



Western Australia

Fertilizers Act 1977

Fertilizers Regulations 1978

This Act was repealed by the *Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007* s. 60 (No. 24 of 2007) as at 1 May 2013 (see s. 2(2) and *Gazette* 5 Feb 2013 p. 823).

Fertilizers Regulations 1978

Contents

1.	Citation	1
2.	Definitions	1
2A.	Meaning of “prescribed trace element fertilizer”	2
3.	Certificates of appointment (s.12(2))	2
3A.	Specified ingredients	2
7.	Lime, standards	3
9.	Bone dust, bone meal, blood and bone, standards	4
12.	Particulars for containers of fertilizers (s.24)	5
13.	Warrants (s.27(4))	5
14.	Taking of samples	6
15.	Certain samples to be taken in presence of seller, etc.	7
16.	Percentage deficiencies not to be exceeded	8
17.	Certificates and methods of analysis	10
18.	Analysis of liquid fertilizers	10
20.	“Specified ingredient” (s.5)	10
21.	Sale of prescribed or prescribed phosphatic fertilizers prohibited	11

Second Schedule

Notes

Compilation table	15
-------------------	----

Defined terms

Fertilizers Regulations 1978

1. Citation

These regulations may be cited as the *Fertilizers Regulations 1978*¹.

2. Definitions

In these regulations unless the context otherwise requires —

Form means a form in the Second Schedule to these regulations;

prescribed fertilizer means a fertilizer that contains more than —

- (a) 0.001% of cadmium or cadmium compounds by weight;
- (b) 0.0005% of mercury or mercury compounds by weight;
- or
- (c) 0.05% of lead or lead compounds by weight;

prescribed phosphatic fertilizer means a fertilizer containing at least 2% phosphorus by weight that also contains more than —

- (a) 0.03% of cadmium or cadmium compounds; or
- (b) 0.005% of mercury or mercury compounds,

determined by reference to the weight of phosphorus in the fertilizer;

prescribed trace element fertilizer has the meaning given in regulation 2A;

regulation means one of these regulations;

r. 2A

section means a section of the Act;

test sieve means a test sieve conforming to Australian Standard 1152 Grade B;

the Act means the *Fertilizers Act 1977*.

[Regulation 2 amended in Gazette 31 December 1992 p.6315;
30 October 1998 p.5993; 17 August 2001 p.4342.]

2A. Meaning of “prescribed trace element fertilizer”

A **prescribed trace element fertilizer** is a fertilizer that —

- (a) contains more than 0.005% of cadmium or cadmium compounds by weight;
- (b) contains (in accordance with the table to regulation 3A) one or more of the specified ingredients iron, manganese, copper, zinc, boron, molybdenum, and cobalt; and
- (c) if it contains any of the specified ingredients nitrogen, phosphorus, potassium, calcium, magnesium or sulphur — contains less than the minimum amount of that ingredient specified in the table to regulation 3A.

[Regulation 2A inserted in Gazette 17 August 2001 p.4343.]

3. Certificates of appointment (s.12(2))

A certificate of appointment of an inspector prescribed for the purposes of section 12(2) shall be in the form of Form 1.

3A. Specified ingredients

- (1) Subject to subregulation (2), where a fertilizer contains any of the specified ingredients set out in column 1 of the table to this regulation it shall contain, as a minimum, that ingredient in the proportion of the total weight of the product as is set out in column 2 of the table, opposite to the ingredient.

Column 1	Column 2
----------	----------

Column 1	Column 2
Nitrogen (N)	
— as nitrate, ammonia or urea	0.2%
— as total nitrogen	0.5%
Phosphorus (P)	
— as water or citrate soluble	0.2%
— as citrate insoluble	0.2%
— as total phosphorus	0.5%
Potassium (K)	
— as sulphate, chloride or nitrate	0.2%
— as total potassium	0.5%
Calcium (Ca)	0.5%
Magnesium (Mg)	0.5%
Sulphur (S)	0.5%
Iron (Fe)	0.01%
Manganese (Mn)	0.01%
Copper (Cu)	0.005%
Zinc (Zn)	0.005%
Boron (Bo)	0.005%
Molybdenum (Mo)	0.001%
Cobalt (Co)	0.001%
Chlorine (Cl)	0.001%
Aluminium (Al)	0.001%
Selenium (Se)	0.001%

- (2) Subregulation (1) does not apply to a prescribed trace element fertilizer in respect of the specified ingredients nitrogen, phosphorus, potassium, magnesium or sulphur.

