
HEALTH

HE301

HEALTH ACT 1911

HEALTH (PESTICIDES) AMENDMENT REGULATIONS 1997

Made by His Excellency the Governor in Executive Council on the advice of the Pesticides Advisory Committee.

Citation

1. These regulations may be cited as the *Health (Pesticides) Amendment Regulations 1997*.

Principal Regulations

2. In these regulations the *Health (Pesticides) Regulations 1956** are referred to as the principal regulations.

[* Reprinted as at 10 January 1997.]

Regulation 32 amended

3. Regulation 32 (1) of the principal regulations is amended —

- (a) in the definition of “fumigant” by inserting after “formaldehyde” the following —

“
and any mixture containing one or more of those substances ”;

and

- (b) by inserting before the definition of “fumigator” the following definition —

“
“**fumigated area**” means an area where a fumigant has been used until the level of fumigant has been tested and found to be below the level specified in regulation 43;
”.

Regulation 36 amended

4. Regulation 36 of the principal regulations is amended —

- (a) by inserting after subregulation (2) the following subregulation —

“
(2aa) The Executive Director, Public Health may, on the issue or renewal of a licence under this regulation, or from time to time by notice in writing served on a fumigator, impose conditions on a licence issued under this regulation or remove, vary or add to any such conditions.
”;

- (b) in subregulation (3) (b) by inserting after “licence” the following —

“ , in accordance with any conditions imposed on the licence ”;

and

- (c) by inserting after subregulation (4) the following subregulation —

“
(5) A fumigator shall comply with a condition imposed on a licence issued under this regulation.
”.

Regulation 37 amended

5. Regulation 37 of the principal regulations is amended by inserting after subregulation (3) the following subregulation —

“
(4) A registered firm shall not undertake a fumigation unless that fumigation is carried out by a licensed fumigator.
”.

Regulation 43 amended**6.** Regulation 43 of the principal regulations is amended —

- (a) by deleting “in the manner approved by the Executive Director, Public Health”; and
- (b) by deleting paragraphs (a), (b), (c), (d) and (e) and substituting the following paragraphs —

“

- (a) if the fumigant used contained methyl bromide, 20 milligrams per cubic metre of methyl bromide;
- (b) if the fumigant used contained hydrogen cyanide, 10 milligrams per cubic metre of hydrogen cyanide;
- (c) if the fumigant used contained ethylene dibromide, 1 milligram per cubic metre of ethylene dibromide;
- (d) if the fumigant used contained ethylene oxide, 2 milligrams per cubic metre of ethylene oxide; or
- (e) if the fumigant used contained formaldehyde, 1.5 milligrams per cubic metre of formaldehyde.

”

Regulation 44 amended**7.** Regulation 44 (1) of the principal regulations is amended —

- (a) by inserting before “release of ” the following —
“ introduction or ”; and
- (b) by inserting before “release the” the following —
“ introduce or ”.

Regulation 45 repealed and a regulation substituted**8.** Regulation 45 of the principal regulations is repealed and the following regulation is substituted —

“

Gas detection equipment to be carried

45. A fumigator shall not carry out any fumigation unless he has with him gas detection equipment which is capable of measuring the fumigants mentioned in regulation 43 at the concentrations specified in that regulation.

”

Regulation 46 amended**9.** Regulation 46 of the principal regulations is amended —

- (a) by inserting after the section designation “46.” the subsection designation “(1)”;
- (b) by deleting “AS 1716-1984” and substituting the following —
“ AS/NZS 1716-1994 ”; and
- (c) by deleting “AS 1715-1982” and substituting the following —
“ AS/NZS 1715-1994 ”.

Regulation 46A inserted

10. The principal regulations are amended by inserting after regulation 46 the following regulation —

“

Fumigation in confined spaces

46A. A person performing any part of a fumigation in a confined space as defined in Australian Standard AS 2865-1995 entitled “Safe Working in a Confined Space” shall comply with that standard.

”.

Regulation 79A amended

11. Regulation 79A (2) (b) (v) of the principal regulations is amended by deleting “registered” in the first place where it occurs.

Regulation 82 amended

12. Regulation 82 of the principal regulations is amended in the Table to subregulation (1) by —

- (a) inserting after “35,” the following —
“ 36 (5), ”; and
- (b) inserting after “45,” the following —
“ 46A, ”.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.