

HEALTH ACT 1911

HEALTH (PESTICIDES) AMENDMENT REGULATIONS (NO. 3) 1995

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 (No. 3) 1995*.

Principal regulations

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

[* Reprinted as at 3 April 1989.
For amendments to 23 June 1995 see 1994 Index to Legislation of Western Australia, Table 4, pp. 131-2, and Gazette of 21 April 1995.]

Regulation 2 amended

3. Regulation 2 of the principal regulations is amended —
 - (a) by deleting the definitions of “pesticide”, “registered”, “to sell” and “wholesale dealer”; and
 - (b) by inserting in the appropriate alphabetical positions the following definitions —

“

“**approved label**”, in relation to a container, means a label that is —

- (a) approved under Part 2 of the Agvet Code of Western Australia for the container; and
- (b) attached to the container in accordance with section 8 of the Agvet Code of Western Australia;

“**container**” includes anything by which or in which a registered pesticide is, or is to be, covered, enclosed, contained or packaged;

“**registered pesticide**” means a pesticide registered under Part 2 of the Agvet Code of Western Australia;

“**substance**” has the same meaning as it has in section 3 of the Agvet Code of Western Australia;

“**supply**” has the same meaning as it has in section 3 of the Agvet Code of Western Australia;

”

Regulations 4, 5, 6A, 6B, 7, 8, 9 and 9A repealed

4. Regulations 4, 5, 6A, 6B, 7, 8, 9 and 9A of the principal regulations are repealed.

Regulation 10 repealed and a regulation substituted

5. Regulation 10 of the principal regulations is repealed and the following regulation is substituted —

“

Permission required to possess or use certain registered pesticides

10. (1) Subject to subregulation (2), a person shall not —
- (a) except for the purpose of supply, possess a registered pesticide; or
 - (b) use a registered pesticide,

that contains any substance listed in Schedule B.

(2) Subregulation (1) does not apply to a person who possesses or uses a registered pesticide that contains any such substance with the written permission of the Executive Director, Public Health, and in accordance with any conditions on which the permission is granted.

”

Regulation 11A amended

6. Regulation 11A of the principal regulations is amended by deleting “manufactures, or is claimed to manufacture, a pesticide” and substituting the following —

“ dispenses, or is claimed to dispense, a registered pesticide ”.

Regulation 15 amended

7. Regulation 15 of the principal regulations is amended —

- (a) by inserting after the regulation designation “15.” the subregulation designation “(1)”; and
- (b) by inserting the following subregulations —

“

(2) No person shall, except for the purpose of supply, store a registered pesticide unless it is in a container of a kind —

- (a) referred to in the conditions on which registration of the pesticide was granted; or
- (b) prescribed in the Agvet Regulations of Western Australia.

(3) In subregulation (2) —

“Agvet Regulations of Western Australia” has the same meaning as it has in the *Agricultural and Veterinary Chemicals (Western Australia) Act 1995*.

”

Regulations 18 and 19 repealed and a regulation substituted

8. Regulations 18 and 19 of the principal regulations are repealed and the following regulation is substituted —

“

Certain pesticides prohibited

19. (1) Subject to subregulation (2), a person shall not —

- (a) except for the purpose of supply, possess or transport a pesticide; or
- (b) use a pesticide,

unless it is a registered pesticide in a container of a kind mentioned in regulation 15 (2) that has an approved label in respect of the registered pesticide.

(2) Subregulation (1) does not apply to a person who possesses, transports or uses a pesticide with the written permission of the Executive Director, Public Health, and in accordance with any conditions on which the permission is granted.

”.

Regulation 20A amended

9. Regulation 20A (2) of the principal regulations is amended by deleting “pesticide specified” and substituting the following —

“ registered pesticide specified ”.

Regulation 20C amended

10. Regulation 20C of the principal regulations is amended —

- (a) by deleting “label registered in respect of” and substituting the following —
“ approved label for containers of ”;
- (b) by deleting the full stop at the end of paragraph (e) and substituting a comma; and
- (c) by inserting after paragraph (e) the following —

“

or in accordance with a permit issued under section 114 of the Agvet Code of Western Australia.

”.

