, pursuant to subsection (2A), make a recommendation subject to such conditions that upon compliance therewith the agricultural requirement would be efficacious.

(3) In making its recommendation upon an application referred to it pursuant to subsection (1), the Board may consider any opinion or recommendation as to any matter by any authority considered by the Board to be competent to form that opinion or make that recommendation.

(4) An agricultural requirement to which subsection (1) applies shall not be registered by the standards officer unless—

- (a) the Board has unconditionally recommended such registration; or
- (b) where the Board has recommended such registration subject to conditions—those conditions have first been complied with to the satisfaction of the standards officer.

(5) The registration of an agricultural requirement to which subsection (1) applies shall be made in respect only of its sale for such purpose or purposes as the Board in its recommendation approves.

(6) Where the Board recommends that an agricultural requirement be not registered, the standards officer shall notify the applicant accordingly and shall, at the request of the applicant, furnish the applicant with the bases on which the recommendation was made.

(7) This section does not apply to applications for—

- (a) registration of a cleared agricultural requirement; or
- (b) renewal of registration of an agricultural requirement under section 16(2).

Registration of agricultural requirements

19.(1) Subject to this Act, the standards officer, upon being satisfied that—

- (a) the provisions of this Act relating to the application, the applicant wholesale dealer and the subject agricultural requirement have been complied with; and
- (b) where section 18 applies, the Board has recommended the registration of the agricultural requirement and all conditions have been complied with;

shall—

- (c) where a registration fee has been prescribed—notify the applicant that, upon payment of that fee, the agricultural requirement, the subject of the application, shall be registered or, as the case may be, provisionally registered under this Part; and
- (d) where no registration fee is prescribed or upon payment of the prescribed registration fee referred to in paragraph (c)—register or, as the case may be, provisionally register the agricultural requirement under this Part.

(1A) Upon such registration, the standards officer shall notify the applicant wholesale dealer.

(2) The standards officer shall refuse to register or, as the case may be, provisionally register under this Part an agricultural requirement (other than a cleared agricultural requirement) that does not comply in every respect with any standard prescribed for that agricultural requirement.

(3) The registration or provisional registration of any agricultural requirement under this Part shall be subject to this Act, including any conditions prescribed in relation to such registration or provisional registration.

(3A) In addition to the prescribed conditions, provisional registration of an agricultural requirement shall be subject to such other conditions (which may include conditions that the agricultural requirement be sold only to a specified person or specified persons or in specified quantities) as the Board or the standards officer considers appropriate.

(4) A notification of registration or provisional registration of any agricultural requirement under this Part shall be in such form as is prescribed or a form to the like effect.

Registered name

20.(1) Subject to subsections (2) and (2A), an agricultural requirement which bears the same name as an agricultural requirement already registered under this Part shall not be registered under this Part under that name.

(2) Subsection (1) shall not apply—

- (a)** where an agricultural requirement the subject of an application for registration under this Part and an agricultural requirement already registered under this Part are manufactured, mixed or prepared by the same person; or
- (b)** where an agricultural requirement the subject of an application for registration under this Part is, prior to the lodgment of the application, in common use under the same name as an agricultural requirement already registered under this Part; or
- (c)** in any other prescribed case.

(2A) If the standards officer considers it is desirable so to do, the registered name of an agricultural requirement the subject of an application for registration under this Part shall be distinguished by the addition to the name of a letter or number, a letter and number or in such other manner as the standards officer may determine.

(3) If, in the opinion of the standards officer, the name of an agricultural requirement the subject of an application for registration under this Part is, for any reason, inappropriate or misleading or, in the public interest, should not be used in relation to that requirement, the standards officer may refuse to register that requirement.

Board may request further information etc.

20A. Where, upon the recommendation of the Board made pursuant to section 18, an agricultural requirement has been registered or provisionally registered, the Board at any time may request from the standards officer such information, matters or things relating to that agricultural requirement as it specifies.

Power of the standards officer to require the furnishing of additional information etc.

21.(1) The standards officer may at any time after the lodgment with the standards officer of an application for registration or provisional registration under this Part of an agricultural requirement, by writing under the standards officer's hand, require the applicant wholesale dealer, within such time as the standards officer may specify therein, to furnish the standards officer with or lodge with the standards officer such additional information and matters and things concerning that application or agricultural requirement, or to substitute for any matters or things comprised in that application any other matters or things, as the standards officer deems necessary for carrying out the objects and purposes of this Act with respect to such registration or provisional registration and if the applicant wholesale dealer fails to comply with that requirement, may refuse to register, or as the case may be, provisionally register that agricultural requirement under this Part.

(2) Without limiting the provisions of subsection (1), the standards officer may at any time after the lodgment of an application for registration or provisional registration under this Part of an agricultural requirement or while that agricultural requirement remains registered under this Part, by writing under the standards officer's hand, require the wholesale dealer concerned, or any other person who is able to give the information, to furnish to the standards officer within 30 days (or within such extended time as the standards officer may specify in the demand) of the issuing of the requirement such information and matters and things concerning that agricultural requirement as the standards officer deems necessary for carrying out the objects and purposes of this Act, including—

- (a) true and correct specimen copies of the various labels and all advertising matter and the directions or recommendations for use used or issued in connection with the sale or proposed sale of that

agricultural requirement; and

- (b) in cases where claims have been made with respect to the efficacy of that agricultural requirement for any purpose or purposes—experimental proof thereof;

or any 1 or more of these things, and the person to whom such a request is made shall furnish the information or matters or things required accordingly.

(2A) The standards officer shall not be bound to accept as proof of any claim made with respect to the efficacy of any agricultural requirement for any purpose or purposes any information, or matter, or thing furnished under subsection (2).

(2B) If, upon being required under subsection (2), experimental proof of claims made with respect to the efficacy of any agricultural requirement for any purpose or purposes is not furnished by a wholesale dealer in that agricultural requirement within the time specified, it shall be assumed for the purposes of this Act that such experimental proof does not exist.

(3) Upon a request by the Board pursuant to section 20A, the standards officer shall, by writing under the standards officer's hand, require the wholesale dealer in whose name an agricultural requirement is registered, or any other person who is able to give the information, to furnish to the standards officer within such time as the standards officer specifies in the writing all or any of the information, matters or things requested by the Board.

Period of registration of agricultural requirements

22.(1) An agricultural requirement registered under this Part shall be within 1 of the following categories—

- (a) fertilisers, limes and stock foods;
- (b) stock medicines;
- (c) pest destroyers, growth regulating materials, marking preparations and testing reagents;

and, in the case of any doubt, the standards officer shall determine 1 of the above categories within which an agricultural requirement shall be included.

(2) Subject to subsection (5), the registration of each agricultural

requirement within the category specified in subsection (1)(a) registered after the commencement of section 17 of the *Agricultural Standards Act Amendment Act 1981* shall expire on 31 January 1983 or, if that registration is effected after 31 January 1983, on the 30 June occurring triennially after 30 June 1983 and next following the date of the issue under this Part of the notification of registration of that requirement.

(2A) Subject to subsection (5), the registration of each agricultural requirement within the category specified in subsection (1)(a) renewed after the commencement of section 17 of the *Agricultural Standards Act Amendment Act 1981* shall expire on 30 June 1986 or, if that renewal of registration is effected after 30 June 1986, on the 30 June occurring triennially after 30 June 1986 and next following the date of renewal of registration of that requirement.

(3) The registration of an agricultural requirement mentioned in subsection (1)(b) or (c) that was in force immediately before the commencement of the *Agricultural Standards Amendment Act 1993* continues in force indefinitely after the commencement unless cancelled under section 24, 25, 26 or 36.

(4) Subsection (3) applies despite any notification to the contrary in the notification of registration, or notification of renewal of registration, of the agricultural requirement.

(5) The provisional registration of an agricultural requirement under section 16A shall be for such period, not exceeding 3 years, as—

- (a) in a case where, pursuant to section 18, the Board has made a recommendation in respect thereof—the Board; or
- (b) in any other case—the standards officer;

considers appropriate and is endorsed upon the notification of registration of that requirement.

Fees

23.(1) If—

- (a) an application for registration, provisional registration or alteration of registration of an agricultural requirement under this Part is refused; or

(b) the registration of an agricultural requirement is cancelled;

any prescribed fee that accompanied the application and, where the registration is cancelled, the prescribed registration fee (if any) shall not be refundable to the applicant.

(1A) However, in any particular case, the Minister may, in the Minister's discretion, authorise the refunding of any such fee or part thereof and such refund shall thereupon be so made.

(2) Where, at the time the standards officer notifies an applicant for registration or provisional registration of an agricultural requirement under this Part that that requirement shall be registered upon payment of a prescribed registration fee, the period of initial registration or provisional registration is less than 3 years, the registration fee payable in respect thereof shall be such amount as bears to the full fee the same proportion as the number of months (including the month during which the notification is given) or the period of initial registration bears to 36.

Notifications from wholesale dealers in certain cases

24.(1) In the event of any agricultural requirement registered under this Part being withdrawn from sale in Queensland, the wholesale dealer in whose name the agricultural requirement is registered shall notify, in writing, the standards officer of such withdrawal and the receipt by the standards officer of such notification shall forthwith have the effect, without further or other authority or process, of cancelling the registration under this Part of that agricultural requirement as regards the wholesale dealer who notified such withdrawal and such registration shall no longer be in force.

(2) In the event of a wholesale dealer in whose name any agricultural requirement is registered under this Part ceasing to be a wholesale dealer in that agricultural requirement the wholesale dealer shall notify, in writing, the standards officer of that fact and shall also include in that notification the name and address of the wholesale dealer's successor, if known to the wholesale dealer.

(2A) The receipt by the standards officer of such a notification shall forthwith have the effect, without further or other authority or process, of cancelling the registration under this Part of that agricultural requirement as regards the wholesale dealer who notified that fact and such registration shall no longer be in force.

(3) A wholesale dealer may notify, in writing, the standards officer of the wholesale dealer's intention to discontinue the sale of any agricultural requirement registered under this Part in the wholesale dealer's name or of the wholesale dealer's desire for the cancellation of the registration in the wholesale dealer's name under this Part of any agricultural requirement and shall also include in that notification the future date on and from which the wholesale dealer intends to discontinue such sale or desires that registration to be so cancelled, as the case may be, and on that date so notified to the standards officer the registration of that agricultural requirement under this Part as regards that wholesale dealer shall, without further or other authority or process, be and be deemed to be cancelled and shall no longer be in force.

(4) In the event of a wholesale dealer coming into possession of information in respect of an agricultural requirement registered in the wholesale dealer's name that—

- (a) contradicts or modifies any information supplied in connection with the application for the registration of that agricultural requirement; or
- (b) indicates that the use of that agricultural requirement in accordance with claims or recommendations for its use would have a detrimental effect or would not be efficacious;

the wholesale dealer shall forthwith notify in writing the standards officer accordingly.

Cancellation of registration on recommendation of the Board

25. If upon such evidence as it deems sufficient the Board at any time forms the opinion that any agricultural requirement registered under this Part is not efficacious for use for the purpose or purposes in respect of which it is registered, or, after consideration of any opinion or recommendation as to any matter, other than the efficacy of that agricultural requirement, by any authority considered by the Board to be competent to form that opinion or make that recommendation, that the agricultural requirement should not be used for any purpose for which it is registered, it may recommend to the standards officer that the registration under this Part of that agricultural requirement be cancelled and the standards officer shall thereupon cancel that registration and notify the wholesale dealer in whose name such agricultural requirement was registered of that cancellation.

Further provisions as to cancellation of registration

26. If a wholesale dealer in whose name any agricultural requirement is registered under this Part—

- (a) sells under the name or registered name of that registered agricultural requirement any agricultural requirement which does not conform in every respect with the registered composition of such registered agricultural requirement; or
- (b) publishes, circulates, or distributes, or causes or permits to be published, circulated, or distributed, any direction or recommendation for use, advertisement, or other written or printed matter whatsoever, or issues or causes or permits to be issued any invoice containing any claim as to the efficacy of such registered agricultural requirement for use for any purpose other than the purpose or purposes in respect of which it is registered; or
- (c) publishes, circulates, or distributes, or causes or permits to be published, circulated, or distributed, any direction or recommendation for use, advertisement, or other written or printed matter whatsoever or issues or causes or permits to be issued any invoice containing any claim with respect to such registered agricultural requirement which in the opinion of the Board is misleading or untrue or cannot be substantiated in any particular; or
- (d) fails to comply in every respect with the provisions of section 29(1);

the standards officer may cancel the registration of that agricultural requirement under this Part as regards that wholesale dealer and notify the wholesale dealer of that cancellation.

Alteration regarding registered agricultural requirement

27.(1) Save where the standards officer has, upon application therefor, notified the standards officer's prior approval to the wholesale dealer in whose name an agricultural requirement is registered under this Part, a person shall not alter or cause to be altered, in respect of that agricultural requirement—

- (a) the composition thereof; or
- (b) any claim as to efficacy thereof; or
- (c) any other registered particular or matter prescribed for the purposes of this section.

(1A) The registration of an agricultural requirement under this Part shall not be altered as to the identity of an ingredient in the composition that provides an active constituent or as to the name of the agricultural requirement.

(2) An application by a wholesale dealer for approval under subsection (1)—

- (a) shall be made to the standards officer; and
- (b) shall be in or to the effect of the prescribed form; and
- (c) shall contain sufficient details of the proposed alteration, including a specimen copy of each label; and
- (d) where it is proposed to alter any claim as to the efficacy of the agricultural requirement—shall be accompanied by the prescribed fee (if any); and
- (e) if the agricultural requirement is of a type for which a certificate of clearance may be issued—must be accompanied by a copy of a certificate of clearance.

(3) Subject to section 18(7), section 18(1) applies to any application referred to in subsection (2)(d) as if that application were an application for registration of the agricultural requirement with the claim as to efficacy thereof altered as proposed in the application.

(4) Subject to this Act, the standards officer upon being satisfied that the provisions of this Act have been complied with and, in cases where subsection (3) applies, the Board recommends that the application be approved, may approve the proposed alteration in respect of an agricultural requirement by notifying the applicant whereupon the registration of that agricultural requirement shall be altered accordingly.

(5) If the standards officer considers it desirable to distinguish between the original agricultural requirement and that agricultural requirement as proposed to be altered, the standards officer shall not approve the application.

Register of agricultural requirements registered under this Part

28.(1) The standards officer shall cause to be kept a register in the prescribed form or a form to the like effect of all registrations under this Part showing in respect of each and every registration—

- (a) a letter or letters and a number or numbers to distinguish that registration; and
- (b) the name and the sole or principal place of business in Queensland of the wholesale dealer in whose name the registration is effected; and
- (c) the date of registration and of each renewal of registration of the agricultural requirement; and
- (d) the registered name of that agricultural requirement; and
- (e) such other particulars or matters as are prescribed.

