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Crown Law Department,  
Perth, 17th April, 1967.

THE undermentioned Regulations, made under the provisions of the Health Act, 1911, and amended from time to time up to and including the 28th November, 1966, are reprinted as so amended, pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice.

R. C. GREEN,  
Under Secretary for Law.

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HEALTH ACT, 1911.

### PESTICIDES REGULATIONS.

Published in the *Government Gazette* on the 11th April, 1956, and incorporating the amendments thereto published in the *Government Gazette* on the 12th May, 1965, the 31st May, 1966, and the 30th September, 1966, and the amendments that, pursuant to the provisions of section 8 of the Decimal Currency Act, 1965, are deemed for the purposes of this reprint to be amendments to the regulations; and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister, dated 14th April, 1967.

Health Act, 1911.

PESTICIDES REGULATIONS.

Part I—General.

1. These regulations may be cited as the Pesticides Regulations.
2. In these regulations, unless the context requires otherwise—
  - “advertisement” means any method, including written, spoken, pictorial, broadcast transmission or television, of notifying any claim or statement as to the value or merits of a pesticide;
  - “Advisory Committee” means the Committee appointed by the Governor pursuant to section 241C of the Health Act, 1911, as amended;
  - “Commissioner” means the Commissioner of Public Health;
  - “package” includes anything in or by which a pesticide is immediately cased, covered, enclosed, contained or packed;
  - “pesticide” means a substance or compound used or intended for use for agricultural, pastoral, horticultural, domestic, or industrial purposes for controlling, destroying, or preventing the growth and development of, any fungus, virus, insect, mite, mollusc, nematode, plant or animal;
  - “to sell” means to sell by wholesale or retail and includes barter, supply for profit, offer for sale, receive for sale, have in possession for sale, expose for sale, send forward or deliver for sale, cause or suffer or allow to be sold, and inflections and derivatives of the verb “to sell,” have correlative meanings;
  - “wholesale dealer” means the manufacturer, importer, distributor, agent, or other person responsible for placing a pesticide on the market in Western Australia.
3. Each member of the Advisory Committee not employed in the State Public Service shall be paid a fee of \$6.30 for each meeting of the Committee attended by him.
4. (1) Every wholesale dealer shall, within thirty days after the commencement of these regulations, make application in writing in the form set out in Schedule A to these regulations to the Commissioner for the registration of each pesticide which he then sells.
  - (2) Such application shall contain a statement setting forth—
    - (a) a description of the chemical and physical nature of the product together with a percentage analysis of its composition;
    - (b) specific and complete claims as to the purpose of the product;
    - (c) directions for its use;
    - (d) a description of the nature of the package used;
    - (e) such further information as the Commissioner may require.
  - (3) Such application shall be accompanied by—
    - (a) four copies of the text of the label and of any descriptive literature used;

- (b) a registration fee of one dollar provided that a pesticide registered under the Veterinary Medicines Act, 1953, as amended may be registered without fee and provided further that a pesticide already registered under the Plant Diseases Act, 1914, as amended shall require a registration fee of fifty cents only.
- (4) The applicant shall, at the request of the Commissioner, submit a sample of the pesticide in its package.
5. An application for registration when approved by the Commissioner shall be recorded in a register to be kept for the purpose and shall be assigned a registration number.
6. (1) The registration shall expire on the 30th day of June in each year but may be renewed from year to year on application and payment of a fee of fifty cents, and shall be assigned the same registration number.
- (2) Notwithstanding the provisions of subregulation (1) of this regulation any pesticide registered after the coming into operation of these regulations and before 1st July, 1956, shall be deemed to have been registered for the year commencing 1st July, 1956.
7. A wholesale dealer who proposes to sell a pesticide which has not been registered or which having been registered has been altered in any of its constituents shall before commencing to sell such pesticide apply for its registration under these regulations.
8. The Commissioner may, at any time, refuse to register or may cancel the registration of a pesticide which in the opinion of the Advisory Committee—
- (a) because of its toxicity, physical properties, formulation, recommended usage or for any other reason whatsoever is dangerous to health; or
  - (b) prescribes a faulty formula for mixing or diluting; or
  - (c) is not suitable for the purpose for which it is sold; or
  - (d) is not suitably packed; or
  - (e) for any other reason does not conform to these regulations.
9. (1) Every package containing a pesticide shall have durably affixed to such package a label which shall contain the following particulars—
- (a) the distinctive name, if any, of such pesticide;
  - (b) the name and business address of the wholesale dealer;
  - (c) the name of every active ingredient and its percentage proportion to the whole;
  - (d) the nett weight or volume as the case may require;
  - (e) directions and precautions for its use.
- (2) The label shall not contain any statement, claim, design, device, name or abbreviation which is false or misleading in any particular concerning the pesticide or its constituents.
- (2a) A person shall not sell a pesticide the label relating to which contains a statement or claim that it is non-poisonous or harmless to humans.
- (3) Where any pamphlet or instruction is provided with any package containing a pesticide it shall set out all such matters as are prescribed under these regulations for a label.
10. No person shall sell, have in his possession or use any substance listed in Schedule B to these regulations except with the written permission of the Commissioner.

