**INSECTICIDES BILL 1919**

**HOUSE OF ASSEMBLY, 4 AUGUST 1919, PAGE 420**

**Second reading**

The COMMISSIONER of CROWN LANDS (Hon. E. A. Anstey)—In moving the second reading of this Bill I desire to say that the present Insecticides Act, though passed in 1910, has remained a dead letter from that time until now. Thereasonof this is thatno standard for any insecticide or fungicide has been prescribed by proclamation under section 3 of the Act. Section 3 authorises His Excellency the Governor, by proclamation, to prescribe a standard for any insecticide or fungicide, fixing— (a) The constituents that may or shall be contained therein; and (b) the quantities or proportions of such constituents; and (c) the chemical or physical conditions of such constituents.

The principle of the Act was that the Government should fix the standard for all insecticides or fungicides on the market, and that every parcel of insecticide or fungicide sold must comply with the Government standard. It will be seen that the principle is different from that embodied in the Fertilisers Act, 1900, which was re-enacted with amendments by the present Parliament as the Fertilisers Act, 1918. Under that Act manufacturers of and dealers in fertilisers fix their own standard for the fertilisers they sell by depositing a certificate of the constituents of the fertilisers with the Chief Inspector of Fertilisers, and every parcel of fertiliser sold by them must comply with the standard fixed. In 1916 the Victorian Parliament passed a Fungicides Act which copied very closely our Insecticides Act and proceeded on the same principle, namely, that the Government should fix the standard for fungicides and insecticides sold in this State, and that it should be an offence to sell any insecticide or fungicide which did not conform to the Government standard.

Almost immediately after the Victorian Act was passed, the Victorian authorities prescribed, by proclamation, standards for a large number of fungicides and insecticides, and also made the necessary regulations under the Act. It was then proposed by the South Australian Department of Agriculture to make a proclamation and regulations under our Insecticides Act on the lines of the proclamation and regulations made under the Victorian Fungicides Act. This was approved by the Government, and the matter was referred to the Crown law officers. Mr. Quinn, the Horticultural Instructor, who is the officer administering the Act, after careful consultation with the Crown law officers, then made a report expressing the opinion that the powers given by the Insecticides Act were quite inadequate to effect the purposes intended. His report continued:—

As the Act is at present constituted any person can place on the market and distribute an alleged insecticide or fungicide under a certain name, and before any action can be taken it has to be found, and an analysis made, and a standard set up by proclamation. By this time it has disappeared perhaps to reappear under another name, when the same process must be followed. I fail to see that the mere proclaiming of a long list of names of fungicides and insecticides as these regulations propose to do can prove of any avail unless an analysis of each one be first made and a standard setupfor each of them in the proclamation. This procedure would, in my opinion, result in endless work, all tending to follow in the trail of mischief already perpetrated rather than act directly as a preventive of fraud. The more I review this Act the stronger becomes my conviction that the better course to adopt would be to seek its amendment, and in doing so follow the simple procedure set out in the Fertilisers Act, 1900. In this manner any person who proposes to begin the sale of any compound allegedly of value for destroying insects or fungi should be compelled to register with the authorities the brand of each such article together with a statement of its principal ingredients. The total percentage of each such principal ingredient should be guaranteed, and where it contains elements or compounds likely to do serious harm to vegetation or to domestic animals when in certain forms, such as being soluble in water, &c., then the percentage of any ingredient present in an injurious condition should be stated. Given these preliminary precautions and the power at present granted to sample and test, and given further authority to publish the results of analyses or even practical trials, and comment upon same, would, I think, drive any fraudulent or injurious article off the market much sooner and more effectively than the present Act permits. After long experience with similar Acts I am satisfied that publicity is a greater factor in keeping down imposition than the possibility of inflicting severe monetary fines when convictions are secured in Courts of Law.