(1A) However, such register may consist of carbon copies of the notifications of registration issued under this Part with the addition thereto, where the standards officer deems it desirable, of such particulars and matters as the standards officer may determine.

Publication of agricultural requirements

(2) A list of all agricultural requirements or of all agricultural requirements belonging to any group or groups or subgroup or subgroups of agricultural requirements registered for the time being under this Part may from time to time be published in the Gazette and the Queensland Agricultural Journal and in such other manner as the standards officer may decide, or by any 1 or more of those means of publication.

(3) Each and every such publication may set out such particulars or matters in respect of those agricultural requirements as the standards officer deems, in the standards officer's absolute discretion, necessary or desirable in the public interest or for carrying out the objects and purposes of this Act.

(4) A list of all agricultural requirements or of all agricultural requirements belonging to any group or groups or subgroup or subgroups of agricultural requirements, which, so far as known to the standards officer, are not registered under this Part, including those agricultural requirements the registrations of which have been refused or cancelled, may also be published from time to time in like manner to the publication of

registered agricultural requirements and each and every such publication may set out such particulars or matters in respect of those unregistered agricultural requirements as the standards officer deems, in the standards officer's absolute discretion, necessary or desirable in the public interest or for carrying out the objects and purposes of this Act.

Wholesale dealer to have place of business in Queensland etc.

29.(1) A wholesale dealer in whose name any agricultural requirement is registered under this Part shall have, and while that agricultural requirement remains registered under this Part continue to have, a place of business in Queensland and, if a natural person, shall be resident in this State, and while that agricultural requirement remains registered under this Part continue to be resident in this State.

Wholesale dealer residing outside State

(2) If a wholesale dealer in any agricultural requirement being a natural person is not resident in this State then the agricultural requirement may be registered under this Part by and in the name of a duly authorised agent of such wholesale dealer who is resident in Queensland and the agent shall, for the purposes of this Act including subsection (1), be and be deemed to be a wholesale dealer in relation to that agricultural requirement.

Where wholesale dealer or manufacturer is a body corporate

(3) Where a wholesale dealer in any agricultural requirement or the person who manufactures, mixes, or prepares for sale any agricultural requirement is a body corporate any form for the purpose of or in connection with the registration or renewal of registration of that agricultural requirement under this Part may be completed and signed or sworn or declared to or sealed, signed, and delivered on behalf of that body corporate, by a natural person resident in Queensland being its manager, managing director, or other governing officer by whatever name called, or its secretary, chemist, or public officer, or some other officer or employee authorised by it in that behalf, or its duly authorised agent, and each and every such form shall for the purposes of this Act be deemed to have been made by such body corporate.

Information as to composition to be confidential

30. The information as to the composition of an agricultural requirement that is the subject of an application for registration, renewal of registration or alteration of registration under this Part or that is registered under this Part shall be confidential and shall not be disclosed by any officer or any officer of the department to any other person without the authority in writing of the wholesale dealer who made that application or in whose name the agricultural requirement is registered save in pursuance of this Act or in any proceedings for the purposes of this Act.

Appeal

31.(1) A wholesale dealer who has made any application under this Part in respect of an agricultural requirement or who is registered as the wholesale dealer in respect of an agricultural requirement registered under this Part and who feels aggrieved by the refusal of the standards officer to register or to alter or renew the registration of that agricultural requirement or by the cancellation of the registration of that agricultural requirement or by any other action of the standards officer concerning the registration of that agricultural requirement may, subject to this section, appeal against that refusal, cancellation, or other action, as the case may be, and the Minister shall report the matter of the appeal to the Governor in Council.

(2) The Minister may hear the appeal, or the Minister may refer the matter to any 1 or more persons for the purpose of inquiring into and investigating such matter and furnishing to the Minister a report thereon.

(2A) After receipt of the said report the Governor in Council may, in the Governor in Council's absolute discretion, dismiss or allow the appeal or substitute therefor such other decision as the Governor in Council thinks just and proper in the circumstances and such decision shall be final and given effect to by the standards officer.

(2B) Without limiting the powers of the Governor in Council under this section, the Governor in Council may at any time refuse to determine an appeal or refuse to further proceed to the determination of an appeal under this section, if the Governor in Council is of or forms the opinion that such appeal is merely frivolous or vexatious.

(3) Each and every appellant under this section shall, in the manner prescribed, give notice of the appellant's appeal to the person specified by

the regulations to receive notices of appeal under this section, or if no such person is so specified, to the standards officer and shall deposit with the chief executive such sum of money, not exceeding \$1 000, as may be prescribed, or, if not prescribed, as considered sufficient by the chief executive, to meet the cost and expenses (if any) incurred by the Minister in hearing the appeal or causing the appeal to be inquired into and investigated.

(4) The Governor in Council may determine, in the Governor in Council's discretion, that the cost of determining any such appeal shall be paid by the appellant, when in such event that cost shall be a debt due and owing by the appellant to the Crown, and the deposit lodged by the appellant with the appellant's notice of appeal, or any part thereof, shall be appropriated by or on the order of the chief executive for the purpose of satisfying all or any part of that debt.

(5) The Governor in Council may, in the Governor in Council's discretion, authorise the refunding of the deposit or any part thereof.

(6) Any amount of any debt due and owing to the Crown under subsection (4) may be recovered in any court of competent jurisdiction by or by any person authorised by the chief executive.

(7) The regulations may prescribe all matters and things relating to appeals under this section.

Powers of standards officer with respect to samples of agricultural requirements

32.(1) A wholesale dealer in whose name any agricultural requirement is registered under this Part or who has made application for the registration or alteration or renewal of registration of any agricultural requirement under this Part shall, when and so often as required by the standards officer, lodge without payment therefor with the standards officer a fair average sample of such agricultural requirement of the quantity or weight and taken, labelled, and lodged as prescribed, and in so far as not prescribed, in accordance with the requirements of the standards officer.

(2) The standards officer may cause an analysis to be made of any sample of an agricultural requirement lodged with the standards officer under this section.

(3) In the event of an analysis, made in pursuance of subsection (2) of

any sample of agricultural requirement revealing that the sample of agricultural requirement is not in accordance with any particulars or statements registered in respect of the registered agricultural requirement or as set out in the application for registration or alteration or renewal of registration under this Part of the agricultural requirement, as the case may be, the registration of such agricultural requirement may be suspended or the application deferred until such action as the standards officer may deem necessary is taken to correct the standard, quality, composition, or as the case may be, other particular requiring correction of that agricultural requirement, and during any such period of suspension such agricultural requirement shall be and be deemed to be not registered under this Part.

Notices by wholesale dealers

33. Each and every wholesale dealer in any agricultural requirement to and with respect to which this Part applies shall, when and so often as required by the standards officer, give a statement in writing in the prescribed form or in a form to the like effect to the standards officer of—

- (a) the wholesale dealer's name and the name under which the wholesale dealer carries on the business of placing or causing to be placed on the market in Queensland that agricultural requirement; and
- (b) the wholesale dealer's sole or principal place of business in Queensland (if any) as wholesale dealer; and
- (c) the name of each and every agricultural requirement to and with respect to which this Part applies which the wholesale dealer then sells and of each and every agricultural requirement to and with respect to which this Part applies which the wholesale dealer proposes to sell during the ensuing 12 months; and
- (d) if any such agricultural requirement or agricultural requirements is or are purchased or will be purchased by the wholesale dealer—the name and address of the person from whom each and every such agricultural requirement is or will be purchased; and
- (e) the places where each and every such agricultural requirement sold or to be sold by the wholesale dealer can be purchased or acquired from the wholesale dealer.

PART 4—CLEARED AGRICULTURAL REQUIREMENTS

Registration subject to clearance conditions

34. The registration of a cleared agricultural requirement is subject to the conditions to which the clearance of the agricultural requirement, from time to time, is subject under the Commonwealth Act (“**clearance conditions**”).

Clearance conditions additional and take precedence

35.(1) The clearance conditions are additional to—

- (a) the prescribed conditions; and
- (b) any other conditions imposed by the Board or the standards officer under section 19.

(2) To the extent that a condition under subsection (1)(a) or (b) is inconsistent with a clearance condition, the clearance condition prevails.

Withdrawal or revocation of clearance

36.(1) The standards officer must cancel the registration of an agricultural requirement if its clearance is withdrawn or revoked under the Commonwealth Act.

(2) This section does not apply if the certificate of clearance for the agricultural requirement is revoked and a new certificate substituted.

Wholesale dealer notified of cancellation

37. The standards officer must notify the wholesale dealer, in whose name the agricultural requirement is registered, of the cancellation.

No appeal against cancellation

38. A wholesale dealer may not appeal against the cancellation of the registration of the agricultural requirement under section 36.

PART 5—SEEDS

Division 1—The committee and subcommittees

Membership of the committee

39.(1) The committee shall be deemed to be constituted on and from the date of the first appointment of the members, other than the ex officio member, thereof, and shall consist of—

- (a) the standards officer for the time being, who shall ex officio be a member of the committee, and in and during the standards officer's absence and in the event of and during any vacancy in that office the deputy standards officer for the time being, who shall also act without appointment; and
- (b) such other officers of the department as the Governor in Council may from time to time, by notification published in the Gazette, appoint.

(1A) However, at no time shall the number of members then constituting the committee exceed 7.

Chairperson of the committee

(2) The Governor in Council may from time to time appoint, by notification published in the Gazette, any member of the committee to be the chairperson thereof for such a term as is specified in the notification of appointment.

Membership of subcommittees

40.(1) A subcommittee shall consist of—

- (a) the standards officer for the time being, who shall ex officio be a member of that subcommittee, and in and during the standards officer's absence and in the event of and during any vacancy in that office the deputy standards officer for the time being, who shall also act without appointment; and
- (b) such other members, 1 of whom shall be a member of the committee, as are appointed to the particular subcommittee from

time to time by the Minister by notification published in the Gazette.

(2) Each and every subcommittee shall be deemed to be constituted on and from the date of the first appointment of the members, other than the ex officio member, thereof.

Chairperson of subcommittee

(3) The Minister may from time to time appoint, by notification published in the Gazette, any member of a subcommittee to be the chairperson thereof for such a term as is specified in the notification of appointment.

(4) A person may be a member of 2 or more subcommittees at the same time.

(5) A provision in any enactment requiring the holder of an office to devote the whole of the office holder's time to the duties of office or prohibiting the office holder from engaging in employment outside the duties of office shall not operate to hinder holding that office and also an appointment as member of a subcommittee.

Term of office

41.(1) Each and every member, other than the ex officio member, of the committee and of each and every subcommittee shall, subject to this Act, hold office as such for such a term, but not exceeding 3 years, as is specified in the notification of appointment and be eligible for reappointment.

(1A) Any member, other than the ex officio member, of the committee or of a subcommittee may be removed from office at any time by the Governor in Council or, as the case may be, the Minister by notification published in the Gazette.

Extraordinary vacancy

(2) When a vacancy arises in the office of a member, other than the ex officio member, of the committee or any subcommittee, by death, resignation, or otherwise howsoever, a member shall be appointed in like manner to the appointment of the member whose office has become vacant to hold that office for the remainder of the term of the member's

predecessor.

Deputy member

(3) If a member, other than the ex officio member, of the committee or any subcommittee is likely from any cause to be absent from meetings of the committee or, as the case may be, subcommittee for any period, then a deputy may be appointed in like manner to the appointment of the member who is likely to be so absent to act for such member during the member's absence, and the deputy shall, while the deputy so acts, have the powers and authorities and shall perform the duties of the member.

(3A) However, in a case where the same person holds office as a member of the committee and of 1 or more subcommittees, the Minister may in any such event appoint 1 person to act in all such offices or different persons to act in any 1 or more of such offices.

(3B) In the case of the chairperson, the Minister may in any such event appoint another member of the committee or of the subcommittee to act as chairperson and a person to act in the place of such other member while the member is acting as chairperson.

Meetings

(4) The committee or any subcommittee shall meet at such times and places and conduct its business in such manner as may be prescribed or, in so far as is not prescribed, as it may from time to time decide.

(4A) A quorum in each case shall comprise not less than half of the total number of members of the committee or, as the case may be, subcommittee for the time being.

(5) The chairperson of the committee or, as the case may be, subcommittee shall preside at all meetings at which the chairperson is present.

(5A) In the absence of the chairperson the members present at any meeting shall elect from their number a chairperson for the day.

(5B) The chairperson or in the chairperson's absence the chairperson for the day shall have a deliberative vote and, in the event of an equal division of votes, have a casting vote.

Secretary

(6) The standards officer shall be secretary of the committee and of each and every subcommittee.

Power of the committee to prepare and carry out certification schemes

42.(1) For the purposes of this Act and in addition to any other powers and authorities conferred upon it by this Act the committee shall have power and authority at any time and from time to time to prepare and carry out certification schemes for the purpose of the certification of seeds and other parts of plants used or intended for propagation purposes with respect to—

- (a) the hybridism; or
- (b) the variety or strain; or
- (c) the freedom from disease; or
- (d) the resistance to disease; or
- (e) any other qualities or properties; or

of such seeds or other parts of plants, or of the plants that will grow therefrom, or

- (f) any other prescribed particular, or

all or more than 1 of those particulars.

(2) The power and authority conferred by subsection (1) upon the committee to prepare and carry out certification schemes for the purposes of this Act shall without limiting the generality thereof include power and authority in the Committee's discretion in each and every case—

- (a) to prepare and carry out such certification schemes in relation to different crops or different districts or different crops in the different districts; and
- (b) to vary or cancel such certification schemes; and
- (c) to prepare and carry out such certification schemes for any season or seasons or period or periods of time; and
- (d) to define the boundaries of districts for the purpose of such certification schemes which districts may differ in respect of different crops; and

- (e) to regulate and control, subject to this Act, the registration of areas for the purpose of the production under and pursuant to such certification schemes of certified seed; and
- (f) to approve or disapprove of any crop or crops for the purpose of the production under and pursuant to such certification schemes of certified seed; and
- (g) to determine the procedure to be carried out for the purpose of the production under and pursuant to such certification schemes of certified seed; and
- (h) to regulate and control (including power to prohibit) the planting or sowing, growing, and the harvesting and treatment of crops for the purposes of the production under and pursuant to such certification schemes of certified seed; and
- (i) to regulate and control the carrying out by seed certification officers of trials respecting any crop or crops for the purposes of the production under and pursuant to such certification schemes of certified seed; and
- (j) to regulate and control, subject to this Act, the certification of seeds or other parts of plants used or intended for propagation purposes or of the plants that will grow therefrom, under and pursuant to such certification schemes; and
- (k) to make rules under subsection (4) for the carrying out of such certification schemes.

