

South Australia

## **Agricultural Chemicals Regulations 1996**

under the *Agricultural Chemicals Act 1955*

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### **1—Short title**

These regulations may be cited as the *Agricultural Chemicals Regulations 1996*.

### **2—Commencement**

These regulations will come into operation on 1 September 1996.

### **3—Revocation**

All regulations previously made under the *Agricultural Chemicals Act 1955* are revoked.

### **4—Interpretation**

In these regulations—

*Act* means the *Agricultural Chemicals Act 1955*;

*fertiliser* means an agricultural chemical—

- (a) commonly used; or
- (b) represented expressly or impliedly by a person selling, offering for sale, exposing for sale or having in his or her possession for the purpose of sale, the agricultural chemical, as capable of being used,

for either or both of the following purposes:

- (c) for promoting the growth of any vegetation or any part of any vegetation;
- (d) for improving the fertility or structure of soil in any way.

### **5—When substance taken not to comply with particulars**

Schedule 1 prescribes proportions for the purposes of section 7(a) of the Act.

## 5A—Standards

For the purposes of section 11 of the Act, the prescribed standards applicable to fertilisers are set out in Schedule 1A.

## 6—Descriptions in labels and additional particulars

For the purposes of section 12 of the Act, the manner in which constituent substances and proportions of constituent substances may or must be described in a label and additional particulars supplied for the purposes of the Act is set out in Schedule 2.

## 7—Contamination of fodder

For the purposes of section 24(8) of the Act, a substance set out in column 1 of the table in Schedule 3 is a prescribed agricultural chemical and the level set out opposite in column 2 is prescribed in relation to that chemical.

## 8—Forms

Schedule 4 sets out forms to be used for certain purposes under the Act.

## 9—Fees

- (1) The fees payable for the purposes of the Act are set out in Schedule 5.
- (2) If a fee set out in Schedule 5 is payable in respect of a matter for which a fee is set out in the Act, the fee set out in the Schedule is in substitution for the fee set out in the Act.

## 10—Sale of fertilisers containing cadmium, mercury or lead

- (1) A person must not sell, offer for sale, expose for sale, or have in his or her possession for the purpose of sale, fertiliser—
  - (a) in which the concentration of cadmium exceeds 0.001 grams for each kilogram of the fertiliser, in a package that does not have affixed to it a label that includes the following statement:

**WARNING**—Use of this product may result in cadmium residues in excess of the Maximum Permissible Concentration (MPC) in plant and animal products and may also result in accumulation of these residues in soils.; or
  - (b) in which the concentration of mercury exceeds 0.0002 grams for each kilogram of the fertiliser, in a package that does not have affixed to it a label that includes the following statement:

**WARNING**—Continued use of this product may result in mercury residues in excess of the Maximum Permissible Concentration (MPC) in plant and animal products and may also result in accumulation of these residues in soils.; or
  - (c) in which the concentration of lead exceeds 0.02 grams for each kilogram of the fertiliser, in a package that does not have affixed to it a label that includes the following statement:

**WARNING**—Continued use of this product may result in lead residues in excess of the Maximum Permissible Concentration (MPC) in plant and animal products and may also result in accumulation of these residues in soils.

Maximum penalty: \$5 000.

- (2) A person who sells in bulk fertiliser containing cadmium, mercury or lead (as the case may be) must, within seven days after the sale of the fertiliser, advise the purchaser in writing as follows:
- (a) if the concentration of cadmium exceeds 0.001 grams for each kilogram of the fertiliser—that use of the fertiliser may result in cadmium residues in excess of the maximum permissible concentration in plant and animal products and in accumulation of the residues in soils;
  - (b) if the concentration of mercury exceeds 0.0002 grams for each kilogram of the fertiliser—that continued use of the fertiliser may result in mercury residues in excess of the maximum permissible concentration in plant and animal products and in accumulation of the residues in soils;
  - (c) if the concentration of lead exceeds 0.02 grams for each kilogram of the fertiliser—that continued use of the fertiliser may result in lead residues in excess of the maximum permissible concentration in plant and animal products and in accumulation of the residues in soils.

Maximum penalty: \$5 000.

