

# PESTICIDES AND ALLIED CHEMICALS (AMENDMENT) BILL 1987

NEW SOUTH WALES



## EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to amend the Pesticides and Allied Chemicals Act 1978—

- (a) to increase the maximum penalties for all offences against the Principal Act or against regulations made under the Principal Act;
- (b) to enable proceedings for those offences to be brought before either the Local Court or the Land and Environment Court;
- (c) to impose a limit on the maximum penalty which may be imposed by the Local Court in proceedings for those offences; and
- (d) by way of statute law revision.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision giving effect to the Schedules of amendments to the Principal Act.

### SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND PROCEEDINGS FOR OFFENCES

Schedule 1 (1)–(33) and (35)–(38) increase the maximum penalty for all offences against the Principal Act and the regulations made under the Principal Act.

The penalties are expressed in terms of penalty units rather than in dollar amounts. Section 56 of the Interpretation Act 1987 provides that a reference in an Act or regulation to a number of penalty units is to be read as a reference to an amount of money equal to the amount obtained by multiplying \$100 by that number of penalty units.

The differential penalties presently provided for offences by corporations (as opposed to other persons) under sections 19, 22, 22A, 22M, 32, 34 to 36, 38 to 44, 49B, 49D, 54, 69 and 71 of the Principal Act are replaced by penalties applying to offences by any person, whether or not a corporation.

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*Pesticides and Allied Chemicals (Amendment) 1987*

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Schedule 1 (34) amends section 59 (Proceedings for offences) of the Principal Act to enable proceedings for offences to be disposed of summarily before either a Local Court constituted by a Magistrate or the Land and Environment Court. At present they may be disposed of only before a Local Court. The proposed amendment also provides that the maximum penalty which a Local Court may impose is 50 penalty units or the maximum penalty provided by the Principal Act or regulations made under it, whichever is the lesser.

#### SCHEDULE 2—STATUTE LAW REVISION AMENDMENT

This Schedule amends section 5 (Interpretation) to restore the definition of "pesticide" as it was immediately before the amendment effected by the Statute Law (Miscellaneous Provisions) Act (No. 1) 1987.

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# **PESTICIDES AND ALLIED CHEMICALS (AMENDMENT) BILL 1987**

NEW SOUTH WALES



## **TABLE OF PROVISIONS**

1. Short title
  2. Amendment of Act No. 57, 1978
- SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND PROCEEDINGS  
FOR OFFENCES
- SCHEDULE 2—STATUTE LAW REVISION AMENDMENT
-



# PESTICIDES AND ALLIED CHEMICALS (AMENDMENT) BILL 1987

NEW SOUTH WALES



No. , 1987

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## A BILL FOR

An Act to amend the Pesticides and Allied Chemicals Act 1978 with respect to penalties and proceedings for offences against that Act and the regulations made under that Act; and for other purposes.

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*Pesticides and Allied Chemicals (Amendment) 1987*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Pesticides and Allied Chemicals (Amendment) Act 1987.

**5 Amendment of Act No. 57, 1978**

2. The Pesticides and Allied Chemicals Act 1978 is amended as set out in Schedules 1 and 2.

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**SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND PROCEEDINGS FOR OFFENCES**

10

(Sec. 2)

(1) Section 8 (**Applications generally**)—

Section 8 (4)—

Omit "\$500", insert instead "50 penalty units".

(2) Section 19 (**Applicants to supply certain later information**)—

15

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "50 penalty units".

(3) Section 21 (**Notices of cancellation**)—

Section 21 (3)—

20

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "200 penalty units or, for an offence by a corporation, 400 penalty units".

(4) Section 22 (**Fee to be paid**)—

Section 22 (2)—

25

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "20 penalty units".

(5) Section 22A (**Applications generally**)—

Section 22A (4)—

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "50 penalty units".

30

(6) Section 22M (**Applicants to supply certain later information**)—

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "50 penalty units".

**SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND  
PROCEEDINGS FOR OFFENCES—*continued***

**(7) Section 29 (Sale of pesticides)—**

Section 29 (1), (2)—

Omit "\$500 or, for an offence by a corporation, \$2,000" wherever occurring, insert instead "200 penalty units or, for an offence by a corporation, 400 penalty units".

**(8) Section 30 (Supply and possession of pesticides)—**

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "200 penalty units or, for an offence by a corporation, 400 penalty units".

