



Queensland

# Medicines and Poisons (Pest Management, Poisons and Other Regulated Substances) Regulation 2019

## Subordinate Legislation 2019 No. ...

made under the

*Medicines and Poisons Act 2019*

*Agricultural Chemicals Distribution Control Act 1966*

*Animal Care and Protection Act 2001*

*Biosecurity Act 2014*

*Chemical Usage (Agricultural and Veterinary) Control Act 1988*

*Drugs Misuse Act 1986*

*Nature Conservation Act 1992*

*Veterinary Surgeons Act 1936*

*Waste Reduction and Recycling Act 2011*

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## Chapter 1 Introduction

### 1 Short title

This regulation may be cited as the *Medicines and Poisons (Pest Management, Poisons and Other Regulated Substances) Regulation 2019*.

### 2 Commencement

This regulation commences on [date].

### 3 Definitions

The dictionary in schedule 8 defines particular words used in this regulation.

### 4 References to departmental standards

A reference in this regulation to a departmental standard by its number and name is a reference to the standard mentioned in schedule 1 with that number and name.

## Chapter 2 Regulated substances

### Part 1 Categories of regulated substances

#### 5 S2, S3, S4 and S8 poisons

- (1) An *S2 poison* is an S2 medicine treated as a poison under section 12(2) of the Act.



- (2) An ***S3 poison*** is an S3 medicine treated as a poison under section 12(2) of the Act.
- (3) An ***S4 poison*** is an S4 medicine treated as a poison under section 12(2) of the Act.
- (4) An ***S8 poison*** is an S8 medicine treated as a poison under section 12(2) of the Act.

## 6 High-risk poisons

A ***high-risk poison*** is an S8 poison or a prohibited substance.

## 7 Restricted S7 poisons

An S7 poison mentioned in schedule 2 is a ***restricted S7 poison***.

## 8 Regulated poisons

A ***regulated poison*** is a hazardous poison or a prohibited substance.

*Note—*

A hazardous poison is an S2, S3, S4 or S8 poison or an S7 substance.

## 9 Prohibited tattoo inks

- (1) Each of the following prohibited substances included in a tattoo ink is a ***prohibited tattoo ink***—
  - (a) 1, 2-benzenediamine;
  - (b) 1, 3-benzenediamine;
  - (c) 2, 4 toluenediamine;
  - (d) o-anisidine;
  - (e) o-toluidine;
  - (f) phenylenediamines, including derivatives;

(g) toluenediamines.

(2) A substance mentioned in section 10 is also a *prohibited tattoo ink*.

## 10 S10 prohibited substances—Act, s 13

For section 13(2) of the Act, a substance mentioned in schedule 3 is prescribed to be an S10 prohibited substance to the extent the substance is included in a tattoo ink.

## Part 2 Prescribed matters

### 11 Industries—Act, s 60

The industries mentioned in schedule 4 are prescribed for section 60(2) of the Act.

### 12 WHS excluded poisons—Act, s 60

An S7 poison mentioned in schedule 5 is prescribed for section 60(4) of the Act, definition *WHS excluded poison*.

## Part 3 Classes of persons and regulated activities—Act, sections 54 and 91

### Division 1 Particular professions and services

### 13 Classes of persons and regulated activities

(1) For section 54(1) of the Act, a class of persons mentioned in a section of division 2, 3 or 4 (each a *relevant section*) is

prescribed for the regulated activity with the regulated substance mentioned in the relevant section.

- (2) For section 91(1) of the Act, the requirements for members of the class of persons are—
  - (a) any requirements stated for the class of persons in the relevant section; and
  - (b) any additional requirements under part 4 that apply to the class of persons.
- (3) Subsection (1) applies subject to section 14.

#### **14 General limitations on regulated activities**

- (1) This section applies in relation to a class of persons mentioned in section 13 for whom the regulated activity stated in a relevant section is dealing with a regulated poison.
- (2) For section 54(1) of the Act, the regulated activity is prescribed only to the extent—
  - (a) the dealing is necessary for—
    - (i) practising the profession required for a person to be a member of the class of persons; or
    - (ii) carrying out the functions required for a person to be a member of the class of persons; and
  - (b) the dealing is carried out at a place—
    - (i) stated in the relevant section for the class of persons for the regulated activity; or
    - (ii) where a person who is a member of the class of persons lawfully practises the profession, or carries out the functions, mentioned in paragraph (a).

