clear that the Act will apply to wild-life reserves. Clause 5 alters the title of the commissioners for a similar purpose. It also provides that, in addition to the Minister of Lands, an officer of the Department of Lands appointed by the Minister will be one of the commissioners. It is not always possible for the Minister to attend meetings and for this reason and because of the possibility that further Crown lands may be placed under the control of the commissioners it is desirable that the department should have another representative. Clause 6 provides that the Governor may by proclamation declare that land vested in the commissioners, or of which the commissioners are lessees, or which is under the care, control, and management of the commissioners, shall be a wild-life reserve within the meaning of the Act. It is contemplated that any land which is to be established as a wild-life reserve will be dedicated and placed under the care, control, and management of the commissioners by appropriate action under the Crown Lands Act, and thereafter dealt with under the National Park and Wild-Life Reserves Act.

Clauses 7 to 12 are all consequential amendments. Clause 13 extends the powers of the commissioner to accept grants and gifts of land and personal property and exempts these from stamp duty and succession duty on such gifts. Clause 14 provides that wild-life reserves or other lands under the control and management of the commissioners will be exempt from rates and taxes, as the National Park now is. Clause 15 makes it clear that wild-life reserves cannot be mortgaged or made security for debts of the commissioners and clause 16 enables the commissioners to expend their revenue on wild-life reserves as well as the National Park.

The Hon. Sir WALLACE SANDFORD secured the adjournment of the debate.

AGRICULTURAL CHEMICALS BILL.
Received from the House of Assembly and read a first time.

Second reading.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

Its object is to regulate the sale of agricultural chemicals. At present the sale of fertilizers is controlled by the Fertilizers Act, and the sale of fungicides, insecticides and vermin destroyers by the Pest Destroyers Act. These are no longer adequate for present day requirements.

Firstly, the number of agricultural chemicals on the market multiplies almost daily and the present legislation does not apply to any of the new products. Thus, the present legislation does not apply to any new elements, plant hormones or weedkillers. In the interest of the public it is desirable that the sale of these substances should be regulated. Trace elements are used for the purpose of correcting soil deficiencies and it is well known that the plant hormones are used primarily for the prevention of fruit drop and for the promotion of fruit setting and are of increasing importance. Weedkillers are becoming very widely used in agriculture. Crop spraying in particular is becoming a very important practice. It is important for both farmers and the general public that these agricultural chemicals should be of proper quality and efficacious for the purposes for which they are claimed and may be used. For example, it is desirable that trace elements should be properly mixed with the substances with which they are to be spread. The Government's attempt has been drawn to the fact that trace elements are in instances not properly compounded with the substances with which they are sold. Also it is doubtful whether the Fertilizers Act applies to foliar fertilizers. It is desirable that foliar fertilizers should be under the same control as other fertilizers and that doubt about the matter should be removed.

Secondly, the present Acts do not make adequate provision to prevent the sale of substances under misleading names or false, misleading or indefinite descriptions. The Fertilizers Act provides for the licensing of fertilizers, and the Pest Destroyers Act for the registration of pest destroyers. The procedure is cumbersome, and, for convenience, I will refer to it as registration, is automatic. On the making of an application in due form registration cannot be refused. This means that an application may be made for the registration of a substance under a name which indicates that it contains either ingredient or ingredients when, in fact, it does not contain them. Thus, substances which are not bordeaux powder or registered as "Bordo" and "Bordeaux" and substances which are not copper carbamate or registered as "Contact Carbamate" and substances also at one time registered as "Derridat" which did not, in fact, contain any derris. ("Derridat" now is fact contains derris.) Similarly, if a false descriptive of the composition of a substance is given on an application for registration, registration will not be granted. It is true that a person who said the substance could be prosecuted for giving a false description of the substance if he is permitted to sell the label, but it is unsatisfactory that registration should be granted in the first place. A further difficulty arises under the Pest Destroyers Act. While under the Fertilizers Act particulars of the quantities of the chemicals are not mentioned in the Act, under the act as it is now, if the substance is to be furnished, the Pest Destroyers Act merely requires percentages of the substances which are claimed to be active constituents to be set out. The manner in which the active constituents must be stated is not specified. This is a new and no way of avoiding indefinite descriptions which have no specific chemical meaning from being applied to the substances. Thus the expressions "chlorinated carbon," "hydrocarbon oils" and "essential oils" are expressions in use which have no specific chemical meaning. Descriptions may also be ambiguous. Thus there is no necessity to disclose the lower content of B.I.O.C. or D.D.T. as the higher content is relevant to the effective of the substances.