*[Regulation 3A inserted in Gazette 19 Oct 1984 p. 3418;
amended in Gazette 17 Aug 2001 p. 4343.]*

[4, 5, 6. Deleted in Gazette 30 October 1998 p.5994.]

7. Lime, standards

- (1) Fertilizer shall not be sold as “Agricultural Lime (First Grade)” unless it —
- (a) consists of at least 80% fine material capable of passing through a test sieve with an aperture size not exceeding 0.6 mm; and

- (b) has a neutralizing value that is at least 75% of the neutralizing value of pure calcium carbonate.
- (2) Fertilizer shall not be sold as “Agricultural Lime (Second Grade)” unless it —
 - (a) consists of at least 60% fine material capable of passing through a test sieve with an aperture size not exceeding 0.6 mm; and
 - (b) has a neutralizing value that is at least 50% of the neutralizing value of pure calcium carbonate.
- (3) Fertilizer shall not be sold as “Pelleting Lime” unless it —
 - (a) consists of at least 99% fine material that is capable of passing through a test sieve with an aperture size not exceeding 0.053 mm;
 - (b) has a neutralizing value that is at least 90% of the neutralizing value of pure calcium carbonate; and
 - (c) has a ph value of not more than 9.8 using a limestone to water ratio of not less than 1:5.

[Regulation 7 inserted in Gazette 30 October 1998 p.5994.]

[8. Deleted in Gazette 30 October 1998 p.5994.]

9. Bone dust, bone meal, blood and bone, standards

- (1) Fertilizer shall not be sold as “Bone Dust” or “Bone Meal” unless it contains at least 2% nitrogen and at least 5.5% phosphorus.
- (2) Fertilizer shall not be sold as “Blood and Bone” unless it contains at least 4% nitrogen and at least 3% phosphorus.
- (3) Fertilizer shall not be sold as “Bone Dust” or “Bone Meal” or “Blood and Bone” unless —
 - (a) the whole bulk of a sample of the fertilizer is capable of passing through a test sieve with an aperture size not exceeding 4.75 mm;

- (b) at least 55% of the sample is capable of passing through a test sieve with an aperture size not exceeding 0.6 mm; and
- (c) the materials of which the fertilizer is composed are only of animal origin.

[Regulation 9 inserted in Gazette 30 October 1998 pp. 5994-5.]

[10. Deleted in Gazette 31 August 1979 p.2664.]

[11. Deleted in Gazette 30 October 1998 p.5995.]

12. Particulars for containers of fertilizers (s.24)

- (1) The particulars to be affixed or attached to or printed on a container containing a fertilizer that are prescribed for the purposes of section 24(1) in relation to the sale of a fertilizer in a container are as follows —
 - (a) the name of the fertilizer;
 - (b) the brand of the fertilizer;
 - (c) the name and address of the manufacturer or formulator; and
 - (d) where the label states that the fertilizer contains any specified ingredients, the minimum percentages of those ingredients contained in the fertilizer.
- (2) The provisions of section 24(1) do not apply to a sale of a fertilizer in an amount of 20 kilograms or less sold in the circumstances set out in section 24(2)(a).

[Regulation 12 amended in Gazette 30 October 1998 p.5995.]

13. Warrants (s.27(4))

A warrant for the purposes of section 27(4) shall be in the form of Form 5.

14. Taking of samples

- (1) Where a sample of a solid fertilizer that is contained in a bag is to be taken the inspector shall use a device consisting of a slotted single or double tube, or, a slotted tube and rod, having a solid comb tip at one end and shall thrust the device diagonally across the length of the bag of which the sample is being taken.
- (2) Where a sample of a solid fertilizer that is contained in a bulk container mounted on a conveyance is to be taken the inspector shall use a device consisting of a slotted single tube and rod and shall thrust the device into the fertilizer so as to obtain a vertical core.
- (3) An inspector may obtain a sample of a solid fertilizer during the time of the loading or unloading of a bulk container by passing a sampling dipper through the stream of the fertilizer as it drops from a belt or chute.
- (4) Where an inspector takes a sample in the manner prescribed by subregulation (2) or subregulation (3) he shall reduce the quantity of each sample so taken to approximately 1.5 kg by riffing or quartering and shall place each sample in a dry container that can be sealed.
- (5) Where a sample of a liquid fertilizer that is in the form of a clear solution is to be taken the sample shall be taken direct from the container.
- (6) Where a sample of a fertilizer in a fluid solution containing suspended material is to be taken the fertilizer shall be agitated until mixed and the sample shall be drawn from the outlet or from the top of the container by a dipper.
- (7) A sample of a liquid fertilizer taken in the manner prescribed in subregulation (5) or (6) shall be poured into a glass container, or where the circumstances so permit, into an appropriate plastic container, which shall then be sealed.
- (8) Where a container contains —

