



Australian Capital Territory

# **Fertilisers Act 1904**

**A1904-33**

**Republication No 4**

**Effective: 12 April 2007 – 16 December 2009**

Republication date: 12 April 2007

Last amendment made by A2007-3

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Fertilisers Act 1904* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 12 April 2007. It also includes any amendment, repeal or expiry affecting the republished law to 12 April 2007.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Fertilisers Act 1904

## Contents

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	Page
1 Name of Act	2
1A Dictionary	2
1B Notes	2
2 Meaning of <i>fertiliser</i>	2
3 Vendor to give statement	3
4 Approved forms	3
5 Regulation-making power	4
<b>Dictionary</b>	<b>5</b>
<b>Endnotes</b>	
1 About the endnotes	6
2 Abbreviation key	6
3 Legislation history	7

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R4  
12/04/07

Fertilisers Act 1904  
Effective: 12/04/07-16/12/09

contents 1

## Contents

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		Page
4	Amendment history	8
5	Earlier republications	9



Australian Capital Territory

# Fertilisers Act 1904

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An Act to regulate the sale and prevent the adulteration of fertilisers

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## 1 Name of Act

This Act is the *Fertilisers Act 1904*.

## 1A Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition '*fertiliser*—see section 2.' means that the term 'fertiliser' is defined in that section.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

## 1B Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the Legislation Act s 127 (1), (4) and (5) for the legal status of notes.

## 2 Meaning of *fertiliser*

In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

*fertiliser* means any manure used or intended to be used as fertiliser, but does not include stable manure, lime, refuse from fellmongeries or similar articles in their natural state.

### 3 Vendor to give statement

- (1) A vendor of fertiliser must, on or before its delivery, give the purchaser a statement about the nature and quantities of the chemical constituents of the fertiliser.

Maximum penalty: 5 penalty units.

*Note* If a form is approved under s 4 (Approved forms) for a statement, the form must be used.

- (2) A vendor of fertiliser must not give the purchaser an incorrect or false statement.

Maximum penalty: 5 penalty units.

- (3) In proceedings for an offence against this section —
  - (a) evidence that a bag, barrel or other package containing fertiliser was branded with a statement of a kind referred to in that subsection is prima facie evidence that the statement relates to the contents of the bag, barrel or other package; and
  - (b) evidence that a statement of a kind referred to in subsection (1) was delivered to a purchaser of a bag, barrel or other package containing fertiliser and that the statement and the bag, barrel or other package containing fertiliser were each marked with the same name, letter or other mark is prima facie evidence that the statement relates to the contents of the bag, barrel, or other package.

### 4 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

*Note* For other provisions about forms, see *Legislation Act 2001*, s 255.

- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

## **5 Regulation-making power**

The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## Dictionary

(see s 1A)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- Executive
- Minister (see s 162)
- penalty unit (see s 133).

*fertiliser*—see section 2.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

This Act was originally a NSW Act—the *Fertilisers Act 1904* No 33 (NSW).

The Act was in force in NSW immediately before 1 January 1911 (the date of establishment of the ACT) and was continued in force by the *Seat of Government Acceptance Act 1909* (Cwlth), s 6.

Under the *Seat of Government (Administration) Act 1910* (Cwlth), s 4 the Act had effect in the ACT as if it were an ACT law (subject to ordinances made under the *Seat of Government (Administration) Act 1910*).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former NSW laws in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

Under the *Interpretation Act 1967* (repealed), s 65 all former NSW Acts in force in the ACT immediately before 10 November 1999 (including this Act) became, for all purposes, laws made by the ACT Legislative Assembly. This completed the process of making former NSW Acts fully into ACT laws.

#### NSW legislation

##### **Fertilisers Act 1904 No 33**

assented to 29 December 1904  
commenced 1 March 1905 (s 1)

as amended by

#### Commonwealth legislation

##### **New South Wales Acts Application Ordinance 1984 No 41 sch 2 pt 13**

assented to 10 August 1984  
commenced 10 August 1984

##### **Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)  
s 1, s 2 commenced 10 May 1989 (s 2 (1))  
sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

## Endnotes

### 4 Amendment history

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#### Legislation after becoming Territory enactment

##### Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)

s 1, s 2 commenced 27 November 1998 (s 2 (1))

sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

##### Legislation (Consequential Amendments) Act 2001 No 44 pt 142

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 142 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

##### Statute Law Amendment Act 2001 (No 2) No 56 pt 3.19

notified 5 September 2001 (Gaz 2001 No S65)

commenced 5 September 2001 (s 2 (1))

##### Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.44

notified LR 22 March 2007

s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))

sch 3 pt 3.44 commenced 12 April 2007 (s 2 (1))

## 4 Amendment history

The *New South Wales Acts Application Act 1984*, sch 2, pt 13 set out the text of this Act in an amended form and provided for the amended form to apply as the text of the Act in force in the ACT. This endnote, therefore, only details amendments made after the enactment of the 1984 Act.

#### Name of Act

s 1 sub 2001 No 56 amdt 3.253

#### Dictionary

s 1A ins A2007-3 amdt 3.241

#### Notes

s 1B ins A2007-3 amdt 3.241

#### Meaning of *fertiliser*

s 2 def *fertiliser* sub 2001 No 56 amdt 3.254

def *prescribed* om 2001 No 44 amdt 1.1620

#### Vendor to give statement

s 3 am 1998 No 54 sch; 2001 No 44 amdt 1.1621, amdt 1.1622

#### Approved forms

s 4 am 1989 No 38 sch 1

sub 2001 No 44 amdt 1.1623

(4)-(7) exp 12 September 2002 (s 4 (7))

**Regulation-making power**

s 5 ins 2001 No 44 amdt 1.1623

**Schedule**

sch om 2001 No 44 amdt 1.1624

**Dictionary**

dict ins A2007-3 amdt 3.242  
def **fertiliser** ins A2007-3 amdt 3.242

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	ord 1989 No 38	31 August 1992
2	Act 2001 No 56	16 July 2002
3	A2001-56	13 September 2002

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