

SOUTH AUSTRALIA

CONTROLLED SUBSTANCES (PESTICIDE) REGULATIONS, 1988

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LEGISLATIVE HISTORY

REGULATIONS UNDER THE CONTROLLED SUBSTANCES ACT, 1984

Controlled Substances (Pesticide) Regulations, 1988

being

No. 83 of 1988: *Gaz.* 19 May 1988, p. 1267¹

as varied by

No. 196 of 1990: *Gaz.* 27 September 1990, p. 978²

No. 64 of 1991: *Gaz.* 30 May 1991, p. 1711

No. 53 of 1992: *Gaz.* 21 May 1992, p. 1473

No. 76 of 1993: *Gaz.* 29 April 1993, p. 1543³

No. 79 of 1995: *Gaz.* 10 May 1995, p. 2053⁴

No. 113 of 1996: *Gaz.* 30 May 1996, p. 2718⁵

No. 93 of 1997: *Gaz.* 13 May 1997, p. 1894⁶

No. 84 of 1998: *Gaz.* 28 May 1998, p. 2351⁷

- ¹ Came into operation 1 July 1988: reg. 2.
- ² Came into operation 1 October 1990: reg. 2.
- ³ Came into operation 1 May 1993: reg. 2.
- ⁴ Came into operation 1 July 1995: reg. 2.
- ⁵ Came into operation 1 July 1996: reg. 2.
- ⁶ Came into operation 1 July 1997: reg. 2.
- ⁷ Came into operation 1 July 1998: reg. 2.

N.B. The amendments effected to these regulations by Regulation No. 84 of 1999 had not been brought into operation at the date of, and have not been included in, this consolidation.

Citation

1. These regulations may be cited as the *Controlled Substances (Pesticide) Regulations, 1988*.

Commencement

2. These regulations will come into operation on 1 July, 1988.

Interpretation

3. In these regulations—

"the Act" means the *Controlled Substances Act, 1984*:

"code of practice" means a code of practice referred to in schedule 3:

"disposal" in relation to pesticide, means disposal of unused pesticide, or disposal of a container that has been used to hold pesticide:

"licensed pest controller" means a person who holds a pest controller's licence under these regulations:

"licensed pest control operator" means a person who holds a pest control operator's licence under these regulations:

"pest" means any animal, plant, insect or other living thing that is troublesome or destructive:

"pest control business" means a business in which pest control work is performed for another for fee or reward:

"pest control work" means the use or handling of pesticides for, or in connection with, the control or destruction of pests:

"pesticide" means a poison listed in schedule 1:

"the revoked regulations" means Part IX of the Health Regulations, 1968, revoked by regulations made on 19 May, 1988:

"standard" means a standard referred to in schedule 3.

Licences in respect of pest control work

4. (1) A person must not perform pest control work in the course of a pest control business except as authorized by a licence granted under these regulations.

Penalty: \$1 000.

(2) A person who carries on a pest control business must ensure that no person performs pest control work in the course of that business except as authorized by a licence under these regulations.

Penalty: \$1 000.

(3) The Health Commission may grant licences of the following classes in respect of pest control work:

- (a) a pest controller's licence authorizing the holder of such a licence to carry on a pest control business in which pest control work of a kind specified in the licence may be performed;
- (b) a pest control operator's licence grade 3 authorizing the holder of such a licence to perform pest control work of a kind specified in the licence;
- (c) a pest control operator's licence grade 2 authorizing the holder of such a licence—
 - (i) to perform pest control work at the direction of the holder of a pest control operator's licence grade 3 who is authorized to perform work of that kind;or
 - (ii) to perform pest control work on land that is used for agriculture or horticulture on a commercial basis at the direction of the person for whom the pest control work is being performed;
- (d) a pest control operator's licence grade 1 authorizing the holder of such a licence—
 - (i) to perform pest control work under the personal supervision of the holder of a pest control operator's licence grade 3 who is authorized to perform work of that kind;or
 - (ii) to perform pest control work on land that is used for agriculture or horticulture on a commercial basis under the personal supervision of the holder of a pest control operator's licence grade 2 who is authorized to perform work of that kind.

(4) A licence may be granted by the Commission subject to conditions specified in the licence.

(5) A pest controller's licence does not authorize the holder of the licence to perform pest control work personally unless the person also holds an appropriate pest control operator's licence.

Exemptions

5. (1) The Health Commission may exempt a person from the obligation to hold a licence under these regulations upon such conditions as the Commission thinks fit.

(2) The Commission may, by notice in writing to a person granted an exemption under this regulation, vary or revoke the exemption.

(3) The Commission may not grant or vary an exemption unless satisfied that pest control work performed in compliance with the conditions of the exemption as granted or varied will not entail any significant risk to public health or the environment.

Application for licence

6. (1) An application for a licence under these regulations must—

(a) be made to the Health Commission in writing in the form approved by the Commission in respect of the class of licence sought;

and

(b) be accompanied by the appropriate fee set out in schedule 2.

(2) An applicant for a licence must furnish to the Commission such information as the Commission requires to enable it to determine the application.

(3) An applicant for a licence must, if the Commission so requires, verify information furnished to the Commission under this regulation by statutory declaration.

Qualifications for licences

7. (1) The Health Commission may not grant a pest controller's licence unless satisfied—

(a) that the applicant held a pest controller's licence under the revoked regulations immediately before the commencement of these regulations;

or

(b) that the applicant—

(i) has an adequate knowledge of the requirements of these regulations and generally of the practices that should be followed in the conduct of a pest control business to avoid endangering public health or the environment;

(ii) has taken proper steps or formed proper plans for the conduct of a pest control business so far as that relates to the equipment and pesticides to be used and the persons to be engaged in the pest control work for which the licence is sought;

and

(iii) is otherwise a fit and proper person to hold such a licence.

(2) The Health Commission may not grant a pest control operator's licence grade 3 unless satisfied—

(a) that the applicant held a pest controller's certificate endorsed "operator grade 3" under the revoked regulations immediately before the commencement of these regulations;

or

(b) that the applicant—

(i) has successfully completed a course of instruction approved by the Commission for the purposes of this subregulation;

(ii) has had at least two years practical experience performing pest control work of the kind for which the licence is sought;

5.

(iii) is medically fit to handle pesticides;

and

(iv) is otherwise a fit and proper person to hold such a licence.

(3) The Health Commission may not grant a pest control operator's licence grade 2 unless satisfied—

(a) that the applicant held a pest controller's certificate endorsed "operator grade 2" under the revoked regulations immediately before the commencement of these regulations;

or

(b) that the applicant—

(i) has successfully completed a course of instruction approved by the Commission for the purposes of this subregulation;

(ii) has had at least twelve months practical experience performing pest control work of the kind for which the licence is sought;

(iii) is medically fit to handle pesticides;

and

(iv) is otherwise a fit and proper person to hold such a licence.

(4) The Health Commission may not grant a pest control operator's licence grade 1 unless satisfied—

(a) that the applicant held a pest controller's certificate endorsed "operator grade 1" under the revoked regulations immediately before the commencement of these regulations;

or

(b) that the applicant—

(i) (A) has successfully completed a course of instruction approved by the Commission for the purposes of this subregulation;

or

(B) has agreed to undertake such a course and is employed by a licensed pest controller;

(ii) is medically fit to handle pesticides;

and

(iii) is otherwise a fit and proper person to hold such a licence.

Term and renewal of licence

8. (1) A licence granted under these regulations expires on 30 June next following the date on which it is granted.

(2) A licence may be renewed.

(3) An application for renewal of a licence must—

(a) be made to the Health Commission in writing in a form approved by the Commission;

(b) be accompanied by the appropriate fee set out in schedule 2;

and

(c) be lodged with the Commission before, or within one month after, the date of expiry of the licence.

(4) Where an application for renewal is lodged after the date of expiry of the licence, the renewal takes effect from the date of expiry.

(5) A licence renewed under these regulations expires on 30 June next following the date on which it is renewed.

Reduction or waiver of fees

9. Where a person applying for a licence or renewal of a licence under these regulations held a licence or certificate under the revoked regulations, the Health Commission may, if the licence or certificate held under the revoked regulations would, but for the revocation, still be in force, reduce or waive the application fee for the licence or renewal.