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## Division 2 Particular professions

### 15 Definition for division

In this division—

*animal treatment* means killing, repelling or stupefying a pest on an animal.

### 16 Veterinary surgeons

- (1) A veterinary surgeon may—
  - (a) buy an S7 substance for animal treatment in accordance with part 4; or
  - (b) possess an S7 substance for animal treatment; or
  - (c) administer an S7 substance for animal treatment; or
  - (d) supply an S7 substance to a person for animal treatment in accordance with part 4.
  - (e) dispose of waste from an S7 substance in accordance with part 4.
- (2) This section does not apply in relation to a restricted S7 poison.

### 17 Veterinary assistants

- (1) A person working at veterinary premises may, under a direction from a veterinary surgeon at the premises—
  - (a) possess an S7 substance for animal treatment; or
  - (b) supply an S7 substance for animal treatment to a person in accordance with part 4.
- (2) This section does not apply in relation to a restricted S7 poison.
- (3) In this section—

*veterinary premises* see the *Veterinary Surgeons Act 1936*, schedule.

## **18 Pharmacists**

- (1) A pharmacist may—
  - (a) buy an S7 substance in accordance with part 4; or
  - (b) possess an S7 substance; or
  - (c) supply an S7 substance to a person in accordance with part 4; or
  - (d) dispose of waste from an S7 substance in accordance with part 4.
- (2) This section does not apply in relation to a restricted S7 poison.

## **19 Pharmacist assistants**

- (1) A person working at a place providing pharmaceutical services may, under direction from a pharmacist at the place—
  - (a) possess an S7 substance; or
  - (b) supply an S7 substance to a person in accordance with part 4.
- (2) This section does not apply in relation to a restricted S7 poison.

## **20 Teachers and researchers**

- (1) A person employed at a teaching or research facility may—
  - (a) buy an S7 substance for a teaching, research or analytical purpose in accordance with part 4; or
  - (b) possess an S7 substance for a teaching, research or analytical purpose; or

- (c) apply an S7 substance to a thing for a teaching, research or analytical purpose; or
- (d) dispose of waste from an S7 substance in accordance with part 4.
- (2) This section does not apply in relation to a restricted S7 poison.
- (3) In this section—  
*teaching or research facility* means an institution or organisation established for any of the following purposes—
  - (a) secondary or tertiary teaching;
  - (b) vocational education;
  - (c) research or analysis.

### Division 3 Particular services

#### 21 Authorised officers dealing with baits for invasive animal control

- (1) This section applies in relation to a bait containing fluoroacetic acid of not more than 0.5 grams for each kilogram of bait.

*Note—*

Fluoroacetic acid is an S7 poison.

- (2) An authorised officer under the *Biosecurity Act 2014* may buy a bait in accordance with part 4.
- (3) The authorised officer may possess and apply a bait to control invasive animals in accordance with ‘Departmental standard 1: Use of restricted schedule 7 poisons for invasive animal control’.
- (4) The authorised officer may supply a bait to another person to control invasive animals on the person’s land or premises.

- (5) For subsection (4), the authorised officer must give the other person written conditions about how to use the bait.

*Note—*

See section 24 about other persons applying baits.

- (6) The authorised officer may dispose of waste from a bait in accordance with part 4.

## **22 Local government services**

- (1) A local government employee of a local government may buy an S7 poison for delivering a service provided by the local government to the public in accordance with part 4.
- (2) The local government employee may possess the S7 poison for delivering the service.
- (3) The local government employee may supply the S7 poison in accordance with part 4 to—
- (a) a person for delivering the service; or
  - (b) an owner or occupier of private land for managing weeds or vegetation on the land.
- (4) The local government employee may dispose of waste from the S7 poison in accordance with part 4.
- (5) This section does not apply in relation to a restricted S7 poison.
- (6) In this section—

***local government employee***, of a local government, means the chief executive of the local government or an employee of the local government.

## **23 Tattoo services**

- (1) This section applies to a person who holds a licence or permit under the *Tattoo Industry Act 2013*.

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- (2) The person may deal with a prohibited tattoo ink only if the concentration of the prohibited substance in the ink does not exceed the concentration limit for the substance stated in 'Departmental standard 2: Acceptable concentrations for tattoo and permanent makeup inks'.
- (3) The person may dispose of waste from any other prohibited tattoo ink in accordance with part 4.

