

PESTICIDES AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Pesticides Act 1979.

Clause 1 relates to the Short Title and commencement.

Clauses 2 and 3 clarify the powers of the Governor-General by Order in Council, and the Minister by notice in the *Gazette*, to declare certain things to be pesticides for the purposes of the principal Act. There is an inconsistency between the definition of "pesticide" in section 2 (which contemplates a declaration in respect of any substance or organism), and section 7 (which refers to any substance or mixture of substances). Under these clauses, a declaration may be made in respect of any substance, organism, active ingredient, or manufacturing concentrate.

Clause 4 prohibits the importation of pesticides that are not registered.

Clause 5 makes 3 changes to the information to be supplied in support of an application for the registration of a pesticide. First, the applicant will be required to supply such details of the formulation or composition of the pesticide as the Board may specify. The present requirement is to supply full details of the formulation in every case.

Secondly, the applicant must state the name of the manufacturer of the pesticide, and its country of origin. This requirement is new.

Thirdly, section 22 (3) (b) (ii) of the principal Act is amended to make it clear that the method of analysis to be used in the detection of residues arising from the use of the pesticide is required only where the possibility exists of such residues occurring. At present, the information is required in all cases, whether relevant or irrelevant.

Clause 6 contemplates the prescribing of an annual fee in respect of the registration of a pesticide, and empowers the Board to revoke the registration in any case where any such fee remains unpaid for 6 months.

Clause 7 prohibits the advertising of unregistered pesticides.

Clause 8 repeals a redundant definition in section 42 of the principal Act.

Clause 9 makes it an offence to fail to surrender a cancelled licence within the period presently prescribed by the Act (7 days following cancellation).

Clause 10 is consequential upon *clause 6*.

No. 141—1

Price 80c

Hon. Colin Moyle

PESTICIDES AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Pesticides Act 1979

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

- 1. Short Title and commencement**—(1) This Act may be cited as the Pesticides Amendment Act 1985, and shall be read together with and deemed part of the Pesticides Act 1979* (hereinafter referred to as the principal Act).
- 10 (2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

*1979, No. 26

- 2. Interpretation**—Section 2 of the principal Act is hereby amended by omitting from the definition of the term “pesticide” the words “or organism”, and substituting the words “, organism, active ingredient, or manufacturing concentrate”.

3. Power to declare substances, etc., to be pesticides—

- (1) Section 7 (1) of the principal Act is hereby amended by omitting the words “or mixture of substances”, and substituting the words “, organism, active ingredient, or manufacturing concentrate”.
- (2) Section 7 (2) of the principal Act is hereby amended—
- (a) By omitting the words “or mixture”, and substituting the words “, organism, active ingredient, or manufacturing concentrate”:
- (b) By omitting the words “or mixtures”, and substituting the words “, organisms, active ingredients, or manufacturing concentrates”.
- (3) Section 7 (3) of the principal Act is hereby amended by omitting the words “or mixture or class of substances or mixtures”, and substituting the words “, organism, active ingredient, or manufacturing concentrate or class of substances, organisms, active ingredients, or manufacturing concentrates”.
- (4) Section 7 (4) of the principal Act is hereby amended by omitting the words “or mixture of substances”, and substituting the words “, organism, active ingredient, or manufacturing concentrate”.

4. Pesticides not to be imported unless registered—

- (1) Section 21 (1) of the principal Act is hereby amended—
- (a) By inserting, before the word “sell”, the word “import,”:
- (b) By omitting the word “sale”, and substituting the words “importation, sale,”.
- (2) Section 21 (2) of the principal Act is hereby amended by omitting the word “sells”, and substituting the words “imports, sells,”.

5. Application for registration—(1) Section 22 (3) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraphs:

- “(a) The name and percentage of each active ingredient, together with such details of the formulation or the composition of the pesticide as the Board may require:
- “(aa) The name of the manufacturer, and the country of origin, of the pesticide:”.
- (2) Section 22 (3) of the principal Act is hereby further amended by adding to paragraph (b) (ii) the words “, where the possibility exists of such residues occurring”.

6. Duration of registration—The principal Act is hereby amended by inserting, after section 27, the following section:

“27A. (1) Subject to **subsection (2)** of this section, the registration of a pesticide shall continue in force unless and
5 until it is revoked by the Board under section 28 or section 29 of this Act.

“(2) Any regulations made under section 76 of this Act may prescribe an annual fee to be paid in respect of the registration of any pesticide and, if in any case any such fee remains unpaid
10 for longer than 6 months after the date on which it becomes due and payable, the Board may revoke the registration of the pesticide.”

7. Advertisements—Section 40 (3) of the principal Act is hereby amended by inserting, after the word “pesticide”, the
15 words “that is not registered under this Act, or”.

8. Interpretation in relation to controlled pesticides—Section 42 of the principal Act is hereby amended by repealing the definition of the term “licensing year”.

9. Cancellation of licences—Section 52 of the principal Act
20 is hereby amended by adding the following subsection:

“(13) Every person commits an offence against this Act and is liable to a fine not exceeding \$500 who fails to surrender a cancelled licence when required by subsection (9) of this section to do so.”

25 **10. Regulations**—Section 76 (1) (a) of the principal Act is hereby amended by inserting, after the word “Prescribing”, the words “annual registration fees and other”.