## 11—Sale of gypsum

- (1) A person must not sell, offer for sale, expose for sale, or have in his or her possession for the purpose of sale, fertiliser represented expressly or impliedly as gypsum in a package that does not have affixed to it a label that—
- (a) includes a statement specifying—
    - (i) whether the grade of the fertiliser is Premium Grade, Grade 1, Grade 2 or Grade 3 (see clause 1 of Part 2 of Schedule 1A); and
    - (ii) the minimum amount (expressed as a percentage weight in weight (*w/w*)) of each of the following substances in the fertiliser:
      - gypsum (a naturally occurring substance composed of calcium sulphate dihydrate ( $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$ ));
      - calcium (Ca);
      - sulphur (S); and
    - (iii) the minimum percentage of the fertiliser that will pass through a 2 mm sieve; and
    - (iv) the minimum percentage of the fertiliser that will pass through a 5.6 mm sieve; and
  - (b) if the concentration of sodium in the fertiliser exceeds 0.8% *w/w*—includes one or both of the following statements:

Continual application may have a detrimental effect on soil.

**WARNING**—This product is not suitable for reclamation of saline sodic soils.

Maximum penalty: \$5 000.

- (2) Subject to subregulation (3), a person who sells in bulk fertiliser represented expressly or impliedly as gypsum must, within seven days after the sale of the fertiliser, advise the purchaser in writing of the following specifications:
- (a) whether the grade of the fertiliser is Premium Grade, Grade 1, Grade 2 or Grade 3 (see clause 1 of Part 2 of Schedule 1A);
  - (b) the minimum amount (expressed as a percentage weight in weight (*w/w*)) of each of the following substances in the fertiliser:
    - gypsum (a naturally occurring substance composed of calcium sulphate dihydrate ( $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$ ));
    - calcium (Ca);
    - sulphur (S);
  - (c) the minimum percentage of the fertiliser that will pass through a 2 mm sieve;
  - (d) the minimum percentage of the fertiliser that will pass through a 5.6 mm sieve;
  - (e) if the concentration of sodium in the fertiliser exceeds 0.8% w/w, that—
    - (i) continual application of the fertiliser may have a detrimental effect on soil; and
    - (ii) the fertiliser is not suitable for reclamation of saline sodic soils.

Maximum penalty: \$5 000.

- (3) However, if a person sells in bulk to a purchaser, on more than one occasion during a year, fertiliser represented expressly or impliedly as gypsum and the fertiliser has, on each occasion, the same specifications, the person is only required to advise the purchaser of the specifications in respect of the first sale made during the year.

## **Schedule 1—When substance taken not to comply with particulars**

### **1—Prescribed proportion—actual quantity greater than quantity stated in particulars**

- (1) A substance will be taken not to comply with particulars if the quantity of any claimed active constituent contained in the substance is greater than the quantity indicated in the particulars by 25% or more.
- (2) Despite subclause (1)—
  - (a) fertilisers may contain any excess of nitrogen, phosphorous or potassium (or any form of those substances); and
  - (b) lime may contain any excess of calcium; and
  - (c) gypsum may contain any excess of calcium sulphate.

## 2—Prescribed proportion—actual quantity less than quantity stated in particulars

A substance will be taken not to comply with particulars if the quantity of any claimed active constituent contained in the substance is less than the quantity indicated in the particulars by more than the percentage determined as follows:

- (a) in the case of nitrogen, phosphorous or potassium (or any form of those substances) or a trace element added to fertiliser or an insecticide added to fertiliser—
  - (i) if the quantity indicated is 1% or less—10% of the whole substance;
  - (ii) if the quantity indicated is more than 1% but not more than 16%—a percentage of the whole substance determined by the following formula:  
$$\text{percentage} = 0.1 + (0.0433 \times (\text{indicated percentage} - 1))$$
  - (iii) if the quantity indicated is more than 16%—0.75% of the whole substance;
- (b) in any other case—2% of the quantity indicated in the particulars.

## 3—Prescribed proportion—set off of excesses against deficiencies in case of phosphorous

If particulars indicate that the quantity of phosphorous contained in an agricultural chemical is more than 16%, for the purposes of determining whether the actual quantity of phosphorous contained in the chemical is greater or less than the indicated quantity by more than the prescribed proportion as set out in this Schedule—

- (a) an excess of water soluble phosphorous may be set off against a deficiency of citrate soluble phosphorous; and
- (b) if the proportion of citrate soluble phosphorous does not exceed 25% of the total of the quantities of citrate soluble phosphorous and water soluble phosphorous combined, an excess of citrate soluble phosphorous may be set off against a deficiency of water soluble phosphorous.