## Division 4 Miscellaneous

### 24 Persons applying baits for invasive animal control

- (1) This section applies in relation to a bait containing fluoroacetic acid of not more than 0.5 grams for each kilogram of bait.

*Note—*

Fluoroacetic acid is an S7 poison.

- (2) A person (a **landowner**) to whom a bait is supplied under section 21 may—
  - (a) possess the bait in accordance with the written conditions given to the landowner under the section; and
  - (b) apply the bait on the landowner's land or premises in accordance with the written conditions and 'Departmental standard 1: Use of restricted schedule 7 poisons for invasive animal control'; and
  - (c) dispose of waste from the bait in accordance with part 4.
- (3) The following persons may possess and apply baits and dispose of waste from baits mentioned in subsection (2) under the same requirements and conditions—
  - (a) an adult employee of the landowner;
  - (b) an adult authorised to be the agent of the landowner.
- (4) Also, a person mentioned in subsection (2) or (3) may—



- (a) buy and possess a bait registered by the Australian Pesticides and Veterinary Medicines Authority for use to control invasive animals; and
  - (b) apply the bait on non-urban land in accordance with ‘Departmental standard 1: Use of restricted schedule 7 poisons for invasive animal control’; and
  - (c) dispose of waste from the bait in accordance with part 4.
- (5) In this section—

***non-urban land*** means land located in an area that is not an urban area within the meaning of the *Planning Regulation 2017*, schedule 24.

## 25 Interstate and overseas suppliers

- (1) This section applies to a person permitted to supply a regulated poison, whether by wholesale or retail, under a corresponding law.
- (2) The person may possess and supply the regulated poison within Queensland if the person—
  - (a) complies with any conditions of the person’s permission under the corresponding law; and
  - (b) only supplies the poison to a person within Queensland who is authorised to possess the regulated substance; and
  - (c) does not possess the poison by storing it at a place in Queensland.
- (3) For subsection (2)(c), the person stores the regulated poison at a place in Queensland if the person allows the poison to be collected from a storage facility located in Queensland.
- (4) This section does not apply to the extent section 50 of the Act applies to the person.

## **26 Carriers**

- (1) This section applies to a person engaged to transport a regulated poison for an entity authorised to carry out a regulated activity with the poison.
- (2) The person may possess the regulated poison for the transportation of the poison in accordance with any conditions applying to the entity in relation to the transportation of the poison.

# **Part 4 Requirements for dealings by approved persons**

## **Division 1 Preliminary**

### **27 Purpose of part**

This part prescribes additional requirements for section 91(1) of the Act.

*Note—*

See part 3 for when these requirements apply to a class of approved person.

## **Division 2 Wholesale buying**

### **28 Application of division**

This division applies if an approved person (the *buyer*) buys, by wholesale, a regulated poison.

## **29 Buyer must give purchase order**

The buyer must give a purchase order for the poison to a supplier of the poison before or at the time of supply of the poison.

## **30 Purchase order requirements**

- (1) The purchase order must be in writing and state each of the following—
  - (a) the date of the purchase order;
  - (b) the name and contact details of the buyer;
  - (c) if the buyer carries on a business—the buyer's ABN;
  - (d) the details of the buyer's authority to buy the poison;
  - (e) if the buyer's authority is a substance authority—the name of the holder of the authority;
  - (f) the form, strength and amount of the poison to be supplied;
  - (g) if the poison is to be delivered to the buyer—the delivery address.
- (2) The purchase order must—
  - (a) be prepared in a way that allows the supplier to verify the buyer is a person who is authorised to possess the poison; and
  - (b) be prepared and sent to the supplier in a way that is reasonably likely to—
    - (i) minimise fraud or tampering; and
    - (ii) allow the purchase order to be amended only by the buyer or supplier; and
  - (c) be signed or otherwise marked in a way that uniquely identifies the buyer and supplier.

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### **31 Buyer to give evidence**

The buyer must show the supplier evidence of the buyer's authorisation to possess the poison.

### **32 Buyer acknowledging receipt**

- (1) This section applies if the buyer buys a restricted S7 poison or high-risk poison.
- (2) The buyer must, on the day the buyer receives the poison, give the supplier a notice acknowledging the buyer has received the poison.