11. No person shall sell a pesticide which contains any substance listed in Schedule C to these regulations unless—

- (a) the package containing it is labelled with the word "POISON" printed conspicuously in red letters on a white ground, such letters to be not less in height than one thirty-second of the depth of the package, and in any case not less in height than one-tenth of an inch;
- (b) the label sets out in letters of not less than six points Roman face measurement and in such colours as to afford a distinct colour contrast to the ground the precautions to be adopted in the use of such pesticide together with an antidote which has been approved by the Commissioner provided that where the package is so small as to preclude the use of letters of the size prescribed then such precautions and antidote shall be printed on suitable paper which is attached to or included in the package containing the pesticide or in any other manner directed by the Commissioner;
- (c) it is delivered contained in a bottle, tin, can, jar, drum, cask or other container, approved by the Commissioner, securely sealed and fastened and of sufficient strength to bear the ordinary risk in transit without leakage;
- (d) it is delivered, in the event of it being sold in a bottle, in a round, square, diamond, triangular or other shaped bottle, approved by the Commissioner on which either the words "POISON" or "NOT TO BE TAKEN" are blown or on which points, stars, flutes or vertical ribs are blown in such a manner as to render the bottle distinguishable by touch from bottles or vessels ordinarily used as containers of any food, drink or condiment or of medicines for internal use;
- (e) the label, in the event of the pesticide being sold in a bottle, is attached or affixed to the bottle in such a manner that the points, ridges, flutes, stars, or the prescribed words blown thereon are not covered or obliterated;
- (f) it is delivered, in the event of it being sold in a tin or can, in a tin or can on which the word "POISON" or the word "POISONOUS" or the words "NOT TO BE TAKEN" are embossed, printed or branded distinctly in red letters of not less than 30 points face measurement bold sans serif capital type;
- (g) it is delivered, if sold in a jar, drum or cask, in a jar, drum or cask on which the word "POISON" or the word "POISONOUS" or the words "NOT TO BE TAKEN" are distinctly branded, printed or burnt in large red letters;
- (h) it is delivered in a container which is neither a collapsible tube nor a paper bag or bags.

12. No person, in an advertisement shall make any claim or statement that a pesticide is non-poisonous or harmless to humans or which is false or misleading in any particular concerning the pesticide or its constituents.

13. No person shall manufacture a pesticide on premises which are used for the manufacture, preparation, packing or storage of food.

14. No person shall prepare or pack a pesticide on premises used for the manufacture, preparation, packing or storage of food unless such pesticide is prepared and packed in a separate room so constructed and ventilated as to prevent the contamination of any food and provided in addition that in the case of a pesticide which contains any substance listed in Schedule C to these regulations such

room shall not communicate directly with that portion of the premises which is used for the manufacture, preparation, packing or storage of food.

15. No person shall store a pesticide—

- (a) on premises used for the manufacture, preparation, packing or storage of food unless such pesticide is contained in sealed packages and is so stored that in the event of spillage or breakage no contamination of food can occur;
- (b) in any manner which may be dangerous, or harmful or deleterious to health.

16. No person shall use for or in connection with the manufacture, preparation or packing of a pesticide any equipment which is used at any time for the manufacture, preparation or packing of food.

17. No person shall transport a pesticide on any vehicle used for the transport of food without taking adequate precautions to prevent any contamination of such food.

18. The occupier of premises used for the manufacture, preparation, packing or storage of a pesticide shall—

- (a) ensure that the premises are ventilated in such a manner as to remove the gases, vapours or dust generated therein, and if it appears to the Commissioner that gases, vapours, or dust are being generated to an extent which is likely to be harmful or injurious to health then the Commissioner may require that a properly constructed system of mechanical ventilation be installed and may prohibit continuance of the manufacture, preparation or packing of the pesticide until such installation is affected;
- (b) ensure that the premises are lighted by either natural or artificial lighting or both to a standard not less than that prescribed by the Australian Standard Code for interior illumination as from time to time published by The Standards Association of Australia;
- (c) inform all persons employed in connection therewith of suitable measures and procedures for their protection and safety;
- (d) supply and maintain on the premises first aid equipment for the emergency treatment of employees harmed by exposure to, or contact with, a pesticide;
- (e) where a pesticide or any constituent of a pesticide is corrosive, or consists of gases, mists or smokes which are poisonous or likely to be harmful or injurious to health or is capable of generating such gases, mists or smokes display prominently on the premises a notice setting forth the method of treating the harmful effects or injuries resulting from exposure to, or contact with, such pesticide or constituent;
- (f) provide and maintain in good order and condition such protective clothing and equipment for the protection of employees as may be required by the Commissioner.

19. No person shall sell, have in his possession or transport a pesticide which—

- (a) is not registered in accordance with these regulations;  
or
- (b) does not conform to its registered formula; or
- (c) is not labelled as required by these regulations; or
- (d) is not contained in a package as required by these regulations.

20. No person shall use a pesticide in any manner, place or circumstance which in the opinion of any medical officer of health, inspector or other person appointed for the purpose of these regulations under the provisions of the Health Act, 1911, as amended, is harmful or injurious to health.