**(9) Section 31 (Use etc. of unregistered pesticide)—**

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "200 penalty units or, for an offence by a corporation, 400 penalty units".

**(10) Section 32 (Preparation, use etc. of certain pesticides)—**

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "50 penalty units".

**(11) Section 33 (Disregard of instructions)—**

Section 33 (1)—

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "200 penalty units or, for an offence by a corporation, 400 penalty units".

**(12) Section 34 (Claims inconsistent with labels)—**

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "50 penalty units".

**(13) Section 35 (Modification of warning prohibited)—**

Section 35 (1)—

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "50 penalty units".

**(14) Section 36 (Labels not to be detached etc.)—**

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "50 penalty units".

**(15) Section 37 (Offence to cause risk)—**

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "200 penalty units or, for an offence by a corporation, 400 penalty units".

*Pesticides and Allied Chemicals (Amendment) 1987*

**SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND PROCEEDINGS FOR OFFENCES—*continued***

(16) Section 38 (**Pesticide to conform to standard**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

(17) Section 39 (**Certain statements prohibited**)—

5       Section 39 (1)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

(18) Section 40 (**Guarantee to be a defence in certain circumstances**)—

Section 40 (6)—

10       Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

(19) Section 41 (**Manufacture of date-controlled pesticide**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

15   (20) Section 42 (**Sale, use etc. of date-controlled pesticide**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

(21) Section 43 (**Sale etc. of date-controlled pesticide after removal from container**)—

20       Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

(22) Section 44 (**Abuse of warning prohibited**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

25   (23) Section 49 (**Offence of unauthorised preparation or use**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.

30   (24) Section 49A (**Control of aircraft application of pesticides and fertilizers**)—

Section 49A (5)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.

*Pesticides and Allied Chemicals (Amendment) 1987*

SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND  
PROCEEDINGS FOR OFFENCES—*continued*

- (25) Section 49B (**Records of aircraft application of pesticides**)—  
Section 49B (1), (3)—  
Omit “\$500 or, for an offence by a corporation, \$2,000” wherever occurring, insert instead “50 penalty units”.
- 5 (26) Section 49C (**Defective aircraft pesticide application equipment**)—  
Section 49C (3)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.
- 10 (27) Section 49D (**Certain statements prohibited**)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.
- (28) Section 49E (**Piloting of aircraft used in the application of pesticides**)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert  
15 instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.
- (29) Section 50 (**Prohibited residue notices**)—  
Section 50 (5)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert  
20 instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.
- (30) Section 51 (**Prohibited residue orders**)—  
Section 51 (5)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert  
25 instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.
- (31) Section 54 (**Obstruction of inspector etc.**)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.
- 30 (32) Section 55 (**Inspector may demand name etc.**)—  
Section 55 (2)—  
Omit “\$200”, insert instead “20 penalty units”.
- (33) Section 56 (**Personation of inspector**)—  
Omit “\$1,000”, insert instead “50 penalty units”.

*Pesticides and Allied Chemicals (Amendment) 1987*

**SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND PROCEEDINGS FOR OFFENCES—*continued***

**(34) Section 59 (Proceedings for offences)—**

Section 59 (1)–(1B)—

Omit section 59 (1), insert instead:

(1) Proceedings for an offence against this Act or the regulations—

(a) shall be taken and prosecuted only by a person acting with the authority of the Minister; and

(b) may be disposed of summarily before a Local Court constituted by a Magistrate sitting alone or before the Land and Environment Court in its summary jurisdiction.

(1A) If proceedings for an offence are brought before a Local Court, the maximum penalty that the Court may impose in respect of the offence, despite any other provision of this Act, is 50 penalty units or the maximum penalty provided by this Act or the regulations in respect of the offence, whichever is the lesser.

(1B) If proceedings for an offence are brought before the Land and Environment Court, the Court may impose a penalty not exceeding the maximum penalty provided by this Act or the regulations in respect of the offence.

**(35) Section 69 (Analysis)—**

Section 69 (4)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

**(36) Section 71 (Offences relating to licences, permits and certificates)—**

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

**(37) Section 73 (Regulations)—**

Section 73 (2) (f)—

Omit the paragraph, insert instead:

(f) impose a penalty not exceeding 20 penalty units for any contravention of a regulation.

**(38) Section 75 (Disclosure of information)—**

Section 75 (1)—

Omit “\$500”, insert instead “200 penalty units”.

