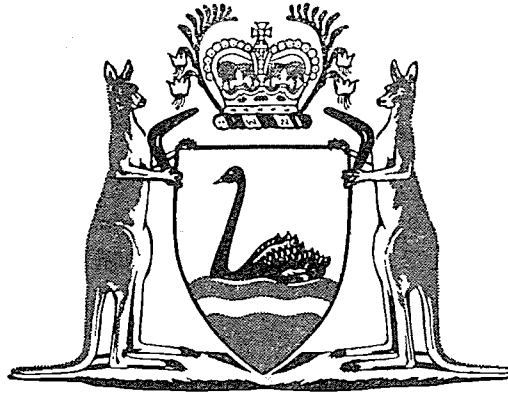


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HEALTH ACT 1911.

### PESTICIDES REGULATIONS.

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Reprinted pursuant to the Reprinting of Regulations Act 1954 by authority of the Attorney General dated 23 March 1983.

## HEALTH ACT 1911.

## PESTICIDES REGULATIONS.

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Reprinted pursuant to the Reprinting of Regulations Act 1954, by authority of the Attorney General, dated 23 March 1983.

## HEALTH ACT 1911.

## PESTICIDES REGULATIONS.

## PART I.—GENERAL.

1. These regulations may be cited as the Pesticides Regulations. Citation.
2. In these regulations, unless the context requires otherwise— Interpretation.
- “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; Amended by G.G. 28/10/71, p. 4187; G.G. 16/7/82, p. 2725.
- “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 and includes all preparations and admixtures containing any proportion of any one or more of them;
- “pickled” in relation to cereal, means a cereal to which a pesticide has been added as a cereal seed dressing;
- “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. Sitting fees.
4. (1) An application to register a pesticide under these regulations shall be in the form of a form approved by the Commissioner and shall contain a statement setting forth— Application to register pesticide.
- (a) a description of the chemical and physical nature of the product together with a percentage analysis of its composition; Substituted by G.G. 28/10/71, p. 4187-8.
- (b) specific and complete claims as to the purpose of the product; Amended by G.G. 25/1/72, p. 147;
- (c) directions for its use; G.G. 1/6/79, p. 1436;
- (d) a description of the nature of the package used, including the net mass or net liquid measure of every size package proposed to be sold; G.G. 18/7/80, p. 2389;
- (e) such further information as the Commissioner may require. G.G. 22/1/82, p. 187.
- (2) Such application shall be accompanied by—
- (a) four copies of the text of the label and of any descriptive literature used;
- (b) an application fee of \$50, except in the case of an application for the registration of a pesticide that is currently registered under the Veterinary Preparations and Animal Feeding Stuffs Act 1976, which may be registered without fee.
- (3) 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. Registration.

Expiry and renewal of registration.  
Amended by G.G. 25/1/72, p. 147;  
G.G. 1/6/79, p. 1436;  
G.G. 22/1/82, p. 187.

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 shall be assigned the same registration number.

(1a) An application for the renewal of a registration, other than in respect of a pesticide that is currently registered under the Veterinary Preparations and Animal Feeding Stuff Act 1976 shall be accompanied by a renewal fee of \$25.

(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.

Amendment of register.  
Inserted by G.G. 22/1/82, p. 187.

6A. An application to—

(a) include in the register the net mass or net liquid measure of an additional package size of any registered pesticide; or

(b) alter the net mass or net liquid measure of any package containing a registered pesticide,

shall be made in writing to the Commissioner and shall be accompanied by a fee of \$10.

Obligation to register.

7. A wholesale dealer, pesticide firm or licensed pesticide operator who proposes to sell or use a pesticide which has not been registered or which having been registered has been blended, mixed, diluted or altered in any of its constituents shall before commencing to sell or use such pesticide apply for and obtain its registration under these regulations.

Refusal or cancellation of registration.

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.

Labels.

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.

Alteration of label.  
Inserted by G.G. 1/6/79, p. 1436.  
Amended by G.G. 22/1/82, p. 187.

9AA. (1) An application to alter the text of a label of a registered pesticide may be made to the Commissioner, in writing, and shall be accompanied by a fee of \$25.

(2) The Commissioner may approve or refuse an application made under subregulation (1) of this regulation.

(3) The Commissioner may review the text of the label of a pesticide and may if it appears necessary or convenient for the protection of health require the alteration of a label so that it complies with his directions.

(4) A person shall not, after the alteration of a label in accordance with this regulation affix a label to the relevant pesticide unless it conforms with the alteration so approved.

