
HEALTH

HE301*

Poisons Act 1964

Poisons Amendment Regulations (No. 2) 2004

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Poisons Amendment Regulations (No. 2) 2004*.

2. The regulations amended

The amendments in these regulations are to the *Poisons Regulations 1965**.

[* *Reprint 7 as at 10 January 2003.*

For amendments to 23 November 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 289, and Gazette 5 October 2004.]

3. Part 5 Division 2 heading amended

The heading to Part 5 Division 2 is amended by deleting “Fourth Schedule” and inserting instead —

“ **Schedule 4** ”.

4. Regulation 39C inserted

After regulation 39B the following regulation is inserted —

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39C. Use of poisons included in Schedule 4 on ships carrying livestock

- (1) The master of a ship that is to carry livestock is authorised to procure and be in possession of any

poison included in Schedule 4 that is necessary for compliance —

- (a) by the exporter with the *Australian Livestock Export Standards — March 2001* (as amended from time to time); or
 - (b) by the master with order 18 of the *Marine Orders Part 43: Cargo and Cargo Handling — Livestock* (as amended from time to time) made under the *Navigation Act 1912* of the Commonwealth.
- (2) The holder of an appropriate licence or any other authorised person may supply a poison included in Schedule 4 to the master of a ship on receipt of a written order certifying that the master is authorised under subregulation (1) to procure and be in possession of the poison.
 - (3) The written order must be signed by the master of the ship himself or herself and by the exporter of the livestock.
 - (4) The master of a ship must store a poison supplied under subregulation (2) in a secure place on board the ship.
 - (5) In this regulation —
 - “**livestock**” means livestock in relation to which an exporter has given a notice of intention to export under order 6 of the *Export Control (Animals) Orders as amended*, made under the *Export Control (Orders) Regulations 1982* in force under the *Export Control Act 1982* of the Commonwealth;
 - “**exporter**” means a person who holds a live-stock export licence under the *Australian Meat and Live-stock Industry Act 1997* of the Commonwealth, or a person authorised in writing by the licensee as the licensee’s agent;
 - “**master of a ship**” includes, except in subregulation (3), a person authorised in writing by the master as the master’s agent.

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By Command of the Governor,

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