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POISONS ACT 1964

**POISONS (SECTION 24)
VARIATION NOTICE 1999**

**POISONS (SECTION 24)
(REGISTERED PESTICIDE
1080) NOTICE 1999**

RADIATION SAFETY ACT 1975

**RADIATION SAFETY
(GENERAL) AMENDMENT
REGULATIONS 1999**

HEALTH ACT 1911

**HEALTH (PESTICIDES)
AMENDMENT
REGULATIONS 1999**

Poisons Act 1964

Poisons (Section 24) Variation Notice 1999

Made by the Commissioner of Health under section 24 of the Act.

1. Citation

This notice may be cited as the *Poisons (Section 24) Variation Notice 1999*.

2. The notice amended

The amendments in this notice are to the *Poisons (Section 24) Notice 1992**.

[* *Published in Gazette 26 June 1992, pp. 2678-90.*

For amendments to 24 June 1999 see 1998 Index to Legislation of Western Australia, Table 4, p. 239, and Gazette 26 February 1999.]

3. Clause 4 amended

- (1) Clause 4(1) is amended after “under which a poison” by inserting —

“ included in Schedule 7 that is ”.

- (2) Clause 4(2) is amended by deleting “Pesticide” in the 3 places where it occurs and inserting in each place instead —

“ Pesticides ”.

4. Table amended

The Table is amended as follows:

- (a) by deleting the heading “CONDITIONS, RESTRICTIONS AND LIMITATIONS” in each place where it occurs and inserting in each place instead —
“ CONDITIONS AND RESTRICTIONS ”;
- (b) by deleting the item that begins “FLUOROACETAMIDE”;
- (c) by deleting the item that begins “FLUOROACETIC ACID”;

- (d) by deleting the item that begins "PHOSPHIDES" and inserting the following item instead —

“

PHOSPHIDES, metallic	To be sold or supplied only —
	(a) in packages displaying the registered label;
	(b) to primary producers.

”.

PAUL PSAILA-SAVONA, delegate of
Commissioner of Health.

Poisons Act 1964

Poisons (Section 24) (Registered Pesticide 1080) Notice 1999

Made by the Commissioner of Health under section 24 of the Act.

1. Citation

This notice may be cited as the *Poisons (Section 24) (Registered Pesticide 1080) Notice 1999*.

2. Interpretation

(1) In this notice, unless the context otherwise requires —

“**agency**” means a department of the Public Service or a State agency or instrumentality;

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

“**authorized department**” means Agriculture Western Australia or the Department of Conservation and Land Management;

“**commercial pesticide firm**” has the same meaning as it has in the Pesticides Regulations;

“**Commissioner**” means the Commissioner of Health;

“**pesticide operator**” has the same meaning as it has in the Pesticides Regulations;

“**Pesticides Regulations**” means the *Health (Pesticides) Regulations 1956*;

“**primary producer**” means a person whose land is used for —

- (a) an agricultural, forestry, reforestation, grazing, horticultural, viticultural, apicultural, pig-raising or poultry farming business, or any combination of those businesses; or
- (b) hobby farming;

“**registered pesticide**” has the same meaning as it has in the *Health (Pesticides) Regulations 1956*;

“**the approved label**” means the label approved under Part 2 of the Agvet Code of Western Australia for containers of 1080;

“**1080**” means a registered pesticide that contains fluoroacetamide or fluoroacetic acid.

(2) A reference in this notice to “**appropriate 1080 training**” is a reference to adequate training —

- (a) in the correct use of 1080 against specific pests;

- (b) in the precautions necessary for the safe handling of 1080; and
- (c) in the first aid treatment appropriate to a person affected by 1080.