21. No person shall use or permit or suffer to be used any pesticide which contains a greater quantity of any ingredient than is permitted by these regulations.

#### Part II—Special Provisions.

##### Division 1—Lindane.

22. No person shall use or possess the substance known as lindane which contains less than 99.0 per cent. of gamma isomer of benzene hexachloride.

23. No person shall sell a pesticide, for use in a vaporiser, other than lindane.

24. No person shall sell any apparatus for the non-continuous or occasional vaporisation of lindane unless there is attached to the apparatus or the package containing such apparatus a label containing the following statement:—

- (a) This apparatus must be used for the vaporisation only of the type of material supplied with it or sold for use with it. The room to be treated must be closed and unoccupied during treatment. All foodstuffs (including liquids) must be removed from the room or enclosed in air-tight containers during treatment. The treatment must be completed in not more than three hours, and should not be carried out more often than once in two weeks; more frequent use may be dangerous and is unnecessary. The room must be opened up and ventilated after treatment and not reoccupied within two hours after opening up. The apparatus should not be used in premises where food is prepared or handled for sale or stored in containers not hermetically sealed.
- (b) Use not more than (here state the weight or measure of the pesticide required to provide not more than one and one half ( $1\frac{1}{2}$ ) grams of the lindane per 1,000 cubic feet of room space) per 1,000 cubic feet of room space.

25. No person shall sell any apparatus for the continuous vaporisation of lindane unless such apparatus complies with the following requirements:—

- (a) It shall not release the pesticide at a greater rate than one (1) gram per twenty-four hours.
- (b) It shall be provided with fuses to protect against overloading and high temperatures and shall be so constructed that output in excess of one (1) gram of lindane per twenty-four hours is impossible.
- (c) There shall be provided with the apparatus a label or card suitable for fixing near the apparatus, and containing—

(i) the following statements:—

Not to be used as a continuous type in homes.

(The above to be in capital letters.)

When installed in a public building, factory, workroom, shop or office this apparatus is to be used only where the occupants are exposed to it for periods not exceeding eight hours.

When installed in food processing and handling establishments this apparatus is to be used only where exposure of food will be not in excess of eight hours in each twenty-four hours, provided that exposure does not cause contamination of food with gamma isomer of benzene hexachloride in excess of 0.5 parts per million by weight.

The vaporiser should be mounted not less than six feet from the floor, and not less than three feet from the ceiling. The rate of emission of lindane from this apparatus does not exceed one (1) gram per twenty-four hours; and

- (ii) concise directions for use so that lindane shall not be dispersed to give a concentration in the air of a normally ventilated room in excess of that obtained by the emission of one (1) gram per 15,000 cubic feet in twenty-four hours.

26. No person shall use or permit to be used any heating apparatus for vaporisation of lindane which has a rate of emission exceeding one (1) gram per twenty-four hours in any premises where food is manufactured, prepared, packed or stored in containers not hermetically sealed.

27. No person shall use or permit to be used any heating apparatus for the continuous vaporisation of lindane in any public building, factory, workroom, shop, office or in any premises whatsoever where food is manufactured, prepared, packed or stored unless such apparatus complies with the following requirements:—

- (a) It shall be so installed and protected against overloading and high temperatures that output in excess of one (1) gram in twenty-four hours is impossible.
- (b) A pilot light shall be provided to indicate the apparatus is in use.
- (c) It must be mounted above six feet from floor level and not less than three feet from the ceiling and shall be so situated that any volatilised material which may condense on walls, ceilings or other surfaces cannot be dislodged and fall into or otherwise contaminate food.
- (d) It shall be used only where exposure of food will not be in excess of eight hours in each twenty-four hours and shall not cause the contamination of food with gamma isomer of benzene hexachloride in excess of 0.5 parts per million by weight.
- (e) It shall not be used so as to expose any occupant therein to the vaporised lindane for a greater period than eight hours in any one day.
- (f) There shall be affixed near the apparatus directions for its use as prescribed in regulation 25 (c) of these regulations.

28. For the purpose of estimating the rate of emission of the pesticide the following method shall be used:—

- (a) Testing of production units shall be carried out with pesticide which is supplied for use with the particular vaporiser.
- (b) Tests shall be carried out in spaces where physical characteristics such as rate of air replacement fall within normal ventilation conditions.

- (c) For each separate test the vaporiser shall be operated for a seventy-two hour period and three weight-loss determinations representing three consecutive twenty-four hour operating periods shall be made. There shall be similar testing when more than seventy-five per centum of the pesticide in the vaporiser has been dispersed.
- (d) Determination of Weight Loss.—Weighings shall be made after the units have been allowed to cool for a period of forty-five minutes or more in a room of normal temperature and humidity. The units shall be weighed to a tolerance not greater than  $\pm 0.002$  gram. In the case of heavy vaporisers with non-removable cups, the periods of testing may be extended and the weighings made at multiples of the twenty-four hour period provided that the same number of individual tests is made, as required in paragraph (c) of this regulation.

Division 2—Sodium Fluoroacetate.