*Pesticides and Allied Chemicals (Amendment) 1987*

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**SCHEDULE 2—STATUTE LAW REVISION AMENDMENT**

(Sec. 2)

**Section 5 (Interpretation)—**

Section 5 (1), definition of “pesticide”—

Omit paragraph (e), insert instead:

- 5       (e) a substance or organism that is represented as being for use and is used  
for internal administration to animals;



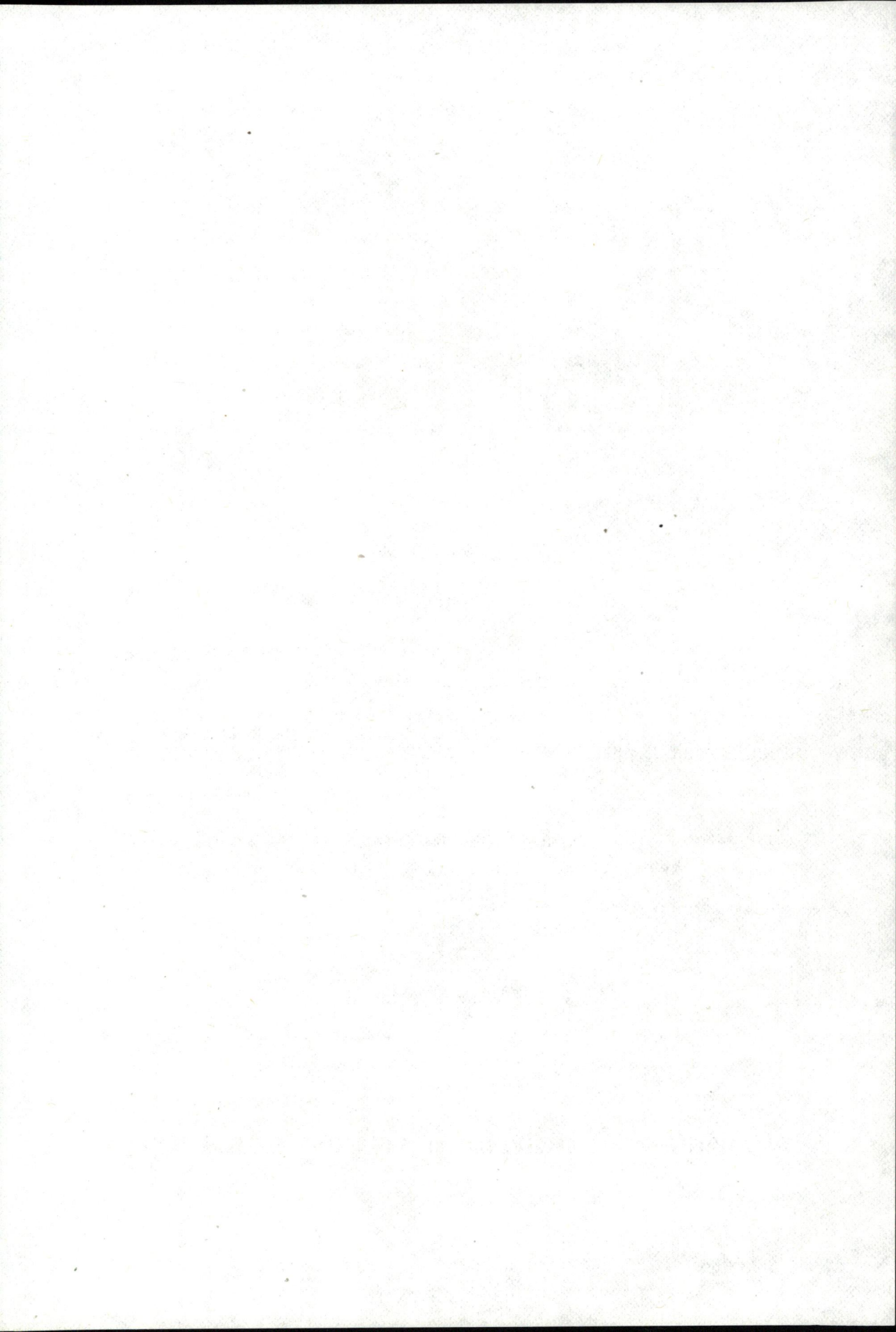
# **PESTICIDES AND ALLIED CHEMICALS (AMENDMENT) BILL 1987**

NEW SOUTH WALES



## **TABLE OF PROVISIONS**

1. Short title
  2. Amendment of Act No. 57, 1978
- SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND PROCEEDINGS  
FOR OFFENCES**
- SCHEDULE 2—STATUTE LAW REVISION AMENDMENT**
-



*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, , 1987*

NEW SOUTH WALES



Act No. , 1987

An Act to amend the Pesticides and Allied Chemicals Act 1978 with respect to penalties and proceedings for offences against that Act and the regulations made under that Act; and for other purposes.

