

**HEALTH ACT 1911****HEALTH (PESTICIDES) AMENDMENT REGULATIONS 1990**

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 1990*.

**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 11 May 1990 see Gazettes of 16 June, 4 August and 17 November 1989.]

**Regulation 11 repealed**

3. Regulation 11 of the principal regulations is repealed.

**Regulation 21D amended**

4. Regulation 21D of the principal regulations is amended—

(a) in subregulation (2) in paragraph (b) by inserting after “container” the following—

“ , other than with the approval of, and on any conditions imposed by, the Executive Director, Public Health ”; and

(b) by repealing subregulation (3) and substituting the following subregulation—

“ (3) A person who reuses a used pesticide container—

(a) on the property of the owner of the used pesticide container; or

(b) in accordance with subregulation (2) (b),

is not required to comply with subregulation (1) (b). ”.

**Regulation 32 amended**

5. Regulation 32 of the principal regulations is amended—

(a) in subregulation (1)—

(i) by deleting the definition of “building”;

(ii) by deleting the definition of “fumigation” and substituting the following definition—

“ “fumigation” means any treatment carried out with a fumigant; ”;

(iii) by inserting after the definition of “hydrogen cyanide” the following definition—

“ “primary produce” means produce resulting directly from land used for—

(a) agriculture (other than forestry or reforestation); and

- (b) grazing, horticulture, viticulture, apiculture, pig-raising or poultry farming; ”;
- and
- (iv) by deleting the definition of “registered firm” and substituting the following definitions—
  - “ “registered firm” means a body corporate, partnership or person registered under regulation 33;
  - “sheet fumigation” means the fumigation of an area covered by a gas-proof sheet of a minimum thickness of 0.1 mm ”;
- and
- (b) in subregulation (2)—
  - (i) by deleting “or” after paragraph (a);
  - (ii) by deleting the full stop after paragraph (b) and substituting the following—
    - “ ; or ”; and
  - (iii) by inserting the following paragraph—
    - “ (c) the use of a fumigant for the treatment of soil—
    - (i) by a person approved by the Executive Director, Public Health; or
    - (ii) on a property used mainly or solely for the production of primary produce owned or controlled by the person undertaking the fumigation. ”.

**Regulation 33 amended**

- 6. Regulation 33 of the principal regulations is amended—
  - (a) in subregulation (1) by deleting “for reward”; and
  - (b) in subregulation (3) by deleting “60” in paragraph (b) and substituting the following—
    - “ 20 ”.

**Regulation 35 amended**

- 7. Regulation 35 of the principal regulations is amended—
  - (a) in subregulation (1) by inserting after “Health” the following—
    - “ and observed the conditions, if any, imposed under subregulation (1a) ”;
  - (b) by inserting after subregulation (1) the following subregulation—
    - “ (1a) Where a registered firm gives notice under subregulation (1) that it intends to undertake fumigation the Executive Director, Public Health may specify in writing given to that firm the conditions with which the firm shall comply. ”; and
  - (c) in subregulation (2) by deleting “subregulation (1)” and substituting the following—
    - “ subregulation (1) and (1a) ”.

**Regulation 38 amended**

- 8. Regulation 38 of the principal regulations is amended—
  - (a) by deleting “any building”;
  - (b) by deleting “and” after paragraph (a);
  - (c) by inserting after paragraph (a) the following paragraph—
    - “ (ab) in the case of sheet fumigation, he has by personal inspection ascertained that—
    - (i) no person without adequate protection from the fumigant to be used is within the distance from the area covered as may be specified by the Executive Director under regulation 35 (1a);
    - (ii) the area that is covered, plus at least 3 metres on every side of that area, is cordoned off;
    - (iii) the sheet is free from obvious holes or tears and has been effectively sealed to prevent the escape of any fumigant; and ”;
  - and
  - (d) in paragraph (b)—
    - (i) by deleting “the fumigation of any other building” and substituting the following—
      - “ any other fumigation ”;

- (ii) by deleting subparagraph (i) and substituting the following subparagraph—
  - “ (i) no person is within the area to be fumigated; ”;
- (iii) in subparagraph (ii) by deleting “building or portion of the building” and substituting the following—
  - “ area to be fumigated ”;
- (iv) in subparagraph (iii) by deleting “building or portion of the building” and substituting the following—
  - “ area to be fumigated ”; and
- (v) in subparagraph (iv) by deleting “portion of the building” and substituting the following—
  - “ area ”.

