

HE304

HEALTH ACT 1911

HEALTH (PESTICIDES) AMENDMENT REGULATIONS 1996

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 1996*.

Commencement

2. (1) Subject to subregulation (2), these regulations come into operation on the day on which they are published in the *Gazette*.

(2) Regulations 5, 6, 8, 9 and 10 come into operation on 1 July 1996.

Principal regulations

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

[* Reprinted as at 3 April 1989.

For amendments to 7 June 1996 see 1995 Index to Legislation of Western Australia, Table 4, pp. 137-40.]

Regulation 29A amended

4. (1) Regulation 29A (2) of the principal regulations is amended by deleting paragraph (a) and substituting the following paragraph —

“

(a) that person is —

(i) an officer of the Agriculture Protection Board; or

(ii) a person to whom a registered pesticide containing sodium fluoroacetate may be supplied under regulation 29 (8);

”

(2) After regulation 29A (3) the following subregulation is inserted —

“

(4) The Executive Director, Public Health must not grant permission under subregulation (2) (b) to a person referred to in subregulation (2) (a) (ii) unless the rats to be baited by that person are, in the opinion of the Executive Director, Public Health, present in the locality specified in the permission in plague numbers or are likely to become present in that locality in such number if they are not baited.

”

Regulation 33 amended

5. Regulation 33 of the principal regulations is amended —
- (a) in subregulation (2), by deleting “\$255” and substituting the following —
“ \$270 ”;
 - (b) in subregulation (4), by deleting “\$235” and substituting the following —
“ \$250 ”; and
 - (c) in subregulation (4a), by deleting “\$150” and substituting the following —
“ \$155 ”.

Regulation 36 amended

6. Regulation 36 of the principal regulations is amended —
- (a) in subregulation (1), by deleting “\$275” and substituting the following —
“ \$290 ”;
 - (b) in subregulation (2b), by deleting “\$125” and substituting the following —
“ \$135 ”;
 - (c) in subregulation (3) (a), by deleting “\$125” and substituting the following —
“ \$135 ”; and
 - (d) in subregulation (3a) —
 - (i) in paragraph (a), by deleting “\$75” and substituting the following —
“ \$80 ”; and
 - (ii) in paragraph (b), by deleting “\$35” and substituting the following —
“ \$40 ”.

Regulation 37A inserted

7. After regulation 37 of the principal regulations the following regulation is inserted —

“

Persons present at fumigation to be trained

37A. (1) A fumigator shall not permit a person who is not a fumigator to be present while a fumigation is being carried out unless the fumigator is satisfied that the person —

- (a) knows the first aid and emergency procedures set out in the material safety data sheet for the fumigant that is to be used; and
- (b) is trained in the fitting and wearing of, and knows the filter life and any limitations of, respiratory protective devices that are required by these regulations to be used during the fumigation or in an emergency.

(2) In this regulations —

“**code**” means the *National Code of Practice for the Preparation of Material Safety Data Sheets* [NOHSC: 2011 (1994)] published by the National Occupational Health and Safety Commission, as amended from time to time or, if that code is replaced by another similar code, the replacement code as it is amended from time to time;

“**material safety data sheet**” means a document that contains the information in relation to a fumigant that is required by the code to be included in the material safety data sheet for the fumigant, whether or not the document is in the form required by the code.

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Regulation 63 amended

8. Regulation 63 of the principal regulations is amended —

(a) in subregulation (2) —

(i) in paragraph (a), by deleting “\$255” and substituting the following —

“ \$270 ”; and

(ii) in paragraph (b), by deleting “\$127.50” and substituting the following —

“ \$135 ”; and

(b) in subregulation (4), by deleting “\$255” and substituting the following —

“ \$270 ”.

Regulation 68 amended

9. Regulation 68 (c) of the principal regulations is amended —

(a) in subparagraph (i), by deleting “\$127.50” and substituting the following —

“ \$135 ”;

(b) in subparagraph (ii), by deleting “\$64” and substituting the following —

“ \$67.50 ”; and

(c) in subparagraph (iii), by deleting “\$127.50” and substituting the following —

“ \$135 ”.

Regulation 70 amended

10. Regulation 70 (6) (a) of the principal regulations is amended by deleting “\$127.50” and substituting the following —

“ \$135 ”.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.