Following upon Mr. Quinn's report, the Crown Solicitor gave his opinion as follows:—

I concur, generally speaking, with the conclusions at which Mr. Quinn has arrived. It was probably supposed when the Insecticides Act, 1910, was being prepared that practically all fungicides and insecticides fall within certain defined substances (e.g. Bordeaux mixture, arsenate of lead, Stockholm tar, copper sulphate), no matter under what name they were sold; and if this were the case the Act would, in my opinion, be well adapted for its purpose. But after perusing the list in the Victorian proclamation, containing a great number of fancy and personal names (e.g. Lambert's potato blight preventive, kilall, Thomas's sheep dip,Peepi), as Mr. Quinn's remarks, it seems obvious that this is not the case. Whatevermay be the solution of the difficulty, I think something more adapted to the circumstances of the trade than the present Act must be devised before the evils of the trade can be effectively dealt with.

The Victorian Director of Agriculture was subsequently written to for information as to how the Victorian Fungicides Act, 1916, was working, and the following is an extract from his reply—

I have to state that the Fungicides Act of this State is drafted on similar lines to the South Australian Act. At present our Act can only be administered in the case of the commonly used fungicides, and insecticides such as arsenate of lead, Bordeaux mixture, lime sulphur, copper sulphate, and sulphur, for which standards have been fixed. For the patent mixtures, standards have not been proclaimed. The suggestion of throwing the onus of fixing the standard of the insecticide upon the manufacturer or importer is one that would considerably simplify the administration of an Act.

The present Bill is an attempt to meet the difficulties referred to. The Insecticides Act, 1910, is remodelled so as to base the Act upon the principle contained in the Fertilisers Act, 1918. Clause 4 requires every dealer in insecticides or fungicides to give notice to the Chief Inspector of Insecticides and Fungicides of his name and place of business, and of the distinctive names or brands of the insecticides or fungicides dealt in by him, and of the places where the same can be purchased. Clause. 5 provides for the licensing of dealers, and requires all dealers to pay a licence fee of 5s. for every insecticide or fungicide dealt in by him, and to furnish to the Chief Inspector a certificate setting out the constituents of every such insecticide or fungicide, and the percentage in which each constituent is contained therein, and what percentage of each constituent is soluble in cold water. Clauses 6 to 13 inclusive are based on corresponding clauses of the Insecticides Act, 1910.

Clause 14 is adopted from the Fertilisers Act, 1918. It imposes a penalty on persons putting into branded packages any insecticide or fungicide other than that to which the brands on Packages refer. Cause 15 is also adopted from the same Act, and gives any buyer of insecticide or fungicide a right to have a sample of any insecticide or fungicide which he has bought analysed by an analyst appointedby the Government under the Act. Clause 16 authorises the publication of the result of any analysis by an official analyst, and is based on a similar provision in the Act of 1910. Power is given to publish the result in any newspaper as well as in the "Journal of Agriculture." This power is relied upon by the officers administering the Act as one of the greatest safeguards against evasions of the Act. It has been found in practice that unscrupulous manufacturers and dealers dread far more the exposure of the inadequacies of the particular brand of insecticide or fungicide which they vend, and the consequent bad effect upon their market, than proceedings in the Court for an offence against the Act, followed by a fine. Clause17 is based on a similar provision in the Fertilisers Act, 1918, and authorises the payment of the cost of an official analysis by the Government in cases where the person requesting the analysis is engaged in rural production, and the insecticide or fungicide submitted for analysis complies with the warranty.

Clauses 18 to 20 are based on the corresponding provisions of the Insecticides Act, 1910. Clause 21 is an evidentiary provision, and is entirely new. It provides that where in any proceedings under the Act, any question arises as to whether any substance is used as an insecticide or fungicide, evidence that it was sold for that purpose, or was advertised as being suitable to be used for that purpose, or was contained in a pack­age bearing a label stating that the contents were suitable for use for that purpose, is to be sufficient evidence that the substance is so used. Clauses 22 and 23 follow closely similar provisions contained in the Insecticides Act, 1910. The remainder of the Bill deals with legal proceedings. I move the second reading.

Mr. GUNN secured the adjournment of the debate until August 19.