## **Division 3 Wholesale or retail supply**

### **33 Application of division**

This division applies if an approved person (the *supplier*) supplies, by wholesale or retail, a regulated poison to a person (the *buyer*) buying the poison.

### **34 Direct delivery**

The supplier must—

- (a) ensure the poison is delivered directly to the buyer; or
- (b) if the poison is delivered by someone else (a *carrier*) engaged to transport the poison—ensure the carrier has established procedures to enable the poison to be delivered directly to the buyer.

### **35 Supplier to give invoice**

- (1) The supplier must give the buyer an invoice for the supply of the poison that states each of the following—
  - (a) a unique identifying number;

- (b) the date of the supply;
  - (c) the name and contact details of the buyer;
  - (d) if the buyer carries on a business—the buyer's ABN;
  - (e) the name and amount or volume of the poison supplied.
- (2) The supplier must keep a copy of the invoice or the information stated on the invoice.

**36 Supply to authorised buyer only**

The supplier must only supply the poison to the buyer if—

- (a) the buyer is authorised to buy the poison; or
- (b) it is not unlawful for the buyer to buy the poison.

**37 Failure to give receipt**

- (1) This section applies if the buyer must give the supplier a notice under section 32 for the receipt of the wholesale supply of the poison.
- (2) If the supplier has not received the notice within 7 days after the date of supply, the supplier must give the chief executive a notice about the buyer's failure to acknowledge receipt of the poison.

**Division 4 Disposal**

**38 Disposing**

An approved person must dispose of waste from a regulated poison only—

- (a) in a way that is lawful under the *Environmental Protection Act 1994*; or

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- (b) by giving the poison to a person authorised under a substance authority to dispose of waste from the poison; or
- (c) if the poison is a bait—by destroying the bait in the way stated in ‘Departmental standard 1: Use of restricted schedule 7 poisons for invasive animal control’.

## **Part 5 Conditions of substance authorities—Act, section 70**

### **Division 1 Preliminary**

#### **39 Purpose of part**

This part prescribes the standard conditions that apply to particular substance authorities for section 70(1)(a) of the Act.

### **Division 2 Manufacturing licences**

#### **40 Application of division**

This division applies in relation to a manufacturing licence to manufacture a regulated poison.

#### **41 Manufacturing supervisors**

- (1) The holder of the manufacturing licence must not appoint a person to be the manufacturing supervisor for the licence unless the person satisfies the competency requirements for manufacturing supervisors stated in ‘Departmental standard 5: Competency requirements for authority holders undertaking regulated activities with poisons, pesticides and fumigants’.

- (2) The holder must ensure the poison is manufactured under the supervision of the person appointed to be the manufacturing supervisor.

#### **42 Quality control**

The holder of the manufacturing licence must take all reasonable steps to ensure the poison manufactured is fit for its intended use and free from contamination.

#### **43 Batch manufacturing records**

The holder of the manufacturing licence must keep records relating to each batch of poison manufactured stating the following—

- (a) a unique identifying number for the batch;
- (b) details of materials used in the manufacture of the batch;
- (c) the supplier of the materials;
- (d) the procedures and controls used in manufacturing the batch;
- (e) details of tests carried out during the processing of the final product;
- (f) if a stability study is carried out to test shelf life and appropriate storage conditions of the poison—details of the study.

#### **44 Extra security for high-risk poisons**

- (1) This section applies if the manufacturing licence relates to high-risk poisons.
- (2) The holder of the manufacturing licence must ensure the high-risk poisons are stored in a secure area within premises that are—

- (a) fitted with an alarm system that is constantly monitored;  
or
- (b) monitored by a person located at the premises.

### Division 3                      General approvals

#### 45                      Compliance with restricted S7 poisons departmental standard

- (1) This section applies in relation to a general approval that authorises dealing with a restricted S7 poison to control invasive animals.
- (2) The holder of the general approval must deal with the restricted S7 poison in accordance with 'Departmental standard 1: Use of restricted schedule 7 poisons for invasive animal control'.

### Division 4                      Dealings under substance authorities

#### Subdivision 1                      Preliminary

#### 46                      Definition for division

In this division—

*secure area* means an area, or receptacle in an area, that is locked or otherwise secured in a way that is designed to prevent access to the area or receptacle by a person who is not authorised to access the area or receptacle.