29. (1) (a) No person, other than—
- (i) a wholesale dealer who is a party to a wholesale dealing within the meaning of that expression in the Pharmacy and Poisons Act, 1910<sup>1</sup>, as amended, and
  - (ii) a person licensed under the provisions of the Pharmacy and Poisons Act, 1910<sup>1</sup>, as amended, to sell the poisons mentioned in Part I of the Fifth Schedule to that Act, shall sell any prepared bait of grain or other matter which contains sodium fluoroacetate.

(b) This subregulation does not apply to any board of a vermin district or to the Agriculture Protection Board when selling or supplying to any person, under the provisions of the Vermin Act, 1918, as amended, any bait containing sodium fluoroacetate for use in the destruction of rabbits.

(2) Subject to the provisions of subregulation (3) of this regulation, no person shall sell any prepared bait referred to in subregulation (1) of this regulation—

- (a) except in a bulk quantity weighing not less than ten pounds;
- (b) unless the bait is distinctively coloured and contains not less than 0.04 per centum nor more than 0.05 per centum of sodium fluoroacetate;
- (c) unless he keeps a record of the name and address of each purchaser and of the quantity of the bait sold to each purchaser; or
- (d) unless at the time of the sale the purchaser signs his name on the record so kept, and, where the purchaser is unable to sign his name, he writes on the record the words "Purchaser cannot sign."

But where pursuant to the Pharmacy and Poisons Act, 1910<sup>1</sup>, as amended, or any other Act, a person makes an entry in any form or book with respect to the matters specified in paragraph (c) or (d) of this subregulation, the entry so made shall be regarded as a sufficient compliance with the provisions of that paragraph.

(3) Where the prepared bait referred to in subregulations (1) and (2) of this regulation is sold by correspondence the seller shall retain the letter, telegram or other document by means of which the bait was ordered and keep a record of the name and address of the purchaser and of the quantity of the bait sold to him.

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<sup>1</sup> Now Poisons Act, 1964.



30. Every person who sells any pesticide containing sodium fluoroacetate shall, on demand by an inspector, within the meaning of that term as set out in section 3 of the Health Act, 1911, as amended, produce for examination by the inspector all or any specified letters, telegrams or other documents retained, or any records, books, forms or entries made or kept, in compliance with the provisions of subregulation (2) or (3) of regulation 29.

31. (1) No person shall use sodium fluoroacetate baits except for the destruction of rabbits.

(2) No person who purchases sodium fluoroacetate baits for the destruction of rabbits shall use or permit to be used the baits except under the following conditions:—

- (a) The baits shall not be sold or given away by him to any other person.
- (b) The baits shall be stored in the original container and kept in a locked cupboard or room.
- (c) The baits shall not be laid on any land other than that owned or occupied by the purchaser of the baits.
- (d) The baiting shall be carried out in strict conformity with the procedure outlined on the label attached to the container when purchased, or as directed by an officer of the Agriculture Protection Board appointed pursuant to the Agriculture Protection Board Act, 1950, as amended.
- (e) He shall notify the occupier of every adjacent property of his intention to lay baits and of the period and location of baiting.
- (f) During the period of baiting and within 14 days after the burial of uneaten baits no rabbit captured or found dead on any property where baiting is carried out or on any adjacent property shall be disposed of other than by burial or burning on the property. The skin of any such rabbit shall not be removed.

#### Division 3—Use of Certain Fumigants as Pesticides.

32. In this Division unless the contrary intention appears—

“building” includes vessel, enclosed space, and any part of a building, vessel or enclosed space;

“fumigant” means methyl bromide and hydrogen cyanide;

“fumigator” means a person licensed pursuant to Regulation 36 of these regulations;

“fumigation” means the treatment of a building, foodstuffs, produce or goods with a fumigant;

“hydrogen cyanide” includes any substance capable of producing or releasing hydrogen cyanide;

“registered firm” means a body corporate, partnership or person, other than an employee of a registered firm engaged in the business of undertaking the fumigation of buildings for reward, and registered pursuant to Regulation 33 of these regulations.

Reg. 32  
added by  
G.G. 31/3/66,  
p. 1409.

33. (1) A body corporate, partnership or person, other than an employee of, or person engaged for the purpose by, a registered firm shall not undertake or carry out any fumigation for reward unless it or he is registered pursuant to subregulation (3) of this regulation.

Reg. 33  
added by  
G.G. 31/5/66,  
p. 1410.

(2) An application for registration as a registered firm shall be in the form of Form 1 in Schedule D to these regulations, and be accompanied by a fee of five dollars.

(3) Where the Commissioner is satisfied that an applicant for registration under this regulation—

- (a) is properly equipped to undertake fumigations;

- (b) has equipped any fumigation chamber it or he controls with a mechanical system of exhaust ventilation capable of completely and harmlessly removing any fumigant from the chamber, and of providing not less than sixty complete changes of air within the chamber in one hour; and
- (c) will employ for the purposes of carrying out each fumigation for which the applicant will be engaged, persons licensed under these regulations as fumigators, or persons working under the personal supervision of a fumigator,

he shall register the applicant as a registered firm for the purposes of this Division.