*Pesticides and Allied Chemicals (Amendment) 1987*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Pesticides and Allied Chemicals (Amendment) Act 1987.

**Amendment of Act No. 57, 1978**

2. The Pesticides and Allied Chemicals Act 1978 is amended as set out in Schedules 1 and 2.

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**SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND PROCEEDINGS FOR OFFENCES**

(Sec. 2)

(1) Section 8 (**Applications generally**)—

Section 8 (4)—

Omit "\$500", insert instead "50 penalty units".

(2) Section 19 (**Applicants to supply certain later information**)—

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "50 penalty units".

(3) Section 21 (**Notices of cancellation**)—

Section 21 (3)—

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "200 penalty units or, for an offence by a corporation, 400 penalty units".

(4) Section 22 (**Fee to be paid**)—

Section 22 (2)—

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "20 penalty units".

(5) Section 22A (**Applications generally**)—

Section 22A (4)—

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "50 penalty units".

(6) Section 22M (**Applicants to supply certain later information**)—

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "50 penalty units".

SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND  
PROCEEDINGS FOR OFFENCES—*continued*

(7) Section 29 (**Sale of pesticides**)—

Section 29 (1), (2)—

Omit “\$500 or, for an offence by a corporation, \$2,000” wherever occurring, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.

(8) Section 30 (**Supply and possession of pesticides**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.

(9) Section 31 (**Use etc. of unregistered pesticide**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.

(10) Section 32 (**Preparation, use etc. of certain pesticides**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

(11) Section 33 (**Disregard of instructions**)—

Section 33 (1)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.

(12) Section 34 (**Claims inconsistent with labels**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

(13) Section 35 (**Modification of warning prohibited**)—

Section 35 (1)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

(14) Section 36 (**Labels not to be detached etc.**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

(15) Section 37 (**Offence to cause risk**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.

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SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND  
PROCEEDINGS FOR OFFENCES—*continued*

(16) Section 38 (**Pesticide to conform to standard**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

(17) Section 39 (**Certain statements prohibited**)—

Section 39 (1)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

(18) Section 40 (**Guarantee to be a defence in certain circumstances**)—

Section 40 (6)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

(19) Section 41 (**Manufacture of date-controlled pesticide**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

(20) Section 42 (**Sale, use etc. of date-controlled pesticide**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

(21) Section 43 (**Sale etc. of date-controlled pesticide after removal from container**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

(22) Section 44 (**Abuse of warning prohibited**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

(23) Section 49 (**Offence of unauthorised preparation or use**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.

(24) Section 49A (**Control of aircraft application of pesticides and fertilizers**)—

Section 49A (5)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.

*Pesticides and Allied Chemicals (Amendment) 1987*

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SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND  
PROCEEDINGS FOR OFFENCES—*continued*

(25) Section 49B (**Records of aircraft application of pesticides**)—

Section 49B (1), (3)—

Omit “\$500 or, for an offence by a corporation, \$2,000” wherever occurring, insert instead “50 penalty units”.

(26) Section 49C (**Defective aircraft pesticide application equipment**)—

Section 49C (3)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.

(27) Section 49D (**Certain statements prohibited**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

(28) Section 49E (**Piloting of aircraft used in the application of pesticides**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.

(29) Section 50 (**Prohibited residue notices**)—

Section 50 (5)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.

(30) Section 51 (**Prohibited residue orders**)—

Section 51 (5)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.

(31) Section 54 (**Obstruction of inspector etc.**)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

(32) Section 55 (**Inspector may demand name etc.**)—

Section 55 (2)—

Omit “\$200”, insert instead “20 penalty units”.

(33) Section 56 (**Personation of inspector**)—

Omit “\$1,000”, insert instead “50 penalty units”.