Regulation 20E amended

11. Regulation 20E (b) of the principal regulations is amended by inserting after “registered” the following —

“ under Part 2 of the Agvet Code of Western Australia to be used ”.

Regulation 21F amended

12. Regulation 21F (1) of the principal regulations is amended by deleting paragraph (a) and substituting the following paragraphs —

“

- (a) by being used in accordance with the approved label for containers of the pesticide;
- (aa) with the written permission of the Executive Director, Public Health and in accordance with any conditions on which the permission is granted;

- (ab) in accordance with a permit issued under section 114 of the Agvet Code of Western Australia;

”.

Division 1 of Part II repealed

13. Division 1 of Part II of the principal regulations is repealed.

Regulation 29 amended

14. Regulation 29 of the principal regulations is amended —

- (a) in subregulation (2), by deleting “preparation” and substituting the following —

“ pesticide ”;

- (b) in subregulation (4), by deleting “sodium fluoroacetate or preparations” and substituting the following —

“ registered pesticides ”;

- (c) in subregulation (5) —

- (i) by deleting “Any preparation” and substituting the following —

“ Subject to subregulation (6), any pesticide ”; and

- (ii) by deleting “registered as a pesticide under these regulations” and substituting the following —

“ a registered pesticide ”;

- (d) in subregulation (6) —

- (i) by deleting “preparations” and substituting the following —

“ a pesticide ”; and

- (ii) by deleting “not registered as a” and substituting the following —

“ that is not a registered ”;

- (e) in subregulation (7), by deleting “Sodium fluoroacetate and preparations” and substituting the following —

“ A registered pesticide ”;

- (f) in subregulation (8), by deleting “preparation” in the 3 places where it occurs and substituting in each case the following —

“ registered pesticide ”; and

- (g) in subregulation (9) —

- (i) by deleting “preparation” in the first place where it occurs and substituting the following —

“ registered pesticide ”; and

- (ii) in paragraph (a), by deleting “label on or attached to the package containing that preparation” and substituting the following —

“ approved label attached to the container of the registered pesticide ”.

Regulation 29A amended

15. Regulation 29A of the principal regulations is amended —
- (a) in subregulation (1), by deleting “preparation” and substituting the following —
“ pesticide ”; and
 - (b) in subregulation (2), by deleting “preparations” and substituting the following —
“ registered pesticides ”.

Regulation 30 amended

16. Regulation 30 of the principal regulations is amended by deleting “preparation” and substituting the following —
“ registered pesticide ”.

Regulation 31 amended

17. Regulation 31 of the principal regulations is amended —
- (a) in subregulation (1), by deleting “Baits” and substituting the following —
“ Pesticide baits ”;
 - (b) by inserting before “baits” in each place where it occurs the following —
“ pesticide ”; and
 - (c) by inserting before “bait” in both places where it occurs the following —
“ pesticide ”.

Regulation 32 amended

18. Regulation 32 (1) of the principal regulations is amended in the definition of “fumigant” by inserting after “means” the following —
“ a registered pesticide that contains ”.

Regulation 54 amended

20. Regulation 54 of the principal regulations is amended by deleting the definition of “prescribed organochlorine” and substituting the following definition —

“
“prescribed organochlorine” means a registered pesticide that contains chlordane or heptachlor.
”.

Regulation 61A repealed

21. Regulation 61A of the principal regulations is repealed.

Regulation 62 amended

22. Regulation 62 of the principal regulations is amended in paragraph (a) of the definition of “commercial pesticide firm” by inserting before “pesticides” the following —
“ registered ”.

Regulation 63 amended

23. Regulation 63 (1) of the principal regulations is amended by deleting "use of pesticides" where it occurs after paragraph (c) and substituting the following —

" use of registered pesticides ".

Regulation 69 amended

24. Regulation 69 of the principal regulations is amended —

(a) in subregulation (5) (b), by deleting "the pesticides" and substituting the following —

" the registered pesticides "; and

(b) in subregulation (7) —

(i) in paragraph (a), by deleting "any pesticide" and substituting the following —

" any registered pesticide "; and

(ii) in paragraph (b), by deleting "any pesticide" and substituting the following —

" any registered pesticide ".