*Examples—*

a padlocked cupboard or chest in a shed, a room that can be accessed only with an electronic code, a locked cage in a vehicle



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## **Subdivision 2      Wholesale buying**

### **47      Wholesale buying requirements in part 4 apply as conditions**

- (1) This section applies in relation to a substance authority that authorises wholesale buying of a regulated poison.
- (2) For buying the poison, the holder of the substance authority must comply with the requirements stated in part 4, division 2 as if a reference in the division to the buyer were a reference to the holder.

## **Subdivision 3      Wholesale or retail buying of high-risk poisons**

### **48      Application of subdivision**

This subdivision applies in relation to a substance authority that authorises wholesale or retail buying of a high-risk poison.

### **49      Definition for subdivision**

In this subdivision—

*portion*, of a poison, means each form and strength of a type of the high-risk poison.

### **50      Keeping a register**

- (1) The holder of the substance authority must keep a register (a *poison register*) to—
  - (a) record each dealing with a portion of poison; and
  - (b) track the use of the portion until it is completely used or destroyed.

- (2) The holder must keep the poison register for each portion of poison at each authorised place under the holder's substance authority.

## 51 Content of register

- (1) The following information for each dealing with a portion of poison must be recorded in the poison register no later than 24 hours after the dealing happens—

- (a) the date of the dealing;
- (b) the name, form, strength and amount of the poison or substance;
- (c) the nature of the dealing;

*Examples—*

- supply and apply heroin to testing equipment for calibration
- dispose of 1,3 dimethylbutylamine by mixing it with reagents

- (d) the name of persons involved in the dealing;
- (e) if the dealing is supply—the contact details of the supplier and the person to whom it was supplied;
- (f) if the dealing is disposal—
  - (i) the name and position of the person who witnessed the destruction of the poison; and
  - (ii) the method of destruction.

- (2) The poison register must be organised in a way that shows—
  - (a) the amount of the poison at the authorised place under the substance authority at any given time; and
  - (b) the dealings in a consecutive order based on the time the dealings occurred; and
  - (c) a separate record for each portion of poison.

## 52 Amending register

If an amendment is made to the poison register, the following information must be recorded in the register with the amendment—

- (a) the date the amendment was made;
- (b) the name and position of the person who made the amendment;
- (c) the name and position of another person who witnessed the person making the amendment;
- (d) the reason for the amendment.

## 53 Electronic register

- (1) This section applies if the poison register is kept in an electronic form.
- (2) The holder of the substance authority must ensure the poison register has the following properties—
  - (a) a person can not make entries in the register unless the person has a secure system identifier provided by the holder;
  - (b) a person's secure system identifier is automatically recorded with the person's entry in the register;
  - (c) it is easy to identify changes made to entries in the register;
  - (d) entries in the register are able to be easily reproduced on paper.
- (3) The holder must keep a record of each person's secure system identifier in a form that can not be altered.
- (4) In this section—

***secure system identifier*** means a unique number or word to identify a person that can only be used in combination with a password.

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## 54 Paper register

- (1) This section applies if the poison register is kept on paper.
- (2) The holder of the substance authority must ensure the poison register has the following properties—
  - (a) a page can not be removed from the register without detection;  
*Example—*  
a bound book with consecutively numbered pages
  - (b) a separate page is used for each portion of poison.
- (3) The holder must take all reasonable steps to ensure that a person making an entry in the poison register—
  - (a) is permitted by the holder to make the entry; and
  - (b) signs the entry, including any amendments to the entry; and
  - (c) does not remove or tamper with pages in the register.

## 55 Reconciling register

- (1) The holder of the substance authority must reconcile the poison register with the amount of poison physically held at the storage facility to which the register applies.
- (2) The reconciliation must be done—
  - (a) in accordance with any requirements stated in a substance management plan for the storage facility; or
  - (b) otherwise—at least monthly.
- (3) In this section—  
***storage facility*** means an authorised place, location, vehicle or bag in which the poison is stored.

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**56 Reporting lost, stolen or destroyed register**

- (1) If the poison register is lost, stolen or destroyed (each an *incident*), the holder of the substance authority must give the chief executive notice about the incident.
- (2) The notice must be given to the chief executive as soon as practicable, and no later than 7 days, after the incident.

**Subdivision 4 Possessing**

**57 Application of subdivision**

This subdivision applies in relation to a substance authority that authorises possession of a regulated poison.