## Schedule 1A—Prescribed Standards for Fertilisers

### Part 1—Allowable concentration of heavy metal contaminants in fertilisers

#### 1—Interpretation

In this Part—

*wholly constituted of trace elements*, in relation to fertiliser, means that the nutritional value of the fertiliser is derived only from the trace elements boron, cobalt, copper, iron, manganese, molybdenum, selenium or zinc, or the salts of those trace elements;

*partially constituted of trace elements*, in relation to fertiliser, means that the nutritional value of the fertiliser is partially derived from the trace elements boron, cobalt, copper, iron, manganese, molybdenum, selenium or zinc, or the salts of those trace elements.

## **2—Cadmium**

- (1) The concentration of cadmium (Cd) in a phosphatic fertiliser must not exceed 0.35 grams for each kilogram of phosphorus in the fertiliser.
- (2) The concentration of cadmium (Cd) in a non-phosphatic fertiliser wholly constituted by trace elements must not exceed 0.05 grams for each kilogram of the fertiliser.
- (3) The concentration of cadmium (Cd) in any other non-phosphatic fertiliser must not exceed 0.01 grams for each kilogram of the fertiliser.

## **3—Mercury**

The concentration of mercury (Hg) in a fertiliser must not exceed 0.005 grams for each kilogram of the fertiliser.

## **4—Lead**

- (1) The concentration of lead (Pb) in a fertiliser wholly constituted by trace elements must not exceed 2 grams for each kilogram of the fertiliser.
- (2) The concentration of lead (Pb) in a fertiliser partially constituted by trace elements must not exceed 0.5 grams for each kilogram of the fertiliser.
- (3) The concentration of lead (Pb) in a fertiliser that does not contain trace elements must not exceed 0.1 grams for each kilogram of the fertiliser.

## **Part 2—Quality standards applicable to fertilisers that are gypsum products**

### **5—Grades**

- (1) A fertiliser represented expressly or impliedly as premium grade gypsum must include at least 16.7% weight in weight (*w/w*) sulphur.
- (2) A fertiliser represented expressly or impliedly as Grade 1 gypsum must include at least 15% *w/w* sulphur.
- (3) A fertiliser represented expressly or impliedly as Grade 2 gypsum must include at least 12.5% *w/w* sulphur.
- (4) A fertiliser represented expressly or impliedly as Grade 3 gypsum must include at least 10% *w/w* sulphur.

### **6—Fineness**

- (1) At least 50% of the total amount of a fertiliser represented expressly or impliedly as gypsum must be able to pass through a 2 mm sieve.
- (2) At least 80% of the total amount of a fertiliser represented expressly or impliedly as gypsum must be able to pass through a 5.6 mm sieve.

## **7—Moisture content**

- (1) The moisture content of a fertiliser represented expressly or impliedly as gypsum must not exceed 15% of the total amount of the fertiliser.
- (2) For the purposes of subclause (1), water bound in the gypsum mineral structure of the fertiliser is not to be taken into account.

## **Schedule 2—Descriptions in labels and additional particulars**

### **Part 1—Rules of general application to labels and additional particulars**

#### **1—Application of Part 1**

This Part applies in relation to descriptions in labels or additional particulars supplied under the Act.

#### **2—Fine material**

- (1) If "fine material" (or the abbreviation FM) is used to describe a fungicidal or insecticidal dust, the percentage of the dust that will pass through a .076 mm sieve must be stated.
- (2) If "fine material" (or the abbreviation FM) is used to describe any other substance, the percentage of the substance that will pass through a 1.003 mm sieve must be stated.

#### **3—Ground**

If "ground" is used to describe a substance, the percentage of the substance that will pass through a .152 mm sieve must be stated.

#### **4—Micro or colloidal etc**

- (1) "Micro", "colloidal" or any term implying a greater degree of fineness than that indicated by "ground" must not be used to describe a substance unless the whole of the substance will pass through a .076 mm sieve.
- (2) If such an expression is used to describe a substance, the average particle size in microns must be stated.

#### **5—Terminology used to describe relative amounts**

- (1) The terminology to be used to describe a relative amount of a substance must be g/kg, ml/l, g/l, the percentage weight in weight (w/w) or the percentage weight in volume (w/v) as directed by the Minister in relation to a substance of that kind.
- (2) If the relative amounts are given by reference to volume or mass to volume, the specific gravity of the substance at 20°C must also be stated.

