

HE302**HEALTH ACT 1911****HEALTH (PESTICIDES) AMENDMENT REGULATIONS 1991**

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 1991*.

Principal regulations

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

[*Reprinted in the Gazette of 7 April 1989 at pp. 891-944 with corrigendum in Gazette of 28 April 1989. For amendments to 10 July 1991 see page 273 of 1990 Index to Legislation of Western Australia.]

Regulation 20E inserted

3. After regulation 20D of the principal regulations the following regulation is inserted—

Certain treatments of cavity walls prohibited

- “ 20E. Except with the written permission of the Executive Director, Public Health and in accordance with any conditions attached to that permission, a person shall not—
- (a) treat a cavity wall of a building with a prescribed organochlorine (as defined in regulation 54); or
 - (b) for the prevention or control of termite infestation, treat a cavity wall of a building with a pesticide registered for the control of termites. ”.

Regulations 55, 56, 57, 58 and 58A repealed and regulations substituted

4. Regulations 55, 56, 57, 58 and 58A of the principal regulations are repealed and the following regulations are substituted—

Use of organochlorines restricted

- “ 55. (1) A person shall not use a prescribed organochlorine except in accordance with—
- (a) this Division; or
 - (b) the written permission—
 - (i) of the Executive Director, Public Health; or
 - (ii) where regulation 56 (3) (a) applies, of the relevant local authority,
 and any conditions attached to that permission.
- (2) The Executive Director, Public Health may at any time amend or revoke a permission granted by him under subregulation (1), and a local authority may do likewise in respect of a permission granted by it.

Use of organochlorines during construction of building

56. (1) Subject to subregulation (2), a person may, during the construction of a building or part of a building, use a prescribed organochlorine for the protection of the building or part of a building against subterranean termites if the person—
- (a) is a pesticide operator; and
 - (b) uses the prescribed organochlorine in accordance with Australian Standard AS 2057-1986 entitled “Soil Treatment for Buildings under Construction for Protection against Subterranean Termites”.
- (2) Subregulation (1) does not authorize the use of a prescribed organochlorine—
- (a) contrary to regulation 20E; or
 - (b) on an animal building.
- (3) Notwithstanding subregulation (1) (b) a pesticide operator may use a prescribed organochlorine at a concentration that is less than the concentration specified in the Australian Standard referred to in subregulation (1) (b), if the pesticide operator has the written permission of—
- (a) the local authority for the district where the organochlorine is to be used; or
 - (b) the Executive Director, Public Health, under regulation 55 (1).
- (4) In subregulation (2) (b) “animal building” means a building or structure used for keeping animals or birds for food production and includes cattle pen, dairy, feed storage structure, livestock quarters, milking shed, pig sty, poultry house and sheep pen. ”.

Regulation 59 amended

5. Regulation 59 of the principal regulations is amended, in subregulation (1) (d), by deleting “subject to regulations 56 (3) (a) and (j) and 57.”.

Regulation 61 repealed

6. Regulation 61 of the principal regulations is repealed.

Regulation 82 amended

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

- (a) by inserting after “20D,” the following—

“ 20E, ”; and
- (b) by deleting “56 (1).”.

By His Excellency's Command,

L. M. AULD, Clerk of the Council.