**PEST DESTROYERS BILL 1934**

**Legislative Council, 24 October 1934, pages 1584-6**

Second reading

**The Hon. A. P. BLESING (Northern—Minister of Agriculture)—**Members will remember that a Bill to amend the Insecticides Act was previously introduced into the Legislative Council during this session. That Bill passed its second reading, but was withdrawn by me before it passed through Committee. I took that action as the result of representations made to me by a deputation from the Chamber of Manufactures. The view taken by the members was that the previous Bill was deficient in certain ways and the Bill, in consequence, was withdrawn and instructions were given for the preparation of a new Bill. The Chamber of Manufactures has been consulted in the preparation of the Bill now before this Chamber, and I have, received a letter from the Chamber as follows:—

Pest Destroyers Bill, 1934.—Referring to the interview which you granted to representatives from this Chamber in regard to the above Bill, I now have to advise that the sub-committee dealing with this matter has approved the redrafted Bill which has been submitted to them confidentially by the Parliamentary Draftsman under your instructions. In returning this Bill to you my Chamber desire me to express their thanks for the courteous way you have met their objections; they believe that the Bill as redrafted should prove workable.

As pointed out in introducing the previous Bill, the existing Insecticides Act, 1919, has proved unsatisfactory in many respects. The present Bill, it is submitted, will remedy these defects and, as suggested by the Chamber of Manufactures, will comprise a workable measure. The control under the Bill is limited to the essentials where control is desirable. Manufacturers will be required only to disclose the active constituents of their products and so faras retailers are concerned their duties under the Bill will be fulfilled if they sell the product in the same form as it is received by them from the wholesalers. The details ofthe Bill are as follows:—One change of form only is proposed. The existing definition of “insecticides” covers substances used forthe destruction of rabbits, vermin, and other rodents. It is obviously an anomaly to class these substances as insecticides, and it is therefore proposed that the Act will henceforth beknown as the “Pest Destroyers Act,” and that the existing definition of “insecticides” will be divided into two definitions, one of “insecticides” and another of “vermin destroyers.” Clause 2 of the Bill makes this amendment to the title of the principal Act, and provides that it will in future be known as the “Pest Destroyers Act.” Clause 3 makes a number of amendments to the definition provisions of the principal Act. As the Bill will, in its essentials, only apply to the active constituents of the pest destroyers a definition “active constituents” is necessary. This is inserted by the clause. Paragraph II. Carries out the policy involved by the change in the name as before discussed. It is proposed under paragraph III. to divide the existing definition of “dealer” into two definitions, namely that of “dealer” and “wholesale dealer.” It will be seen later that the main duties imposed by the Bill are to be carried out by wholesale dealers.

New definitions are inserted by paragraph VII. “Pest destroyer,” which is the term used throughout the Bill to include what is now embraced in the definitions of “fungicide” and “insecticide” is extended to include vermin destroyers. “Vermin destroyer” is defined to mean substances used for the destruction of rabbits, vermin, rodents, and other noxious animals or birds. This definition is now partly contained in the definition of “insecticides” and paragraph V. makes consequential alterations to that definition. A definition of “wholesale dealer” is also inserted to mean a person who is primarily responsible for placing any pest destroyer on the market in South Australia. Under paragraph VIII. the Governor is given power to proclaim any substance to be a fungicide, insecticide, vermin destroyer, or weed destroyer. Another power is also given to the Governor whereby a proclamation may be made exempting any substance in any specified circumstances from the operation of the Act. It is probable that regulation of the sale of a number of articles in use will be unnecessary, and this provision will therefore enable such a case to be met. Clause 4 repeals sections 4 and 5 of the principal Act, and re-enacts new provisions in their stead. Every wholesale dealer once in every year must register with the Chief Inspector:— (a) His name and place of business; (b) the distinctive name of every pest destroyer sold by him; and (e) the places where the pest destroyer can be purchased. A fee of 5s. must be paid for every pest destroyer. If registered for half the year only the fee will be 2s. 6d., and the total sum to be paid by any person in any one year is not to exceed £2. With the exception of the concession given for registration for a half-year these are the fees now provided by the principal Act. Subclause (3) prescribes the duties of a dealer other than a wholesale dealer. Such a dealer must supply to the Chief Inspector notice of the fact that he is a dealer in pest destroyers. It thus follows that the only duty placed by the Bill on retail dealers so far as notices are concerned will be confined to a notice that he is a retail dealer.

With the notice given by the wholesale dealer there must under new section 5 be submitted a statutory declaration containing the following information:—(1) The name of the pest destroyer; (2) its active constituents; (3) the percentage of each active constituent and what percentage is soluble in cold water; (4) where it consists of dry powder for application in dust form, the degree of fineness of the particles. In addition, specimen copies of the label to be fixed to packages must also be supplied. The specimen label must show the name of the pest destroyer, its net weight or measure and any directions for its use, and in addition must give either a statement of the active constituents of the pest destroyer or a statement that the active constituents correspond with those supplied with the declaration made by the wholesale dealer. It will thus be open to the manufacturer either to print a statement of the active constituents on the actual package or to state that the active constituents comply with the particulars supplied by him to the department in respect of that pest destroyer. Under new subsection (3) if any wholesale dealer has complied with the requirements of the section as to any pest destroyer any other wholesale dealer may trade in the pest destroyer without supplying details as to that pest destroyer. Clause 5 repeals sections 6 and 7 of the principal Act and enacts new sections in their stead. Under new section 6 a wholesale dealer is required on delivery of any pest destroyer to affix on every package a label corresponding to the specimen label deposited in respect of that pest destroyer. Any dealer who purchases from a wholesale dealer is to see that on any sale the original label or one in a like form is affixed to the package. If a package is wholly or partly emptied a dealer is not to place in that package any pest destroyer of a different kind to that which it originally contained.

New section 7 makes important changes in the principal Act. Under the present Act an invoice must be given on every sale of a pest destroyer and that invoice is a warranty that the pest destroyer complies with the details given by the wholesale dealer. It has been stated that this requirement is one that is very burdensome upon retail dealers and it is consequently deleted by the Bill. Every pest destroyer must, under the Bill, be labelled in manner prescribed in clause 4. New section 7 therefore provides that the label shall be taken as a warranty that the pest destroyer conforms to the minimum standards set out in the particulars supplied by the wholesale dealer. Clause 6 makes consequential alterations to section 8 of the principal Act and clause 7 repeals section 14 of the principal Act. The substance of section 14 is contained in clause 5, so that this section now becomes unnecessary. Clauses 8, 9, and 10 also make consequential amendments to the principal Act. Clause 11 makes an amendment to section 24 of the principal Act which provide, for the making of regulations. No provision is now contained giving power to prescribe methods of analysis of pest destroyers used in dust form This power is accordingly provided by clause 11. Sections 27 and 28 of the principal Act deal with appeals from proceedings for offences against the Act. These matters are now dealt with by the Justices Act and these sections are consequently unnecessary and are therefore repealed by clause 12. Clause 13 and the schedule make a number of amendments to the principal Act necessary upon the change from the term “insecticides” to “pest destroyers.” None of these amendments effect any change in policy of the principal Act. One amendment made to section 10 provides that the present Chief Inspector of Insecticides and Fungicides shall be known in future as the “Chief Inspector of Pest Destroyers” and that the present Chief Inspector shall continue in his present office under the altered title. I move the second reading.

The Hon. W. G. DUNCAN secured the adjournment of the debate.