Certified seed produced outside Queensland

(3) Where seeds or other parts of plants used or intended for propagation purposes are produced in any place outside Queensland and certified under and pursuant to a certification scheme for that place, then the committee shall have power and authority in its discretion in each and every case at any time and from time to time to approve of such seeds or, as the case may be, other parts of plants as being certified for the purposes of this Act with respect to any prescribed particular or particulars.

(3A) The power and authority conferred by subsection (3) upon the committee shall without limiting the generality thereof include power and authority—

- (a) to refuse to approve of seeds or, as the case may be, other parts of

plants, as being certified for the purposes of this Act with respect to any prescribed particular or particulars where it considers that any prescribed conditions with respect to such seeds or other parts of plants have not been complied with or observed; and

- (b) to make rules under subsection (4) for carrying out or giving effect to subsection (3) and this subsection.

Rules

(4) The committee shall have power and authority at any time and from time to time to make rules for or with respect to prescribing all matters and things which are by this Act permitted or required to be prescribed by rules and providing for all or any purposes, whether general or to meet particular cases, that may be necessary or convenient to exercise the powers and authorities conferred upon it by subsections (1) to (3A), or that may be necessary or expedient to carry out the objects and purposes of those subsections.

(5) The power and authority to make any rule shall include power and authority to make that rule so that it shall be limited in its application—

- (a) to any crop; or
- (b) to any certification scheme; or
- (c) to any district; or
- (d) otherwise as to time, place, or circumstance as determined by the committee;

and shall include power to repeal, or amend, or otherwise modify, whether by addition or otherwise, by a subsequent rule made by the committee.

Delegation by committee

42A.(1) The committee may delegate the committee's powers under this or another Act to—

- (a) a subcommittee; or
- (b) the standards officer.

(2) Rules may be made under section 42(4) determining guidelines within which a delegate must exercise a power delegated to the delegate.

Division 2—Certified seed provisions**Registration of area to grow crop for production of certified seed**

43.(1) A person shall not plant or sow or grow or harvest any crop for the purpose of producing certified seed under a certification scheme unless the area in which that crop is planted, sown, grown or, as the case may be, harvested is then registered under this Division for that purpose.

(2) Every applicant for registration of an area or areas under this section shall comply with all such conditions as may be prescribed by the rules relating to the certification scheme in question, which conditions may include a term of probation for any prescribed period.

(3) An application for registration of an area under this section—

- (a) shall be made to the standards officer through a seed certification officer; and
- (b) shall be in or to the effect of the prescribed form (if any); and
- (c) shall contain or be accompanied by such particulars as are prescribed; and
- (d) shall be accompanied by the prescribed fee (if any).

(3A) Rules may be made pursuant to section 42(4) prescribing application forms and particulars to be contained in or accompany applications for registration under this section.

(4) The committee may in its absolute discretion and without assigning any reason register or refuse to register an area under this section.

Production of certified seed subject to rules

44. A person shall not plant, sow, grow or harvest any crop for the purpose of producing certified seed except in compliance with the rules.

Power of the committee to certify seeds etc.

45. The committee may at its absolute discretion and without assigning any reason—

- (a) certify or refuse to certify with respect to any prescribed particular

or particulars any seeds or other parts of plants used or intended for propagation purposes produced in Queensland; and

- (b) in the case of seeds and other parts of plants used or intended for propagation purposes being produced in any place outside Queensland and certified under and pursuant to a certification scheme for that place—approve or refuse to approve of those seeds or, as the case may be, other parts of plants as being certified for the purposes of this Act with respect to any prescribed particular or particulars.

Fastening and labelling of certified seed produced in Queensland

46. Each package containing certified seed produced in Queensland for sale shall be fastened up and labelled in the manner prescribed.

Fees

46A.(1) Fees for all or any purpose with respect to the certification of seed and other parts of plants used or intended for propagation purposes shall be as prescribed.

- (2) Such fees may vary with the different certified seed.

False information as to identification of certified seed

46B. A person shall not give to an inspector or a seed certification officer a statement concerning the identification of certified seed which is false in any material particular.

Fastening and labelling of certified seed produced outside Queensland

47. Each and every package containing certified seed for sale in Queensland and which was produced in any place outside Queensland shall be unopened and fastened up and labelled as required by the certification scheme for that place.

Powers of seed certification officers etc.

48. Any inspector or any seed certification officer or any other officer who is authorised by the committee in that behalf may—

- (a) enter and inspect any area which is, or which the inspector reasonably believes to be, an area which has been registered under this Division for the purpose of producing certified seed under and pursuant to any certification scheme, or for which an application for such registration has been made;
- (b) inspect any crop, plants, or seeds or other parts of plants growing upon any such area;
- (c) supervise the cultivation (whether before or after sowing) of any area which has been so registered for the purposes of producing certified seed under and pursuant to any certification scheme, the sowing, growing, harvesting, and threshing of the crop upon such area, the packing, cleaning, and any machine dressing and other treatment (if any) of the seeds or of other parts of plants produced from such crop, and the fastening and labelling of every package containing such seeds or, as the case may be, other parts of plants;
- (d) rogue the crop upon any area referred to in paragraph (a) and remove or cause to be removed all or any plants that do not comply with the required standard;
- (e) remove and destroy or cause to be removed and destroyed any plants from any area referred to in paragraph (a) as are necessary for the effective control of disease or as are necessary to ensure the satisfactory cultivation of the crop;
- (f) remove for analysis or trial or analysis and trial portions or samples of plants or seeds or other parts of plants the produce of any crop upon any area referred to in paragraph (a);
- (g) remove or obliterate every seal or label used for the purpose of certifying seeds or other parts of plants affixed to or upon or inserted in any package of seeds or other parts of plants found opened;
- (h) if thereunto instructed in writing by the standards officer—remove or obliterate every seal or label affixed to any package containing seeds or other parts of plants which do not

comply in every respect with any relevant provision of this Act relating to certified seed.

Offences relating to certified seed

49.(1) A person shall not, unless the person is authorised by or under this Act, affix, attempt to affix, or cause to be affixed to or upon any package of seeds or other parts of plants any seal or label required by this Act to be affixed to or upon any package of certified seed, or anything which purports to be or is a colourable imitation of any such seal or label.

(2) A person shall not sell any seeds or other parts of plants as certified seed or as certified or certificated unless such seeds or, as the case may be, other parts of plants—

- (a) are certified seed within the meaning of this Act; and
- (b) where such seeds or other parts of plants are produced in Queensland, are contained in a package fastened up and labelled under and in accordance with this Act, or, where such seeds or other parts of plants are produced in any place outside of Queensland, are contained in an unopened package fastened up and labelled as required by the certification scheme for that place.

Restriction on use of ‘certified’ or ‘certificated’

(3) A person shall not, in any invoice, agreement, or advertisement relating to any seeds, or to any other parts of plants or on any label affixed to or upon or inserted in or used in connection with any package containing any seeds, or containing any other parts of plants use the word ‘certified’ or the word ‘certificated’ or any word or words of like import, or any word or words which certify or suggest or imply that such seeds or other parts of plants are certified seed within the meaning of this Act or are certified with respect to any prescribed particular or particulars or any other word or words prohibited by the regulations to be used therein or thereon unless—

- (a) such seeds or, as the case may be, other parts of plants are certified seed within the meaning of this Act; and
- (b) in the case of any label as aforesaid—there is clearly stated on that label the name of the State or Territory or country in which such seeds or, as the case may be, other parts of plants have been produced.

Statement in invoice etc. to constitute a warranty

(4) In connection with the sale of any seeds or of any other parts of plants used or intended for propagation purposes, the use in any invoice, agreement, or advertisement, or on any label of the word 'certified' or the word 'certificated' or any word or words of like import, or any word or words which certify or suggest or imply that such seeds or other parts of plants are certified seed within the meaning of this Act or are certified with respect to any prescribed particular or particulars, or any other word or words prohibited by the regulations to be used therein or thereon, shall, notwithstanding any agreement to the contrary, constitute a warranty by the seller that such seeds are certified seed, and where it is certified or suggested or implied that such seeds or, as the case may be, other parts of plants are certified with respect to any prescribed particular or particulars, are certified or approved as certified under this Act with respect to such prescribed particular or particulars.

Publication of list of certified seed growers

50.(1) A list of growers of certified seed may be compiled and published by the standards officer from time to time in such manner as the standards officer may decide.

(2) Every such list shall show—

- (a) the name and address of each grower included therein; and
- (b) the prescribed particular or particulars with respect to the certified seed grown and with respect to which certification is made; and
- (c) such comments in relation to such certified seed as the committee shall think necessary or desirable (which comments the committee is hereby authorised to publish in such list).

**PART 6—CERTAIN OFFENCES WITH RESPECT TO
THE SALE OF AGRICULTURAL REQUIREMENTS**

Offences in relation to sale of agricultural requirements

51.(1) A person shall not—

- (a) sell under the name or registered name of an agricultural requirement registered under Part 3 any agricultural requirement which does not conform in every respect with the registered composition of such registered agricultural requirement; or
- (b) sell any agricultural requirement which fails, or any ingredient of which fails, to conform to the standard (if any) prescribed for the agricultural requirement or, as the case may be, the ingredient; or
- (c) sell any agricultural requirement which is falsely named or falsely labelled in any particular; or
- (d) sell any agricultural requirement which does not conform in every respect with its description in the contract of sale; or
- (e) make or cause or permit to be made any claim by any means whatsoever, with respect to or of any agricultural requirement which—
 - (i) if that agricultural requirement is registered under Part 3—is a claim with respect to or of the efficacy of that agricultural requirement for use for any purpose or purposes unless such claim has been approved by the Board; or
 - (ii) is false, exaggerated, or misleading, whether by suggestion, implication, or otherwise howsoever, in any particular; or
- (f) sell any agricultural requirement registered under Part 3 in respect only of its sale for use for a certain purpose or certain purposes, when any claim as to its efficacy for use for any purpose other than the purpose or purposes in respect of which it is registered, has been made in any advertisement relating thereto or has been made by the person or with the person's consent either verbally or in any written or printed matter relating thereto.

(2) A person who contravenes or fails to comply with any provision of this section shall be guilty of an offence against this Act and liable for a first offence to a penalty not exceeding 20 penalty units and for any subsequent offence, whether against the same or another provision of this section, to a penalty of not less than 2 penalty units and not exceeding 20 penalty units or, if the person is a wholesale dealer in the agricultural requirement in

question, to a penalty of not less than 4 penalty units and not exceeding 20 penalty units.

(3) Without prejudice to any other construction of subsection (1)(c) and to the application of that paragraph to any agricultural requirement to which this provision would not apply an offence against subsection (1)(c) shall be and be deemed to be committed when any package of agricultural requirement is sold the composition of which does not conform in every respect with the particulars relating to the composition thereof set forth on the label affixed to or upon or inserted in such package.

Directions for use of agricultural requirement

52. A person shall not give or make or cause or permit to be given or made by any means whatsoever on or in connection with the sale of any agricultural requirement registered under Part 3 any direction or recommendation for the use of that agricultural requirement unless that direction or recommendation corresponds in all material particulars with the direction or recommendation appearing on a label registered under this Act or approved by the Board in respect of that agricultural requirement.

Grade formula

53.(1) Where a grade formula is prescribed for any agricultural requirement, then a person shall not, in any invoice, contract, or advertising matter relating to that agricultural requirement, or on any label affixed to or upon or inserted in or used in connection with any package of that agricultural requirement, set forth any formula or expression that could be taken to represent the grade formula or part of the grade formula unless such formula or expression is in accordance with the grade formula.

(2) For the purposes of this section—

“grade formula” means, in relation to any agricultural requirement, the order in which the active constituents thereof and the percentage, proportion, or amount of such active constituents are prescribed to be set forth.

Offences with respect to packages

54. A person shall not sell any agricultural requirement contained in any package or pack any agricultural requirement in any package for the purpose of sale—

- (a) unless all names, labels, letters, words, and figures (if any) appearing on that package relating to any agricultural requirement (other than such names, labels, letters, words, or figures (if any) relating to that agricultural requirement contained or packed in that package as are authorised or permitted or required by this Act to appear thereon) have been effectively obliterated; or
- (b) when it is prescribed that packages of the nature, or weight, or dimensions or size of that package shall not be used for containing or packing such agricultural requirement; or
- (c) (in prescribed cases) unless that package is a package prescribed for use in that case.

Topping

55.(1) A person shall not sell any agricultural requirement unless such agricultural requirement is so packed, stacked, or arranged that any part thereof is of similar composition to any other part of the agricultural requirement and is a true indication of the average quality of the agricultural requirement.

(2) However, this section shall not apply with respect to any agricultural requirement in liquid or paste form which need not be homogeneous as a concentrate, but is required to be homogeneous in the form in which it is to be used, but in every such case a person shall not sell that agricultural requirement unless full directions are included on the label to render such agricultural requirement homogeneous either as a concentrate or in the form in which it is to be used.

Agricultural requirements containing prohibited material or an excessive amount of harmful ingredients

56.(1) A person shall not sell any agricultural requirement which contains any prohibited material or combination of prohibited materials with respect to that agricultural requirement or which contains an excessive amount of

any harmful ingredient or combination of harmful ingredients with respect to that agricultural requirement.

(2) For the purposes of this Act, including this section, the Governor in Council may at any time and from time to time in relation to any agricultural requirement by the regulations declare any material or materials to be a harmful ingredient or, as the case may be, harmful ingredients with respect to that agricultural requirement, and may include in every such declaration the names of such harmful ingredients and the maximum amount thereof that may be contained in such agricultural requirement.

PART 7—LABELLING OF AGRICULTURAL REQUIREMENTS

Division 1—Labelling of seeds (other than certified seed)

Division 1 not to apply to certified seed

57. The provisions of this Division shall not apply to certified seed.

Labelling of seeds

58. A person who sells seeds of a prescribed kind shall, on or before delivery thereof to the buyer, affix to or upon and, if prescribed, insert inside each packet or package containing those seeds and, if prescribed, in the manner prescribed, a label upon which shall be legibly and indelibly set forth the prescribed particulars.

Division 2—Labelling of agricultural requirements registered under Part 3

Application of this Division

59.(1) This Division shall, unless the context herein otherwise indicates or requires, apply to and with respect to and shall be deemed to refer to and

with respect to only agricultural requirements registered under Part 3.

