
HEALTH

HE301*

Health Act 1911

Health (Poultry Manure) Regulations 2001

Made by the Governor in Executive Council under sections 199(21) and 343A(1) of the *Health Act 1911*.

1. Citation

These regulations may be cited as the *Health (Poultry Manure) Regulations 2001*.

2. Commencement

These regulations come into operation on 1 September 2001.

3. Interpretation

In these regulations —

“**approved**” means approved by the Executive Director, Public Health;

“**commercially-derived**”, in relation to poultry manure, means poultry manure that is the result of a commercial poultry undertaking, including egg production through “layer” farming, or meat production through “broiler” farming;

“**poultry**” means chickens, ducks, geese, emus, ostriches, turkeys, waterfowl, and any other birds bred or kept for commercial purposes (other than for the purpose of sale as pets);

“process” means a process for the treatment of untreated poultry manure that is intended to prevent flies from breeding in the manure after treatment by that process;

“untreated poultry manure” means poultry manure, whether or not mixed with other materials, that has not been subject to treatment by an approved process.

4. **Regulations to operate as local laws**

These regulations apply to the local government districts set out in the Table to this regulation as if they were local laws made under the Act.

Table

City of Armadale	Town of Kwinana
City of Cockburn	Shire of Gingin
City of Joondalup	Shire of Kalamunda
City of Rockingham	Shire of Murray
City of Swan	Shire of Serpentine-
City of Wanneroo	Jarrahdale.

5. **Untreated poultry manure specified to be a “hazardous substance”**

Under section 199(21) of the Act, untreated poultry manure is specified to be a “hazardous substance”.

6. **Storage, etc., of untreated poultry manure**

- (1) A commercial producer of untreated poultry manure may store commercially-derived untreated poultry manure at the place of production, at any time.
- (2) A person undertaking an approved process in relation to untreated poultry manure may store commercially-derived untreated poultry manure at any time for the purposes of treating that manure.
- (3) A person may store, supply, sell, transport, or use commercially-derived untreated poultry manure at any time for the purposes of —
 - (a) treating that manure by an approved process; or
 - (b) temporary storage of the manure at a landfill site that is subject to an appropriate licence under Part V of the *Environmental Protection Act 1986*.
- (4) A person may store, supply, sell, transport, or use commercially-derived untreated poultry manure during the months of May, June, July and August of any year, unless the Executive Director, Public Health by declaration excludes one or more of those months, or a part of one of those months, from this subregulation.

7. Declaration

A declaration by the Executive Director, Public Health under regulation 6(4) —

- (a) is to be published in the *Gazette*, and a newspaper circulating generally in the local government areas set out in regulation 4;
- (b) has effect from the day of its publication in the *Gazette*, or a day after the day of its publication in the *Gazette* as specified in the declaration; and
- (c) is to contain a brief explanation of the effect of the declaration and the consequences of a breach of regulation 8.

8. Offences

- (1) Unless a person is specifically permitted to do so under regulation 6, a person shall not store commercially-derived untreated poultry manure.
Penalty: see regulation 9.
- (2) Unless a person is specifically permitted to do so under regulation 6(3) or 6(4), a person shall not supply commercially-derived untreated poultry manure.
Penalty: see regulation 9.
- (3) Unless a person is specifically permitted to do so under regulation 6(3) or 6(4), a person shall not sell commercially-derived untreated poultry manure.
Penalty: see regulation 9.
- (4) Unless a person is specifically permitted to do so under regulation 6(3) or 6(4), a person shall not transport commercially-derived untreated poultry manure.
Penalty: see regulation 9.
- (5) Unless a person is specifically permitted to do so under regulation 6(3), 6(4) or 10, a person shall not use commercially-derived untreated poultry manure.
Penalty: see regulation 9.

9. Penalty

The penalty for an offence under regulation 8 is —

- (a) in the case of a first offence — a penalty which is not less than \$100 and not more than \$1 000;
- (b) in the case of a second offence — a penalty which is not less than \$200 and not more than \$1 000;
- (c) in the case of a third or subsequent offence — a penalty which is not less than \$500 and not more than \$1 000; and
- (d) in the case of a continuing offence — a daily penalty which is not more than \$100 and not less than \$50.

10. Transitional

At any time during the month of September 2001, a person may use untreated poultry manure on his or her property, if that manure was in storage on his or her property prior to 1 September 2001.

By Command of the Governor,

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