#### **6—Use of numerals or abbreviations**

- (1) Numerals or abbreviations must not be used so as to be likely to mislead persons as to the composition of any substance.

- (2) Numerals and abbreviations which have no reference to percentage composition, or which form part or the whole of a scientifically recognised name for the substance, may be used.

## **7—Meaning of certain abbreviations or symbols**

- (1) The following abbreviations or symbols may be used with the meanings shown:

FM, or "fine material", followed by a number, means—

- (a) in the case of a fungicidal or insecticidal dust—the percentage of the dust indicated by that number will pass through a .076 mm sieve;
- (b) in any other case—the percentage of the substance indicated by that number will pass through a 1.003 mm sieve.

"Ground" means the specified percentage of the substance will pass through a .152 mm sieve.

"Micro", "colloidal" or any term implying a greater degree of fineness than that indicated by the word "ground" means the whole of the substance will pass through a .076 mm sieve.

NV means "neutralising value" defined as the number of kilograms of pure limestone (CaCo<sub>3</sub>) that are equivalent in neutralising value to 100 kilograms of the substance.

- (2) The following qualifying suffixes may be used with the meanings shown:

A means "as ammonia"

O means "as organic material"

U means "as urea"

N means "as nitrate"

T means "total"

AS means "acid soluble"

CS means "citrate soluble"

WS means "water soluble"

- (3) A qualifying suffix must be printed or written in letters approximately two-thirds of the height of the symbols it qualifies and, if printed, be in the same face type as the symbols.

## **Part 2—Rules of special application to labels**

### **8—Name of constituent substances**

- (1) Each claimed active constituent of the substance must be described in the label by its common name or an abbreviated name approved by the Minister, with or without the correct chemical name.
- (2) However—
- (a) if a constituent has no common name or approved abbreviated name, the correct chemical name must be stated;

- (b) if a constituent does not have a common name and the chemical composition is unknown or complex, the Minister may approve the use of a new coined name.

### **9—Proportion of active constituents**

If the agricultural value of a substance depends on the presence in it of a particular chemical or chemical element, the following must be stated in the label:

- (a) in the case of a fertiliser—the percentage of the particular chemical or chemical element;
- (b) in any other case—the ratio or proportion of relative amounts of the chemical or chemical element in metric units of mass/mass, volume/volume or mass/volume.

### **10—Purposes for which substance may be used and directions for use need not be stated for certain substances**

The particulars shown on the label need not state the purposes for which the applicant claims or intends the substance may be used or directions for use of the substance, if the label relates to—

- (a) a fertiliser; or
- (b) a fertiliser to which an insecticide has been added; or
- (c) a substance that is sold in bulk (*ie* that at the time of delivery to the purchaser is in a container that holds 25 kilograms or more, or has a capacity of 20 litres or more).

### **11—Additional particulars prescribed in relation to certain agricultural chemicals**

#### **(1) Rock phosphate, basic slag, agricultural lime or agricultural chemical containing bone**

If a label relates to rock phosphate, basic slag, agricultural lime or an agricultural chemical containing bone, the percentage of fine material contained in the substance must be stated (and described in accordance with Part 1).

- (2) For the purpose of subclause (1) *fine material* means any material that will pass through a 1.003 mm sieve.

#### **(3) Urea**

If the label relates to urea, or to any agricultural chemical containing urea, the maximum proportion biuret must be stated.

## Part 3—Rules of special application to additional particulars

### 12—Composition

The additional particulars must contain a statement of the composition of each substance (other than a claimed active constituent) of which the substance is composed in the form of—

- (a) a prescription setting out the common name (if any) and the correct chemical name of each substance; and
- (b) the percentage of each substance relative to the whole of the substance.

### 13—Fine material

(1) If—

- (a) the agricultural chemical is a phosphatic fertiliser other than superphosphate or gypsum or the degree of fineness of the agricultural chemical affects its agricultural value; and
- (b) the percentage of fine material contained in the agricultural chemical is not stated in the label,

the percentage of fine material contained in the agricultural chemical must be stated in the additional particulars (and described in accordance with Part 1).

- (2) For the purpose of subclause (1) *fine material* means any material that will pass through a 1.003 mm sieve.

### 14—Other properties affecting agricultural value

If solubility, stability of emulsion, suspension or any other property affects the agricultural value of a substance, the Minister may require such information about those properties to be stated in the additional particulars as the Minister considers necessary.