3. Conditions imposed on sale, supply, use and possession of 1080

- (1) Subject to subclause (2), the conditions and restrictions on the sale, supply, use and possession of 1080 that are set out in clauses 5, 6, 7 and 8 are imposed.
- (2) The conditions and restrictions imposed under subclause (1) do not apply to —
 - (a) the supply of 1080 to a person, and the use and possession of 1080 by the person, for research or other purposes approved by the Commissioner, if the person is authorized by the Commissioner to be supplied with, and to use and possess, 1080 for those purposes;
 - (b) the sale and possession of 1080 by a person licensed under the *Poisons Regulations 1965* to manufacture 1080 and supply 1080 by wholesale to a person licensed under those regulations to sell 1080 by retail;
 - (c) the sale and possession of 1080 by a person licensed under the *Poisons Regulations 1965* to sell 1080 by retail;
 - (d) the sale and possession of 1080 by a person licensed under the *Poisons Regulations 1965* to manufacture 1080 and supply 1080 by wholesale to a commercial pesticide firm or a pesticide operator to use 1080 in accordance with the approved label or with a licence issued under the Pesticides Regulations; or
 - (e) the use and possession of 1080 by a commercial pesticide firm or a pesticide operator in accordance with the approved label or with a licence issued under the Pesticides Regulations.

4. General conditions relating to sale and supply of 1080

- (1) The sale or supply of 1080 is subject to the restriction that it is to be sold or supplied only to a person who is —
 - (a) an officer of an authorized department who is authorized in writing by the chief executive officer of the authorized department to be sold or supplied 1080; or
 - (b) authorized in writing by the Commissioner to be sold or supplied 1080.
- (2) The sale or supply of 1080 to a person referred to in subclause (1)(a) or (b) is subject to the condition that the chief executive officer or Commissioner, as the case requires, is satisfied that the person has been given appropriate 1080 training.

5. General conditions relating to use and possession of 1080

- (1) The use or possession of 1080 is subject to the restriction that it is to be used or possessed only by a person to whom subclause (4) applies or by a person who is —
 - (a) an officer of an authorized department who is authorized in writing by the chief executive officer of the authorized department to use or possess 1080; or
 - (b) authorized in writing by the Commissioner to use or possess 1080.
- (2) The use or possession of 1080 by a person referred to in subclause (1)(a) is subject to the conditions that that use or possession —
 - (a) is only for purposes approved by the chief executive officer of the authorized department; and
 - (b) complies with written procedures established by the authorized department and approved by the Commissioner.
- (3) The use or possession of 1080 by a person referred to in subclause (1)(b) is subject to the conditions that that use or possession —
 - (a) is only for purposes approved by the Commissioner; and
 - (b) complies with written procedures established by the Health Department of Western Australia.
- (4) This subclause applies, in relation to the use or possession of 1080 for purposes approved by the chief executive officer of an authorized department, to a person who is —
 - (a) an environmental health officer or other officer of an agency;
 - (b) an officer of a local government; or
 - (c) a primary producer or a person employed or engaged by a primary producer,and who the chief executive officer is satisfied has been given appropriate 1080 training.
- (5) The use or possession of 1080 by a person referred to in subclause (4)(a), (b) or (c) is subject to the conditions that that use or possession —
 - (a) is only for the purpose of assisting a person (the **“authorized officer”**) referred to in subclause (1)(a) in relation to the purposes referred to in subclause (2)(a); and
 - (b) complies with written instructions given to the person by the authorized officer on the proper and safe use and possession of 1080.
- (6) The possession of 1080 is subject to the condition that it is not to be given to a person other than a person who is authorized to use or possess it under this clause.

6. Condition relating to use of 1080 that is to be mixed and prepared before use

- (1) This clause applies to 1080 —
 - (a) that is to be used for purposes approved —
 - (i) by the chief executive officer of an authorized department; or
 - (ii) by the Commissioner;and
 - (b) that needs to be mixed and prepared before it is used.
- (2) The use of 1080 to which this clause applies is subject to the condition that, immediately before it is used, it is to be mixed and prepared —
 - (a) if subclause (1)(a)(i) applies, by an officer of the authorized department, or other person, who the chief executive officer is satisfied has been given appropriate 1080 training; or
 - (b) if subclause (1)(a)(ii) applies, by a person authorized by the Commissioner to mix and prepare 1080.

