

HEALTH

HE301

HEALTH ACT 1911**HEALTH (CADMIUM AND LEAD) REGULATIONS 1992**

Made by His Excellency the Governor in Executive Council under sections 199 (21) and 343 (5) of the *Health Act 1911*.

Citation

1. These regulations may be cited as the *Health (Cadmium and Lead) Regulations 1992*.

Operation of regulations

2. These regulations shall cease to operate on 1 January 1993.

Interpretation

3. In these regulations, unless the contrary intention appears —

“fertilizer” has the same meaning as in the *Fertilizers Act 1977*;

“prescribed fertilizer” means fertilizer containing —

- (a) 0.01% or more cadmium or compounds of cadmium by weight; or
- (b) 0.5% or more lead or compounds of lead by weight.

Cadmium and lead declared toxic substances

4. Cadmium and lead are declared to be toxic substances.

Use of prescribed fertilizers prohibited

5. A person who manufactures, transports, uses, stores, or disposes of prescribed fertilizer commits an offence except when that person has the prior written approval of the Executive Director, Public Health and does so in accordance with that approval.

Sale or supply of prescribed fertilizers prohibited

6. A person who sells or supplies prescribed fertilizer to another commits an offence, except when that person has the prior written approval of the Executive Director, Public Health and does so in accordance with that approval.

Analysis of prescribed fertilizer

7. Where a sample of prescribed fertilizer is obtained for analysis, the person obtaining that sample shall —

- (a) divide that sample into 3 separate parts and mark and seal or fasten each part in such manner as its nature will permit;
- (b) leave one part with the owner of that fertilizer or other person from whom that sample was obtained or a person appearing to be the servant or agent of that owner or other person;
- (c) submit one of the remaining parts for analysis; and
- (d) retain the other remaining part for future comparison.

Penalties

8. A person who commits an offence under these regulations is liable on conviction to a penalty of not more than \$1 000 and not less than —

- (a) in the case of a first offence, \$100;
- (b) in the case of a second offence, \$200; and
- (c) in the case of a third or subsequent offence, \$500.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.