(4) Subject to Regulation 53 of these regulations, every registration granted under this regulation is valid for a period of one year from the date on which it is first granted, and may, upon payment of a fee of two dollars, be renewed annually so long as the Commissioner remains satisfied that the registered firm meets with the requirements of subregulation (3) of this regulation.

(5) Upon the granting, and upon the renewal of registration under this regulation, the Commissioner shall issue to the registered firm a certificate of registration in the form of Form 2 in Schedule D to these regulations.

Reg. 34  
added by  
G.G. 31/5/66,  
p. 1410.

34. Every registered firm shall provide efficient equipment for use by its fumigators and other employees in the carrying out of fumigations, and shall maintain all equipment used for that purpose in efficient working order.

Reg. 35  
added by  
G.G. 31/5/66,  
p. 1410.

35. (1) Subject to subregulation (2) of this regulation, a registered firm shall not undertake any fumigation unless it has given prior notice to that effect to the Commissioner.

(2) The Commissioner may, either generally or in relation to any class or type of fumigations, exempt a registered firm from the requirements of subregulation (1) of this regulation, and may at any time revoke any exemption so granted.

(3) Each registered firm shall, within two days of the carrying out of any fumigation by the firm, cause an entry to be made in a register to be kept for the purpose setting out—

- (a) the place at which and date on which the fumigation was carried out;
- (b) the fumigant used; and
- (c) the name of every fumigator and other person employed or engaged by the registered firm or any other person for the fumigation.

(4) Each entry made in a register kept pursuant to subregulation (3) of this regulation shall be retained by the registered firm for not less than three years, and any register kept pursuant to that subregulation may be inspected by a person authorised for the purpose by the Commissioner.

Reg. 36  
added by  
G.G. 31/5/66,  
p. 1411.

36. (1) An application by a person to be licensed as a fumigator shall be in the form of Form 3 in Schedule D to these regulations, and be accompanied by a fee of two dollars.

(2) Where the Commissioner is satisfied that an applicant for a fumigator's license—

- (a) is competent to undertake fumigations using the fumigant specified in his application;
- (b) has a thorough knowledge of the provisions of this Division;
- (c) is medically fit to do so; and
- (d) is not under the age of eighteen years,

he shall license the applicant as a fumigator.

(3) Subject to Regulations 50 and 53 of these regulations, every license issued under this regulation—

- (a) is valid for a period of one year from the date of issue, but may be renewed annually thereafter on payment of a fee of one dollar; and
- (b) authorises the licensee to carry out fumigations with the fumigant specified in the license.

(4) Upon the issue, and upon the renewal, of any license pursuant to this regulation, the Commissioner shall issue to the fumigator a license in the form of Form 4 in Schedule D to these regulations.

37. (1) A person, other than a fumigator or a person working under the personal supervision of a fumigator, shall not use any fumigant for the purposes of fumigation.

Reg. 37  
added by  
G.G. 31/5/66,  
p. 1411.

(2) A fumigator shall not use, or permit any person not licensed as a fumigator working under his personal supervision to use, any fumigant for fumigation which is not designated in his license.

(3) Unless the Commissioner otherwise approves, a fumigation shall not be carried out by less than two persons, one of whom at least shall be a fumigator in whose license the fumigant intended to be used is designated.

38. A fumigator shall not begin to fumigate any building until—

- (a) in the case of the fumigation of a vessel—
  - (i) he has, by personal inspection, ascertained that no person is within any part of the vessel to be treated with fumigant;
  - (ii) he has been notified by the master or agent of the vessel that there are no persons on board;
  - (iii) he has notified the Port Authority of the proposed fumigation; and
- (b) in the case of the fumigation of any other building, he has by personal inspection ascertained that—
  - (i) no person is within the building or where a portion of a building can be completely sealed off then in that portion of the building;
  - (ii) all electric radiators, fires and naked lights within the building or portion of the building have been switched off or extinguished;
  - (iii) all windows in the building or portion of the building have been securely fastened;
  - (iv) the portion of the building to be fumigated has been effectively sealed to prevent the escape of any fumigant,

Reg. 38  
added by  
G.G. 31/5/66,  
pp. 1411-12.

and unless the Commissioner has otherwise directed, the police station and fire station nearest to the place at which the fumigation is to be carried out have been notified of the proposed fumigation.

39. The fumigator in charge of the fumigation of any building shall, at or before the conclusion of the application of the fumigant—

- (a) close and securely fasten every door and other means of access to the fumigated area; and
- (b) affix to each door and other means of access to the fumigated area a notice with a white background on which there shall be printed—
  - (i) the words, "DANGER, KEEP OUT" in red capital letters not less than six inches in height; and

Reg. 39  
added by  
G.G. 31/5/66,  
p. 1412.

- (ii) the words, "PREMISES BEING FUMIGATED" or "VESSEL BEING FUMIGATED" as the case may require in black capital letters at least two inches high,

and any notice so affixed shall not be removed until the provisions of Regulations 42 and 43 of these regulations have been complied with.

Reg. 40  
added by  
G.G. 31/5/66,  
p. 1412.

40. A fumigator or person under the personal supervision of a fumigator shall not cause hydrogen cyanide to be applied so that its solution may be absorbed by any floor, wall, ceiling, furnishing or goods.