- 9A. The immediate container in which any pesticide is stored, sold, supplied or transported—
- (a) shall be impervious to its contents;
  - (b) shall not be capable of reacting with its contents;
  - (c) shall be of sufficient strength and capacity to withstand the ordinary risks of breakage and expansion during storage, handling or transport without leakage; and
  - (d) shall be securely closed and, except where it contains a preparation packed for use on one occasion only, shall be capable of being securely reclosed.
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. (1) (a) Where a pesticide contains any substance specified in the First, Second, Sixth or Seventh Schedule to the Poisons Act 1964—
- (i) the package containing the pesticide shall conform with the requirements of regulation 19 of the Poisons Act Regulations 1965, in force under that Act; and
  - (ii) the label of the package shall bear the expressions "POISON" and "Keep out of reach of children".
- (b) Where a pesticide does not contain any substance specified in the First, Second, Sixth or Seventh Schedules to the Poisons Act 1964, but contains any substance specified in the Fifth Schedule to that Act, the label of the package shall bear the expressions "CAUTION" and "Keep out of reach of children".
- (2) Where the word "POISON" or "CAUTION" is required to be shown on a label pursuant to this regulation—
- (a) the word shall appear in red on a white background and be surrounded by a red frame;
  - (b) the word shall form the first line of the principal label and no other word or words shall appear on the same line;
  - (c) the word "POISON" or "CAUTION", as the case requires, shall be in bold face sans serif capital letters of a size not less than half the size of the largest lettering on the label and in any event not less than six points full measurement.
- (3) Where the words "Keep out of reach of children" are required by this regulation to be shown on a label, those words shall be shown—
- (a) in bold face sans serif letters of not less than six points full measurement; and
  - (b) in such colour or colours as to afford a distinct colour contrast to the background colour.
- (4) Where a pesticide, which contains any substance specified in the First, Second, Sixth or Seventh Schedule to the Poisons Act 1964, is contained in a bottle a label shall not be attached or affixed to the bottle in such a manner that the ribs, grooves, points or other distinctive designs or the embossed or branded words required to be blown, embossed or indelibly branded on the bottle are covered or obliterated; provided that a label may cover the front panel of the bottle and extend around the adjacent sides, if the words or the ribs, grooves, points or distinctive designs are on the back panel of the bottle and not covered or obliterated.
- (5) The provisions of this regulation are in addition to, and not in derogation of, the provisions of regulation 9 of these regulations.
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.

Container.  
Inserted by  
G.G. 25/1/72,  
p. 147.

Permission  
required for  
certain  
pesticides.

Special  
packaging  
and  
labelling  
requirements.  
Substituted  
by G.G.  
3/10/67,  
pp. 2577-8.

Prohibited  
advertising.

Restriction on  
premises for  
manufacture  
of pesticides.

Restriction on premises for preparation and packing of pesticides. Amended by G.G. 3/10/67, p. 2578.

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 specified in any of the Schedules to the Poisons Act 1964, such room shall not communicate directly with that portion of the premises which is used for the manufacture, preparation, packing or storage of food.

Storage of pesticide.

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.

Equipment.

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.

Transport.

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.

Duties of occupier of certain premises.

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 effected;
- (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.

Certain pesticides prohibited.

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.

Use of and sampling of pesticide. Substituted by G.G. 1/8/80, p. 2565.

20. (1) No person shall use a pesticide in any manner, place or circumstance which is dangerous, harmful or injurious to health.

(2) Where any of a pesticide has been applied in a particular form and concentration, a health surveyor or other person authorized in that behalf by the Commissioner may take for the purposes of these regulations a sample of the pesticide as so applied.



20A. (1) The Commissioner may by notice published in the *Government Gazette*, specify which pesticides may be used on specified crops in prescribed areas of the State.

(2) Where a notice is published in accordance with subregulation (1) of this regulation, a person who uses a pesticide other than a pesticide specified in that notice on the crops or in the area described in the notice commits an offence.

Specified pesticides on specified crops may be permitted.  
Inserted by G.G. 28/10/71, p. 4188.

20B. (1) The Commissioner may by notice published in the *Government Gazette*, prohibit the use of specified pesticides on specified crops in areas of the State described in the notice, at specified times of the year.

(2) A person who contravenes a notice published in accordance with subregulation (1) of this regulation commits an offence.

Specified pesticides on specified crops may be prohibited.  
Inserted by G.G. 28/10/71, p. 4188.  
Amended by G.G. 26/8/77, p. 2978.

20C. (1) For the purpose of this regulation—

“commercial food crop” means any food crop other than one grown on land the area of which does not exceed four thousand square metres and on which there is a permanent dwelling.