(2) However, the provisions of this Division shall not apply to or with respect to nor be deemed to refer to or with respect to—

- (a) any agricultural requirement which is sold to a person who uses that agricultural requirement in the process of manufacturing, mixing, or preparing for sale any agricultural requirement; and
- (b) mixtures of whole grains; and
- (c) manufactured stock foods consisting of partly crushed grains, when the percentage of such that will pass a B.S. 1.18 mm sieve is less than 20% by weight of such stock food; and
- (d) any other prescribed agricultural requirement.

Offences with respect to labels

60. A person shall not sell any package of agricultural requirement to which this Division applies unless there is affixed to or upon that package (and if prescribed, in the manner prescribed) a label setting forth—

- (a) the registered name of that agricultural requirement; and
- (b) the net weight or measure of the agricultural requirement contained in that package; and
- (c) where that agricultural requirement is registered under Part 3 in respect only of its sale for use for a certain purpose or certain purposes—all directions or recommendations for the use of the agricultural requirement and a statement that that agricultural requirement is sold only for use for that purpose or, as the case may be, those purposes, which statement shall specially set forth that purpose or, as the case may be, those purposes; and
- (d) a statement of any prescribed particulars relative to standards in respect of the agricultural requirement concerned; and
- (e) the name and sole or principal place of business of a wholesale dealer in whose name that agricultural requirement is registered under Part 3 or the name and business address of the manufacturer, proprietor, or distributor of that agricultural requirement; and

- (f) such other matters as may be prescribed.

Registered labels

61.(1) Such of the specimen copies of the labels accompanying the form of application for registration or for alteration of any agricultural requirement as are accepted by the standards officer for registration or alteration shall, subject to subsection (2), be the labels registered in respect of that agricultural requirement whilst registration of that requirement remains in force.

(2) Where pursuant to section 27, the standards officer approves an alteration in any respect to the registration of an agricultural requirement or to a registered label, the standards officer may cancel the registration of any registered label in respect of that agricultural requirement.

(3) A person shall not sell an agricultural requirement contained in a package having affixed thereto or thereupon or inserted therein a label that does not conform in every respect with a label registered in respect of the agricultural requirement.

Labels of special mixtures

62. A person shall not sell any package of special mixture unless there is affixed to or upon that package (and if prescribed, in the manner prescribed) a label setting forth the name and address of the buyer for whom that special mixture is made.

Division 3—Labelling of certain stock foods

Labels of hay, chaff etc.

63. A person shall not sell any hay or chaff or other stock food to which the provisions of this division are declared by regulations to extend and apply contained in a package which does not have affixed thereto or thereupon a label setting forth the grower's or packer's name and business address.

Division 4—Labelling of agricultural requirements generally**General labelling provisions**

64.(1) Unless otherwise expressly prescribed, a provision of this Act requiring a label to be affixed to or upon a package shall be construed as requiring the label to be either affixed in a secure and durable manner to such package or to be indelibly printed or stencilled upon that package so as to be clearly legible.

(1A) However, where the regulations so provide, in respect of any agricultural requirement specified therein and in the circumstances specified therein, a label may be affixed to or accompany the delivery of that agricultural requirement in such other manner as is set out therein.

(2) Unless otherwise expressly prescribed and subject to subsection (3), any provision of this Act requiring a label to set forth or contain or have printed, stencilled, branded, stamped, or marked thereon a statement, or figures, words, marks, terms, or other prescribed particulars whatever shall be construed as requiring such statement, or figures, words, marks, terms, or other prescribed particulars to be either legibly and indelibly printed by a printing press or legibly and indelibly lithographed or stencilled thereon, and any such provision shall be and be deemed to be not complied with, as regards any label setting forth or containing or having printed, stencilled, branded, stamped, or marked thereon such statement, or figures, words, marks, terms, or other prescribed particulars, unless such statement is, or figures, words, marks, terms, or other prescribed particulars are either legibly and indelibly printed by a printing press or legibly and indelibly lithographed or stencilled on that label in accordance with the construction placed on that provision by this subsection.

(3) However, in the case of a label relating to a package of special mixture required by any provision of this Act to set forth or contain or have printed, stencilled, branded, stamped, or marked thereon the percentages or proportions or amounts of each of the ingredients or active constituents of such special mixture, or the name and address of the buyer for whom that special mixture is made, the actual figures denoting those percentages or proportions or amounts and such name and address, as required, may be legibly written on that label in ink or typewritten thereon, and such provision shall be construed in accordance with subsection (2) as modified by this subsection.

Name to be printed upon package when risk of label becoming detached

65. In every case where the sale of any package of agricultural requirement is prohibited by this Act unless there is affixed to or upon that package a label setting forth the registered name or, as the case may require, name of that agricultural requirement, then if such label is tied or sewn on that package or is attached thereto in such a manner that there is a risk of its becoming detached, a person shall not sell that package of agricultural requirement until such registered name or, as the case requires, name is also indelibly printed or stencilled upon that package and so as to be clearly legible.

Affixing false labels etc.

66. A person shall not label or seal or mark any package of agricultural requirement with any label or seal or marking or affix to or upon or insert in or use in connection with any package of agricultural requirement any label or seal or mark which is false in any particular.

**PART 8—PROVISIONS RELATING TO INSPECTION,
SAMPLING AND ANALYSIS****Powers of inspectors**

67.(1) Any inspector may—

- (a) enter any place where or in which the inspector has reasonable ground for believing any agricultural requirement or any prohibited material is stored, made, manufactured, mixed, or prepared for sale, or sold, and search for and inspect any agricultural requirement, prohibited material, and anything which the inspector believes may be used in any agricultural requirement therein or thereon;
- (b) inspect any agricultural requirement or prohibited material in any place as aforesaid, or for, on, or after sale, or apparently for sale, or apparently sold, or being conveyed or at any place in the course

of or for the purpose of being conveyed from one place to another and any package containing or which the inspector has reasonable ground to believe contains or is intended to contain any agricultural requirement or prohibited material as aforesaid;

- (c) open any package containing or which the inspector has reasonable ground to believe contains any agricultural requirement or prohibited material in any such place or for, on, or after sale, or apparently for sale, or apparently sold, or being conveyed as aforesaid;
- (d) select and take, as the inspector thinks fit, and remove or cause to be removed for analysis any agricultural requirement or prohibited material or any material which appears to the inspector to be an agricultural requirement or a prohibited material or portions or samples of any agricultural requirement or prohibited material or such material (such authority to take and remove shall include authority to take and remove any package or packages containing such agricultural requirement or prohibited material or material and, where portions or samples are removed, to select, take, and remove packages for the purpose of placing such portions or samples therein);
- (e) seize and detain prohibited materials, agricultural requirements, and packages, labels, and advertising matter relating in whole or in part to any agricultural requirement, which or any part of which, in the inspector's opinion, does not comply in any respect with any provision of this Act or in relation to which or any part of which the inspector is of the opinion that all or any of the provisions of this Act have not been complied with (such authority to seize and detain shall include authority to seize and detain packages containing the articles seized and detained);
- (f) remove or cause to be removed agricultural requirements, prohibited materials, and packages, labels, and advertising matter seized by the inspector under this Act or allow all or any such agricultural requirements, prohibited materials, packages, labels, or advertising matter to remain at the place of seizure and, in that case, fasten, secure, or seal and label the same or any doors or apertures affording access to the same;
- (g) weigh, count, measure, gauge, brand or otherwise label, or, as the

case requires, mark any agricultural requirement, or prohibited material, or any label, advertising matter, or package relating in whole or in part to any agricultural requirement;

- (h) require the production by any person of any accounts, books, invoices, and documents relating to the sale of any agricultural requirement or prohibited material and inspect and take copies of or extracts from any entries found therein;
- (i) require any person found in possession of any prohibited material or in possession of any agricultural requirement for sale or in possession of anything which the inspector believes may be used in any agricultural requirement to supply the person's name and address.

Manner of dealing with sample

(2) Any agricultural requirement or prohibited material or any material which appears to be an agricultural requirement or a prohibited material or any portion or sample thereof taken and removed or caused to be removed by an inspector under subsection 1(d) for analysis shall be and be deemed to be a sample for the purposes of the provisions of this Act relating to samples.

(2A) In the case of a sample taken by an inspector or other officer under this Act, the inspector or other officer concerned—

- (a) shall forthwith divide the sample into 3 parts; and
- (b) shall mark, and seal or fasten up each such part in such manner as its nature permits; and
- (c) may request the person apparently in charge of the agricultural requirement or prohibited material or material or place to sign each such part; and
- (d) shall offer 1 of such parts to the person in charge, or apparently in charge, of the agricultural requirement or prohibited material or material or place where the inspector or other officer obtained the same; and
- (e) shall subsequently deliver 2 of such parts to the standards officer.

(2B) Such delivery to the standards officer may be effected either personally or by sending the parts by post addressed to, or by any vehicle

consigned to, the standards officer, or in such other manner, as may be prescribed.

(2C) However, where 1 package does not contain a sufficient quantity for accurate analysis or its nature or conditions appertaining thereto are such that the inspector does not deem it advisable or convenient to carry out the procedure as set forth in subsections (2A) and (2B), the provisions of those subsections shall be deemed to be complied with if 3 or any multiple of 3 unopened packages of approximately equal weight or volume or dimensions and of sufficient quantity for accurate analysis are taken and treated as if such packages were the 3 approximately equal parts obtained by dividing the sample.

Provision when no person apparently in charge present

(3) Any agricultural requirement or prohibited material or material which appears to be a prohibited material or any portion or sample of any agricultural requirement or prohibited material or material which appears to be a prohibited material may be removed for analysis from any place notwithstanding that there is then present no person in charge or apparently in charge of the agricultural requirement, prohibited material, material which appears to be a prohibited material, or place.

(3A) In such case the inspector removing the agricultural requirement, prohibited material, material which appears to be a prohibited material, or portion or sample shall give to the person, if known to the inspector, in charge of such agricultural requirement, prohibited material, material which appears to be a prohibited material, or place, or in the case where the agricultural requirement is registered under Part 3 to any wholesale dealer in whose name such agricultural requirement is registered, a notification of such removal and offer to deliver or cause to be delivered 1 part of the sample to any address indicated by such person if indicated within 14 days from the date of the giving of that notice.

(4) Before an inspector enters a part of any place which part is used exclusively as a dwelling house the inspector shall, save where the inspector has the permission of the occupier of that part to the inspector's entry, obtain from a justice a warrant to enter.

(4A) A justice who is satisfied upon the complaint of an inspector that there is reasonable cause to suspect that any agricultural requirement or any prohibited material is stored, made, manufactured, mixed or prepared for

sale, or sold may issue a warrant directed to the inspector to enter the place named in the warrant for the purpose of exercising therein the powers conferred upon an inspector under this Act.

(4B) A warrant shall be, for the period of 1 month from the date of its issue, sufficient authority for the inspector and all persons acting in aid of the inspector—

- (a) to enter the place specified in the warrant; and
- (b) to exercise therein the powers conferred upon an inspector by or under this Act.

(4C) In subsections (4) to (4B) premises that are used as a dwelling house do not include the curtilage of those premises.

(5) For the purpose of gaining entry to a place, an inspector may call to the inspector's aid such persons as the inspector thinks necessary and those persons, while acting in aid of an inspector in the lawful exercise by the inspector of the inspector's power of entry, shall have a like power of entry.

Analysis

68.(1) On receipt of the 2 parts of a sample from an inspector the standards officer may analyse or cause to be analysed 1 part.

(1A) On such event, the other part shall be retained by the standards officer.

(2) Comments upon the results or portion of the results of any analysis may be sent by the standards officer to the person from whom samples of the agricultural requirement or prohibited material or material which appears to be a prohibited material were obtained or to the seller or in the case of an agricultural requirement registered under Part 3 to any wholesale dealer in that agricultural requirement, or to all or more than 1 of those persons, which comments may include such results or portions of the results as the standards officer may consider necessary.

(3) A copy of the result of any analysis of any portion or sample of agricultural requirement, prohibited material, or material which appears to be a prohibited material procured by an inspector may be obtained from the standards officer by the person from whom the agricultural requirement or prohibited material, or material which appears to be a prohibited material or

portion or sample so analysed was obtained or, in the case of a portion or sample of agricultural requirement, by any wholesale dealer in that agricultural requirement on payment of the prescribed fee.

Analysis may be published

69. The standards officer may publish in such manner as the standards officer considers necessary the result of the analysis of any agricultural requirement or prohibited material or material which appears to be prohibited material which, or a portion or sample of which, was taken and removed for analysis or seized by an inspector or received by the standards officer for analysis under this Act, together with, as the standards officer thinks fit, the name and address or place of business of the person from whom such agricultural requirement, prohibited material, material which appears to be a prohibited material, or portion, or sample was obtained, or of the seller of same or of the person in charge of the agricultural requirement, or prohibited material, or material which appears to be a prohibited material, or place where such agricultural requirement, prohibited material, material which appears to be a prohibited material, portion, or sample was obtained, or of the wholesale dealer therein or the manufacturer, packer, proprietor, or distributor thereof or of all or more than 1 of those persons and any other particulars relating thereto together with any explanation and comment upon the result of the analysis.

When officer to produce certificate of officer's appointment if so required

70. Where by virtue of this Act any inspector or other officer is authorised to enter any place or inspect any material or matter or thing the inspector or other officer shall not make any such entry or inspection unless the inspector or other officer is in possession of a certificate of appointment issued by the Under Secretary, and the inspector or other officer shall, on demand by the person occupying or in charge of any place or material or matter or thing, produce the certificate to that person before commencing or proceeding further with the entry or inspection.

Powers to ensure that agricultural requirement etc. detained shall comply with this Act

71.(1) Where any agricultural requirement, material, package, label, or advertising matter or portion seized and detained under this Act does not comply in every respect with the provisions of this Act or where any provision of this Act has not been complied with in relation to any agricultural requirement, material, package, label, or advertising matter or portion seized and detained under this Act, such agricultural requirement, package, label, or advertising matter or portion may be removed to any place approved by the standards officer under supervision of an inspector who may do and execute or cause to be done and executed all such acts, matters, and things as the standards officer shall deem necessary to ensure that the agricultural requirement, material, package, label, or advertising matter or portion concerned shall comply in every respect with the provisions of this Act or that the provisions of this Act shall be complied with in relation to the agricultural requirement, material, package, label, or advertising matter or portion and such agricultural requirement, material, package, label, or advertising matter or portion may be detained until such acts, matters, and things are done and executed.