Reg. 41  
added by  
G.G. 31/5/66,  
p. 1412.

41. A fumigator or any other person engaged with a fumigator in 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 is less than the appropriate concentration referred to in paragraphs (a) or (b) of Regulation 43 of these regulations unless—

- (a) he wears—
- (i) an efficient mask of a type approved by the Commissioner as being appropriate for the type of fumigant being used; or
  - (ii) a self-contained or air line respirator capable of providing an independent supply of air; and
- (b) he is, unless the Commissioner has otherwise approved, accompanied by at least one person of at least eighteen years of age.

Reg. 42  
added by  
G.G. 31/5/66,  
p. 1412.

42. As soon as the fumigation of a building is completed, the fumigator who carried out the fumigation shall—

- (a) remove and safely dispose of every substance and material used for the fumigation of the building and the sealing of the openings to the fumigated area;
- (b) ensure that all fabrics, furnishings and goods within the building are free from fumigant;
- (c) cause the building to be thoroughly ventilated with fresh air; and
- (d) when hydrogen cyanide has been used, flush every water closet that may have been exposed to the fumigant, and empty every receptacle containing water or any other liquid capable of absorbing the fumigant.

Reg. 43  
added by  
G.G. 31/5/66,  
p. 1413.  
Amended by  
G.G. 30/9/66,  
p. 2653.

43. The fumigator by whom the fumigation of a building is carried out shall take all reasonable precautions to prevent any person, other than a person authorised by the Commissioner or a person assisting him under his supervision with the fumigation, from entering, occupying or using any building until he has ascertained, by carrying out a test in the manner approved by the Commissioner in respect of the fumigant used, that the concentration of fumigant present in any part of the building is less than—

- (a) where the fumigant used was methyl bromide—twenty parts per million by volume; or
- (b) where the fumigant used was hydrogen cyanide—ten parts per million by volume.

Reg. 44  
added by  
G.G. 31/5/66,  
p. 1413.

44. (1) The fumigator in charge of the carrying out of any fumigation shall not cause or permit the release of any fumigant until it has been ascertained, by the carrying out of tests in the manner referred to in subregulation (2) of this regulation, immediately before it is intended to release the fumigant, that every mask to be used by him and every other person taking part in the fumigation is airtight.

(2) A mask shall be tested to ascertain whether it is airtight by the person by whom it is to be used—

- (a) holding the mask to his face;
- (b) closing the inlet to the mask; and
- (c) inhaling deeply,

and if the mask then clings to the face of that person for a period of not less than fifteen seconds, the mask may be regarded as airtight.

45. A fumigator shall not carry out any fumigation involving the use of methyl bromide unless he has with him an efficient halide detector of a type approved by the Commissioner.

Reg. 45  
added by  
G.G. 31/5/66,  
p. 1413.

46. (1) A registered firm shall ensure that all respiratory apparatus used by its employees or contractors conforms with S.A.A. Code Z. 18 1963 and is regularly checked and maintained in efficient working order.

Reg. 46  
added by  
G.G. 31/5/66,  
p. 1413.

(2) Any person engaged in the carrying out of fumigations shall not use a canister in his mask that has been in use for a longer period than that for which it is reasonably expected to be efficient, and shall keep a record of the length of time for which each canister has been in use.

47. A registered firm, fumigator or other person having the custody, control or possession of fumigant shall—

Reg. 47  
added by  
G.G. 31/5/66,  
p. 1413.

- (a) cause the fumigant to be so stored as to prevent any other person gaining access to the fumigant without the knowledge and authority of that firm, fumigator or person; and
- (b) if the fumigant is being transported to any place, cause it to be so packed and placed as to prevent the accidental or deliberate loss or any leakage of the fumigant.

48. A fumigator carrying out a fumigation shall keep immediately available at the place of fumigation such first aid and resuscitation appliances and equipment as the Commissioner from time to time directs.

Reg. 48  
added by  
G.G. 31/5/66,  
p. 1413.

49. (1) A person acting with the authority of the Commissioner may—

Reg. 49  
added by  
G.G. 31/5/66,  
pp. 1413-14.

- (a) inspect any building prior to, during or after the fumigation of the building;
- (b) prohibit, or order the discontinuance of, the fumigation of the building if he is of opinion that the carrying out of the fumigation is or may be prejudicial to the health or safety of any person, or will not be, or is not being, carried out in accordance with these regulations;
- (c) prohibit the entry of any person, including a fumigator, into any area that has been treated by fumigant.

(2) Any fumigator or other person who—

- (a) fails to obey the direction given pursuant to subregulation (1) of this regulation; or
- (b) without the authority of the Commissioner or of the fumigator conducting the fumigation of a building, enters the building while the notices referred to in paragraph (b) of Regulation 39 of these regulations are affixed to any door or other means of access to the building,

commits an offence.

Reg. 50  
added by  
G.G. 31/5/66,  
p. 1414.

50. (1) The Commissioner may require any fumigator, or any person employed by a registered firm, to submit himself to such medical examinations and tests as the Commissioner considers necessary to ascertain whether the exposure or continued exposure of that fumigator or person to fumigant has endangered or may endanger the health of that fumigator or person.