Thirdly, there is no method under the present Acts of preventing the marketing of substances to use of which might cause injury to health, or substances which are not really effective for the uses to which they are claimed they can be put. Many new developments in agricultural research, many of which are necessary that measures should be taken for the protection of public and to prevent substantially useless substances being passed off on the public.

Finally, there is no power under existing legislation to cancel the registration of any substance. The whole subject has been carefully and in some detail laid before the Select Committee and the recommendation that the existing Acts be repealed and replaced by a single Act. This would have two advantages. First, it shall simplify the administration of the legislation, and, second, it would avoid the necessity of having the substance under more than one Act. There are a number of substances which serve more than one purpose and, if present have to be registered under both Acts. The Government has decided, after what call for consideration. Consequently the substance was also at one time registered as "Derridat" which did not, in fact, contain any derris. ("Derridat" now is fact contains derris.) Similarly, if a false descriptive of the composition of a substance is given on an application for registration, registration will not be granted. It is true that a person who said the substance could be prosecuted for giving a false description of the substance if he is permitted to sell the label, but it is unsatisfactory that registration should be granted in the first place. A further difficulty arises under the Pest Destroyers Act. While under the Fertilizers Act particulars of the quantities of the chemicals are not mentioned in the Act, under the act as it is now, if the substance is to be furnished, the Pest Destroyers Act merely requires percentages of the substances which are claimed to be active constituents to be set out. The manner in which the active constituents must be stated is not specified. This is a new and no way of avoiding indefinite descriptions which have no specific chemical meaning from being applied to the substances. Thus the expressions "chlorinated carbon," "hydrocarbon oils" and "essential oils" are expressions in use which have no specific chemical meaning. Descriptions may also be ambiguous. Thus there is no necessity to disclose the lower content of B.I.O.C. or D.D.T. as the higher content is relevant to the effective of the substances.

The Bill provides for the registration of labels to be used on packages containing agricultural chemicals. The registration of labels is made the responsibility of the Minister of Agriculture, who is empowered. The registration of labels on various grounds set out in the Bill, namely, that the substance intended to be sold under the label is substantially ineffective for any purposes for which it is claimed it can be used. Power is given to the Minister to cancel the registration of a label in certain circumstances. As a general rule, the label must state particulars of the substances which are claimed to be active constituents of the agricultural chemical. A description of the composition is not required to be given on the label. However, a detailed description is required to be furnished with the application as "additional particulars." In certain cases, particulars of active constituents must be furnished as additional particulars. The Bill provides that where an applicant can establish that a secret process or formula might be disclosed if be were required to state any active constituents of a compound, he may register the particulars of the active constituents as additional particulars. The Bill makes it an offence to sell an agricultural chemical except in a package with a copy of a registered label affixed to it, and also makes it an offence to cause a substance in a package with a copy of a registered label affixed to it, if the substance does not comply in every respect with the particulars stated in the copy and the registered additional particulars. Both the Fertilizers Act and the Pest Destroyers Act contain provisions affecting civil rights arising out of the sale of fertilizers and pest destroyers. Thus there are provisions creating warranties and enabling persons to sue for breach of warranty. The Bill omits these provisions altogether. It is considered that it is better to leave these matters to be decided by the ordinary law of contract.

The details of the Bill are as follows: Clause 2 provides for the first to come into operation on a day to be fixed by proclamation. Clause 3 repeals the Fertilizers Act and the Pest Destroyers Act. Clause 4 is an interpretation claus. The only definitions of "agricultural chemical" and "agricultural chemical" is that the Bill defines agricultural chemical as a substance commonly used, or represented by the seller as capable of being used, for any of four purposes. These purposes are as follows: for preventing, regulating or promot-
by virtue of the regulations. It is dealt with that the circumstances in which a substance will be regarded as not complying with particular provisions of composition shall be limited to the case where it is not practicable or desirable to set out all the circumstances in the Bill. Hence the Bill provides for a label to be dealt with for the most part by regulation.

Clause 12 makes it an offence to sell, for sale, expose for sale, or in an advertisement for the purpose of sale a substance in a package with a registered label affixed to it if the substance complies with the particulars shown in the label and the registered particulars of the substance are in a state under clause 9 if the defendant obtains the substance already packed and labelled as if the defendant believed on reasonable grounds that the substance complied with the particulars. Thus a person who manufactures a package and packs an agricultural chemical will be subject to a strict liability for any deficiency in the product marketed by him, while a person who purchases an agricultural chemical and packs and packages another person will not be responsible for the statements made in the supply of the agricultural chemical so long as he can show that he had reasonable grounds to believe that the agricultural chemical complied with the particulars.