Detention of agricultural requirement etc. seized

(2) Subject to the provisions of subsection (1), any agricultural requirement, material, package, label, or advertising matter or portion seized and detained under this Act may, unless it is sooner established to the satisfaction of the standards officer that such agricultural requirement, material, package, label, or advertising matter or portion complied in every respect with the provisions of this Act or that the provisions of this Act had been complied with in full in relation to that agricultural requirement, material, package, label, or advertising matter or portion, be detained for a period of 6 months, or if within that period proceedings for an offence against this Act in relation thereto or proceedings for any offence in which such agricultural requirement, material, package, label, or advertising matter or portion is or can properly be adduced in evidence have been instituted, until the final determination of those proceedings, including any appeal in the matter of those proceedings.

(2A) However, where any provision of this Act has not been complied with in relation to such agricultural requirement, material, package, label, or advertising matter or portion seized and detained and if such provision is not

complied with in relation thereto within a period of 90 days next following the date of such seizure, such agricultural requirement, material, package, label, or advertising matter or portion may, upon the expiration of that time, by order of the Minister, become and be forfeited to the Crown.

Application to Magistrates Court for forfeiture etc. of agricultural requirement etc. seized

(2B) Upon any conviction for an offence against this Act in respect of any agricultural requirement, material, package, label, or advertising matter or portion seized and detained under this Act or if (in any case where proceedings for an offence against this Act in respect of any such agricultural requirement, material, package, label, or advertising matter or portion are not instituted) the owner thereof cannot be ascertained, an application may be made to a Magistrates Court for such order with respect to such agricultural requirement, material, package, label, or advertising matter or portion as to the court may seem meet, and thereupon such court may make an order for the forfeiture of such agricultural requirement, material, package, label, or advertising matter or portion to Her Majesty or such other order as it thinks fit.

(2C) A like order may be made by a Magistrates Court upon the dismissal of any proceedings for an alleged offence against this Act in respect of any agricultural requirement, material, package, label, or advertising matter or portion seized and detained under this Act or upon the dismissal of any proceedings in which such agricultural requirement, material, package, label, or advertising matter or portion was or could have been properly adduced in evidence if any appeal relating to such dismissal has been unsuccessful or the time for lodging such appeal has expired.

Person convicted liable for costs incurred in dealing with agricultural requirement etc. seized

(2D) Any person convicted of an offence against this Act in respect of any agricultural requirement, package, label, or advertising matter or prohibited material or portion which has been seized and detained under this Act shall be liable for all costs, charges, and expenses incurred in handling, storing, or otherwise dealing with that agricultural requirement, package, label, or advertising matter or prohibited material or portion, and the charge for supervision consequent on the seizure and detention thereof, and any sum for which any person is liable under this subsection shall be recoverable by the Under Secretary or any person authorised by the Under

Secretary from the person as a debt by action in any court of competent jurisdiction.

Cost of ensuring that agricultural requirement etc., detained complies with this Act

(3) All costs, charges, and expenses incurred in the doing or executing of all acts, matters, and things in pursuance of the provisions of subsection (1) shall be charged to the person in possession of the agricultural requirement, prohibited material, package, label, or advertising matter or portion at the time of the seizure thereof, or if same were then in possession of a carrier then to the consignor thereof, and may be recovered by the Under Secretary or any person authorised by the Under Secretary as a debt by action in any court of competent jurisdiction.

Charge for supervision may be prescribed

(4) A charge for the supervision by an inspector under this section may be prescribed.

Prohibited material seized

(5) Any prohibited material seized and detained under this Act may, unless it is sooner established to the satisfaction of the standards officer that the provisions of this Act have been complied with in full in relation thereto, be detained for a period of 90 days next following the date of such seizure, and if still detained on the expiration of that period shall without further or other authority become and be forfeited to Her Majesty.

Certificate as to costs

(6) The production of a certificate purporting to be signed by the standards officer that any costs, charges, or expenses of an amount stated have been incurred by an inspector under and for the purposes of this Act or are due for supervision by an inspector under this section, shall be prima facie evidence that the costs, charges, or expenses were duly incurred or are so due and that the amount thereof so stated is the correct amount.

Saving of s.84

(7) Nothing in this section shall prejudice or affect the power of forfeiture conferred upon a court by the provisions of section 84.

Requests by inspector—to buyer

72.(1) The standards officer or any inspector may at any time require the buyer of any agricultural requirement to state the name and address of the seller from whom the standards officer purchased that agricultural requirement and to supply satisfactory evidence of such purchase, and also to produce for inspection any invoice, receipt, letter, agreement, label, or advertisement relating to that agricultural requirement.

To seller

(2) The standards officer or an inspector may at any time require the seller of any agricultural requirement to state the name and address of the purchaser of that agricultural requirement and any further information relative to the matter and to produce for inspection any books or advertisement relative to the sale of that agricultural requirement.

Obstruction of officers etc.

73. A person shall not—

- (a) assault, obstruct, threaten, insult, or intimidate any officer in the exercise of powers or in the discharge of duties under this Act, or attempt so to do; or
- (b) refuse to allow to be taken, removed, seized, or detained under this Act any agricultural requirement, prohibited material, material which appears to be an agricultural requirement or a prohibited material, or portion or sample of any agricultural requirement or prohibited material or material which appears to be an agricultural requirement or a prohibited material, or any package, label, or advertising matter relating in whole or in part to any agricultural requirement; or
- (c) take, retake, remove, or otherwise deal with, or attempt to take, retake, remove, or otherwise deal with, any agricultural requirement, prohibited material, material which appears to be an agricultural requirement or a prohibited material, or portion or sample of any agricultural requirement or prohibited material or material which appears to be an agricultural requirement or a prohibited material, or any package, label, or advertising matter taken, removed, seized, or detained under this Act; or

- (d) fail, when thereunto lawfully required by an officer, to produce for inspection any accounts, books, invoices, receipts, letters, agreements, labels, advertising matter, or documents in the person's possession or under the person's control relating to the purchase or sale of any agricultural requirement, or fail to allow an officer to inspect or to take a copy of or extract from any such accounts, books, invoices, receipts, letters, agreements, labels, advertising matter, or documents; or
- (e) fail when thereunto required under this Act by an officer to state the person's name and address or the name and address of any other person, or to furnish any other information, or state in answer to any such requirement a false name and address, or name, or address or furnish false or misleading information.

Tampering with seals, samples etc.

74. A person shall not—

- (a) without authority (the proof whereof shall lie upon the person) open, break, alter, remove, or erase any mark, label, signature, seal, or fastening placed by an officer in pursuance of this Act upon any agricultural requirement, prohibited material, material which appears to be an agricultural requirement or a prohibited material, package, or portion or sample, or part of a portion or sample, or upon any door or aperture affording access to the same; or
- (b) knowingly or fraudulently tamper with any agricultural requirement or prohibited material or material which appears to be an agricultural requirement or a prohibited material or package of agricultural requirement or prohibited material or such material so as to procure that any portion or sample taken under this Act does not correctly represent the agricultural requirement or prohibited material or such material or the contents of the package; or
- (c) tamper with any portion or sample or part of a portion or sample taken under this Act.

Analyst's report prima facie evidence

76.(1) In any prosecution under this Act the production by the prosecutor of a report of the result of an analysis purporting to be under the hand of the standards officer or of an analyst, shall be prima facie evidence of the facts stated therein, and that the signature on the report is the signature of the officer by whom it purports to be signed, unless the defendant requires that such officer shall be called as a witness, in which case the defendant shall give notice thereof to the prosecutor not less than 3 clear days before the date set down for the hearing of those proceedings.

(2) In like manner in any prosecution under this Act the production by the defendant of a report of the result of an analysis purporting to be under the hand of a person competent to make such analysis shall be prima facie evidence of the facts stated therein and that the signature on the report is the signature of the person by whom it purports to be signed, unless the prosecutor requires that person to be called as a witness.

(2A) A copy of such last mentioned report shall be sent to the prosecutor at least 3 clear days before the date set down for the hearing of those proceedings, and if it is not so sent the court may adjourn the hearing on such terms as it thinks proper.

(3) Nothing contained in subsections (1) to (2A) shall affect the authority of the court to order the party producing such report to call the person who issued the report as a witness and the court may, if it thinks fit, make such an order accordingly, and shall thereupon grant any necessary adjournment of the hearing.

Independent analysis

(4) In the event of disagreement between the evidence for the prosecution and the evidence for the defence as to the result of an analysis of any sample of agricultural requirement with respect to which an offence against this Act is alleged to have been committed, the court may, if it thinks fit, order the standards officer to procure a part of the sample, if possible, and submit the same to such other person as directed by the court for analysis, and the standards officer shall comply with every such order accordingly.

PART 9—MISCELLANEOUS PROVISIONS

Prohibition of sale or introduction of any agricultural requirement containing prohibited material

77. A person shall not introduce or cause or permit to be introduced into Queensland any agricultural requirement which contains any prohibited material or combination of prohibited materials with respect to that agricultural requirement.

Prohibition of suggestion that agricultural requirement approved by the Government etc.

78.(1) A person shall not use or make in connection with any agricultural requirement or package of agricultural requirement or the sale thereof, or in any invoice or advertisement relating thereto, or on any label affixed to or upon or inserted in or used in connection with any package of agricultural requirement—

- (a) any words or expression signifying, suggesting, or implying that the agricultural requirement is approved or guaranteed under the provisions of this Act; or
- (b) any statement suggesting or implying that the agricultural requirement is recommended or approved by the Government or the department; or
- (c) any statement, comment, reference, or explanation which directly or by implication contradicts, qualifies, or modifies any particulars required by this Act to be shown on any label, invoice, directions or recommendations for use, or advertisement relating to or used in connection with that agricultural requirement or any package of that agricultural requirement; or
- (d) any reference to this Act or to the department or any officer of the department except where authorised or required by or under this Act and in accordance with such authority or requirement.

(2) Subsection (1)(b) and (d) does not apply—

- (a) to an officer or employee of the Crown or of a governmental authority, in the course of the officer's or employee's employment by the Crown or authority; or
- (b) to a prescribed person or a person of a prescribed class, in

prescribed circumstances.

Prohibition of the supply of certain formulas

79. A person shall not issue any advertisement or any written matter whatsoever supplying or purporting to supply or offering to supply a formula or a colourable imitation of a formula relating to—

- (a) any growth regulating material, pest destroyer, stock medicine, stock food in relation to which any claim as to efficacy is made, testing reagent, or other prescribed agricultural requirement, which in the opinion of the Board is not efficacious on use for the purpose or purposes for which that agricultural requirement is claimed to be efficacious; or
- (b) any fertiliser, lime, or other prescribed agricultural requirement, which in the opinion of the standards officer on the advice of a competent officer of the department is not efficacious on use for the purpose or purposes for which that agricultural requirement is claimed to be efficacious.

Right of buyer to refuse acceptance of delivery

80. A person shall not be bound to accept delivery on the sale of any agricultural requirement unless all the provisions of this Act relating to such agricultural requirement and the sale thereof have been complied with in full.

Contract of sale of any agricultural requirement

81.(1) Notwithstanding anything contained in any other Act, or law, or rule, or process of law, a contract of sale of any agricultural requirement may be made in writing (either with or without seal) or by word of mouth, or partly in writing and partly by word of mouth, or may be implied from the conduct of the parties.

Warranty

(2) Notwithstanding any agreement to the contrary—

- (a) where any material is sold as an agricultural requirement, it shall

be implied that such material is an agricultural requirement of the kind specified in the contract of sale;

- (b) every label affixed to or upon or inserted in a package containing any agricultural requirement sold or any invoice issued in connection with any agricultural requirement sold shall have effect as a written warranty by the seller that the particulars contained therein are correct;
- (c) any reference or statement with respect to the composition of any agricultural requirement sold contained on the label affixed to or upon or inserted in the package containing that agricultural requirement or in any invoice issued in relation to such sale or in any advertisement descriptive of that agricultural requirement shall have effect as a warranty by the seller that the facts referred to or stated are correct;
- (d) where any agricultural requirement sold is a fertiliser, growth regulating material, or lime, or a pest destroyer, or other agricultural requirement an application for the registration of which is required by this Act to contain information or statements as to its constituents which are or are claimed to be active constituents and the percentage or proportion in which each such active constituent is contained therein or the amount of each such active constituent, there shall be deemed to be a warranty by the seller—
 - (i) that the active constituents of the agricultural requirement so sold correspond with the active constituents set forth in the application for registration under Part 3 of the agricultural requirement of the same name; and
 - (ii) that the percentage or proportion in which each such active constituent is contained in the agricultural requirement or the amount of each such active constituent is not less than the percentage or proportion or amount set forth in such application for registration;
- (e) where any agricultural requirement sold is an agricultural requirement to and with respect to which the provisions of Part 3 apply, there shall be deemed to be a warranty by the seller that the composition of that agricultural requirement accurately

corresponds with the registered composition of the agricultural requirement registered under Part 3 of the same name;

- (f) where any standard, grade, or definition is prescribed for or with respect to any agricultural requirement sold there shall be deemed to be a warranty by the seller that the agricultural requirement complies with such standard, grade, or definition.

When seeds deemed to be sold for planting or sowing

82.(1) In every case where the question arises as to whether or not the seller sold seeds for planting or sowing, such seeds shall be deemed to have been sold for planting or sowing unless the seller proves the contrary beyond reasonable doubt.

(2) Moreover the purchase and sale of a sample of any seeds for the purpose of analysis shall be deemed to be a purchase and sale of such seeds for planting or sowing unless the vendor proves that the bulk or lot from which such sample was taken was not offered, exposed, or intended for sale for planting or sowing.

Offences

83.(1) Any person who contravenes or fails to comply with any provision of this Act, whether by act or omission, shall be guilty of an offence against this Act.

General penalty

(2) Any person guilty of an offence against any provision of this Act shall be liable, if no specific penalty is provided for that offence, to a penalty not exceeding 20 penalty units.

Procedure

(3) All offences against this Act may be prosecuted and all costs, charges, fees, expenses and other sums payable under this Act may be recovered in a summary way under the *Justices Act 1886* upon the complaint of any officer or any person authorised in writing by the Minister.

Time for commencement of prosecutions

(4) A prosecution for an offence against this Act may be instituted at any

time within 12 months after the commission of the offence or within 4 months after the commission of the offence comes to the knowledge of the complainant, whichever is the later period.

When copy of analyst's report to be served with summons

(5) The summons in any proceeding in which a report of the result of an analysis (“**report**”) is used on behalf of the prosecution shall not be made returnable in less than 7 days from the day on which it is served.

(6) There shall be served with the summons a copy of the report which is to be used on behalf of the prosecution.

(7) The endorsement of the report with an oath of service shall be prima facie evidence of the service of such copy.

Forfeiture by court

84.(1) Where any person is convicted of an offence against this Act any agricultural requirement, package, label, advertising matter and any other thing (or any 1 or more of those things) to or to any part of which the conviction relates may by order of the court convicting that person be forfeited to Her Majesty.

(2) Such forfeiture may extend to the whole of the agricultural requirement, packages, labels, and advertising matter and other things and to the whole of any similar agricultural requirement, packages, labels, and advertising matter, and other things belonging to the defendant or found on the defendant's premises or in the defendant's possession at the time of the commission of the offence.

Disposal of things forfeited

85. All agricultural requirements, packages, labels, advertising matter, and other things forfeited to Her Majesty by or under this Act shall be disposed of as the Minister may from time to time direct.

Expenses of analysis to be paid by offenders on conviction

86. Where applicable, if any person is convicted of an offence against this Act the court shall order that all fees, charges, costs, and other expenses

incidental to the analysis of any agricultural requirement in respect of which the conviction is obtained, including an analysis made under of section 76(4), shall be paid by the person convicted, and all such fees and expenses shall be deemed to be part of the costs attending the conviction.

Penalties etc. payable to Consolidated Fund

87. Unless otherwise indicated or provided, all penalties, costs, charges, and fees recovered under this Act shall be paid into and become part of the Consolidated Fund.

Body corporate

88. When a body corporate commits an offence against this Act the managing director, manager, or other governing officer, by whatever name called, of such body corporate shall also be deemed to commit such offence, and be liable to the penalty prescribed.

Protection of the Minister, officers etc.

89.(1) No matter or thing done by the Minister or by any person acting with the authority of the Minister, or done by the Board, the committee, or any subcommittee, or by any member of the Board or of the committee or of any subcommittee, or by any officer or officer of the department in good faith and without negligence for the purpose of executing this Act or in the execution of powers and duties under this Act, shall subject the Crown, or the Minister, or the Board, committee, subcommittee, member, officer, or officer of the department to any liability in respect thereof.

Saving of civil rights

(2) Subject to subsection (1) nothing contained in this Act and no proceedings taken under this Act against any person shall in any way interfere with any right or remedy by civil or criminal proceedings or process which any person aggrieved might have had if this Act had not been passed.

Offender entitled to rights and remedies against seller

(3) A person alleged to have committed or convicted of any offence against this Act in respect of any agricultural requirement sold by the first

person shall be entitled to the same rights and remedies, civil and criminal, against the person from whom the first person bought the agricultural requirement as are available to the person who bought the agricultural requirement from the first person, and any damages and costs recovered by the first person may, if the circumstances justify it, include the amount of any penalty and any fees, costs, charges, and other expenses paid by the first person on the first person's conviction and the costs of and incidental to the first person's defence on such conviction.

Agent or servant liable in addition to principal

90.(1) In a prosecution of any offence against this Act with respect to the sale of any agricultural requirement it shall be no defence that the defendant is only the agent or servant of a principal or employer selling such agricultural requirement but the agent or servant and also the principal or employer shall be liable.

(1A) However, a servant shall be exempt from any penalty or punishment if the servant proves to the satisfaction of the court that the offence was committed in a place in which business was, at the time of the committing of the offence, conducted under the personal superintendence of the servant's employer or some manager or other person representing such employer, and that the offence was committed with the knowledge of the employer or the employer's representative.

Agent or servant may recover from principal

(2) If the defendant in a prosecution of any offence against this Act with respect to the sale of any agricultural requirement, being an agent or servant, proves to the satisfaction of the court that the defendant sold the agricultural requirement without knowledge that any provision of this Act has been contravened or had not been complied with the defendant may, whether the defendant's principal or employer has or has not been convicted and punished, recover in any court of competent jurisdiction from the defendant's principal or employer the amount of any pecuniary penalty imposed on the defendant's conviction and paid or payable by the defendant, together with the costs, fees, charges, and other expenses ordered to be paid upon the defendant's conviction and paid or payable by the defendant, and those expenses paid or payable by the defendant in and about the defendant's defence to the prosecution.

(2A) Where an agent or servant has been convicted as aforesaid the court may, if it thinks fit, suspend the operation of the conviction for any period not exceeding 3 months to enable the agent or servant to recover from the agent's or servant's principal or employer the penalty and expenses as aforesaid.

Principal may recover from agent or servant

(3) If the defendant in a prosecution of any offence against this Act with respect to the sale of any agricultural requirement, being a principal or employer, proves to the satisfaction of the court that the defendant had used due diligence to enforce the execution of this Act and that without the defendant's knowledge, consent, and connivance, and in contravention of the defendant's orders on the defendant's part the offence in question was committed by the defendant's agent or servant the defendant may, whether the defendant's agent or servant has or has not been convicted or punished, recover in any court of competent jurisdiction from the defendant's agent or servant the amount of any pecuniary penalty imposed on the defendant's conviction and paid or payable by the defendant, together with the costs, fees, charges, and other expenses ordered to be paid upon the defendant's conviction and paid or payable by the defendant, and those expenses paid or payable by the defendant in and about the defendant's defence to the prosecution.

(4) Where a principal or employer has been convicted as aforesaid the court may if it thinks fit suspend the operation of the conviction for any period not exceeding 3 months to enable the principal or employer to recover from the principal's or employer's agent or servant the penalty and expenses as aforesaid.

Evidence etc.

91.(1) In any proceedings under or for a purpose of this Act—

- (a) it shall not be necessary to prove the appointment of any officer, or the authority of any officer to do any act or to give any direction or order;
- (b) a certificate purporting to be under the hand of the standards officer that any agricultural requirement specified therein is or is not registered under Part 3 or at any specified time was or was not so registered shall, upon its production in evidence, be evidence of

the fact certified and that the signature on the certificate is the signature of the standards officer, and in the absence of evidence in rebuttal shall be conclusive evidence of that fact and signature;

- (c) it shall be no defence that the buyer of any agricultural requirement having bought only for analysis was not prejudiced by the sale, or that the agricultural requirement though deficient or defective in 1 or more respects was not deficient or defective in other respects;
- (d) when a contravention of or failure to comply with any of the provisions of this Act is proved with regard to any agricultural requirement, or any package of agricultural requirement, or any portion, or sample of any agricultural requirement, such contravention or failure shall be deemed to have been proved with regard to the whole lot from which such agricultural requirement, package, portion, or sample was taken;
- (e) a certificate purporting to be under the hand of the standards officer of the standards officer's making any request under this Act, or of the standards officer's giving, issuing, or posting any notice, direction, or other thing under this Act, or of the receipt or non-receipt by the standards officer of any notice, application, or other document or of any other thing required by or under this Act to be given, made, or lodged to or with the standards officer, or that any document which purports to be a copy of or extract from the register of agricultural requirements kept under Part 3 is a true and correct copy of or extract from, as the case may be, that register shall, upon its production in evidence, be evidence of the matter or matters certified to therein and that the signature on the certificate is the signature of the standards officer, and in the absence of evidence in rebuttal, shall be conclusive evidence of such matter or matters and signature;
- (f) the allegation or averment in any complaint that—
 - (i) any agricultural requirement was sold or prepared for sale; or
 - (ii) any package containing any agricultural requirement was not labelled or marked as prescribed; or
 - (iii) any material is an agricultural requirement or was sold, used, or intended as an agricultural requirement; or

(iv) an invoice was not issued and delivered or sent as prescribed;

shall in every case be evidence of the matter or matters so alleged or averred, and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matter or matters;

(g) proof that any agricultural requirement has been advertised in any newspaper circulating in the State, or in any circular, catalogue, leaflet, pamphlet, or other document published or distributed in the State, to be suitable for use for any purpose or purposes or is contained in a package having affixed thereto or thereupon or inserted therein a label stating that the contents are suitable for use for any purpose or purposes, shall be evidence, and unless the contrary is proved shall be conclusive evidence, that that agricultural requirement is sold, used, or intended for that purpose, or all or any of those purposes, as so advertised or labelled, as the case may be;

(h) every entry in any minute book of the Board, the committee, or any subcommittee purporting to be an entry relating to the proceedings of the Board or, as the case may be, of the committee or of the subcommittee, or purporting, in the case of the committee, to be an entry recording any rules made by the committee, and, in any such case, to be signed by the chairperson thereof or by the standards officer, and every certified copy of or extract from any such entry signed by the standards officer, shall upon its production in evidence, be evidence of the proceedings appearing by such entry or, as the case may be, evidence of such rules (without proof of any meeting to which the same may refer or by which the same were made having been duly convened or held or that such proceedings or rules were carried out or made in accordance with the prescribed provisions in that behalf), and that the signature thereon is the signature of the chairperson, or as the case may be, standards officer, and in the absence of evidence in rebuttal, shall be conclusive evidence of such proceedings or, as the case may be, rules and signature.

(2) This section shall not affect or prejudice any other mode of proof of the matters herein referred to or lessen or affect any onus of proof falling on the defendant.

Service of request, direction, notice etc.

92.(1) Any request, direction, notice, or other document under this Act required or authorised to be given, issued, made, or served to or upon any person by any officer may be given, issued, made, or served—

- (a) by delivering the same to such person personally; or
- (b) by leaving the same at or by forwarding the same by post in a prepaid letter addressed to such person at the person's usual or last known place of abode or address or, in the case of a request, direction, notice, or other document given, made, or served on a wholesale dealer in any agricultural requirement who has registered that agricultural requirement under Part 3, by leaving the same at or by forwarding the same by post in a prepaid letter addressed to such person at the person's sole or principal place of business in Queensland as registered in respect of that agricultural requirement.

(2) In the case of a request, direction, notice, or other document given, issued, made, or served by forwarding the same by post in a prepaid letter under subsection (1)(b), such request, direction, notice, or other document shall unless the contrary is proved be deemed to have been given, issued, made, or served at the time at which the letter would be delivered in the ordinary course of post.

Power of the Governor in Council to exempt from Act

93. The Governor in Council may at any time and from time to time by regulation declare that all or any of the provisions of this Act relating to any agricultural requirement shall not apply to that agricultural requirement.

Regulations

94.(1) The Governor in Council may make regulations for the purposes of this Act.

(2) A regulation may make provision with respect to a matter specified in the Schedule.

SCHEDULE

SUBJECT MATTERS FOR REGULATIONS

section 94(2)

Agricultural requirements

1. For the purposes of all or any of the provisions of this Act prescribing definitions with respect to agricultural requirements, prescribing or declaring what materials or matters or things shall be or shall be not agricultural requirements under this Act (of the various groups, subgroups, and kinds) and prescribing where necessary classes of agricultural requirements for the purposes of this Act.

Registration of agricultural requirements under Part 3

2. Prescribing, regulating, and controlling all matters and things whatsoever with respect to the registration of agricultural requirements under Part 3, including the cancellation of the registration under that Part of agricultural requirements, appeals under that Part to the Minister, and all notices required by this Act to be given to the standards officer by wholesale dealers and determining, if necessary, who shall for the purposes of this Act be deemed to be wholesale dealers in respect of all or any agricultural requirements.

The Board; the committee; subcommittees

3. Prescribing, regulating, and controlling the functions, powers, authorities, and duties of the Board, and of the committee, and of all subcommittees generally and of any subcommittee in particular, regulating and controlling the meetings of the Board, and of the committee, and of all subcommittees generally and of any subcommittee in particular (including the time and place of meetings thereof and the business and proceedings thereat).

SCHEDULE (continued)**Disqualifications of members of the Board etc.**

4. Prescribing the disqualifications rendering vacant the office of member of the Board, or of the committee, or of all subcommittees generally and of any subcommittee in particular, and the manner of resigning from any such office.

Sale of agricultural requirements for prescribed purposes etc.

5. Regulating and controlling the sale and use of prescribed agricultural requirements and the sale of agricultural requirements for use for, and the use of agricultural requirements for, any prescribed purpose or purposes.

Particulars in directions for use of agricultural requirements

6. Regulating and controlling the particulars and other matters included in directions or recommendations for use issued with respect to agricultural requirements, including the prescribing of particulars and other matters which shall be included in such directions or recommendations.

Names of agricultural requirements

7. For the purposes of this Act prescribing what name or names may or may not be used with reference to agricultural requirements generally or in respect of any agricultural requirement of or above any specified standard or grade.

Standards

8. Prescribing, regulating, and controlling grades for agricultural requirements and standards for agricultural requirements and ingredients, including—

- (a) the prescribing of ingredients which shall or shall not be contained in agricultural requirements; and
- (b) the prescribing of maximum or minimum or maximum and minimum or actual percentages, proportions, or amounts of all or

SCHEDULE (continued)

- any such ingredients; and
- (c) the prescribing of chemical or physical standards or conditions of all or any such ingredients; and
 - (d) the prescribing, regulating, and controlling of active constituents of agricultural requirements and the terms thereof, and the percentages, proportions, or amounts of all or any such active constituents, and prescribing what shall not be or be deemed not to be active constituents of agricultural requirements; and
 - (e) the prescribing with respect to all or any agricultural requirements for which standards are prescribed, if such standards shall relate to the agricultural requirements as diluted or prepared for actual use in accordance with the directions or recommendations for use issued on or in connection with the sale of such agricultural requirements; and
 - (f) the prohibition of the sale of any agricultural requirement for which a grade or grades are prescribed which fails to comply with a prescribed grade and the prohibition of the sale of any agricultural requirement for which a standard is prescribed which fails or where any ingredient or active constituent of which fails to comply with the standard (including the grade or definition) prescribed with respect thereto; and
 - (g) the prescribing of conditions subject to which agricultural requirements shall be exempt from all or any of such prescribed provisions.

Further provisions relating to standards etc.

9. Without limiting the generality of clause 8, prescribing, regulating, and controlling the following matters or things with respect to the standards of agricultural requirements namely—

- (a) percentage, proportion, or amount of prescribed active constituents, chemical analysis, and prescribed ingredients; and
- (b) prohibiting absolutely or prescribing the maximum percentage, proportion, or amount of undesirable, deleterious, harmful,

SCHEDULE (continued)

- foreign, and other prescribed ingredients, and impurities; and
- (c) degree of fineness; and
 - (d) wettability; and
 - (e) Rideal Walker coefficient; and
 - (f) period of potency; and
 - (g) neutralising value; and
 - (h) suspending qualities; and
 - (i) specific gravity; and
 - (j) moisture; and
 - (k) viscosity; and
 - (l) solubility; and
 - (m) acidity and alkalinity; and
 - (n) homogeneity; and
 - (o) emulsifying qualities; and
 - (p) distillation range; and
 - (q) unsulphonatable residues; and
 - (r) emollient properties; and
 - (s) saponification; and
 - (t) compatibility; and
 - (u) purity; and
 - (v) germination; and
 - (w) hard seeds, weed seeds, other crop seeds and pure germinating seeds; and
 - (x) inert matter; and
 - (y) purity of hybrid, variety, strain, and resistance to and freedom from disease of any seeds; and

SCHEDULE (continued)

- (z) any other matters or things capable of denoting any properties of use in evaluating agricultural requirements.

