

---

---

**HEALTH**

---

---

HE301\*

Health Act 1911

**Health (Pesticides) Amendment  
Regulations 2016**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Health (Pesticides) Amendment Regulations 2016*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**3. Regulations amended**

These regulations amend the *Health (Pesticides) Regulations 2011*.

**4. Regulation 3 amended**

In regulation 3 in the definition of *fumigant* before paragraph (a) insert:

- (aa) chloropicrin;

**5. Regulation 81 amended**

- (1) In regulation 81 delete the definition of *verge or park spraying*.
- (2) In regulation 81 insert in alphabetical order:

*park* means a park, reserve or similar public place;  
*verge* means an area adjacent to a road and includes a median strip.

**6. Regulations 88 and 89 replaced**

Delete regulations 88 and 89 and insert:

**88. Use of registered pesticides in public places**

- (1) A person must not undertake the spraying of a registered pesticide in a public place except in accordance with regulation 89, 89A, 89B or 89C.  
Penalty for this subregulation: a fine of \$2 500.
- (2) An EDPH permit may be granted for subregulation (1).

**89. Verge spraying using moving vehicle**

- (1) This regulation applies to the spraying of a registered pesticide on a verge —
  - (a) from a moving vehicle; or
  - (b) by one or more persons accompanied by a moving vehicle.
- (2) The vehicle must display at all times while the spraying operation is in progress —
  - (a) a warning sign with the words “CAUTION: *[NAME OF CHEMICAL]* BEING APPLIED.” in capital letters not less than 50 mm in height in a prominent position on the vehicle; and
  - (b) a flashing yellow warning light.

**89A. Park spraying using moving vehicle**

- (1) This regulation applies to the spraying of a registered pesticide in a park or an area of a park —
  - (a) from a moving vehicle; or
  - (b) by one or more persons accompanied by a moving vehicle.
- (2) The vehicle must display at all times while the spraying operation is in progress —
  - (a) a warning sign with the words “CAUTION: *[NAME OF CHEMICAL]* BEING APPLIED.” in capital letters not less than 50 mm in height in a prominent position on the vehicle; and
  - (b) a flashing yellow warning light.

- (3) In addition, warning signs with the words “CAUTION: *[NAME OF CHEMICAL]* BEING APPLIED. AVOID CONTACT WITH AREA WHEN SIGN IS DISPLAYED.” in capital letters not less than 50 mm in height must be displayed —
- (a) so that the signs —
    - (i) are clearly visible to persons approaching the spraying operation; and
    - (ii) are at a distance from the spraying operation that provides adequate warning of the application of the pesticide;
- and
- (b) for the following periods —
    - (i) while the pesticide is being applied;
    - (ii) after the pesticide has been applied until any surface to which it was applied has dried.

**89B. Verge or park spraying using stationary vehicle**

- (1) This regulation applies to the spraying of a registered pesticide on a verge, or in a park or an area of a park, by one or more persons accompanied by a stationary vehicle.
- (2) The vehicle must display at all times while the spraying operation is in progress —
- (a) a warning sign with the words “CAUTION: *[NAME OF CHEMICAL]* BEING APPLIED.” in capital letters not less than 50 mm in height in a prominent position on the vehicle; and
  - (b) a flashing yellow warning light.
- (3) In addition, warning signs with the words “CAUTION: *[NAME OF CHEMICAL]* BEING APPLIED. AVOID CONTACT WITH AREA WHEN SIGN IS DISPLAYED.” in capital letters not less than 50 mm in height must be displayed —
- (a) so that the signs —
    - (i) are clearly visible to persons approaching the spraying operation; and
    - (ii) are at a distance from the spraying operation that provides adequate warning of the application of the pesticide;
- and

- (b) for the following periods —
  - (i) while the pesticide is being applied;
  - (ii) after the pesticide has been applied until any surface to which it was applied has dried.

**89C. Spraying in public place other than verge or park spraying**

- (1) This regulation applies to the spraying of a registered pesticide in a public place other than on a verge or in a park or an area of a park.
- (2) Warning signs with the words “CAUTION: *[NAME OF CHEMICAL]* BEING APPLIED. AVOID CONTACT WITH AREA WHEN SIGN IS DISPLAYED.” in capital letters not less than 50 mm in height must be displayed in the area where the pesticide is being applied —
  - (a) at intervals sufficient to provide adequate warning of the application of the pesticide; and
  - (b) for the following periods —
    - (i) while the pesticide is being applied;
    - (ii) after the pesticide has been applied until any surface to which it was applied has dried.

**7. Part 8 Division 2 heading replaced**

Delete the heading to Part 8 Division 2 and insert:

**Division 2 — Transitional matters for *Health (Pesticides) Regulations 2011***

**8. Regulation 120 amended**

In regulation 120 in the Table delete “r. 89(5)” and insert:

r. 88(2)

**9. Part 8 Division 3 inserted**

At the end of Part 8 insert:

**Division 3 — Transitional matters for *Health (Pesticides) Amendment Regulations 2016***

**121. Terms used**

In this Division —

*commencement day* means the day on which the *Health (Pesticides) Amendment Regulations 2016* regulation 6 comes into operation;

*existing EDPH permit* means an EDPH permit granted for the former Regulations regulation 88(1) or 89(2) that was in force immediately before commencement day;

*former Regulations* means the *Health (Pesticides) Regulations 2011* as in force immediately before commencement day.

**122. Existing EDPH permits**

An existing EDPH permit is to be taken to be an EDPH permit granted for regulation 88(1).

N. HAGLEY, Clerk of the Executive Council.

---