(2) The Commissioner may suspend for such period as he thinks fit, the license of any fumigator whose health, in the opinion of the Commissioner, may be endangered by the further engaging by that fumigator in the fumigation of buildings, but any person whose license has been so suspended may at any time apply for the restoration of his license on the ground that his health will no longer be endangered by his engaging in fumigations.

Reg. 51  
added by  
G.G. 31/5/66,  
p. 1414.

51. Where an accident resulting in personal injury or death occurs in the course of, or arises out of, the fumigation of any building—

- (a) the fumigator who carried out the fumigation;
- (b) if that fumigator has died or been injured, the next responsible person assisting in the fumigation; or
- (c) if no person engaged upon the fumigation is capable of so reporting, the registered firm that contracted to have the fumigation carried out,

shall forthwith notify the Commissioner of the accident, and answer such questions relating to the accident as are put to him or it by a person authorised for the purpose by the Commissioner.

Reg. 52  
added by  
G.G. 31/5/66,  
p. 1414.

52. (1) Any registered firm, fumigator or any person who does, or fails to do, any act that by this Division is forbidden, or required to be done, as the case requires, by or in relation to that registered firm, fumigator or person, commits an offence.

(2) In any prosecution for an offence under this Division, an averment in a complaint that any body corporate, partnership or person is or is not registered as a registered firm, or that any person is or is not licensed as a fumigator shall be deemed to be proved in the absence of proof to the contrary.

Reg. 53  
added by  
G.G. 31/5/66,  
pp. 1414-15.

53. (1) Where the Commissioner is satisfied that—

- (a) a registered firm or a fumigator has committed a breach of these regulations, other than a breach of subregulation (3) or (4) of Regulation 35 or Regulation 51 of these regulations; and
- (b) in the circumstances of the breach it is necessary in the interests of public safety so to do,

he may, by notice in writing served upon the registered firm or fumigator setting out the facts of the alleged breach, revoke, or suspend for such period as he thinks fit and specifies in the notice, the registration of the registered firm or the license of the fumigator, as the case may be.

(2) The revocation or suspension of a registration or license pursuant to subregulation (1) of this regulation has effect from the time at which service is effected, but—

- (a) expires and is of no effect at the end of the period of seven days from the service of the notice unless proceedings in a Court of Petty Sessions have been instituted within that period in respect of the alleged breach that gave rise to the revocation or suspension;
- (b) expires and becomes of no effect upon the withdrawal or striking out of, or the acquittal of the registered firm or fumigator in, the proceedings instituted in respect of the alleged breach that gave rise to the revocation or suspension.

(3) The revocation or suspension of the registration of a registered firm or license of a fumigator that has expired pursuant to paragraph (a) of subregulation (2) of this regulation revives where that registered firm or fumigator is subsequently convicted of an offence in respect of the same breach of the regulations for which the revocation or suspension that has expired was first effected.

Schedule A.

Health Act, 1911.

Pesticides Regulations.

APPLICATION FOR REGISTRATION OF A PESTICIDE.

To The Commissioner of Public Health,  
Department of Public Health,  
Perth, W.A.

I/We .....  
of .....  
being a wholesale dealer within the meaning of the Pesticide Regulations (a) hereby apply for the registration/re-registration of the undermentioned pesticide and forward herewith .....  
(b) as registration/re-registration fee.  
(1) Name of pesticide.....  
(2) Registration No. (if any).....  
(3) Name of manufacturer.....  
(4) Address of manufacturer.....  
(5) Composition of pesticide (c).....  
.....  
(6) (d) Nature of packages—including weight and volume.  
.....  
.....

Attached hereto as required are four copies of the label and descriptive literature relating to this pesticide.

I.....the person making this application declare that the particulars shown herein are true and correct in every particular.

Signed..... Date.....

- (a) Wholesale dealer means the manufacturer, importer, distributor, agent, or other person responsible for placing any pesticide on the market in Western Australia.
- (b) Registration fee, \$1. Re-registration, 50 cents.
- (c) and (d) See regulations printed overleaf. Not required for re-registration unless the composition or packing has been altered and not previously notified.

(To be printed on back of Schedule A.)

REGISTRATION.

(Regulation 4 of the Pesticides Regulations.)

- (1) Every wholesale dealer shall, within thirty days after the commencement of these regulations, make application in writing in the form set out in Schedule A to these regulations to the Commissioner for the registration of each pesticide which he then sells.
- (2) Such application shall contain a statement setting forth—
  - (a) a description of the chemical and physical nature of the product together with a percentage analysis of its composition;

- (b) specific and complete claims as to the purpose of the product;
  - (c) directions for its use;
  - (d) a description of the nature of the package used;
  - (e) such further information as the Commissioner may require.
- (3) Such application shall be accompanied by—
- (a) four copies of the text of the label and of any descriptive literature used;
  - (b) a registration fee of one dollar provided that a pesticide registered under the Veterinary Medicines Act, 1953, as amended, may be registered without fee and provided further that a pesticide already registered under the Plant Diseases Act, 1914, as amended, shall require a registration fee of fifty cents only.
- (4) The applicant shall, at the request of the Commissioner, submit a sample of the pesticide in its package.