Labels

10. Prescribing, regulating, and controlling all matters and things with respect to labels, including the size, form, quality, and kind of labels, the affixing to or upon and insertion in packages containing agricultural requirements of labels and the mode of proof of alleged failures to comply with the requirements of this Act relating to the affixing to or upon or insertion in packages of agricultural requirements of labels and for facilitating such proof, the information or particulars (including figures, words, marks, or terms) to be set forth on labels, the kind and size of type to be used in the printing of labels where labels are required to be printed, and prohibiting the printing or writing of any matters or things on labels.

Prohibited seeds etc.

11. Prescribing and declaring what seeds, plants, insects, diseases or material shall for the purposes of this Act be prohibited or harmful with respect to all or any agricultural requirements or shall be deemed to be prohibited material or harmful ingredients in relation thereto.

Special mixtures

13. Prescribing, regulating, and controlling all matters and things with respect to special mixtures.

Delivery to standards officer etc.

14. Prescribing the matters and things to be delivered to or lodged with the standards officer or any other officer or any officer of the department and regulating and controlling the manner of delivery to or lodgment with the standards officer or any other officer or any officer of the department of all or any matters and things required or authorised by this Act to be delivered to or lodged with the standards officer or any other officer or any officer of the department.

SCHEDULE (continued)

Samples

15. Prescribing, regulating, and controlling all matters and things with respect to samples of agricultural requirements, including the methods of taking samples, the quantity or weight of samples, the labelling of samples and the delivery to the standards officer of samples.

Methods of analysis etc.

16. Prescribing methods of analysis of agricultural requirements, portions, samples, materials, and other prescribed things for the purposes of this Act including methods of determining the germination percentage of hard seeds and the methods of testing or determining the standard, quality, or composition of any agricultural requirement or ingredient or any other particular required to be ascertained with respect to agricultural requirements.

Methods of treatment or processing

17. Prescribing for the purposes of the prevention of disease the methods of treatment or processing with respect to agricultural requirements and where necessary prohibiting the sale of agricultural requirements with respect to which such prescribed methods have not been followed.

Standard sieves

18. Prescribing standard sieves that may be used for determining the degrees of fineness of agricultural requirements or ingredients thereof.

Packages

19. Prescribing the nature, weight, and dimensions or sizes of the packages to be used for containing agricultural requirements and prohibiting the use of packages for containing agricultural requirements which do not comply therewith.

SCHEDULE (continued)

Amount that may be packed in any package

20. Prescribing the amount of any agricultural requirement that may be packed in any prescribed package.

Sealing of packages

21. Prescribing seals for and the manner of sealing packages of agricultural requirements required by this Act to be sealed.

Stock foods of low food value

22. Prescribing, regulating, and controlling stock foods of low food value.

Rules

23. Prescribing matters and things with respect to which rules may or shall be made by the committee under this Act and prescribing matters relating to such rules including the mode of proof of the making of such rules and of the matters contained therein and for facilitating such proof.

Fees etc.

24. Prescribing the matters or things in respect whereof fees, costs, charges, and expenses shall be payable under this Act, and the amounts of such fees, costs, charges, and expenses, and prescribing the persons who shall be liable for the payment of such fees, costs, charges, and expenses, and when such fees, costs, charges, and expenses shall be payable and paid, and providing for the manner of payment thereof and for the recovery of any amount thereof not duly paid.

Officers

25. Prescribing, regulating, and controlling the functions, powers, and duties of officers, including the manner in which those functions, powers, and duties are to be exercised and discharged, and generally such matters

SCHEDULE (continued)

and things as are necessary, convenient, or desirable for enabling officers to exercise and discharge their functions, powers, and duties under and for the purposes of this Act.

Definitions

26. Defining terms for the purposes of this Act including the definition and declarations of chemical and physical terms and expressions for the purposes of this Act.

Forms

27. Prescribing forms (including registers and records) under and for the purposes of this Act and the respective purposes for which such forms shall be used and specifying any information required to be contained in such forms, including the prescribing of forms of application for the registration and the renewal of registration of agricultural requirements under Part 3, and requiring that any prescribed forms shall be declarations made under the *Oaths Acts 1867*.

Penalties

28. Prescribing the amount of any pecuniary penalty for an offence against any regulation, not exceeding in any case 20 penalty units or in the case of a daily penalty 1 penalty unit per day.

ENDNOTES**1 Index to Endnotes**

	Page
2 Date to which amendments incorporated	91
3 List of legislation	91
4 List of annotations	92
5 Table of corrected minor errors	98
6 Table of renumbered provisions	98

2 Date to which amendments incorporated

This is the reprint date mentioned in section 5(c) of the *Reprints Act 1992*. Accordingly, this reprint includes all amendments that commenced operation on or before 24 November 1993. Future amendments of the *Agricultural Standards Act 1952* may be made in accordance with this reprint under section 49 of the *Reprints Act 1992*.

3 List of legislation**Agricultural Standards Act 1952 No. 12**

date of assent 22 April 1952
 commenced on date of assent (see s 2)
 as amended by—

Agricultural Standards Amendment Act 1963 No. 40

date of assent 18 December 1963
 commenced on date of assent

Metric Conversion Act 1972 No. 31 Pt 2, Sch 1

date of assent 21 December 1972
 commenced 23 July 1973 (proc pubd Gaz 21 July 1973 p 2150)

Agricultural Standards Act Amendment Act 1981 No. 16

date of assent 14 April 1981
 ss 1(1), 2 commenced on date of assent
 ss 1(2)–(3), 4, 5(a)(ii), (vi), (viii) and (xiv), 6–7, 8(1)(b)–(d), 8(2)–(3), 9, 14, 28–39, 41, 46–47, 51–53, 56, 58–59 and 60(b)–(d) and (f) commenced 27 June 1981 (proc pubd Gaz 27 June 1981 p 1710)

remaining provisions commenced 8 December 1984 (proc pubd Gaz
8 December 1984 p 1943)

Agricultural Standards Amendment Act 1992 No. 43

date of assent 19 August 1992
commenced on date of assent

Agricultural Standards Amendment Act 1993 No. 23

date of assent 2 June 1993
ss 1–2 commenced on date of assent
remaining provisions commenced 30 June 1993 (1993 SL No. 208)

4 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Chap	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	<i>Reprints Act 1992</i>
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by
amendments not included in reprint, are underlined

Long title amd 1981 No. 16 s 3

Commencement of Act

s 2 om 1993 No. 23 s 3 Sch

Interpretation

s 3 om 1992 No. 43 s 3

Parts of Act

s 4 amd 1981 No. 16 s 4
om 1992 No. 43 s 4

Repeals and savings

s 5 om 1992 No. 43 s 5

Saving of the Health Act 1937

s 6 hdg amd (see s 21 RA)

Interpretation

- prov hdg** ins 1992 No. 43 s 6(1)
- s 7** amd 1981 No. 16 s 5(b); 1992 No. 43 s 6(4)
- def **“agricultural requirement”** amd 1981 No. 16 s 5(a)(i)
- def **“certificate of clearance”** ins 1992 No. 43 s 6(3)
- def **“certified seed”** amd 1981 No. 16 s 5(a)(ii)
- def **“chief executive”** ins 1993 No. 23 s 3 Sch
- def **“cleanser”** amd 1963 No. 40 s 2(a); 1992 No. 43 s 2(a)
- def **“clearance”** ins 1992 No. 43 s 6(3)
- def **“cleared agricultural requirements”** ins 1992 No. 43 s 6(3)
- def **“Commonwealth Act”** ins 1992 No. 43 s 6(3)
- def **“declared drug”** amd 1993 No. 23 s 3 Sch
- def **“Department”** sub 1963 No. 40 s 2(b)
- om 1992 No. 43 s 6(2)
- def **“fertiliser”** amd 1993 No. 23 s 3 Sch
- def **“growth regulating material”** 1993 No. 23 s 3 Sch
- def **“herbicide”** ins 1981 No. 16 s 5(a)(iii)
- def **“impurity”** amd 1993 No. 23 s 3 Sch
- def **“insecticide”** amd 1981 No. 16 s 5(a)(iv)
- def **“inspector”** amd 1993 No. 23 s 3 Sch
- def **“manufactured stock food”** ins 1981 No. 16 s 5(a)(v)
- def **“marking preparation”** amd 1993 No. 23 s 3 Sch
- def **“Minister”** sub 1963 No. 40 s 2(c)
- amd 1981 No. 16 s 5(a)(vi)
- om 1993 No. 23 s 3 Sch
- def **“nematicide”** ins 1981 No. 16 s 5(a)(vii)
- def **“officer”** amd 1981 No. 16 s 5(a)(viii); 1993 No. 23 s 3 Sch
- def **“Order in Council”** om 1992 No. 43 s 6(2)
- def **“packeted seeds”** amd 1963 No. 40 s 2(d)
- om 1981 No. 16 s 5(a)(ix)
- def **“part”** om 1981 No. 16 s 5(a)(ix)
- def **“person”** om 1981 No. 16 s 5(a)(ix)
- def **“pest destroyer”** amd 1981 No. 16 s 5(a)(x)
- def **“prepared stock food”** om 1981 No. 16 s 5(a)(xi)
- def **“prescribed”** om 1981 No. 16 s 5(a)(xi)
- def **“primary dealer”** om 1981 No. 16 s 5(a)(xi)
- def **“Proclamation”** om 1992 No. 43 s 6(2)
- def **“prohibited material”** amd 1993 No. 23 s 3 Sch
- def **“prohibited seeds”** amd 1993 No. 23 s 3 Sch
- def **“registered”** ins 1981 No. 16 s 5(a)(xii)
- def **“registered composition”** amd 1981 No. 16 s 5(a)(xiii)
- def **“Regulations”** om 1992 No. 43 s 6(2)
- def **“Rules”** om 1993 No. 23 s 3 Sch
- def **“standards officer”** sub 1981 No. 16 s 5(a)(xiv)
- def **“stock”** amd 1981 No. 16 s 5(a)(xv)
- def **“stock food”** amd 1981 No. 16 s 5(a)(xvi); 1993 No. 23 s 3 Sch
- def **“stock medicine”** ins 1981 No. 16 s 5(a)(xvii)
- def **“testing reagent”** amd 1993 No. 23 s 3 Sch
- def **“This Act”** om 1992 No. 43 s 6(2)
- def **“Under Secretary”** om 1992 No. 43 s 6(2)

def “**vermin destroyer**” amd 1981 No. 16 s 5(a)(xviii)
 def “**veterinary medicine**” om 1981 No. 16 s 5(a)(xix)
 def “**weedicide**” om 1981 No. 16 s 5(a)(xx)
 def “**wholesale dealer**” ins 1981 No. 16 s 5(a)(xx)

Appointment of officers

s 8 amd 1981 No. 16 s 6
 sub 1993 No. 23 s 3 Sch

Delegation by standards officer

s 8A ins 1981 No. 16 s 7
 sub 1993 No. 23 s 3 Sch

Functions of deputy standards officer

s 8B ins 1981 No. 16 s 7

The Agricultural Requirements Board

s 9 amd 1963 No. 40 s 3; 1981 No. 16 s 8; 1993 No. 23 s 3 Sch

Certification subcommittees

s 12 amd 1981 No. 16 s 9

Judicial notice of notifications

s 13 om 1993 No. 23 s 3 Sch

Application of this Part

s 14 amd 1981 No. 16 s 10; 1993 No. 23 s 3 Sch

Prohibition of sale of unregistered agricultural requirements

s 15 amd 1981 No. 16 s 11; 1993 No. 23 s 3 Sch

Registration of agricultural requirement

s 16 sub 1981 No. 16 s 12
 amd 1993 No. 23 s 4

Provisional registration of agricultural requirement

s 16A ins 1981 No. 16 s 12

Application for registration

s 17 sub 1981 No. 16 s 12
 amd 1992 No. 43 s 7; 1993 No. 23 s 3 Sch

Board to recommend as to registration of certain agricultural requirements

s 18 sub 1981 No. 16 s 12
 amd 1992 No. 43 s 8

Registration of agricultural requirements

s 19 amd 1981 No. 16 s 13; 1992 No. 43 s 9

Registered name

s 20 sub 1981 No. 16 s 14

Board may request further information etc.

s 20A ins 1981 No. 16 s 15

Power of the standards officer to require the furnishing of additional information etc.

s 21 amd 1981 No. 16 s 16

Period of registration of agricultural requirements

s 22 sub 1981 No. 16 s 17
amd 1993 No. 23 s 5

Fees

s 23 sub 1981 No. 16 s 17

Notifications from wholesale dealers in certain cases

prov hdg amd 1981 No. 16 s 18(a)
s 24 amd 1981 No. 16 s 18(b)–(c)

Cancellation of registration on recommendation of the Board

s 25 amd 1981 No. 16 s 19

Further provisions as to cancellation of registration

s 26 amd 1981 No. 16 s 20

Alteration regarding registered agricultural requirement

s 27 sub 1981 No. 16 s 21
amd 1992 No. 43 s 10

Register of agricultural requirements registered under this Part

s 28 amd 1981 No. 16 s 22

Wholesale dealer to have place of business in Queensland etc.

prov hdg amd 1981 No. 16 s 23(a)
s 29 amd 1981 No. 16 s 23

Information as to composition to be confidential

s 30 sub 1981 No. 16 s 24

Appeal

s 31 amd 1981 No. 16 s 25; 1993 No. 23 s 3 Sch

Powers of standards officer with respect to samples of agricultural requirements

s 32 amd 1981 No. 16 s 26

Notices by wholesale dealers

prov hdg amd 1981 No. 16 s 27(a)
s 33 amd 1981 No. 16 s 27(b)

PART 4—CLEARED AGRICULTURAL REQUIREMENTS

Pt hdg prev om 1981 No. 16 s 28
pres ins 1992 No. 43 s 11

Registration subject to clearance conditions

s 34 prev om 1981 No. 16 s 28
pres ins 1992 No. 43 s 11

Clearance conditions additional and take precedence

s 35 prev om 1981 No. 16 s 28
pres ins 1992 No. 43 s 11

Withdrawal or revocation of clearance

s 36 prev om 1981 No. 16 s 28
pres ins 1992 No. 43 s 11

Wholesale dealer notified of cancellation

s 37 prev om 1981 No. 16 s 28
pres ins 1992 No. 43 s 11

No appeal against cancellation

s 38 prev om 1981 No. 16 s 28
pres ins 1992 No. 43 s 11

Membership of the committee

s 39 amd 1981 No. 16 s 29

Membership of subcommittees

s 40 amd 1981 No. 16 s 30

Term of office

s 41 amd 1981 No. 16 s 31; 1993 No. 23 s 3 Sch

Power of the committee to prepare and carry out certification schemes

s 42 amd 1981 No. 16 s 32

Delegation by committee

s 42A ins 1981 No. 16 s 33
sub 1993 No. 23 s 3 Sch

Registration of area to grow crop for production of certified seed

s 43 sub 1981 No. 16 s 34

Production of certified seed subject to rules

s 44 sub 1981 No. 16 s 34

Power of the committee to certify seeds etc.

