

FERTILISERS.

4° Elizabeth II., No. LX.

No. 60 of 1955.

AN ACT to amend the Fertilisers Act, 1928-1953.

[Assented to 13th December, 1955.]

BE it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Fertilisers Act Amendment Act, 1955*.

Short title
and citation

(2) In this Act the Fertilisers Act, 1928-1953, Act No. 10 of 1928 as amended by Act No. 18 of 1953,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Fertilisers Act, 1928-1955.

Commence-
ment.

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

S. 2
amended.

3. Section two of the principal Act is amended—

(a) by adding after the word, “fertiliser” being the last word in the interpretation, “Bone fertiliser” or “bone manure”, the passage, “, superphosphate, gypsum or other mineral substance”;

(b) by substituting for the interpretation, “Fertiliser” the following interpretation—
“fertiliser”

(a) means anything sold, manufactured, produced, prepared, or imported for application to the soil as a manure or fertiliser, and which is not excluded by paragraph (d) or paragraph (e) of this interpretation from the meaning of the word, “fertiliser”;

(b) includes, without derogation from the generality of paragraph (a) of this interpretation, anything which is sold, manufactured, produced, prepared, or imported, for application, as a manure or fertiliser, to the soil, and which is claimed by the person who sells, manufactures, produces, prepares or imports it, to contain any specified or other ingredient in such quantity as to constitute it of value as a manure or fertiliser when applied to soil or to contain any compound in such quantity as to constitute it of value as a neutraliser when applied to the soil;

(c) includes anything prescribed to be a fertiliser to which this Act applies;

(d) does not include—

- (i) farmyard manure;
- (ii) sheep manure;
- (iii) poultry manure;
- (iv) stable manure;
- (v) humus;
- (vi) peat;
- (vii) seaweed;
- (viii) town refuse;
- (ix) crude offal;
- (x) crude night soil; or
- (xi) trade waste;

if not mixed with any thing containing any of the specified ingredients, or containing lime or lime compound, or if mixed with any of those things, the mixture is not for sale or sold for application to the soil as a manure or fertiliser or as a neutraliser; and

(e) does not include anything excluded by regulation from the operation of this Act. ;

(c) by adding before the interpretation, “Package”, the following interpretations—

“neutraliser” means anything which neutralises acidity;

“neutralising value” means the capacity expressed as a percentage of the capacity of pure limestone (calcium carbonate), to neutralise acidity;

“organic fertiliser” means any fertiliser prepared solely from materials of organic origin other than plants;

“organic manure” has the same meaning as “organic fertiliser”. ;

(d) by substituting for the word, “superphosphate” being the last word in the interpretation, “Phosphate fertiliser”, the words, “organic fertiliser”; and

(e) by adding after the interpretation, “Potash” the following interpretation—

“specified ingredient” means

- (i) nitrogen (N);
- (ii) phosphoric anhydride (P_2O_5);
- (iii) potash (K_2O);
- (iv) sulphur (S);
- (v) magnesium (Mg);
- (vi) copper (Cu);
- (vii) zinc (Zn);
- (xiii) boron (B);
- (ix) manganese (Mn);
- (x) cobalt (Co);
- (xi) molybdenum (Mo);
- (xii) calcium oxide (CaO); and
- (xiii) such other ingredients as are prescribed to be specified ingredients.

S. 3
repealed and
re-enacted
with amend-
ments.

4. Section three of the principal Act is repealed and re-enacted amended as follows:—

3. This Act does not apply to the sale

- (a) of bulk lots of fertilising compounds to a manufacturer of fertiliser; or

- (b) of a fertiliser prepared in accordance with a written prescription supplied by the buyer.

5. Section seven of the principal Act is amended— S. 7
amended.

- (a) by substituting for paragraph (f) of subsection (1), the following paragraph—

(f) a statement in the prescribed form, showing the minimum percentages of any specified or other ingredients claimed by the applicant to be present in the fertiliser in such quantity as to constitute them of value as a manure or fertiliser when applied to soil, and stating in accordance with the regulations the respective forms in which those specified or other ingredients are present in the fertiliser;

- (b) by substituting for paragraph (h) the following paragraph—

(h) where the fertiliser is lime or other neutraliser, a statement of the neutralising value;

and

- (c) by adding after paragraph (h) the following paragraph—

(ha) where the fertiliser is gypsum, a statement

(i) of the minimum calcium content expressed as calcium oxide (CaO); and

(ii) of the calcium oxide in combination with sulphuric anhydride expressed as crystallised calcium sulphate (CaSO₄·2H₂O); but where lime or lime compound is present as a constituent of a manufactured

fertiliser, the lime or lime compound is not required to be separately stated.

S. 9
amended.

6. Section nine of the principal Act is amended—

- (a) by substituting for the word, “unlawful” in line one, the words, “an offence against this Act, except as mentioned in section three of this Act,”;
- (b) by adding after the word, “sell” in paragraph (a), the words, “any quantity of”;
- (c) by adding after the word, “sell” in line one of paragraph (b), the words, “any quantity of”;
- (d) by substituting for paragraph (d) the following paragraph—
 - (d) to sell any quantity of any fertiliser in a package unless such package is conspicuously marked, or to which is attached a label conspicuously marked, with the registered name of the fertiliser, and a copy of the registered brand; and where the package contains less than one hundred-weight of fertiliser, unless the package is also conspicuously marked, or has attached to it a label conspicuously marked,
 - (i) with particulars of the name and place of business of the manufacturer, or importer, of the fertiliser;
 - (ii) where any of the specified or other ingredients referred to in paragraph (f) of subsection (1) of section seven of this Act are present in the fertiliser, with particulars of the minimum percentages referred to in that paragraph;

- (iii) where the fertiliser is lime or other neutraliser, with the minimum neutralising value referred to in paragraph (h) of subsection (1) of section seven of this Act; and
- (iv) where the fertiliser is gypsum, with the minimum calcium content, expressed as calcium oxide (CaO) and as crystallised calcium sulphate (CaSO₄·2H₂O) referred to in paragraph (ha) of section seven of this Act;

and

- (e) by adding after the word, "any" in line one of paragraph (e), the words, "quantity of".