Variation of licence

10. The Health Commission may—

(a) on the application of the holder of a licence;

or

(b) for sufficient cause,

vary the licence to extend or limit the kind of pest control work authorized by the licence or vary or revoke a condition, or attach a further condition, to the licence.

Cancellation or suspension of licence

11. The Health Commission may cancel or suspend a licence under these regulations if satisfied—

(a) that the holder of the licence made a false statement or furnished false information in applying for the grant, renewal or variation of the licence;

(b) that the holder of the licence has been found guilty of an offence against these regulations or any other law relating to pesticides, including a law of another state or a Territory;

(c) that the holder of the licence has failed to comply with a condition of the licence;

or

- (d) that the health of the holder of the licence will be seriously endangered if the holder continues to perform pest control work.

Storage of pesticides

12. A licensed pest controller must ensure that the following provisions are complied with in relation to the storage of a pesticide in the course of the pest controller's business:

- (a) if the pesticide is one in relation to which a label is registered under the *Agricultural Chemicals Act, 1955*, the pesticide must be kept in a container that bears a label that complies with that Act;

- (b) in the case of a pesticide other than one referred to in paragraph (a), the pesticide must be kept—

- (i) in the container in which the pesticide was originally stored for sale or offered for sale after its manufacture;

- (ii) in a container that is of a type normally used for the storage of that kind of pesticide by its manufacturer;

or

- (iii) in a container approved for the purposes of this regulation by the Health Commission;

- (c) the container of pesticide must be kept securely sealed;

and

- (d) the container must be kept in a structure that—

- (i) is roofed;

- (ii) has a floor impervious to water;

- (iii) is adequately ventilated;

- (iv) is locked when unattended;

- (v) has an adequate supply of water available to wash any spillage of pesticide that may occur;

and

- (vi) is so situated or constructed that a spillage of pesticide cannot drain into a water supply or watercourse or soak into the soil.

Penalty: \$1 000.

Transport of pesticides

13. (1) A licensed pest controller must ensure that the following provisions are complied with in relation to the transport of a pesticide in the course of the pest controller's business:

- (a) the pesticide must be transported in a container that is prominently marked with—
 - (i) the words "WARNING", "POISON" or "DANGEROUS POISON";
 - (ii) the name of the pesticide;
 - (iii) the proportion of the active ingredient of the pesticide;
 - (iv) directions for use of the pesticide;
 and
 - (v) safety directions;
- (b) the container of pesticide must be kept securely sealed;
- (c) the container must be securely fastened to the vehicle used to transport the pesticide;
- (d) the pesticide must not be left in an unattended vehicle unless the vehicle has an enclosed storage facility that forms part of or is permanently fixed to the structure of the vehicle and the pesticide is kept securely locked in that storage facility.

Penalty: \$1 000.

(2) Subregulation (1) does not apply in any case where pesticide is transported in a securely sealed spray tank that—

- (a) forms part of or is permanently fixed to the structure of the vehicle being used to transport the pesticide;
- and
- (b) is prominently marked with—
 - (i) the words "WARNING" or "POISON" or any other warning approved by the Commission;
 and
 - (ii) the name of the pesticide.

Pesticides to which standard or code of practice applies

14. (1) Where a standard or code of practice applies to any pesticide, a licensed pest controller must ensure that the requirements of the standard or code of practice are complied with in relation to the use, handling, storage, transport, or disposal of the pesticide in the course of the pest controller's business.

Penalty: \$1 000.

(2) A licensed pest control operator must perform work involving any pesticide to which a standard or code of practice applies in accordance with the requirements of that standard or code of practice.

Penalty: \$1 000.

Pesticides subject to Agricultural Chemicals Act, 1955

15. (1) Where a label is registered under the *Agricultural Chemicals Act, 1955*, in relation to a pesticide, a licensed pest controller must ensure—

(a) that the directions stated on the label are complied with in relation to the use or handling of that pesticide in the course of the pest controller's business;

and

(b) that the pesticide is not used for a purpose not stated on that label.

Penalty: \$1 000.

(2) A licensed pest control operator must—

(a) perform work involving a pesticide in relation to which a label is registered under the *Agricultural Chemicals Act, 1955*, in accordance with the directions stated on the label;

and

(b) not use the pesticide for a purpose not stated on that label.