(2) A person shall not apply, or cause to be applied, to any commercial food crop any pesticide—

(a) in excess of the concentration or frequency of application, or in any other respect contrary to any directions or precautions, specified in respect of that crop in the label relating to that pesticide; or

(b) the label relating to which does not specify the pesticide as being suitable for use on that crop,

unless the pesticide is applied pursuant to the permission in writing of, and as approved by, the Commissioner.

Application to be according to label.  
Inserted by G.G. 1/8/80, p. 2565.

20D. (1) A person shall not use, or permit or suffer to be used, a pesticide as a cereal seed dressing unless—

(a) the pesticide imparts a distinctive colour to the cereal seed; or

(b) a distinctive colour is added by a dye to the cereal seed,

so as to make the pickled cereal easily distinguishable by sight from cereal grains which have not been pickled.

(2) A person shall not sell any cereal seed which has been treated with a pesticide unless a distinctive colour has been added, either by the pesticide or by a dye added to the pesticide, so as to make the pickled cereal easily distinguishable by sight from cereal grains which have not been pickled.

Cereal pickles.  
Inserted by G.G. 16/7/82, p. 2725.

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.

Maximum level of ingredients.

21A. (1) In this regulation and in regulations 21B, 21C and 21D of these regulations, “used pesticide container” means a container which has contained pesticide and which was designed to hold or contain 4.5 litres or more of the pesticide.

(2) No person other than a person employed or engaged for or on behalf of a commercial pesticide firm, shall undertake or carry out the collection, removal or disposal of used pesticide containers from any premises without first obtaining the approval in writing of either the Local Authority or the Commissioner.

Approval to deal with used pesticide containers.  
Inserted by G.G. 28/10/71, p. 4188.  
Amended by G.G. 3/5/74, pp. 1433-4.

21B. Where approval is granted in accordance with regulation 21A of these regulations, that approval shall designate the place at which the pesticide containers are to be disposed of and may be subject to any conditions specified therein.

Terms of approval.  
Inserted by G.G. 28/10/71, p. 4188.

21C. A person who undertakes or carries out the collection, removal or disposal of used pesticide containers without the approval of the Local Authority or the Commissioner, or, having obtained that approval fails to observe or perform any condition specified therein, or to dispose of the containers at the place specified for that purpose, commits an offence against these regulations.

Offence.  
Inserted by G.G. 28/10/71, p. 4188.

Disposal of used pesticide containers. Inserted by G.G. 28/10/71, pp. 4188-9.

- 21D. Unless the Commissioner in any particular case otherwise directs, every used pesticide container shall be disposed of in one of the following methods—
- (a) by burning in such a manner that smoke does not endanger any person;
  - (b) by washing out and resealing the container, labelling it to show the original contents and returning it to the supplier; or
  - (c) by breaking, puncturing, flattening or otherwise rendering it unusable and thereafter burying or disposing of it in such a manner as not to endanger any person.

## PART II.—SPECIAL PROVISIONS.

### *Division 1—Lindane.*

Certain lindane prohibited.

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.

Pesticide for use in vaporizers.

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

Label required with certain vaporizers sold. Amended by G.G. 28/10/71, p. 4189; G.G. 3/5/74, pp. 1433-4.

24. No person shall sell any apparatus for the non-continuous or occasional vaporization 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 vaporization 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. 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, handled or stored.
  - (b) Use not more than (here state the weight or measure of the pesticide required to provide not more than one and one half (1½) grams of the lindane per twenty-eight cubic metres of room space) per twenty-eight cubic metres of room space.

Requirements for certain other vaporizers sold. Substituted by G.G. 25/1/72, pp. 147-8. Amended by G.G. 3/5/74, pp. 1433-4.

25. No person shall sell any apparatus for the continuous vaporization 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 over-loading 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.
      - The vaporizer should be mounted not less than 1.8 metres from the floor, and not less than 915 millimetres 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 425 cubic metres in twenty-four hours.

26. No person shall use or permit to be used any heating apparatus for vaporization of lindane in any premises where food is manufactured, prepared, packed or stored.

Use of vaporizer in certain premises prohibited. Substituted by G.G. 28/10/71, p. 4189.

27. No person shall use or permit to be used any heating apparatus for the continuous vaporization of lindane in any public building, factory workroom, shop, office, unless such apparatus complies with the following requirements:—

Use of vaporizer in certain other premises controlled. Amended by G.G. 28/10/71, p. 4189; G.G. 3/5/74, pp. 1433-4.

- (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 1.8 metres from floor level and not less than 915 millimetres from the ceiling and shall be so situated that any volatilized material which may condense on walls, ceilings or other surfaces cannot be dislodged and fall into or otherwise contaminate food.

[ (d) Deleted by G.G. 28/10/71, p. 4189.]

- (e) It shall not be used so as to expose any occupant therein to the vaporized 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:—

Estimation of rate of emission of vaporizers.

- (a) Testing of production units shall be carried out with pesticide which is supplied for use with the particular vaporizer.
- (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 vaporizer 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 vaporizer 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  $\pm .002$  gram. In the case of heavy vaporizers 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 person shall not import or sell sodium fluoroacetate or a preparation containing sodium fluoroacetate unless he is the holder of a licence in the form of Form 1 in Appendix A to the Poisons Act Regulations 1965 which authorizes dealing in sodium fluoroacetate and is either a party to a wholesale dealing within the meaning of that expression in the Poisons Act 1964 or is an officer of the Agriculture Protection Board.

Dealing in, and supply of, 1080 controlled. Substituted by G.G. 16/7/82, p. 2725.

(2) No person other than an officer of the Agriculture Protection Board authorized in writing by that Board shall manufacture any preparation containing sodium fluoroacetate.

(3) A person shall not have in his possession any sodium fluoroacetate or preparation containing sodium fluoroacetate except in circumstances permitted by and in accordance with these regulations.

(4) The Agriculture Protection Board may authorize officers of that Board in writing to manufacture or distribute sodium fluoroacetate or preparations containing sodium fluoroacetate on behalf of the Board where the Board is satisfied that the officer has been trained—

- (a) in the correct use of that substance against specified target pests;
- (b) in the precautions necessary for safe handling of the substance; and
- (c) in first aid treatment in respect to harm caused by sodium fluoroacetate.

(5) Any preparation containing sodium fluoroacetate manufactured or distributed on behalf of the Agriculture Protection Board shall require to be registered as a pesticide under these regulations.

(6) Authorized officers of the Agriculture Protection Board may, with written permission from the Commissioner of Public Health, use preparations containing sodium fluoroacetate, not registered as a pesticide, for experimental purposes.

(7) Sodium fluoroacetate and preparations containing sodium fluoroacetate may be supplied by officers of the Agriculture Protection Board to officers of the Department of Fisheries and Wildlife and the Forests Department who have been trained to the satisfaction of the Board in accordance with the provisions of subregulation (4) of this regulation.

(8) Preparations containing sodium fluoroacetate may be supplied by officers of the Agriculture Protection Board to pastoralists or farmers or their employees who have been trained to the satisfaction of the Board in accordance with the conditions set down in subregulation (4) of this regulation.

Purposes for which 1080 may be used  
Inserted by  
G.G. 16/7/82,  
p. 2726.

29A. (1) Registered pesticides containing sodium fluoroacetate shall not be used except in accordance with these regulations and shall be limited in use to baiting for the destruction of rabbits, wild dogs and dingoes, feral pigs, foxes, feral cats, rats, agile wallabies and sulphur crested cockatoos but the Commissioner of Public Health may grant written permission for any preparation containing sodium fluoroacetate to be used for experimental control of any other pest by officers of the Agriculture Protection Board.

(2) Subject to subregulation (3) of this regulation a person shall not bait for rats with preparations containing sodium fluoroacetate unless—

- (a) that person is an officer of the Agricultural Protection Board; and
- (b) written permission has been granted by the Commissioner of Public Health relating to specific infestations described in time and locality.

(3) Officers of the Metropolitan Water Authority or officers of local government within the meaning of the Local Government Act 1960 or health surveyors, each trained to the satisfaction of the Board in accordance with the provisions of regulation 29 (4) of these regulations, may assist officers of the Agriculture Protection Board to bait for rats.

Records to be kept.  
Substituted by  
G.G. 16/7/82,  
p. 2726.

30. The Agriculture Protection Board shall maintain and keep for a period of not less than 2 years, a record of the name and address of each person to whom it supplies any preparation containing sodium fluoroacetate, and the record shall be available for inspection by health surveyors or other officers appointed under the Health Act 1911 or persons authorized by section 54 of the Poisons Act 1964 who may make copies of the whole or part of the record.

Baits containing 1080.  
Substituted by  
G.G. 16/7/82,  
p. 2726.

31. (1) Baits containing sodium fluoroacetate mixed and prepared immediately prior to laying shall not be prepared by any person other than an officer of the Agriculture Protection Board or an authorized person trained to the satisfaction of the Board in accordance with the provisions of regulation 29 (4) of these regulations.

(2) A person who is supplied with baits, by the Agriculture Protection Board shall not give possession of those baits to any other person unless he is authorized to receive them by these regulations.

(3) A person who receives baits shall retain them in the original container received from the Agriculture Protection Board and the container shall be kept in a locked compartment or locked room except when required for immediate use.

(4) A person shall not lay baits containing sodium fluoroacetate on land other than land approved for that purpose by the Agriculture Protection Board.

(5) Baiting shall be carried out in strict conformity with the procedure outlined on the label of the container or in accordance with a written instruction given to the user by an officer of the Agriculture Protection Board.

(6) A person who obtains baits containing sodium fluoroacetate shall notify the occupier of every adjacent property of his intention to lay baits and of the period and location of baiting prior to laying the baits.

(7) During the period of baiting and within 14 days after the burial of uneaten bait containing sodium fluoroacetate, rabbits and other wild animals captured or found dead on the baited property, or any adjacent property, shall be disposed of by burial or burning on the property and the skin shall not be removed.

(8) Any prepared bait containing sodium fluoroacetate which is not used shall forthwith—

- (a) be destroyed by being buried or burnt in such manner as to prevent access to the remains by animals; or
- (b) be returned to the Agriculture Protection Board, when an officer of the Board directs that baits be so returned.

*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.

Interpretation.  
Inserted by  
G.G. 31/5/66,  
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.

(2) An application for registration as a registered firm shall be in the form of a form approved by the Commissioner, and be accompanied by a fee of \$50.

(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 \$25, be renewed annually so long as the Commissioner remains satisfied that the registered firm meets with the requirements of subregulation (3) of this regulation.

Fumigation for reward prohibited unless registered.  
Inserted by  
G.G. 31/5/66,  
p. 1410.  
Amended by  
G.G. 1/6/79,  
p. 1436;  
G.G. 18/7/80,  
p. 2390;  
G.G. 22/1/82,  
p. 187.

(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.

Equipment.  
Inserted 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.

Notice of,  
and record  
of,  
fumigations.

Inserted 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 authorized for the purpose by the Commissioner.

Fumigator's  
licences.  
Inserted by  
*G.G.* 31/5/66,  
p. 1411.  
Amended by  
*G.G.* 1/6/79,  
p. 1437;  
*G.G.* 18/7/80,  
p. 2390;  
*G.G.* 22/1/82,  
p. 187.

36. (1) An application by a person to be licensed as a fumigator shall be in the form of a form approved by the Commissioner, and be accompanied by a fee of \$25.

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

- (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 licence 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 \$10; and
- (b) authorizes the licensee to carry out fumigations with the fumigant specified in the licence.

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

User of  
fumigant  
to be  
licensed.

Inserted by  
*G.G.* 31/5/66,  
p. 1411.

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.

(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 licence.

(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 licence the fumigant intended to be used is designated.

Precautions  
prior to  
fumigation.

Inserted by  
*G.G.* 31/5/66,  
pp. 1411-12.

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,

and unless the Commissioner has otherwise directed, the police station and the 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 150 millimetres in height; and
  - (ii) the words, "PREMISES BEING FUMIGATED" or "VESSEL BEING FUMIGATED" as the case may require in black capital letters at least fifty millimetres 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.

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.

Warning notices.  
Inserted by G.G. 31/5/66, p. 1412.  
Amended by G.G. 3/5/74, pp. 1433-4.

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.

Absorption to be prevented.  
Inserted by G.G. 31/5/66, p. 1412.

Entry of fumigated building.  
Inserted 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.

Precautions after fumigation.  
Inserted by G.G. 31/5/66, p. 1412.

Fumigant concentration to be tested.

Inserted by G.G. 31/5/66, p. 1413.

Amended by G.G. 30/9/66, p. 2653; G.G. 3/5/74, pp. 1433-4; G.G. 14/2/75, p. 542.

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 authorized by the Commission 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—60 milligrams per cubic metre; or
- (b) where the fumigant used was hydrogen cyanide—11 milligrams per cubic metre.

Masks to be tested.

Inserted 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.

Halide detector required in certain cases.

Inserted by G.G. 31/5/66, p. 1413.

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.

Respiratory equipment.

Inserted 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.

(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.

Storage and transport of fumigant.

Inserted by G.G. 31/5/66, p. 1413.

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

- (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.

Emergency equipment.

Inserted by G.G. 31/5/66, p. 1413.

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.

Directions and offences.

Inserted by G.G. 31/5/66, p. 1413.

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

- (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.