- (a) an amount of liquid fertilizer that does not exceed one litre; or
- (b) an amount of solid fertilizer that does not exceed 4 kilograms,

the container and its contents may be taken for the purposes of sampling.

15. Certain samples to be taken in presence of seller, etc.

- (1) A sample of fertilizer or substance taken for the purposes of section 28(1) shall if possible be taken in the presence of the seller or other person apparently in charge of the fertilizer or substance from which the sample was taken.
- (2) The inspector removing the sample shall give to the person in charge of the fertilizer or substance, or of the place or vehicle, vessel, aircraft or train on which it was located (if that person is known to him) notification of such removal and the inspector shall then —
 - (a) thoroughly mix the sample and divide it into approximately 3 equal parts;
 - (b) place each of those parts in a separate package and seal or fasten each package;
 - (c) place on each package a label stating the brand of the fertilizer or substance and the name, so far as is known to him, of the occupier or person having control of the premises, land, tent, caravan or other erection, from which the sample was taken, or if the sample was taken in the exercise of the power to search a vehicle, vessel, aircraft or train, of the person in charge or apparently in charge of the vehicle, vessel, aircraft or train, and the time and place at which, the sample was taken;
 - (d) cause one of the parts of the sample to be delivered to the occupier or person apparently in charge of the land, premises, tent, caravan or other erection, or, where the sample is taken from a vehicle, vessel, aircraft or train,

to the primary dealer with respect to that fertilizer or to the vendor of the substance or the agent of the vendor in this State; and

- (e) retain 2 of the parts, one for the purposes of analysis and the other for future comparison.

[Regulation 15 amended in Gazette 17 August 2001 p.4343.]

16. Percentage deficiencies not to be exceeded

- (1) Subject to section 31(2) and this regulation, where a standard prescribed for a fertilizer specifies that the fertilizer contains a specified ingredient, a neutralizing value or a percentage of fine material the deficiency prescribed pursuant to section 31(1) as the percentage deficiency not to be exceeded on an analysis of one sample taken of the fertilizer is the percentage deficiency specified opposite and corresponding to that specified or other ingredient, neutralizing value or percentage of fine material in column 2 of the table below and the lower percentage prescribed pursuant to section 31(1) that is not to be exceeded on an analysis of not less than 5 samples is the percentage deficiency specified opposite and corresponding to that specified or other ingredient, neutralizing value or percentage of fine material in column 3 of that table.

Neutralizing value, percentage of fine material or other specified ingredients.	Percentage deficiency not to be exceeded on one sample. % of value	Percentage deficiency not to be exceeded on a multiple sample. % of value
Neutralizing value	10.0	5.0
Fine material	10.0	5.0
Any other specified ingredient where the:		
(i) content of the ingredient is 25% or more of the fertilizer by weight	2.0	1.0
(ii) content of the ingredient is 10% or more but less than 25% of the fertilizer by weight	4.0	2.0
(iii) content of the ingredient is less than 10% of the fertilizer by weight	10.0	5.0

- (2) In the case of a fertilizer described as “Blood and Bone” or “Bone Dust” the percentage deficiencies prescribed for Phosphorus (P) and Nitrogen (N) shall be 10% of the value for a single sample and 5% of the value for a multiple sample of not less than 5 samples.
- (3) Where Phosphorus (P) is a specified ingredient of a fertilizer —
- any excess of water soluble and citrate soluble Phosphorus (P) may be set off against a deficiency of citrate insoluble Phosphorus (P); and
 - any excess of water soluble Phosphorus (P) may be set off against a deficiency of citrate soluble Phosphorus (P),

and where the percentage of citrate soluble Phosphorus (P), does not exceed 25% of the sum of the percentages of citrate soluble Phosphorus (P) and water soluble Phosphorus (P), an excess of

citrate soluble Phosphorus (P) may be set off against a deficiency of water soluble Phosphorus (P).