**Regulation 39 amended**

9. Regulation 39 of the principal regulations is amended in paragraph (b) (ii) by deleting “or “VESSEL BEING FUMIGATED” ” and substituting the following—

“ , “VESSEL BEING FUMIGATED”, “SILO BEING FUMIGATED” or “FUMIGATION UNDER SHEET IN PROGRESS” ”.

**Regulation 41 amended**

10. Regulation 41 of the principal regulations is amended by deleting “the fumigation of a building shall not enter the building before it has been established that the concentration of fumigant present in any part of the building” and substituting the following—

“ any fumigation shall not enter any fumigated area before it is established that the concentration of fumigant present in the area being entered ”.

**Regulation 42 amended**

11. Regulation 42 of the principal regulations is amended—

- (a) by deleting “the fumigation of a building” and substituting the following—
  - “ fumigation of an area ”;
- (b) in paragraph (a) by deleting “ of the building”;
- (c) in paragraph (b) by deleting “building” and substituting the following—
  - “ fumigated area ”; and
- (d) by deleting paragraph (c) and substituting the following paragraph—
  - “ (c) cause the fumigated area to be thoroughly ventilated with fresh air in such a manner that prevents any person in the vicinity of the area from being exposed to fumigant; ”.

**Regulation 43 amended**

12. Regulation 43 of the principal regulations is amended—

- (a) by deleting “the fumigation of a building” and substituting the following—
  - “ any fumigation ”;
- (b) by deleting “any building” and substituting the following—
  - “ the area fumigated ”; and
- (c) by deleting “the building” and substituting the following—
  - “ the area fumigated ”.

**Regulation 45 repealed and a regulation substituted**

13. 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—

- (a) capable of measuring the fumigants mentioned in regulation 43 at the concentrations described in that regulation; and
- (b) of a type approved by the Executive Director, Public Health. ”.

**Regulation 46 amended**

14. Regulation 46 of the principal regulations is amended by deleting “1716-1982” and substituting the following—

“ 1716-1984 ”.

**Regulation 49 amended**

15. Regulation 49 of the principal regulations is amended—

(a) in subregulation (1)—

(i) by deleting paragraph (a) and substituting the following paragraph—

“ (a) inspect any area that is fumigated, or is to be fumigated, before, during or after the fumigation of the area; ”; and

(ii) in paragraph (b) by deleting “the fumigation of the building” and substituting the following—

“ any fumigation ”; and

(b) in subregulation (2) by deleting paragraph (b) and substituting the following paragraph—

“ (b) without the authority of the Executive Director, Public Health or of the fumigator conducting the fumigation, enters any area while any notice referred to in regulation 39 (b) is affixed to any door or other means of access to the area that is fumigated, or is to be fumigated, ”.

**Regulation 51 amended**

16. Regulation 51 of the principal regulations is amended in subregulation (1) by deleting “the fumigation of any building” and substituting the following—

“ any fumigation ”.

**Regulation 53 amended**

17. Regulation 53 of the principal regulations is amended by repealing subregulations (2) and (3) and substituting the following subregulation—

“ (2) The revocation or suspension of a registration or licence under subregulation (1) has effect from the time at which the relevant notice is served. ”.

**Schedule F amended**

18. Schedule F to the principal regulations is amended by deleting items 1 and 2 and substituting the following item—

“ 1. Australian Agricultural and Veterinary Chemicals Council (AAVCC). ”.

Dated 19 June 1990.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.