Penalty: \$1 000.

Reporting of accidents, etc., involving pesticides

16. (1) A person licensed under these regulations who observes any accident or spillage that involves not less than 500 grams or 500 millilitres of pesticide or a substance containing not less than that quantity of pesticide must report the accident or spillage to the Health Commission as soon as practicable after the accident or spillage occurs.

Penalty: \$1 000.

(2) Subregulation (1) does not apply in any case where the accident or spillage has been reported to—

(a) the police;

(b) a State Emergency Service unit;

(c) a fire brigade;

or

(d) the council in whose area the accident or spillage occurred.

(3) This regulation is in addition to and does not limit or affect any other requirement to report an accident or spillage contained in a standard or code of practice.

Records

17. (1) A licensed pest controller must, in relation to each licensed pest control operator employed in the pest controller's business, keep a record of—

- (a) the operator's name and address;
- (b) the operator's date of birth;
- (c) the date on which the operator commenced employment with the pest controller;
- (d) the date on which the operator ceased to be so employed;
- (e) the pesticides used by the operator in the course of that employment.

(2) A licensed pest controller must, within 28 days after a pest control operator ceases to be employed in the pest controller's business, forward a copy of the records kept under subregulation (1) to the Health Commission.

Penalty: \$1 000.

Retail sale of certain pesticides limited

18. A person must not sell by retail a pesticide listed in schedule 4 except to a licensed pest controller.

Penalty: \$1 000.

SCHEDULE 1

Pesticides

ACEPHATE	DEMETON-S-METHYL
ACROLEIN	DIAZINON
ALDICARB	1-2-DIBROMO-3-CHLOROPROPANE
ALDRIN	DICAMBA
ALPHAMETHRIN	DICHLONE
ALUMINIUM PHOSPHIDE	1,3-DICHLOROPROPENE
AMETRYN	DICHLORVOS
4-AMINOPYRIDINE	DICLOBUTRAZOL
AMITROLE	DICLOFOP-METHYL
AMMONIUM THIOCYANATE	DICLORAN
ARSENICAL preparations	DICOFOL
AZAMETHIPHOS	DIMETHIRIMOL
AZINPHOS-ETHYL	DIMETHOATE
AZINPHOS-METHYL	DINOCAP
AZOCYCLOTIN	DIPHACINONE
BENDIOCARB	DIQUAT
BENOMYL	DISULFOTON
BENSULIDE	DITHIANON
BENTAZONE	DODINE
BINAPACRYL	DSMA
BIOALLETHRIN	ENDOSULFAN
BIORESMETHRIN	ETACONAZOLE
BORAX	ETHEPHON
BRODIFACOUM	ETHION
BROMADIOLONE	ETHOFUMESATE
BROMOXYNIL	ETHYLENE DIBROMIDE
BUTOXYCARBOXIM	ETHYLENE DICHLORIDE
CACODYLIC ACID	ETRIDIAZOLE
CADMIUM NITRATE	FENAMINOSULF
CAMPHECHLOR	FENAMIPHOS
CARBARYL	FENARIMOL
CARBENDAZIM	FENBUTATIN-OXIDE
CARBOFURAN	FENITROTHION
CHLORALOSE (alpha-Chloralose)	FENOPROP
CHLORDANE	FENTHION
CHLORDIMEFORM	FENVALERATE
CHLORFENVINPHOS	FLAMPROP-METHYL
CHLORMEQUAT	FLUAZIFOP
CHLOROMETHIURON	FLUAZIFOP-BUTYL
CHLOROPICRIN	FLUMETHRIN
CHLOROTHALONIL	FLUROACETAMIDE
CHLORPYRIFOS	FLUROACETIC ACID
CHLORPYRIFOS-METHYL	FLUPROPANATE
CHLORSULFURON	FLUTRIAFOL
CLOFENTEZINE	FOLPET
CLOPYRALID	FURALAXYL
COPPER SULPHATE	GLYPHOSATE
COUMATETRALYL	HEPTACHLOR
CYANAZINE	HEXAZINONE
CYANIDES	HYDROCYANIC ACID
CYHEXATIN	IMAZALIL
CYPERMETHRIN	IOXYNIL
2,4-D	LINDANE except in fertilizers
DAZOMET	MALDISON
DDT	MANCOZEB
DELTAMETHRIN	MANEB