50. (1) The Commissioner may require any fumigator, or any person employed by a registered firm, to submit himself to such medical examination 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.

Medical condition.  
Inserted by  
G.G. 31/5/66,  
p. 1414.

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

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,

Notification of accidents.  
Inserted by  
G.G. 31/5/66,  
p. 1414.

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 authorized for the purpose by the Commissioner.

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.

Offences.  
Inserted by  
G.G. 31/5/66,  
p. 1414.

(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.

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,

Revocation or suspension of registration.  
Inserted by  
G.G. 31/5/66,  
pp. 1414-5.

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 licence of the fumigator, as the case may be.

(2) The revocation or suspension of a registration or licence 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 licence 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.

Division 4.  
Inserted by  
*G.G.* 28/10/71,  
pp. 4189-93.

Interpreta-  
tion.  
Inserted by  
*G.G.* 28/10/71,  
p. 4189.

Pest control  
business to  
be registered.  
Inserted by  
*G.G.* 28/10/71,  
p. 4189.  
Amended by  
*G.G.* 1/6/79,  
p. 1437;  
*G.G.* 18/7/80,  
p. 2390;  
*G.G.* 22/1/82,  
p. 187.

Equipment.  
Inserted by  
*G.G.* 28/10/71,  
p. 4190.

Name and  
registration  
number to be  
displayed.  
Inserted by  
*G.G.* 16/7/82,  
p. 2726.

Record of  
employees.  
Inserted by  
*G.G.* 28/10/71,  
p. 4190.

Application  
for operator's  
licence.  
Inserted by  
*G.G.* 28/10/71,  
p. 4190.  
Amended by  
*G.G.* 1/6/79,  
p. 1437;  
*G.G.* 18/7/80,  
p. 2390;  
*G.G.* 22/1/82,  
p. 187.

*Division 4—Commercial Pesticide Firms and Operators.*

54. In this Division unless the contrary intention appears—

“commercial pesticide firm” means a body corporate, partnership or person, other than an employee of a commercial pesticide firm, engaged in the business of the use of pesticides for reward and registered pursuant to regulation 55 of these regulations, but does not include any body corporate, partnership or person using only fumigants as defined in Division 3 of these regulations;

“pesticide operator” means a person licensed pursuant to regulation 58 of these regulations.

55. (1) A body corporate, partnership or person, other than an employee of, or person engaged for the purpose by, a commercial pesticide firm, shall not use or cause to be used pesticides for reward by way of trade, business or profession unless it or he is registered pursuant to subregulation (3) of this regulation but this regulation does not apply to persons engaged in pesticide operation solely by means of spraying or dusting from aircraft.

(2) An application for registration as a commercial pesticide firm shall be in the form of a form approved by the Commissioner, and shall be accompanied by a fee of \$50.

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

(a) is competent and properly equipped to undertake the use of pesticides; and

(b) will employ for the purposes of carrying out the use of the pesticides, only persons who are licensed under these regulations as pesticides operators or persons working under the personal supervision of a pesticide operator,

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

(4) Subject to regulation 68 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 \$25, be renewed annually so long as the Commissioner remains satisfied that the commercial pesticide firm meets 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 E to these regulations.

56. Every commercial pesticide firm shall provide efficient equipment for use by its licensed operators and other employees engaged in carrying out the use of pesticides and shall maintain all equipment used for that purpose in efficient working order.

56A. A commercial pesticide firm shall display clearly on all vehicles used in pest control operations, in letters and figures not less than 4 cm in height, the name of the firm and the registration number allocated when the firm was registered under these regulations.

57. (1) A commercial pesticide firm shall keep and continue to keep for two years after the date of the last entry therein, a record of all employees showing full name, address and date of birth of each employee and the date of commencement and termination of his employment.

(2) The record shall be made available for inspection on demand, by a Health Inspector of the Local Authority or by an inspector within the meaning of that term as set out in section 3 of the Act.

58. An application by a person to be licensed as a pesticide operator shall be in the form of a form approved by the Commissioner, and be accompanied by a fee of \$25.

59. (1) Where the Commissioner is satisfied that an applicant for a pesticide operator's licence—

- (a) is competent to undertake the handling of the pesticides specified in the application in a safe and effective manner and has demonstrated knowledge of each pesticide with particular reference to—
- (i) degree of toxicity, in respect to formulations and methods of application of the particular pesticide;
  - (ii) general health hazards to the individual user, to the consumer of contaminated foods and to occupiers of contaminated buildings and areas;
  - (iii) first aid measures relating to each pesticide;
  - (iv) precautions necessary to ensure safety to users, bystanders and occupiers of treated premises; and
  - (v) such other details of the pesticide as the Commissioner considers pertinent to the safety of individuals and the public;
- (b) has a thorough knowledge of the provisions of this Division;
- (c) is medically fit to handle pesticides; and
- (d) is not under the age of eighteen years,

he shall licence the applicant as a pesticide operator, subject to any conditions specified in the licence.

