



Western Australia

Agriculture and Related Resources Protection (Spraying Restrictions) Regulations 1979

Compare between:

[02 Nov 2001, 01-a0-08] and [18 Dec 2010, 01-b0-07]

Agriculture and Related Resources Protection (Spraying Restrictions) Regulations 1979

1. Short title

These regulations may be cited as the *Agriculture and Related Resources Protection (Spraying Restrictions) Regulations 1979*¹.

2. Interpretation

In these regulations, unless the contrary intention appears —
acid means a chemical, whether in a salt, amine or other form, listed in the Schedule;

Director means the Director General of Agriculture or an officer of the Department of Agriculture authorised by him in writing;

prescribed area means an area described in regulation 3.

[Regulation 2 amended ~~in~~ Gazette 28 Nov 1986 p. 4415;
1 Sep 1989 p. 3074.]

3. Prescribed areas

The following areas are prescribed areas for the purposes of these regulations —

- (a) any area within 5 kilometres of a place where tomatoes or grapevines are being grown for commercial purposes;
- (b) any area being more than 5 kilometres but not more than 10 kilometres from a place where tomatoes or grapevines are being grown for commercial purposes;

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- (c) the area within an imaginary circle having a radius of 19 kilometres with the Geraldton Post Office as its centre;
- [(d) *deleted*]
- (e) the area within an imaginary circle having a radius of 50 kilometres with the Geraldton Post Office as its centre but outside an imaginary circle having a radius of 19 kilometres with the Geraldton Post Office as its centre;
- (f) an area within 10 kilometres of a place where irrigated agricultural or horticultural crops are being grown for commercial purposes which is situated within 50 kilometres of the Kununurra Post Office;
- (g) an area more than 10 kilometres but not more than 50 kilometres from a place where irrigated agricultural or horticultural crops are being grown for commercial purposes which is situated within 50 kilometres of the Kununurra Post Office;
- (h) all the land bounded by lines starting from the junction of Ida Street and Anzac Terrace in the town of Bassendean extending east to the southeast corner of Swan location 3218; then north to the southeast corner of Swan location 1339; then west to the northwest corner of Swan location 277; then south to the starting point.

[Regulation 3 amended ~~in~~ Gazette 10 Apr 1981 p. 1260;
1 Sep 1989 p. 3074.]

4. Spraying of acids

- (1) A person shall not, within the prescribed areas described in regulation 3(a), (c), (f) or (h), spray —
 - (a) an ester of an acid; or
 - (b) unless he has the prior written approval of the Director, a chemical containing an acid.

Penalty: a fine of \$2 000.

- (2) A person shall not, within the prescribed areas described in regulation 3(b), (e) or (g), spray an ester of an acid unless the ester is a low volatile kind approved by the Director and notified in the *Government Gazette*.

~~(3) A person who contravenes subregulation (1) or (2) commits an offence and is liable to a penalty of \$500.~~

Penalty: a fine of \$2 000.

[(3) deleted]

[Regulation 4 inserted in: Gazette 1 Sep 1989 p. 3074-5;
amended: Gazette 17 Dec 2010 p. 6429.]

5. Storage of esters of acids

- (1) A person shall not, within the prescribed areas described in regulation 3(c), (e), (f) or (g), store an ester of an acid unless —
- (a) the ester is a low volatile kind approved by the Director and notified in the *Government Gazette*; or
 - (b) except in the case of the prescribed area described in regulation 3(c), he has obtained the prior written approval of the Director.

Penalty: a fine of \$2 000.

- (2) An ~~inspector~~authorised person who finds an ester of an acid stored in contravention of subregulation (1) ~~shall forthwith —~~
~~—must —~~
- (a) seize and remove the ~~acid~~ester from the prescribed area concerned; or
 - (b) direct the owner or occupier of the land on which the ~~acid~~ester is stored, or ~~his~~an agent of that person, to remove the ~~acid~~ester from the prescribed area ~~concerned forthwith,~~within a time specified in the direction.

