

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

NEW SOUTH WALES



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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".

Pesticides and Allied Chemicals (Amendment) 1987

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**)—
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

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”.

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

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;