7. Conditions relating to use of 1080 on land

- (1) The use of 1080 on any land is subject to the condition —
 - (a) if that use is for purposes approved by the chief executive officer of an authorized department — that the use of 1080 on that land is to be authorized by the chief executive officer; or
 - (b) if that use is for purposes approved by the Commissioner — that the use of 1080 on that land is to be authorized by the Commissioner.
- (2) The use of 1080 on any land (the “**subject land**”) is subject to the condition that, before it is used on the subject land, the person who proposes to use it is to give notice, in writing or in a form approved by the Commissioner and to each occupier of land adjoining the subject land, of the period during which, and the place at which, 1080 is proposed to be used.
- (3) The use of 1080 on any land (the “**subject land**”) is subject to the condition that, for the period during which 1080 is used on the subject land and for 14 days after that period, the person who uses 1080 is to dispose of any animals that are found dead on the subject land, or on any land adjoining that land, by burying or burning them on the subject land without first removing the skin.

PAUL PSAILA-SAVONA, delegate of
Commissioner of Health.

Radiation Safety Act 1975

Radiation Safety (General) Amendment Regulations 1999

Made by the deputy of the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Radiation Safety (General) Amendment Regulations 1999*.

2. Commencement

These regulations come into operation on 1 July 1999.

3. The regulations amended

The amendments in these regulations are to the *Radiation Safety (General) Regulations 1983**.

[* Reprinted as at 4 April 1995.

For amendments to 10 June 1999 see 1998 Index to Legislation of Western Australia, Table 4, pp. 251-2.]

4. Regulation 58 amended

Regulation 58(6) is repealed.

5. Schedule XV amended

Schedule XV is amended in each item listed in column 1 of the Table to this subregulation by deleting the figures set out in column 2 of that Table opposite that item number and inserting instead the corresponding figures set out in column 3 of that Table.

Column 1	Table		Column 3	
Item No.	Delete		Insert	
Part 1 —				
1(1)	134.00	268.00	138	277
	268.00	537.00	277	553
	537.00	1 074.00	553	1 106
	805.00	1 611.00	830	1 659
1(2)	54.00	107.00	55	111
	134.00	268.00	138	277
	268.00	537.00	277	553
1A	134.00	268.00	138	277

Column 1 Item No.	Column 2 Delete		Column 3 Insert	
2	134.00	268.00	138	277
3(a)	134.00	268.00	138	277
3(b)	268.00	537.00	277	553
3(c)	537.00	1 074.00	553	1 106
3(d)	805.00	1 611.00	830	1 659
4(a)	54.00	107.00	55	111
4(b)	54.00	107.00	55	111
Part 2 —				
(1)	67.00		69	
	134.00		138	
	268.00		277	
	403.00		415	
(1A)	67.00		69	
(2)(a)	67.00		69	
(2)(b)	134.00		138	
(2)(c)	268.00		277	
(2)(d)	403.00		415	
(3)(a)	27.00		28	
(3)(b)	27.00		28	

By Command of the deputy of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

Health Act 1911

Health (Pesticides) Amendment Regulations 1999

Made by the deputy of the Governor in Executive Council on the advice of the Pesticides Advisory Committee.

1. Citation

These regulations may be cited as the *Health (Pesticides) Amendment Regulations 1999*.

2. Commencement

These regulations come into operation on 1 July 1999.

3. The regulations amended

The amendments in these regulations are to the *Health (Pesticides) Regulations 1956**.

[* Reprinted as at 10 January 1997.

For amendments to 21 June 1999 see 1998 Index to Legislation of Western Australia, Table 4, pp. 154-5.]

4. Part II amended

Part II is amended by repealing Division 2.

5. Regulation 82 amended

Regulation 82(1) is amended in the Table by deleting "29, 31,".

By Command of the deputy of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