s 45 amd 1981 No. 16 s 35

Fastening and labelling of certified seed produced in Queensland

s 46 sub 1981 No. 16 s 36

Fees

s 46A ins 1981 No. 16 s 36

False information as to identification of certified seed

s 46B ins 1981 No. 16 s 36

Fastening and labelling of certified seed produced outside Queensland

prov hdg amd 1981 No. 16 s 37(a)

s 47 amd 1981 No. 16 s 37(b)

Powers of seed certification officers etc.

s 48 amd 1981 No. 16 s 38

Offences relating to certified seed

s 49 amd 1981 No. 16 s 39

Offences in relation to sale of agricultural requirements

s 51 amd 1981 No. 16 s 40; 1993 No. 23 s 3 Sch

Directions for use of agricultural requirement

s 52 amd 1981 No. 16 s 41

Agricultural requirements containing prohibited material or an excessive amount of harmful ingredients

s 56 amd 1993 No. 23 s 3 Sch

Labelling of seeds

s 58 sub 1981 No. 16 s 42

Application of this Division

s 59 amd 1972 No. 31 s 6 Sch 1; 1981 No. 16 s 43

Offences with respect to labels

s 60 amd 1981 No. 16 s 44

Registered labels

s 61 sub 1981 No. 16 s 45

Labels of hay, chaff etc.

s 63 amd 1972 No. 31 s 6 Sch 1

 sub 1981 No. 16 s 46

 amd 1993 No. 23 s 3 Sch

General labelling provisions

s 64 amd 1981 No. 16 s 47

Powers of inspectors

s 67 amd 1981 No. 16 s 48

Analysis

s 68 amd 1981 No. 16 s 49

Analysis may be published

s 69 amd 1981 No. 16 s 50

Powers to ensure that agricultural requirement etc. detained shall comply with this Act

s 71 amd 1963 No. 40 s 4; 1981 No. 16 s 51

Right of buyer to analysis

s 75 om 1981 No. 16 s 52

Prohibition of suggestion that agricultural requirement approved by the Government etc.

s 78 amd 1981 No. 16 s 53

Prohibition of the supply of certain formulas

s 79 amd 1981 No. 16 s 54

Contract of sale of any agricultural requirement

s 81 amd 1981 No. 16 s 55

Offences

s 83 amd 1981 No. 16 s 56; 1993 No. 23 s 3 Sch

Service of request, direction, notice etc.

s 92 amd 1981 No. 16 s 57

Power of the Governor in Council to exempt from Act

s 93 amd 1993 No. 23 s 3 Sch

Regulations

s 94 amd 1981 No. 16 s 58; 1992 No. 43 s 12
sub 1993 No. 23 s 3 Sch

Proclamations, orders in council and regulations

s 95 amd 1981 No. 16 s 59
om 1993 No. 23 s 3 Sch

SCHEDULE 1

om 1992 No. 16 s 13

SCHEDULE—SUBJECT MATTERS FOR REGULATIONS

Sch hdg amd 1993 No. 23 s 3 Sch

Sch amd 1981 No. 16 s 60; 1993 No. 23 s 3 Sch

5 Table of corrected minor errors

TABLE OF CORRECTED MINOR ERRORS
under section 44 of the *Reprints Act 1992*

Section	Description
s 67(2A)(c) (as renumbered)	om ‘. (He’ ins ‘; and (c)’

6 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS
under section 43 of *Reprints Act 1992*

Original	Renumbered as
9(2)(i)	9(2)(a)
9(2)(ii)	9(2)(b)
9(2)(iii)	9(2)(c)
9(2)(iv)	9(2)(d)
9(2)(v)	9(2)(e)
9(2)(vi)	9(2)(f)
9(2)(vii)	9(2)(g)
9(2)(viii)	9(2)(h)
9(2) (proviso)	9(2A)
9(3) (2nd sentence)	9(3A)
9(8) (2nd sentence)	9(8A)

9(8) (3rd sentence)	9(8B)
10 (1st sentence)	10(1)
10 (2nd sentence)	10(2)
12 (1st sentence)	12(1)
12 (2nd sentence)	12(2)
14(1) (proviso)	14(2)
15 (1st sentence)	15(1)
15 (2nd sentence)	15(2)
15 (3rd sentence)	15(3)
16(1) (2nd sentence)	16(1A)
18(2)(a)	18(2)
18(2)(b)	18(2A)
18(2)(b)(i)	18(2A)(a)
18(2)(b)(ii)	18(2A)(b)
18(2)(c)	18(2B)
19(1) (2nd sentence)	19(1A)
19(3) (2nd sentence)	19(3A)
20(2)(a)	20(2)
20(2)(a)(i)	20(2)(a)
20(2)(a)(ii)	20(2)(b)
20(2)(a)(iii)	20(2)(c)
20(2)(b)	20(2A)
21(2)(i)	21(2)(a)
21(2)(ii)	21(2)(b)
21(2) (2nd sentence)	21(2A)
21(2) (3rd sentence)	21(2B)
22(2)(a)	22(2)
22(2)(b)	22(2A)
23(1) (proviso)	23(1A)
24(2) (2nd sentence)	24(2A)
26(i)	26(a)
26(ii)	26(b)
26(iii)	26(c)
26(iv)	26(d)
27(1) (2nd sentence)	27(1A)
28(1)(i)	28(1)(a)
28(1)(ii)	28(1)(b)
28(1)(iii)	28(1)(c)
28(1)(iv)	28(1)(d)
28(1)(vi)	28(1)(e)
28(1) (proviso)	28(1A)
28(2)(a)	28(2)
28(2)(a) (2nd sentence)	28(3)
28(2)(b)	28(4)
31(2) (2nd sentence)	31(2A)
31(2) (3rd sentence)	31(2B)

Agricultural Standards Act 1952

31(3) (2nd sentence)	31(4)
31(3) (3rd sentence)	31(5)
31(3) (4th sentence)	31(6)
31(3) (5th sentence)	31(7)
33(i)	33(a)
33(ii)	33(b)
33(iii)	33(c)
33(iv)	33(d)
33(v)	33(e)
39(1)(i)	39(1)(a)
39(1)(ii)	39(1)(b)
39(1) (proviso)	39(1A)
40(1)(i)	40(1)(a)
40(1)(ii)	40(1)(b)
41(1) (2nd sentence)	41(1A)
41(3) (1st proviso)	41(3)
41(3) (2nd proviso)	41(3B)
41(4) (2nd sentence)	41(4A)
41(5) (2nd sentence)	41(5A)
41(5) (3rd sentence)	41(5B)
42(1)(i)	42(1)(a)
42(1)(ii)	42(1)(b)
42(1)(iii)	42(1)(c)
42(1)(iv)	42(1)(d)
42(1)(v)	42(1)(e)
42(1)(vi)	42(1)(f)
42(2)(i)	42(2)(a)
42(2)(ii)	42(2)(b)
42(2)(iii)	42(2)(c)
42(2)(iv)	42(2)(d)
42(2)(v)	42(2)(e)
42(2)(vi)	42(2)(f)
42(2)(vii)	42(2)(g)
42(2)(viii)	42(2)(h)
42(2)(ix)	42(2)(i)
42(2)(x)	42(2)(j)
42(2)(xi)	42(2)(k)
42(3)(a)	42(3)
42(3)(b)	42(3A)
42(3)(b)(i)	42(3A)(a)
42(3)(b)(ii)	42(3A)(b)
42(4) (2nd sentence)	42(5)
42(4) (2nd sentence) (i)	42(5)(a)
42(4) (2nd sentence) (ii)	42(5)(b)
42(4) (2nd sentence) (iii)	42(5)(c)
42(4) (2nd sentence) (iv)	42(5)(d)

43(3) (2nd sentence)	43(3A)
45(i)	45(a)
45(ii)	45(b)
46A (1st sentence)	46A(1)
46A (2nd sentence)	46A(2)
48(i)	48(a)
48(ii)	48(b)
48(iii)	48(c)
48(iv)	48(d)
48(v)	48(e)
48(vi)	48(f)
48(vii)	48(g)
48(viii)	48(h)
49(2)(i)	49(2)(a)
49(2)(ii)	49(2)(b)
49(3)(a)	49(3)
49(3)(a)(i)	49(3)(a)
49(3)(a)(ii)	49(3)(b)
49(3)(b)	49(4)
50 (1st sentence)	50(1)
50 (2nd sentence)	50(2)
50 (2nd sentence) (i)	50(2)(a)
50 (2nd sentence) (ii)	50(2)(b)
50 (2nd sentence) (iii)	50(2)(c)
51 (1st sentence)	51(1)
51 (1st sentence) (i)	50(1)(a)
51 (1st sentence) (ii)	50(1)(b)
51 (1st sentence) (iii)	50(1)(c)
51 (1st sentence) (iv)	50(1)(d)
51 (1st sentence) (v)	50(1)(e)
51 (1st sentence) (v)(a)	51(1)(e)(i)
51 (1st sentence) (v)(b)	51(1)(e)(ii)
51 (1st sentence) (vi)	51(1)(f)
51 (2nd sentence)	51(2)
51 (3rd sentence)	51(3)
53 (1st sentence)	53(1)
53 (2nd sentence)	53(2)
54(i)	54(a)
54(ii)	54(b)
54(iii)	54(c)
55 (1st sentence)	55(1)
55 (proviso)	55(2)
56 (1st sentence)	56(1)
56 (2nd sentence)	56(2)
59 (1st sentence)	59(1)
59 (proviso)	59(2)

59 (proviso) (i)	59(2)(a)
59 (proviso) (ii)	59(2)(b)
59 (proviso) (iii)	59(2)(c)
59 (proviso) (iv)	59(2)(d)
60(i)	60(a)
60(ii)	60(b)
60(iii)	60(c)
60(iv)	60(d)
60(v)	60(e)
60(vi)	60(f)
64(1) (proviso)	64(1A)
64(2) (proviso)	64(3)
67(1)(i)	67(1)(a)
67(1)(ii)	67(1)(b)
67(1)(iii)	67(1)(c)
67(1)(iv)	67(1)(d)
67(1)(v)	67(1)(e)
67(1)(vi)	67(1)(f)
67(1)(vii)	67(1)(g)
67(1)(viii)	67(1)(h)
67(1)(ix)	67(1)(i)
67(2) (2nd sentence)	67(2A)
67(2) (2nd sentence) (i)	67(2A)(a)
67(2) (2nd sentence) (ii)	67(2A)(b)
67(2) (2nd sentence) (iii)	67(2A)(c)
67(2) (2nd sentence) (iv)	67(2A)(d)
67(2) (2nd sentence) (v)	67(2A)(e)
67(2) (2nd sentence) (v) 2nd sentence	67(2B)
67(2) (proviso)	67(2C)
67(3) (2nd sentence)	67(3A)
67(4)(a)	67(4)
67(4)(b)	67(4A)
67(4)(c)	67(4B)
67(4)(c)(i)	67(4B)(a)
67(4)(c)(ii)	67(4B)(b)
67(4)(d)	67(4C)
68(1) (2nd sentence)	68(1A)
71(2)(a)	71(2)
71(2)(a) (proviso)	71(2A)
71(2)(b)	71(2B)
71(2)(b) (2nd sentence)	71(2C)
71(2)(c)	71(2D)
73(i)	73(a)
73(ii)	73(b)
73(iii)	73(c)

73(iv)	73(d)
73(v)	73(e)
74(i)	74(a)
74(ii)	74(b)
74(iii)	74(c)
76(2) (2nd sentence)	76(2A)
78(1)(i)	78(1)(a)
78(1)(ii)	78(1)(b)
78(1)(iii)	78(1)(c)
78(1)(iv)	78(1)(d)
79(i)	79(a)
79(ii)	79(b)
81(2)(i)	81(2)(a)
81(2)(ii)	81(2)(b)
81(2)(iii)	81(2)(c)
81(2)(iv)	81(2)(d)
81(2)(iv)(a)	81(2)(d)(i)
81(2)(iv)(b)	81(2)(d)(ii)
81(2)(v)	81(2)(e)
81(2)(vi)	81(2)(f)
82 (1st sentence)	82(1)
82 (2nd sentence)	82(2)
83(5) (2nd sentence)	83(6)
83(5) (3rd sentence)	83(7)
84 (1st sentence)	84(1)
84 (2nd sentence)	84(2)
90(1) (proviso)	90(1A)
90(2)(a)	90(2)
90(2)(b)	90(2A)
90(3)(a)	90(3)
90(3)(b)	90(4)
91(1)(i)	91(1)(a)
91(1)(ii)	91(1)(b)
91(1)(iii)	91(1)(c)
91(1)(iv)	91(1)(d)
91(1)(v)	91(1)(e)
91(1)(vi)	91(1)(f)
91(1)(vi)(a)	91(1)(f)(i)
91(1)(vi)(b)	91(1)(f)(ii)
91(1)(vi)(c)	91(1)(f)(iii)
91(1)(vi)(d)	91(1)(f)(iv)
91(1)(vii)	91(1)(g)
91(1)(viii)	91(1)(h)
92 (1st sentence)	92(1)
92 (1st sentence) (i)	92(1)(a)
92 (1st sentence) (ii)	92(1)(b)

92 (2nd sentence)

92(2)

Schedule

8(i)	8(a)
8(ii)	8(b)
8(iii)	8(c)
8(iv)	8(d)
8(v)	8(e)
8(vi)	8(f)
8(vii)	8(g)
9(i)	9(a)
9(ii)	9(b)
9(iii)	9(c)
9(iv)	9(d)
9(v)	9(e)
9(vi)	9(f)
9(vii)	9(g)
9(viii)	9(h)
9(ix)	9(i)
9(x)	9(j)
9(xi)	9(k)
9(xii)	9(l)
9(xiii)	9(m)
9(xiv)	9(n)
9(xv)	9(o)
9(xvi)	9(p)
9(xvii)	9(q)
9(xviii)	9(r)
9(xix)	9(s)
9(xx)	9(t)
9(xxi)	9(u)
9(xxii)	9(v)
9(xxiii)	9(w)
9(xxiv)	9(x)
9(xxv)	9(y)
9(xxvi)	9(z)