[Regulation 16 amended in Gazette 19 Oct 1984 p. 3418; 30 Oct 1998 p. 5995; 8 Dec 1998 p. 6569; 17 Aug 2001 p. 4344.]

17. Certificates and methods of analysis

- (1) A certificate of analysis of a fertilizer shall be in the form of Form 6 and shall contain the information required by that form.
- (2) An analysis carried out under and for the purposes of the Act shall be carried out in accordance with any of the methods for carrying out an analysis of the kind in question set out in the publication entitled "Official Methods of Analysis" (Twelfth Edition 1975) published by the Association of Analytical Chemists, Washington, D.C. United States of America but, where that publication does not provide for a method of analysis in a particular case, or, where the method or methods set out in that publication in relation to an analysis of the kind in question is not, in the opinion of the person holding or acting in the office of Director of the Chemistry Centre (WA) in the Public Service of the State, practicable or expedient, the analysis shall be in accordance with the written instructions of that person.

[Regulation 17 amended in Gazette 9 August 1991 p.4106.]

18. Analysis of liquid fertilizers

Where a fertilizer is in liquid form the proportion of the fertilizer in the liquid shall in any analysis under this Act be expressed as grams per litre or milligrams per litre as the case requires.

[19. Deleted in Gazette 30 October 1998 p.5995.]

20. "Specified ingredient" (s.5)

For the purposes of the definition in section 5, "**specified ingredient**" includes chlorine and aluminium.

[Regulation 20 inserted in Gazette 19 October 1984 p.3418.]

21. Sale of prescribed or prescribed phosphatic fertilizers prohibited

- (1) The sale of prescribed fertilizer, prescribed phosphatic fertilizer or prescribed trace element fertilizer is prohibited.

[(2) deleted]

[Regulation 21 inserted in Gazette 31 December 1992 p.6315; amended in Gazette 30 October 1998 p.5995; 17 August 2001 p.4343.]

[First Schedule Deleted in Gazette 30 October 1998 p.5995.]

Second Schedule

Form 1

Fertilizers Act 1977

CERTIFICATE OF APPOINTMENT

(Section 12)

THIS is to certify that

.....

the holder of this certificate of appointment has been designated as an
Inspector for the purposes of the *Fertilizers Act 1977*.

Dated this day of 19

.....

Director of Agriculture

The holder of this certificate shall produce this certificate whenever
required so to do by a person in respect of whom he has exercised or is
about to exercise any of his powers under the *Fertilizers Act 1977*.

[Forms 2, 3 and 4 deleted in Gazette 30 October 1998 p.5995.]

Form 5

WESTERN AUSTRALIA

Fertilizers Act 1977

WARRANT

(Section 27(4))

Reg. 10

TO of
(Name of Inspector)
..... in
(Address of Inspector)
the State of Western Australia.

WHEREAS it has been shown to the satisfaction of me

....., a Justice of the Peace,
(Name of Justice of the Peace)

by statement on oath of
(Name of Inspector)

of
(Address of Inspector)

in the State of Western Australia, who is designated as an inspector under the *Fertilizers Act 1977* —

- (a) that the said inspector has reasonable grounds for believing that the land or premises, namely, (here describe the land or premises, tent, caravan or other erection) is used for or in connection with the production, importation, treatment, storage, preparation for sale, marketing or sale of a fertilizer; and
- (b) that admission to the said land or premises has been refused following a request by an inspector for entry thereto;

OR

- (b) that the said premises are unoccupied.

(* Delete whichever does not apply).

This is therefore, in the name of Her Majesty, to authorize you
..... and (any other person
named) to enter

.....
(description of the land or premises, tent caravan or other erection)

Fertilizers Regulations 1978
Second Schedule

to make a search to ascertain whether any fertilizer is therein or thereon and to cause any such fertilizer to be dealt with according to law.

.....
Justice of the Peace.

Given under my hand this day of 19

Form 6
WESTERN AUSTRALIA
Fertilizers Act 1977

CERTIFICATE OF ANALYSIS

I, the undersigned Analyst under the *Fertilizers Act 1977*, hereby certify that on the day of 19 I received from a sample Lab No. marked:
Sample No. Date
Sample of
Brand
Obtained from
At
for analysis, and that the result of the analysis is as follows: —

Analysis	Concentration
.....
.....
.....
.....
.....
.....