**58 Storage of S2, S3 and S4 poisons**

If the regulated poison is an S2, S3 or S4 poison, the holder of the substance authority must ensure the poison is stored in a way that prevents the poison from being accessed by a person who is not authorised to possess or supply the poison.

**59 Storage of restricted S7 and high-risk poisons**

If the regulated poison is a restricted S7 poison or high-risk poison, the holder of the substance authority must—

- (a) ensure the poison is kept in a secure area unless a person is otherwise dealing with the poison; and
- (b) ensure the secure area is locked unless a person accesses the area to otherwise deal with, or record information about, the poison; and
- (c) take all reasonable steps to ensure that a person who is not authorised to deal with the poison does not access the secure area.

## **60 Transporting restricted S7 and high-risk poisons**

- (1) This section applies in relation to a substance authority that authorises possession of a restricted S7 poison or high-risk poison for transportation.
- (2) When the poison is transported in a vehicle, the holder of the substance authority must—
  - (a) ensure the poison is kept in a secure area of the vehicle unless a person is moving the poison; and
  - (b) ensure the secure area of the vehicle is kept locked unless a person is accessing the area to move the poison; and
  - (c) take all reasonable steps to ensure that a person who is not authorised to deal with the poison does not access the secure area of the vehicle.

## **Subdivision 5 Supplying**

### **61 Wholesale and retail supply requirements in part 4 apply as conditions**

- (1) This section applies in relation to a substance authority that authorises wholesale or retail supply of a regulated poison.
- (2) For supplying the poison, the holder of the substance authority must comply with the requirements stated in part 4, division 3 as if a reference in the division to the supplier were a reference to the holder.

### **62 Extra security for high-risk poisons**

- (1) This section applies in relation to a substance authority that authorises the wholesale supply of high-risk poisons.
- (2) The holder of the substance authority must ensure the high-risk poisons are stored in a secure area within premises that are—

- (a) fitted with an alarm system that is constantly monitored;  
or
- (b) monitored by a person located at the premises.

## **Division 5 Notification conditions**

### **63 Important person or place changes**

The holder of a substance authority must give the chief executive notice about any of the following changes—

- (a) a change to the authorised place under the substance authority;
- (b) if the substance authority is a manufacturing licence—a change to the person who is the manufacturing supervisor for the licence;
- (c) if a relevant person for the substance authority was considered to be a fit and proper person for the authority under section 76 of the Act—a change to the person who will take on the role of the relevant person under the authority.

### **64 Stopping dealing**

The holder of a substance authority must give the chief executive a notice stating the following information if the holder intends to stop dealing with a regulated poison under the authority—

- (a) the date the dealing is to stop;
- (b) the amount of poison that is unused;
- (c) how the person proposes to deal with the unused poison.

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**65 Loss or exposure of restricted S7 poison or high-risk poison**

- (1) The holder of a substance authority authorising dealing with a restricted S7 poison or high-risk poison must notify the chief executive, orally or in writing, of the following incidents—
  - (a) any amount of the poison is not accounted for;
  - (b) a release of the poison causes, or is likely to cause, someone to require medical treatment.
- (2) The notification must be given as soon as practicable after the incident happened and include enough particulars to identify the nature of the incident and its location.
- (3) If the chief executive is notified orally, the holder must give the chief executive a later written notice within 7 days after the incident happened.

**Part 6 Substance management plans**

**66 Regulated places and responsible persons—Act, s 92**

- (1) For section 92 of the Act, definition *regulated place*, the places stated in schedule 6, column 1, are prescribed.
- (2) For section 92 of the Act, definition *responsible person*, the person stated in schedule 6, column 2, is prescribed for the regulated place stated opposite in column 1.

**67 Matters—Act, s 93**

For section 93(2)(b) of the Act, the matters stated in ‘Departmental standard 3: Substance management plans for poisons and prohibited substances’ are prescribed.



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**68 Review—Act, s 93**

- (1) For section 93(3)(b) of the Act, the following times are prescribed for the review of a substance management plan for a regulated place—
  - (a) as soon as practicable after a review incident happens in relation to the place;
  - (b) at least every 5 years after the day the substance management plan starts or the plan is reviewed under paragraph (a), whichever day is later.
- (2) In this section—

*review incident* means—

  - (a) an incident mentioned in section 65(1); or
  - (b) any of the following actions taken under the Act in relation to a regulated place—
    - (i) giving a compliance notice; or
    - (ii) taking administrative action; or
    - (iii) prosecuting an offence under the Act.

**Part 7 Other offences**

**Division 1 Label, container and storage requirements**

**69 Compliance with Poisons Standard, pt 2**

- (1) A person doing a thing mentioned in a part 2 requirement must comply with the requirement for doing the thing.

Maximum penalty—40 penalty units.
- (2) A person does not commit an offence against subsection (1) if the part 2 requirement relates to possessing a regulated substance and—

- (a) the schedule of the Poisons Standard in which the substance is listed has changed since the substance was originally labelled and packaged; and
  - (b) the substance is labelled and packaged in compliance with the schedule of the Poisons Standard in which the substance was listed before the change happened.
- (3) Also, a person does not commit an offence against subsection (1) if the part 2 requirement relates to storing an S6 poison or S7 substance and the person stores the substance in compliance with the document called the 'National guideline for retail storage of schedule 6 and schedule 7 poisons' made by the Australian Health Ministers' Advisory Council.
- (4) The chief executive may approve another way (an **alternative requirement**) of satisfying a part 2 requirement if—
  - (a) the chief executive is satisfied the alternative requirement is as safe as the part 2 requirement; and
  - (b) the alternative requirement is published on the department's website and states the date it takes effect.
- (5) A person who complies with the alternative requirement does not commit an offence against subsection (1).
- (6) In this section—

**part 2 requirement** means a requirement in relation to labels, containers and storage in the Poisons Standard, part 2, other than sections 5.1, 6.2(2)(c) and 6.3.

## 70 Interfering with labelling

A person must not change, cover, deface or remove a brand, declaration, label, mark or statement that is required under the Poisons Standard, part 2 to be fixed to, or shown on, the container of a regulated substance.

Maximum penalty—40 penalty units.

## 71 Cracked and damaged containers

- (1) A person must not possess or supply a cracked or damaged container containing a poison.

Maximum penalty—40 penalty units.

- (2) If a person becomes aware that a container containing a poison is cracked or damaged, the person must immediately—

- (a) empty the poison into a container labelled in compliance with the Poisons Standard, part 2; or  
(b) if the contents are to be disposed of—dispose of the contents lawfully.

Maximum penalty—40 penalty units.

## 72 Washing poison containers

- (1) A person must not soak, wash or otherwise treat a poison container in a tank or receptacle used to soak, wash or treat bottles or other containers of a type commonly used to hold human or animal food or drink.

Maximum penalty—40 penalty units.

- (2) In this section—

***poison container*** means a bottle or other container that—

- (a) is used, or is of a type commonly used, to hold a poison; or  
(b) has a brand, mark or label on it stating that the bottle or container has been used to hold a poison.

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## Division 2                      Miscellaneous

### 73            Supplying tattoo inks

- (1) A person who supplies a tattoo ink to a buyer must ensure the tattoo ink is sterile and free from microbiological contamination.

Maximum penalty—80 penalty units.

- (2) A person who supplies a tattoo ink to a buyer must give the buyer a declaration in the approved form stating the tattoo ink is free from contamination.

Maximum penalty—40 penalty units.

### 74            Advertising poisons

- (1) A person must not advertise, or cause someone else to advertise, an S2, S3 or S4 poison or a high-risk poison, whether or not the poison is named in the advertisement.

Maximum penalty—80 penalty units.

- (2) However, subsection (1) does not apply to—

- (a) an advertisement in a professional or trade journal; or
- (b) a price list, advertisement or promotional material intended for circulation only to wholesalers or industrial users of the poison.

## Chapter 3 Pest management activities

### Part 1 Preliminary

#### 75 Definitions for chapter

In this chapter—

*licensed technician* means the holder of a pest management licence.

*qualified person* means a person, other than a trainee, who—

- (a) is an approved person mentioned in part 2; or
- (b) is a licensed technician.

*trainee* means a person who is enrolled in a pest management course that will enable the person to obtain a pest management qualification.

#### 76 Fumigant—Act, s 14

For section 14(3) of the Act, each of the following substances, or a combination of the substances, is prescribed to be a fumigant when contained in a cylinder—

- (a) ozone;
- (b) carbon dioxide;
- (c) nitrogen.