## Schedule 3—Contamination of fodder

<u>Agricultural chemical</u>	<u>Maximum permitted level</u>
Aldrin	0.05 ppm
Chlordane	0.03 ppm
DDT, DDD, DDE combined total	0.1 ppm
Dieldrin	0.05 ppm
Endrin	0.03 ppm
Heptachlor	0.03 ppm
Hexachlorobenzene (HCB)	0.01 ppm
Lindane (BHC)	0.1 ppm
Methoxychlor	2 ppm

ppm = parts per million

## Schedule 4—Forms

- Form 1 Application for registration of label and additional particulars  
 Form 2 Statutory declaration verifying particulars in application and specimen copy of label  
 Form 3 Application for renewal of registration of labels and additional particulars

Form 1  
*Agricultural Chemicals Act 1955 (SA)*  
**Application for registration of label and additional particulars**

I, .....  
 (name of applicant)  
 of .....  
 (place of business)  
 apply for registration of the label submitted with this application and of the additional particulars set out below.

Distinctive name of agricultural chemical .....

Name of manufacturer .....

Place of manufacture .....

The agricultural chemical is at present registered in the State(s) of .....

Samples can be obtained in South Australia from the following address: .....

Name and address of registered office or agent in South Australia .....

*Additional Particulars*

List of constituents claimed to be active	*Proportion	Other	*Proportion

\*A proportion should as a rule be stated as mass/mass. If volume/volume or mass/volume is stated, reasons must be attached and specific gravity of the agricultural chemical at 20°C stated.

Fineness	}
Other particulars as directed by the Minister	}
Meaning of any abbreviation for which approval is sought	}
Net weights or volumes of substance in packages to be sold under label	}
Is exemption under section 13 claimed? (Yes or No)	}

Enclosed . . . . .  
 . Prescribed fee  
 . Sample label

Date: .....  
 (Signature of applicant or person authorised by applicant to sign application.)

Form 2

*Agricultural Chemicals Act 1955 (SA)*

**Statutory declaration verifying particulars in application and specimen copy of label**

I, .....  
(name of applicant or person making declaration on behalf of applicant)

do solemnly and sincerely declare that the particulars contained in the attached applications for registration of labels and of additional particulars are the true particulars of the agricultural chemicals intended to be sold by

.....  
(name of applicant)

under the distinctive names specified in the applications. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

Declared at ..... }  
this ..... day of ..... }  
..... 19 ..... }  
Before me ..... }

Justice of the Peace/  
Commissioner for taking Affidavits

Form 3

*Agricultural Chemicals Act 1955 (SA)*

**Application for renewal of registration of labels and additional particulars**

I, .....  
(name of applicant)

of .....  
(place of business)

apply for renewal of registration of the label(s) and additional particulars relating to the agricultural chemicals set out below until 30 June 19 . . .

Enclosed: Prescribed fee

Date: .....  
(Signature of applicant or person authorised by applicant to sign.)

Registration No.	Distinctive Name	Registration No.	Distinctive Name

## Schedule 5—Fees

- 1 Application for registration or renewal of registration of label and additional particulars or for alteration of registered label or registered additional particulars (see sections 12(7)(b), 18(2)(b) and 19(2) of the Act)—
  - (a) in relation to an agricultural chemical that is a fertiliser or soil conditioner and does not contain a pesticide \$90
  - (b) in any other case no fee
- 2 Fee for analysis, for each item \$28

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

### Revocation of regulations

The *Agricultural Chemicals Regulations 1996* were revoked by Sch 4 of the *Agricultural and Veterinary Products (Control of Use) Regulations 2004* on 29.8.2004.

### Principal regulations and variations

Year	No	Reference	Commencement
1996	206	<i>Gazette 29.8.1996 p996</i>	1.9.1996: r 2
1999	201	<i>Gazette 30.9.1999 p1397</i>	30.9.1999: r 2
2003	147	<i>Gazette 12.6.2003 p2500</i>	12.6.2003: r 2

### Provisions varied

Provision	How varied	Commencement
r 4		
fertiliser	inserted by 201/1999 r 3	30.9.1999
r 5A	inserted by 201/1999 r 4	30.9.1999
rr 10 and 11	inserted by 201/1999 r 5	30.9.1999
Sch 1A	inserted by 201/1999 r 6	30.9.1999
Pt 2		
cll 1, 3 and 4	redesignated as cll 5—7 by 147/2003 Sch 1	12.6.2003