MCPA
MCPB
MECOPROP
METALAXYL
METALDEHYDE
METHABENZTHIAZURON
METHACRIFOS
METHAMIDOPHOS
METHAM SODIUM
METHAZOLE
METHIDATHION
METHIOCARB
METHOMYL
METHYL BROMIDE
METIRAM
METOLACHLOR
METRIBUZIN
MEVINPHOS
MIREX
MONOCROTOPHOS
MSMA
NABAM
NAPTALAM
NITROPHEN
OMETHOATE
OXADIAZON
OXAMYL
OXYCARBOXIN
OXYFLUORFEN
OXYTHIOQUINOX
PACLOBUTRAZOL
PARAQUAT
PARATHION
PARATHION-METHYL
PENCONAZOLE
PENDIMETHALIN
PHORATE
PHOSMET
PIRIMICARB
PIRIMIPHOS-METHYL
PROCHLORAZ
PROMECARB
PROMETRYN
PROPACHLOR
PROPAMOCARB
PROPARGITE
PROPICONAZOLE
PROPOXUR
PYRAZOPHOS
QUINTOZENE
SECBUMETON
SETHOXYDIM
SODIUM CHLORATE
SODIUM FLUOROACETATE
SODIUM PENTACHLOROPHENATE
STRYCHNINE
SULFALLATE
2,4,5-T
TEMEPHOS
TERBUFOS
TERBUTRYN
TETRADIFON
TETRAMETHRIN
THALLIUM compounds
THIOMETON
THIRAM
TRIADIMEFON
TRIADIMENOL
TRIALATE
TRICHLORFON
TRICLOPYR
TRIDEMORPH
VAMIDOTHION
WARFARIN
ZINEB
ZIRAM

SCHEDULE 2
General Fees

1. *Fee on Application for Licence*

The fee payable on application for a licence is as follows:

Type of licence	Fee payable (according to the month in which the licence is granted) (\$)											
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Pest Control Operator	44	41	38	35	32	29	26	23	20	17	14	11
Pest Controller	177	164	151	138	125	112	99	86	73	60	47	34

2. *Fee on Application for Renewal of Licence*

The fee payable on application for renewal of a licence is as follows:

Type of Licence	Fee payable (per annum)
Renewal of Pest Control Operator's Licence	\$ 44
Renewal of Pest Controller's Licence	\$177

SCHEDULE 3

Codes of Practice and Standards for use of Pesticides

1. Clauses 3 to 8 and Appendices A, B, C and D of Australian Standard 2057-1986 "Protection of Buildings from Subterranean Termites—Chemical Treatment of Soil for Buildings under Construction" published by the Standards Association of Australia on 5 September, 1986.

2. Clauses 8 and 9 and Appendices A, C, D and E of Australian Standard 2178-1986 "Protection of Buildings from Subterranean Termites—Detection and Treatment of Infestation in Existing Buildings" published by the Standards Association of Australia on 5 December, 1986.

3. "Termiticides—Safe Use: A Code of Practice to be used in conjunction with AS 2178-1986 and 2057-1986" published by the *South Australian Health Commission* in the *Gazette* on 19 May, 1988.

4. "Code of Practice for Diluting Pesticides from a Water Supply" published by the South Australian Health Commission in the *Gazette* on 19 May, 1988.

SCHEDULE 4

Pesticides subject to Regulation 18

ALDRIN
CHLORDANE
HEPTACHLOR

APPENDIX

Legislative History

Regulation 4(3):	varied by 196, 1990, reg. 3
Regulation 10:	varied by 196, 1990, reg. 4
Schedule 1:	varied by 53, 1992, reg. 2
Schedule 2:	substituted by 64, 1991, reg. 2; 76, 1993, reg. 3; 79, 1995, reg. 3; 113, 1996, reg. 3; varied by 93, 1997, reg. 3; substituted by 84, 1998, reg. 3
Schedule 4:	varied by 53, 1992, reg. 3