Regulation 70 amended

25. Regulation 70 of the principal regulations is amended —

(a) in subregulation (1) before paragraph (a), by deleting "use of pesticides" and substituting the following —

" use of registered pesticides ";

(b) in subregulation (1) (e), by deleting "use of pesticides" and substituting the following —

" use of registered pesticides ";

(c) in subregulation (1) (g), by deleting "pesticides" and substituting the following —

" registered pesticides ";

(d) in subregulation (2) before paragraph (a), by deleting "use of pesticides" and substituting the following —

" use of registered pesticides ";

(e) in subregulation (2) (e), by deleting "use of pesticides" and substituting the following —

" use of registered pesticides ";

(f) in subregulation (2) (g), by deleting "pesticides" and substituting the following —

" registered pesticides ";

(g) in subregulation (2) after paragraph (h), by deleting "use of pesticides" and substituting the following —

" use of registered pesticides "; and

(h) in subregulation (6) (b), by deleting "the pesticides" and substituting the following —

" the registered pesticides ".

Regulation 72 amended

26. Regulation 72 (2) of the principal regulations is amended by deleting "use pesticides" in both places where it occurs and substituting in each case the following —

" use registered pesticides ".

Regulation 74 amended

27. Regulation 74 of the principal regulations is amended —

(a) in subregulation (1), by deleting "any pesticides" and substituting the following —

" any registered pesticides ";

(b) in subregulation (2), by deleting "any pesticides" and substituting the following —

" any registered pesticides ";

(c) in subregulation (3) —

(i) by deleting "any pesticides" and substituting the following —

" any registered pesticides ";

(ii) by deleting "those pesticides" and substituting the following —

" those registered pesticides ";

and

(d) in subregulation (4), by deleting "any pesticide" in both places where it occurs and substituting in each case the following —

" any registered pesticide ".

Regulation 76 amended

28. Regulation 76 of the principal regulations is amended —

(a) by deleting "of pesticides" and substituting the following —

" of registered pesticides ";

(b) in paragraph (a), by deleting "any pesticide" and substituting the following —

" any registered pesticide ";

(c) in paragraph (b), by deleting "any pesticide" and substituting the following —

" any registered pesticide ".

Regulation 77A amended

29. Regulation 77A of the principal regulations is amended —

(a) in subregulation (1), by deleting "a pesticide" in both places where it occurs and substituting in each case the following —

" a registered pesticide ";

(b) in subregulation (2), by deleting "a pesticide" and substituting the following —

" a registered pesticide ".

Regulation 79A amended

30. Regulation 79A (1) of the principal regulations is amended by inserting after "registered" the following —

" under Part 2 of the Agvet Code of Western Australia to be used ".

Regulation 81A repealed

31. Regulation 81A of the principal regulations is repealed.

Regulation 82 amended

32. The Table to regulation 82 (1) of the principal regulations is amended by deleting "7, 9 (2), (2a), (2b) and (3), 9A," "18," "22, 23, 24, 25, 26, 27," and "61A,".

Schedule C amended

33. Schedule C to the principal regulations is amended by deleting the items "Aldrin" and "Dieldrin".

Schedule E amended

34. Schedule E to the principal regulations is amended —

(a) in Form 3 by deleting "following pesticides" and substituting the following —

" following registered pesticides "; and

(b) in Form 4 by deleting "following pesticides" and substituting the following —

" following registered pesticides ".

Schedule F repealed

35. Schedule F to the principal regulations is repealed.

Various provisions amended

36. (1) Each provision of the principal regulations in the Table to this subregulation is amended by inserting before "pesticide" in each place where it occurs the following —

" registered ".

Table

regulation 19A (3 times)	regulation 21A (2) (twice)
regulation 19AA (1)	regulation 21D (2) (b)
regulation 19AA (3)	regulation 75 (1) (b)
regulation 20C (4 times)	regulation 77 (b)
regulation 20D (1) (twice)	regulation 79A (2)
regulation 20D (2) (3 times)	

(2) Each provision of the principal regulations in the Table to this subregulation is amended by inserting before "pesticides" in each place where it occurs the following —

" registered ".

Table

regulation 19AA (1) (a)	regulation 69 (1) (c)
regulation 20A (1)	regulation 77 (c) and (e)
regulation 20B (1)	regulation 79 (1)
regulation 63 (3) (a) and (b)	

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.