(2) Subject to regulations 65 and 68 of these regulations, every licence issued under this regulation—

- (a) shall be valid until the 30th day of June, following the date of issue and may be renewed annually thereafter on payment of a fee of \$10; and
- (b) shall specify the type of pesticides operation that the licensee is authorized to undertake and the pesticides and maximum concentration of pesticides which the licensee is authorized to use.

(3) Upon the issue, and upon renewal of any licence pursuant to this regulation, the Commissioner shall issue to the pesticide operator a licence in the form of Form 4 in Schedule E to these regulations.

60. (1) A person, other than a pesticide operator or person working under the personal supervision of a pesticide operator, shall not use any pesticide for reward.

(2) A pesticide operator or person working under the personal supervision of a pesticide operator shall not—

- (a) use any pesticide which is not designated in his licence; or
- (b) carry out any pesticide operation not designated in his licence.

61. (1) A commercial pesticide firm, pesticide operator, or other person having the custody, control or possession of pesticides shall ensure that any pesticide under its or his control shall, except when it is in use, be kept in a store which is roofed, has an impervious floor and is capable of being locked, or alternatively in a fenced yard which is capable of being locked, which store or yard—

- (a) has water available to wash down any spillage which may occur; and
- (b) is situated so that spillage cannot drain into any water supply or watercourse.

(2) A commercial pesticide firm, pesticide operator or other person having the custody, control or possession of pesticides shall ensure that any pesticide in use is under the direct supervision of the operator or is in a locked container or compartment.

62. A pesticide operator or person working under the personal supervision of a pesticide operator, shall—

- (a) whenever spillage of pesticide occurs, cover the contaminated area with a layer of clean soil at least seventy-five millimetres in depth or decontaminate the area by other means approved by the Commissioner;
- (b) dispose of the residue of any pesticide in a manner not likely to endanger any person;
- (c) wear protective clothing sufficient to prevent contamination of the person when handling pesticides;

Pesticide operator's licence.

Inserted by G.G. 28/10/71, pp. 4190-91.

Amended by G.G. 1/6/79, p. 1437; G.G. 22/1/82, p. 187.

User of pesticide for reward to be licensed.

Inserted by G.G. 28/10/71, p. 4191.

Storage of pesticide.

Inserted by G.G. 28/10/71, p. 4191.

Precautions when using pesticides.

Inserted by G.G. 28/10/71, p. 4191.

Amended by G.G. 3/5/74, pp. 1433-4.

- (d) keep securely closed all pesticide containers not in immediate use; and
- (e) keep available at the place where pesticides are in use, such first aid appliances as the Commissioner from time to time directs.
63. A commercial pesticide firm shall cause any pesticide container used by it or by a person on its behalf to be disposed of, as soon as practicable after the container has ceased being used for containing pesticide, in one of the methods specified in regulation 21D of these regulations.
64. (1) Where pesticides are used in aerial spraying, empty pesticide containers shall not be left unattended on private property unless the owner of the property is notified in writing prior to the containers being left on that property.
- (2) Where empty pesticide containers are left on private property they shall be sealed and clearly labelled with their previous contents, and the property owner shall not use or allow the containers to be used for any other purpose.
65. (1) The Commissioner may require any pesticide operator, or any person employed by a commercial pesticide firm, to submit himself to such medical examinations and tests as the Commissioner considers necessary to ascertain whether the exposure of that operator or person to pesticide has endangered or may endanger the health of that operator or person.
- (2) The Commissioner may suspend for any period he thinks fit, the licence of any pesticide operator, whose health, in the opinion of the Commissioner, may be endangered by the further engaging by that pesticide operator in the use of pesticides, but any person whose licence has been so suspended may at any time apply for the restoration of his licence on the ground that his health will no longer be endangered by engaging in the use of pesticides.
66. (1) A person acting with the authority of the Commissioner may—
- (a) inspect any building or area prior to, during or after the application of a pesticide;
- (b) prohibit, or order the discontinuance of, the use of any pesticide if he is of opinion that the use of pesticides 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 pesticide operator or a person acting on his behalf, into any area which has been treated with a pesticide.
- (2) Any person who fails to obey a direction given pursuant to subregulation (1) of this regulation commits an offence.
67. Where an accident resulting in personal injury or death occurs in the course of, or arises out of, the commercial use of a pesticide—
- (a) the pesticide operator; or
- (b) if the pesticide operator has died or been injured, the next responsible person assisting in the use of the pesticide; or
- (c) if no person engaged in the use of the pesticide is capable of so reporting, the commercial pesticide firm that contracted to use the pesticide,
- 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 authorized for the purpose by the Commissioner.
68. (1) Where the Commissioner is satisfied that—
- (a) a commercial pesticide firm or a pesticide operator has committed a breach of these regulations, other than a breach of regulation 67 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 commercial pesticide firm or pesticide operator setting out the facts of the alleged breach, revoke, or suspend for such period as he thinks fit and specified in the notice, the registration of the commercial pesticide firm or the licence of the pesticide operator, as the case may be.

