



ANNO TRICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1986

No. 43 of 1986

An Act to amend the Agricultural Chemicals Act, 1955, the Chaff and Hay Act, 1922, the Controlled Substances Act, 1984, the Food Act, 1985, the Stock Foods Act, 1941, and the Stock Medicines Act, 1939; and for other purposes.

[Assented to 4 September 1986]

The Parliament of South Australia enacts as follows:

1. This Act may be cited as the "Statutes Amendment (Analysts) Act, 1986". Short title.

2. (1) This Act shall come into operation on a day to be fixed by proclamation. Commencement.

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

3. The Agricultural Chemicals Act, 1955, is amended—

(a) by striking out from subsection (1) of section 4 the definition of "analyst" and substituting the following definition:

"analyst" means—

(a) a person appointed by the Minister as an analyst for the purposes of this Act;

or

(b) a person holding a position of a class approved by the Minister for the purposes of this Act;

(b) by striking out from subsection (1) of section 5 "or analyst";

and

(c) by striking out subsection (2) of section 5.

Amendment of
Agricultural
Chemicals Act,
1955.

Amendment of
Chaff and Hay
Act, 1922.

4. The Chaff and Hay Act, 1922, is amended—

- (a) by striking out from section 3 the definition of “analyst” and substituting the following definition:

“analyst” means—

- (a) a person appointed by the Minister as an analyst for the purposes of this Act;

or

- (b) a person holding a position of a class approved by the Minister for the purposes of this Act;

- (b) by striking out from subsection (1) of section 4 “and persons having competent chemical knowledge to be analysts”;

and

- (c) by inserting in subsection (1) of section 15 “, or under the supervision of,” after “which has been analysed by”.

Amendment of
Controlled
Substances Act,
1984.

5. The Controlled Substances Act, 1984, is amended—

- (a) by striking out from section 4 the definition of “analyst” and substituting the following definition:

“analyst” means—

- (a) a person appointed as an analyst for the purposes of this Act;

or

- (b) a person holding a position of a class approved by the Governor for the purposes of this Act;

- (b) by striking out from section 4 the definition of “botanist”;

- (c) by striking out from subsection (1) of section 51 “or botanists”;

- (d) by striking out from subsection (2) of section 51 “or a botanist”;

- (e) by striking out paragraphs (a) and (b) of subsection (1) of section 53 and substituting “by, or under the supervision of, an analyst”;

- (f) by striking out paragraphs (a) and (b) of subsection (2) of section 53 and substituting “by, or under the supervision of, an analyst”;

- (g) by striking out from subsection (4) of section 53 “completing” and substituting “the completion of”;

- (h) by inserting the word “or” between paragraphs (b) and (c) of subsection (1) of section 54;

- (i) by striking out paragraph (d) of subsection (1) of section 54 and the word immediately preceding that paragraph;

- (j) by striking out from subsection (2) of section 61 “or a botanist and to certify that he subjected a substance to analysis” and substituting “and to certify that an analysis of a substance referred to in the certificate was carried out by, or under the supervision of, the analyst”;

and

(k) by striking out from subsection (3) of section 61 “an analyst or a botanist” and substituting “or an analyst”.

6. The Food Act, 1985, is amended—

Amendment of
Food Act, 1985.

(a) by striking out from section 3 the definition of “analyst” and substituting the following definition:

“analyst” means—

(a) a person appointed by the Commission as an analyst for the purposes of this Act;

or

(b) a person holding a position of a class approved by the Commission for the purposes of this Act;

(b) by repealing section 9;

and

(c) by striking out from paragraph (a) of subsection (1) of section 31 “carried out, or caused to be carried out, an analysis of” and substituting “analysed, or supervised the analysis of,”.

7. The Stock Foods Act, 1941, is amended—

Amendment of
Stock Foods Act,
1941.

(a) by inserting in section 3, immediately before the definition of “by-product”, the following definition:

“analyst” means—

(a) a person appointed by the Minister as an analyst for the purposes of this Act;

or

(b) a person holding a position of a class approved by the Minister for the purposes of this Act;

and

(b) by repealing section 12 and substituting the following section:

12. In legal proceedings relating to a substance analysed pursuant to this Act, a certificate apparently signed by an analyst—

Certificate of
analyst.

(a) stating that an analysis of the substance referred to in the certificate was carried out by, or under the supervision of, the analyst on a date stated in the certificate;

(b) describing the results of the analysis, shall be accepted as evidence of the facts stated in the certificate.

8. The Stock Medicines Act, 1939, is amended—

Amendment of
the Stock
Medicines Act,
1939.

(a) by striking out from paragraph (b) of subsection (5) of section 15 “approved authority” and substituting “analyst”;

and

(b) by striking out subsection (5a) of section 15 and substituting the following subsection:

(5a) In subsection (5) "analyst" means—

(a) a person appointed by the Minister as an analyst for the purposes of this Act;

or

(b) a person holding a position of a class approved by the Minister for the purposes of this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor