

## **PESTICIDES ACT 1999 – PESTICIDE CONTROL ORDER UNDER SECTION 38**

### **Name**

1. This Order may be known as the Pesticide Control (Termiticide) Order 2000.

### **Commencement**

2. This Order commences on 21 January 2000

### **Authority for Order**

3. This Order is made by the Environment Protection Authority with the approval of the Minister for the Environment under Part 4 of the Pesticides Act 1999.

### **Background**

#### *Restricted chemical products/restricted pesticides*

4. A chemical product that is a pre-construction termiticide product containing bifenthrin or chlorpyrifos and that has been declared to be a “restricted chemical product” under Regulation 45 of the Agricultural and Veterinary Chemicals Code Regulations of the Commonwealth.

Section 94 of the AgVet Code provides that “A person must not, without reasonable excuse, supply a restricted chemical product, or cause or permit a restricted chemical product to be supplied, to a person who is not authorised to use the product under another law of this jurisdiction.”

In NSW section 4 of the Pesticides Act provides that a “restricted pesticide” means a pesticide that is a restricted chemical product within the meaning of the Agvet Code.

### **Objects**

5. The objects of this Order are to –
  - (a) provide that persons, other than those described in condition 8(2), are not to use a chemical product that is a pre-construction termiticide product containing bifenthrin or chlorpyrifos; and
  - (b) authorise the use of a chemical product that is a pre-construction termiticide product containing bifenthrin or chlorpyrifos by persons described in condition 8(2).

### **Definitions**

6. In this Order -

**Agvet Code** means the provisions applying because of section 5 of the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*.

**use** includes possess.

### **Application**

7. This Order authorises the use of a chemical product that is a pre-construction termiticide product containing bifenthrin or chlorpyrifos.

## **Persons authorised**

- 8 (1) A person, other than a person referred to in (2), must not use a chemical product that is a pre-construction termiticide product containing bifenthrin or chlorpyrifos .
- (2) The following persons are authorised to use a chemical product that is a pre-construction termiticide product containing bifenthrin or chlorpyrifos.
- (a) a person who conducts the business of selling or supplying pesticides; and
  - (b) a person licensed as a pest control operator under the Occupational Health and Safety (Pest Control) Regulation 1988.

NEIL SHEPHERD  
Director-General  
Environment Protection Authority

BOB DEBUS MP  
Minister for the Environment

### **Notes**

*Words used in an Order have the same meaning as in the Pesticides Act.*

*A person must not contravene a Pesticide Control Order – maximum penalty \$120 000 in the case of a corporation and \$60 000 in the case of an individual*