~~—and a(3A)~~ A person who is given a direction under paragraph (subregulation (2)(b) shall~~must~~ comply with it~~the~~ direction.

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Penalty: a fine of \$2 000.

- (3) Before exercising the powers under subregulation (2), an ~~inspector~~authorised person shall —
- (a) take 2 samples of the acid and identify each with a mark; and
 - (b) give a sample each to —
 - (i) a person referred to in subregulation (2)(b); and
 - (ii) a laboratory approved by the Director General of Agriculture, for analysis of the sample.
- (4) An ~~inspector~~authorised person who has acted under subregulation (3) shall, as soon as he receives the written results of the analysis, give or cause to be given a copy of those results to a person referred to in subregulation (2)(b).

~~(5) A person who contravenes subregulation (1), (2), (3) or (4) commits an offence and is liable to a penalty of \$500.~~

[(5) deleted]

*[Regulation 5 inserted ~~in~~: Gazette 1 Sep 1989 p. 3075;
amended: Gazette 17 Dec 2010 p. 6429-30.]*

6. Restrictions as to vehicles and equipment

A person shall not, within a prescribed area described in regulation 3(c), (f) or (h), park, stand, store or move a vehicle or any equipment —

- (a) that is carrying an open container that contains or has contained an ester of an acid; or
- (b) that is contaminated by an ester of an acid,

unless the ester is a low volatile kind approved by the Director and notified in the *Government Gazette*.

Penalty: ~~\$500~~a fine of \$2 000.

*[Regulation 6 inserted ~~in~~: Gazette 1 Sep 1989 p. 3075;
amended: Gazette 17 Dec 2010 p. 6430.]*

7. Applications to Director

An application for an approval under regulation 4(1)(b) or 5(1)(b) shall be in writing and shall contain —

- (a) in the case of an application under regulation 4(1)(b), particulars of —
 - (i) the approximate area to be sprayed;
 - (ii) the location of the area to be sprayed;
 - (iii) the acid and the form of the acid to be used;
 - (iv) the method of spraying and the equipment to be used; and
 - (v) the proposed date of spraying;and
- (b) in the case of an application under regulation 5(1)(b), particulars of —
 - (i) the location of the storage area; and
 - (ii) the kind of ester of acid to be stored.

[Regulation 7 inserted ~~in~~ Gazette 1 Sep 1989 p. 3075.]

Schedule

[Reg. 2]

Chemicals within the meaning of “Acid”

- (1) MCPA
- (2) MCPB
- (3) 2,4-D
- (4) 2,4-DB
- (5) 2, 4, 5-T
- (6) Dicamba
- (7) Picloram

[Schedule inserted ~~in~~ Gazette 1 Sep 1989 p. 3075.]

Notes

- ¹ This is a compilation of the *Agriculture and Related Resources Protection (Spraying Restrictions) Regulations 1979* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Agriculture and Related Resources Protection (Spraying Restrictions) Regulations 1979</i>	4 May 1979 p. 1171-2	4 May 1979
<i>Agriculture and Related Resources Protection (Spraying Restrictions) Amendment Regulations 1981</i>	10 Apr 1981 p. 1260-1	10 Apr 1981
<i>Agriculture and Related Resources Protection (Spraying Restrictions) Amendment Regulations 1982</i>	16 Apr 1982 p. 1316	16 Apr 1982
<i>Agriculture and Related Resources Protection (Spraying Restrictions) Amendment Regulations 1986</i>	28 Nov 1986 p. 4415	28 Nov 1986
<i>Agriculture and Related Resources Protection (Spraying Restrictions) Amendment Regulations 1989</i>	1 Sep 1989 p. 3074-5	1 Sep 1989
Reprint of the Agriculture and Related Resources ProtectionProtection (Spraying Restrictions) Regulations 1979 as at 2 Nov 2001 (includes amendments listed above)		
Agriculture and Related Resources Protection (Repeals and Amendments) Regulations 2010 Pt. 12	17 Dec 2010 p. 6403-32	18 Dec 2010 (see r. 2(b) and Gazette 17 Dec 2010 p. 6349)