Clause 13 makes it an offence for a person who sells an agricultural chemical in the course of his business to make any false or misleading claim in respect of the agricultural chemical.

Clause 14 sets out the grounds on which the Minister may refuse the registration of a label. They are as follows:

(a) that the substance intended to be sold, described on the label or in the package contained in the label, although it contains the active constituent, is not the same as the active constituent contained in the label;
(b) that the substance is used for any such purpose, there may be a substantial risk of injury to health of members of the public;
(c) that the distinctive name of the substance is misleading;
(d) that any statement in the application or in the label is false or misleading in a material particular;
(e) that any representation of the substance does not comply with the prescribed standard.

Clause 15 enables an application to be made to the Minister for the registration of a label which does not disclose the active constituents of the substance to be sold under the label. The clause provides that on such an application of the active constituent of the substance must be supplied as additional particulars. The clause provides that the Minister shall not deal with the application unless he is satisfied that the disclosure of the particulars might lead to the disclosure of any other particulars as to the composition of the substance which might thereby suffer loss.

Provision is made elsewhere in the Bill to prevent as far as possible the disclosure of particulars supplied to the Minister under this clause.

Clause 16 enables the Minister to refuse the registration of a label on any matter arising out of an application to the Central Board of Health for the registration of a label.

Clause 23 provides for the cancellation of registration.

Two grounds of cancellation are provided, namely, that any person who obtained the registration has sold, offered for sale, exposed for sale, or had in his possession for the purpose of sale, any substance in a package with a copy of a registered label affixed to it and the substance has not complied with the particulars mentioned in the copy and the registered additional particulars of the person who has been convicted of an offence against the Bill. The first of the grounds mentioned in this clause is included mainly in order to facilitate the enforcement of the provisions of the Bill against interstate manufacturers. Many agricultural chemists are manufactured and marketed in other States and it is expected that difficulty would be experienced in prosecuting such persons for offences against the Bill.

Clauses 24 to 28 provide for the taking of samples by inspectors and by private purchasers, for the analysis of such samples, for the publication of the result of an analysis, and other matters incidental to the taking of samples and the analysis of samples.

Clause 29 enables a court, on convicting a person of an offence against the Act by means of evidence of an analysis to order the person to pay the costs of the analysis. Clause 30 makes it an offence for the defendant or any inspector or analyst in the execution of his powers and duties under the Bill. The provisions of clauses 24 to 30 are substantially similar to provisions contained in the Fertilisers Act and the Pest Destroyers Act.

Clause 31 requires the Minister to take all reasonable steps to ensure that information supplied to him under the Act concerning the composition of substances is not unnecessarily
disclosed to the public. Clause 32 provides for the making of regulations. The clause provides, in particular, for the making of regulations for the taking of grab samples. The purpose of this provision is to enable samples to be taken by which the proper mixing of an agricultural chemical can be determined. In order to obviate any injustice arising from the method of taking samples provision is made that different tolerances may be prescribed to apply where grab samples are taken. The clause also enables regulations to be made requiring packages containing agricultural chemicals to be labelled with a brand where ordinary labels are not suitable for use.

Clauses 33, 34, and 35 deal with legal procedure. Clause 34 enables a complaint for an offence against the Bill to be laid within 12 months of the matter of the complaint arising. Normally, by virtue of the Justices Act, a complaint must be laid within six months. The object of clause 34 is to facilitate the prosecution of the person who originally packs and labels an agricultural chemical in contravention of the Bill, by giving more time for the offence to be discovered.

Clause 36 is a transitional provision in effect providing for the continuance of a regulation under the Fertilizers Act or the Pest Destroyers Act until the normal expiry date. The clause enables any substance not registered under either of those Acts to be packed in packages not labelled with a label registered under this Bill for three months after the commencement of the Bill. Clause 37 amends the Stock Medicines Act. The effect of clause 37 is to bring within the scope of that Act substances used for preventing insects or other pests from attacking stock. The sale of such substances is at present controlled by the Pest Destroyers Act. Clause 37 also provides that the Stock Medicines Act shall not apply to any agricultural chemical within the meaning of the Bill. Clause 37 is designed to make a convenient division of work in the Department of Agriculture.

The Hon. S. C. BEVAN secured the adjournment of the debate.

ADJOURNMENT.

At 10.20 p.m. the Council adjourned until Thursday, November 17, at 2 p.m.