Schedule B  
substituted  
by G.G.  
12/5/65,  
p. 1458.

#### SCHEDULE B.

Fluoroacetic acid, its salts and derivatives, excepting sodium fluoroacetate in the form of prepared baits of grain or other matter containing not more than 0.05 per cent. sodium fluoroacetate.  
Hydrogen cyanide, substances containing hydrogen cyanide and all cyanides used for fumigation purposes.  
Methyl bromide, except when mixed with a warning gas.  
Phorate in concentrations exceeding 10 per cent.

Schedule C  
substituted  
by G.G.  
12/5/65,  
pp. 1458-9.

#### SCHEDULE C.

Alpha naphthyl thiourea.  
Acrolein.  
Arsenic and its compounds.  
Benzene hexachloride in concentrations exceeding 10 per cent.  
Carbon bisulphide.  
Carbon tetrachloride.  
Chloroallyldiethylthiocarbamate.  
2-Chloro NN diallylacetamide.  
Chloropicrin.  
Copper compounds containing more than 1 per cent. of copper (Cu).  
Coumarin and its derivatives and all other substances with anti-coagulant properties.  
Creosote.  
Cresylic acid, its homologues and compounds.  
Dibromo chloropropane.  
DDD in concentrations exceeding 10 per cent.  
Dichlorethylene.  
Dichloroethyl ether.  
Dichloropropane.  
Dichloropropene.  
Dicophane in concentrations exceeding 10 per cent.  
Dimethanonaphthalene and all substitution or addition products and derivatives.  
Dimethyl dipyridylium methyl chloride in concentrations exceeding 5 per cent.  
Dimethyl dipyridylium methyl sulphate in concentrations exceeding 5 per cent.  
Dinocap (Karathane).  
Dinitroresol, its homologues and compounds.  
Dinitrophenol, its homologues and compounds.  
Diphacinone.  
Disodium ethylene bisdithiocarbamate.  
Disulfiram.



- Ethylene dibromide.
- Ethylene dichloride.
- Ethylene dipyrilidium dibromide in concentrations exceeding 5 per cent.
- Ethylene oxide.
- Ferric dimethylthiocarbamate (Ferbam).
- Fluoroacetic acid, its salts and derivatives.
- Fluorine and its compounds.
- Formaldehyde in concentrations exceeding 5 per cent.
- Hydrocyanic acid and its compounds.
- Lead and its compounds.
- Manganese ethylene bisdithiocarbamate.
- Mercury and its compounds.
- Metalddehyde in concentrations exceeding 5 per cent.
- 4 : 7 Methanoindene and all substitution and addition products and derivatives, in concentrations exceeding 2 per cent.
- Methoxychlor in concentrations exceeding 10 per cent.
- Methyl bromide.
- N methyl naphthyl carbamate (Sevin).
- Nicotine and its compounds in concentrations exceeding 1 per cent.
- Organo-phosphorus compounds.
- Pentachlorophenol.
- Phenol, its homologues and compounds.
- Phorate.
- Phosphides.
- Phosphorus.
- Pyrethrins in concentrations exceeding 10 per cent.
- Rotenone.
- Sodium chlorate in concentrations exceeding 10 per cent.
- Strychnine and its compounds.
- Tetra methyl thiuram disulphide.
- Thallium and its compounds.
- Toxaphene.
- Trichlorophenol.
- Zinc dimethyl dithiocarbamate.
- Zinc ethylene bisdithiocarbamate.

Schedule D.

Form 1.

Health Act, 1911.

Pesticides Regulations.

Schedule D  
added by  
G.G. 31/5/66,  
pp. 1415-6.

APPLICATION FOR REGISTRATION AS REGISTERED FIRM.

To the Commissioner of Public Health,  
Department of Public Health,  
Perth, W.A.:

APPLICATION is hereby made by.....  
((Name of Applicant.)  
of.....for registration  
as a registered firm for the purpose of Division 3 of Part II of the  
Pesticides Regulations.

A fee of five dollars is enclosed.  
.....19.....

.....  
(Signature of applicant or person  
on behalf of applicant.)

Form 2.

Health Act, 1911.

Pesticides Regulations.

CERTIFICATE OF REGISTRATION.

THIS is to certify that.....  
(Name of registered firm.)  
of..... is registered  
as a registered firm for the purposes of Division 3 of Part II of the  
Pesticides Regulations for a period of one year commencing upon  
.....19.....

.....  
Commissioner of Public Health.

Form 3.

Health Act, 1911.

PESTICIDES REGULATIONS.

To the Commissioner of Public Health,  
Department of Public Health,  
Perth, W.A.:

I,....., of.....  
aged.....years, apply to be licensed as a fumigator using  
.....for the purposes of Division 3 of Part II of  
the Pesticides Regulations.  
.....19.....

.....  
(Signature of applicant.)

Form 4.

Health Act, 1911.

PESTICIDES REGULATIONS.

THIS is to certify that..... is licensed  
as a fumigator and may use..... for the purposes of  
Division 3 of Part II of the Pesticides Regulations, for a period  
of one year commencing on.....19.....

.....19.....

.....  
Commissioner of Public Health.