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**SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND  
PROCEEDINGS FOR OFFENCES—*continued***

**(34) Section 59 (Proceedings for offences)—**

Section 59 (1)–(1B)—

Omit section 59 (1), insert instead:

(1) Proceedings for an offence against this Act or the regulations—

(a) shall be taken and prosecuted only by a person acting with the authority of the Minister; and

(b) may be disposed of summarily before a Local Court constituted by a Magistrate sitting alone or before the Land and Environment Court in its summary jurisdiction.

(1A) If proceedings for an offence are brought before a Local Court, the maximum penalty that the Court may impose in respect of the offence, despite any other provision of this Act, is 50 penalty units or the maximum penalty provided by this Act or the regulations in respect of the offence, whichever is the lesser.

(1B) If proceedings for an offence are brought before the Land and Environment Court, the Court may impose a penalty not exceeding the maximum penalty provided by this Act or the regulations in respect of the offence.

**(35) Section 69 (Analysis)—**

Section 69 (4)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

**(36) Section 71 (Offences relating to licences, permits and certificates)—**

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

**(37) Section 73 (Regulations)—**

Section 73 (2) (f)—

Omit the paragraph, insert instead:

(f) impose a penalty not exceeding 20 penalty units for any contravention of a regulation.

**(38) Section 75 (Disclosure of information)—**

Section 75 (1)—

Omit “\$500”, insert instead “200 penalty units”.

*Pesticides and Allied Chemicals (Amendment) 1987*

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**SCHEDULE 2—STATUTE LAW REVISION AMENDMENT**

(Sec. 2)

**Section 5 (Interpretation)—**

Section 5 (1), definition of “pesticide”—

Omit paragraph (e), insert instead:

- (e) a substance or organism that is represented as being for use and is used for internal administration to animals;







**PESTICIDES AND ALLIED CHEMICALS (AMENDMENT)  
ACT 1987 No. 204**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
  2. Amendment of Act No. 57, 1978
- SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND PROCEEDINGS  
FOR OFFENCES
- SCHEDULE 2—STATUTE LAW REVISION AMENDMENT
-



**PESTICIDES AND ALLIED CHEMICALS (AMENDMENT) ACT 1987**  
**No. 204**

NEW SOUTH WALES



**Act No. 204, 1987**

An Act to amend the Pesticides and Allied Chemicals Act 1978 with respect to penalties and proceedings for offences against that Act and the regulations made under that Act; and for other purposes. [Assented to 8 December 1987]

*Pesticides and Allied Chemicals (Amendment) 1987*

---

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Pesticides and Allied Chemicals (Amendment) Act 1987.

**Amendment of Act No. 57, 1978**

2. The Pesticides and Allied Chemicals Act 1978 is amended as set out in Schedules 1 and 2.

---

**SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND PROCEEDINGS FOR OFFENCES**

(Sec. 2)

(1) Section 8 (**Applications generally**)—

Section 8 (4)—

Omit "\$500", insert instead "50 penalty units".

(2) Section 19 (**Applicants to supply certain later information**)—

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "50 penalty units".

(3) Section 21 (**Notices of cancellation**)—

Section 21 (3)—

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "200 penalty units or, for an offence by a corporation, 400 penalty units".

(4) Section 22 (**Fee to be paid**)—

Section 22 (2)—

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "20 penalty units".

(5) Section 22A (**Applications generally**)—

Section 22A (4)—

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "50 penalty units".

(6) Section 22M (**Applicants to supply certain later information**)—

Omit "\$500 or, for an offence by a corporation, \$2,000", insert instead "50 penalty units".

**SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND PROCEEDINGS FOR OFFENCES—*continued*****(7) Section 29 (Sale of pesticides)—****Section 29 (1), (2)—**

Omit “\$500 or, for an offence by a corporation, \$2,000” wherever occurring, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.

**(8) Section 30 (Supply and possession of pesticides)—**

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.

**(9) Section 31 (Use etc. of unregistered pesticide)—**

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.

**(10) Section 32 (Preparation, use etc. of certain pesticides)—**

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

**(11) Section 33 (Disregard of instructions)—****Section 33 (1)—**

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.

**(12) Section 34 (Claims inconsistent with labels)—**

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

**(13) Section 35 (Modification of warning prohibited)—****Section 35 (1)—**

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

**(14) Section 36 (Labels not to be detached etc.)—**

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

**(15) Section 37 (Offence to cause risk)—**

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.