Disposal of used containers.  
Inserted by G.G. 28/10/71, p. 4191.

Unattended used containers.  
Inserted by G.G. 28/10/71, p. 4191.

Medical condition.  
Inserted by G.G. 28/10/71, pp. 4191-2.

Directions.  
Inserted by G.G. 28/10/71, p. 4192.

Notification of accidents.  
Inserted by G.G. 28/10/71, p. 4192.

Revocation or suspension of registration.  
Inserted by G.G. 28/10/71, p. 4192.

(2) The revocation or suspension of a registration or licence 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 commercial pesticide firm or pesticide operator 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 commercial pesticide firm or licence of a pesticide operator that has expired pursuant to paragraph (a) of subregulation (2) of this regulation, revives where that registered pesticide firm or pesticide operator 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. Deleted by G.G. 18/7/80, p. 2390.]

SCHEDULE B.

- Hydrogen cyanide, substances containing hydrogen cyanide and all cyanides used for fumigation purposes.
- Methyl bromide, except when mixed with a warning gas.
- Paraquat—except for—
  - (a) Paraquat preparations containing not less than 0.05 per cent of 2-amino-4, 5-dihydro-6-methyl-4-propyl-s-triazel (1,5-a) pyrimidin-5-one; or
  - (b) Paraquat preparations containing not more than 3 per cent of Paraquat.
- Phorate in concentrations exceeding 10 per cent.
- Trifluralin and substances containing trifluralin containing in excess of 1 mg per kg of NDPA (otherwise known as N-nitrosodipropylamine) calculated on the trifluralin content.
- 4-Aminopyridine and substances containing 4-Aminopyridine.
- 2, 4, 5-T Acid, its salts, esters, amine salts and preparations containing any of these in any proportion which contain in excess of 0.1 mg per kg of dioxin (TCDD) in the total acid equivalence of the substance.

Substituted by G.G. 12/5/65, p. 1458. Amended by G.G. 22/9/69, p. 2872; G.G. 28/3/80, p. 1009; G.G. 29/1/82, p. 295; G.G. 16/7/82, p. 2727; G.G. 24/12/82, p. 4898.

[Schedule C. Deleted by G.G. 3/10/67, p. 2578.]

SCHEDULE D.

[Form 1. Deleted by G.G. 18/7/80, p. 2390.]

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. Deleted by G.G. 18/7/80, p. 2390.]

Inserted by G.G. 31/5/66, p. 1415-16. Amended by G.G. 18/7/80, p. 2390.

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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.

Inserted by  
G.G. 28/10/71,  
pp. 4194-95.  
Amended by  
G.G. 18/7/80,  
p. 2390.

SCHEDULE E.

[Form 1. Deleted by G.G. 18/7/80, p. 2390.]

Form 2.

Health Act 1911.

Pesticides Regulations.

Reg. 55.

CERTIFICATE OF REGISTRATION AS

COMMERCIAL PESTICIDE FIRM.

THIS is to certify that ..... (Name of registered firm)  
of ..... is registered as a commercial pesticide firm for the purposes of Division 4 of Part II of the Pesticides Regulations for a period of one year commencing upon .....  
..... 19.....

.....  
Commissioner of Public Health.

[Form 3. Deleted by G.G. 18/7/80, p. 2390.]

Form 4.

Health Act 1911.

Pesticides Regulations.

Reg. 59.

PESTICIDE OPERATOR'S LICENCE.

THIS is to certify that ..... is licensed as a pesticide operator for the purposes of Division 4 of Part II of the Pesticides Regulations, until the 30th June, 19....., and may use the following pesticides ..... in the following operations. ....  
.....

.....  
Commissioner of Public Health.