Cf. No. 18 of 1953, s. 3 which added para. (e).

7. Section eleven of the principal Act is amended by substituting for the words, "forward for analysis to the chemist of the Department of Agriculture" in lines two and three, the words, "provide to an inspector or an analyst for analysis by an analyst".

S. 11 amended.

8. Section twelve of the principal Act is amended—

S. 12 amended.

- (a) by adding after the word, "manufacturer;" in line three of paragraph (a) of subsection (2), the word, "and";
- (b) by adding after paragraph (b) of subsection (2) the following words:—"Provided that in the case of packages of one hundred-weight and over";
- (c) by deleting paragraphs (c), (d), and (e) of subsection (2) and substituting the following—
 - (c) where any of the specified or other ingredients referred to in paragraph (f) of subsection (1) of section seven

of this Act are present in the fertiliser, particulars of the minimum percentages referred to in that paragraph;

(d) where the fertiliser is lime or other neutraliser, the minimum neutralising value referred to in paragraph (h) of subsection (1) of section seven of this Act; and

(e) where the fertiliser is gypsum, the minimum calcium content expressed as calcium oxide (CaO) and as crystallised calcium sulphate (CaSO₄·2H₂O) referred to in paragraph (ha) of section seven of this Act; and

(d) by repealing and re-enacting subsection (3) amended as follows—

(3) Notwithstanding any agreement to the contrary, the invoice has effect as a warranty by the dealer to the purchaser that the fertiliser complies with such of the particulars mentioned in paragraphs (e), (f), (h), (ha), (i) and (j) of subsection (1) of section seven of this Act, as are set forth in the certificate accompanying the application for registration of the fertiliser.

Of. s. 7 (1)
as to
certificate.

S. 13
amended.

9. Section thirteen of the principal Act is amended—

(a) by adding before the word, "In" in line one the subsection designation, "(1)";

(b) by substituting for the words, "no person shall" in line three, the passage, "a person shall not, except in accordance with subsection (2) of this section,,"; and

(c) by adding the following subsection—

(2) A package referred to in subsection (1) of this section may again be used as a package for fertiliser other than that which has already been placed in it, but only if on each occasion that it is so used,

- (a) it is wholly emptied before being again so used;
- (b) marks and labels on or attached to the package are clearly and wholly cancelled before being again so used; and
- (c) the provisions of section nine of this Act to the extent to which they apply in respect of the fertiliser for which the package is again being used, and in respect of the package, are complied with.

10. Section fifteen of the principal Act is ^{S. 15} amended—

- (a) by substituting for the passage, “nitrogen, phosphoric acid, potash, or lime than the proportions thereof respectively” in lines three and four, the passage, “any specified or other ingredient, or a smaller neutralising value, than that”;
 - (b) by substituting for paragraph (d) the following paragraph—
 - (d) as to lime or other neutraliser, seven per centum of the neutralising value so stated in the register;
- and
- (c) by adding after paragraph (d) the following paragraphs—
 - (e) as to gypsum, seven per centum of the calcium oxide or crystallised calcium sulphate ($\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$) so stated in the register;

- (f) as to the ingredients, sulphur (S), magnesium (Mg), copper (Cu), zinc (Zn), boron (B), manganese (Mn), cobalt (Co), molybdenum (Mo), or calcium oxide except where the ingredient is gypsum, ten per centum of the ingredient so stated in the register;
- (g) as to any ingredient other than those already mentioned in this section, ten per centum of the quantity of the ingredient so stated in the register.

S. 17
repealed and
re-enacted
with amend-
ments.

11. Section seventeen of the principal Act is repealed and re-enacted amended as follows:—

17. (1) Except where subsection (2) of this section provides otherwise, it is an offence

(a) to sell phosphate fertiliser under

- (i) a brand;
- (ii) a designation; or
- (iii) a description;

which suggests the presence in the fertiliser or of bone fertiliser or organic fertiliser;

(b) to sell

- (i) as bone fertiliser;
- (ii) as bone manure;
- (iii) as organic fertiliser; or
- (iv) as organic manure,

a fertiliser in which there is present rock phosphate, mineral phosphate, superphosphate, gypsum, or other mineral fertiliser; or

(c) to sell fertiliser under a brand, designation, or description, which suggests that the fertiliser is prepared solely

from bones or from material of animal or other organic origin, where there is present in the fertiliser rock phosphate, mineral phosphate, superphosphate, gypsum, or other mineral fertiliser.

(2) It is not an offence

(a) to sell as a phosphate fertiliser, a fertiliser which consists of a phosphate fertiliser mixed with a bone fertiliser or an organic fertiliser; or

(b) to sell a fertiliser in which all or any of the following, namely—

bone fertiliser, bone manure, organic fertiliser, or organic manure,

are or is mixed with all or any of the following, namely—

rock phosphate, mineral phosphate, superphosphate, gypsum, or other mineral fertiliser,

if the fertiliser sold

is registered; and

the package in which the fertiliser is sold is correctly marked or labelled,

so as clearly to indicate that the fertiliser is a mixture of such of those materials as is the case.

12. The principal Act is amended by substituting for the words, "phosphoric acid" wherever they appear, the words, "phosphoric anhydride".

General amendment.