Signed the
day of 19
.....

ANALYST

*[Second Schedule amended in Gazette 19 Oct 1984 p. 3419-21;
30 Oct 1998 p. 5995; 17 Aug 2001 p. 4344.]*

Notes

- ¹ This is a compilation of the *Fertilizers Regulations 1978* and includes the amendments made by the other written laws referred to in the following table ³.

Compilation table

Citation	Gazettal	Commencement
<i>Fertilizers Regulations 1978</i>	15 Sep 1978 p. 3436-42	15 Sep 1978
<i>Fertilizers Amendment Regulations 1979</i>	31 Aug 1979 p. 2664	31 Aug 1979
<i>Fertilizers Amendment Regulations 1981</i>	6 Nov 1981 p. 4582	6 Nov 1981 ²
<i>Fertilizers Amendment Regulations 1984</i>	19 Oct 1984 p. 3417-21	31 Oct 1984 (see r. 2)
<i>Fertilizers Amendment Regulations (No. 2) 1989</i>	7 Jul 1989 p. 2117	7 Jul 1989
<i>Fertilizers Amendment Regulations 1990</i>	3 Aug 1990 p. 3668	3 Aug 1990
<i>Fertilizers Amendment Regulations (No. 2) 1990</i>	21 Sep 1990 p. 4889	21 Sep 1990
<i>Fertilizers Amendment Regulations 1991</i>	9 Aug 1991 p. 4106	9 Aug 1991 (see r. 2 and <i>Gazette</i> 9 Aug 1991 p. 4101)
<i>Fertilizers Amendment Regulations (No. 2) 1991</i>	18 Oct 1991 p. 5317-8	18 Oct 1991
<i>Fertilizers Amendment Regulations 1992</i>	24 Jul 1992 p. 3610	24 Jul 1992
<i>Fertilizers Amendment Regulations (No. 2) 1992</i>	31 Dec 1992 p. 6314-5	1 Jan 1993 (see r. 2)
<i>Fertilizers Amendment Regulations 1993</i>	17 Sep 1993 p. 5045-6	17 Sep 1993
<i>Fertilizers Amendment Regulations 1994</i>	24 Jun 1994 p. 2836	1 Jul 1994 (see r. 2)
<i>Fertilizers Amendment Regulations 1995</i>	21 Jul 1995 p. 3066	21 Jul 1995
<i>Fertilizers Amendment Regulations 1996</i>	3 Sep 1996 p. 4374-5	4 Sep 1996 (see r. 2)
<i>Fertilizers Amendment Regulations 1997</i>	19 Aug 1997 p. 4713	19 Aug 1997

Citation	Gazettal	Commencement
<i>Fertilizers Amendment Regulations 1998</i>	30 Oct 1998 p. 5993-5	1 Nov 1998 (see r. 2 and <i>Gazette</i> 30 Oct 1998 p. 5993)
<i>Fertilizers Amendment Regulations (No. 2) 1998</i>	8 Dec 1998 p. 6569	8 Dec 1998
<i>Fertilizers Amendment Regulations 2001</i>	17 Aug 2001 p. 4342-4	17 Aug 2001
These regulations were repealed by the <i>Biosecurity and Agriculture Management (Agriculture Standards) Regulations 2013</i> r. 52(g) as at 1 May 2013 (see r. 2(b) and <i>Gazette</i> 5 Feb 2013 p. 823)		

² The commencement date of 1 Nov 1981 that was specified was before the date of gazettal.

³ The *Biosecurity and Agriculture Management Regulations 2013* r. 51 and 53 read as follows:

51. Term used: commencement day

In this Part —

commencement day means the day on which these regulations come into operation.

53. Fees and expenses

On and from the commencement day —

- (a) any fees payable under a regulation repealed under regulation 52 and outstanding on the commencement day are to be regarded as payable under the *Biosecurity and Agriculture Management Regulations 2013* at the time, and in the manner, in which the fees would have been payable under the repealed regulation and may be recovered accordingly;
- (b) any expenses recoverable under a regulation repealed under regulation 52 and outstanding on the commencement day may be recovered under the *Biosecurity and Agriculture Management Regulations 2013* regulation 128.

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
Form.....	2
prescribed fertilizer	2
prescribed phosphatic fertilizer	2
prescribed trace element fertilizer	2, 2A
regulation	2
section	2
test sieve.....	2
the Act.....	2