*Pesticides and Allied Chemicals (Amendment) 1987*

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SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND  
PROCEEDINGS FOR OFFENCES—*continued*

- (16) Section 38 (**Pesticide to conform to standard**)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert  
instead “50 penalty units”.
- (17) Section 39 (**Certain statements prohibited**)—  
Section 39 (1)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert  
instead “50 penalty units”.
- (18) Section 40 (**Guarantee to be a defence in certain circumstances**)—  
Section 40 (6)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert  
instead “50 penalty units”.
- (19) Section 41 (**Manufacture of date-controlled pesticide**)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert  
instead “50 penalty units”.
- (20) Section 42 (**Sale, use etc. of date-controlled pesticide**)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert  
instead “50 penalty units”.
- (21) Section 43 (**Sale etc. of date-controlled pesticide after removal from  
container**)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert  
instead “50 penalty units”.
- (22) Section 44 (**Abuse of warning prohibited**)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert  
instead “50 penalty units”.
- (23) Section 49 (**Offence of unauthorised preparation or use**)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert  
instead “200 penalty units or, for an offence by a corporation, 400  
penalty units”.
- (24) Section 49A (**Control of aircraft application of pesticides and  
fertilizers**)—  
Section 49A (5)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert  
instead “200 penalty units or, for an offence by a corporation, 400  
penalty units”.

*Pesticides and Allied Chemicals (Amendment) 1987*

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SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND  
PROCEEDINGS FOR OFFENCES—*continued*

- (25) Section 49B (**Records of aircraft application of pesticides**)—  
Section 49B (1), (3)—  
Omit “\$500 or, for an offence by a corporation, \$2,000” wherever occurring, insert instead “50 penalty units”.
- (26) Section 49C (**Defective aircraft pesticide application equipment**)—  
Section 49C (3)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.
- (27) Section 49D (**Certain statements prohibited**)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.
- (28) Section 49E (**Piloting of aircraft used in the application of pesticides**)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.
- (29) Section 50 (**Prohibited residue notices**)—  
Section 50 (5)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.
- (30) Section 51 (**Prohibited residue orders**)—  
Section 51 (5)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “200 penalty units or, for an offence by a corporation, 400 penalty units”.
- (31) Section 54 (**Obstruction of inspector etc.**)—  
Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.
- (32) Section 55 (**Inspector may demand name etc.**)—  
Section 55 (2)—  
Omit “\$200”, insert instead “20 penalty units”.
- (33) Section 56 (**Personation of inspector**)—  
Omit “\$1,000”, insert instead “50 penalty units”.

*Pesticides and Allied Chemicals (Amendment) 1987*

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**SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND PROCEEDINGS FOR OFFENCES—*continued***

**(34) Section 59 (Proceedings for offences)—**

Section 59 (1)–(1B)—

Omit section 59 (1), insert instead:

(1) Proceedings for an offence against this Act or the regulations—

(a) shall be taken and prosecuted only by a person acting with the authority of the Minister; and

(b) may be disposed of summarily before a Local Court constituted by a Magistrate sitting alone or before the Land and Environment Court in its summary jurisdiction.

(1A) If proceedings for an offence are brought before a Local Court, the maximum penalty that the Court may impose in respect of the offence, despite any other provision of this Act, is 50 penalty units or the maximum penalty provided by this Act or the regulations in respect of the offence, whichever is the lesser.

(1B) If proceedings for an offence are brought before the Land and Environment Court, the Court may impose a penalty not exceeding the maximum penalty provided by this Act or the regulations in respect of the offence.

**(35) Section 69 (Analysis)—**

Section 69 (4)—

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

**(36) Section 71 (Offences relating to licences, permits and certificates)—**

Omit “\$500 or, for an offence by a corporation, \$2,000”, insert instead “50 penalty units”.

**(37) Section 73 (Regulations)—**

Section 73 (2) (f)—

Omit the paragraph, insert instead:

(f) impose a penalty not exceeding 20 penalty units for any contravention of a regulation.

**(38) Section 75 (Disclosure of information)—**

Section 75 (1)—

Omit “\$500”, insert instead “200 penalty units”.

*Pesticides and Allied Chemicals (Amendment) 1987*

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**SCHEDULE 2—STATUTE LAW REVISION AMENDMENT**

(Sec. 2)

**Section 5 (Interpretation)—**

Section 5 (1), definition of “pesticide”—

Omit paragraph (e), insert instead:

- (e) a substance or organism that is represented as being for use and is used for internal administration to animals;