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## **Part 2** **Classes of persons and regulated activities—Act, sections 54 and 91**

### **Division 1** **Authorisations and general limitations on regulated activities**

#### **77** **Classes of persons and regulated activities**

- (1) For section 54(1) of the Act, a class of persons mentioned in a section of division 2, 3, 4 or 5 (each a *relevant section*) is prescribed for the regulated activity with the regulated substance mentioned in the relevant section.
- (2) For section 91 of the Act, the requirements for members of the class of persons are—
  - (a) the requirements stated for the class of persons in the relevant section; and
  - (b) any additional requirements under part 3 that apply to the class of persons.
- (3) Subsection (1) applies subject to section 78.

#### **78** **General limitations on regulated activities**

- (1) This section applies in relation to a class of persons mentioned in section 77 for whom the regulated activity stated in a relevant section is carrying out a pest management activity using a pesticide or fumigant.
- (2) For section 54(1) of the Act, the regulated activity for the class of persons is prescribed only to the extent—
  - (a) the dealing is necessary for—
    - (i) practising the profession required for a person to be a member of the class of persons; or

- (ii) carrying out the functions required for a person to be a member of the class of persons; and
- (b) the dealing is carried out at a place—
  - (i) stated in the relevant section for the class of persons for the regulated activity; or
  - (ii) where a person who is a member of the class of persons lawfully practises the profession, or carries out the functions, mentioned in paragraph (a).

## **79 Possession incidental to other regulated activities with fumigant or pesticide**

- (1) This section applies in relation to a class of persons mentioned in section 77 for whom the regulated activity stated in a relevant section is carrying out a pest management activity using a fumigant or pesticide.
- (2) For section 54(1) of the Act, the class of persons is also prescribed for the regulated activity of possessing the fumigant or pesticide to the extent immediately necessary to prepare for, carry out or complete the pest management activity.

## **Division 2 Trainees**

### *Note—*

See section 123 about the obligations of a trainee's supervisor and section 126 about the requirements for a trainee's employer.

## **80 Trainees authorised**

- (1) A trainee may carry out a pest management activity using a fumigant or pesticide if the trainee—
  - (a) is being supervised by a licensed technician (a *supervisor*); and

- (b) keeps and maintains a record that states—
  - (i) the date on which the activity is carried out; and
  - (ii) a description of the activity carried out; and
  - (iii) the name of the supervisor; and
  - (iv) if the supervisor is not the trainee's employer—the contact details of the trainee's employer.
- (2) The trainee must sign each record made under subsection (1)(b).

### Division 3                      **Activities for State and local government purposes**

#### **81        Treating ants under biosecurity program**

- (1) This section applies to a person permitted under the *Biosecurity Act 2014* to take measures to treat the following ants, or land or another thing infested with the following ants—
  - (a) electric ant (*Wasmannia auropunctata*);
  - (b) tropical fire ant (*Solenopsis geminata*);
  - (c) red imported fire ant (*Solenopsis invicta*).
- (2) The person may carry out a pest control activity using either of the following pesticides for treating the ants—
  - (a) ground corn baits containing either 5 grams of methoprene, or 5 grams of pyriproxyfen, for each kilogram of bait as the only active ingredient, applied at a rate of not less than 1.6 kilograms, and not more than 2.0 kilograms, of baits for a hectare;
  - (b) ground corn baits containing 7.3 grams of hydramethylnon for each kilogram of bait as the only active ingredient, applied at a rate of not more than 2.5 kilograms of baits for a hectare.



- (3) If the person is only treating red imported fire ants, the person may alternatively treat the fire ants using ground corn baits containing 0.45 grams of indoxacarb for each kilogram as the only active ingredient, applied at a rate of not more than 1.7 kilograms of baits for a hectare.

## 82 Relevant health officers treating mosquitoes

- (1) This section applies to an authorised person (a **relevant health officer**) appointed under the *Public Health Act 2005* who is permitted by a prevention and control program under the Act to take action involving a pest control activity.
- (2) The person may carry out the following pest control activities using the following pesticides in relation to vector mosquitoes—
  - (a) apply briquettes containing not more than 18 grams of (S)-methoprene for each kilogram of briquettes as the only active constituent in a way stated in the instructions on the approved label for containers of the briquettes;
  - (b) apply pellets containing not more than 40 grams of (S)-methoprene for each kilogram of pellets as the only active constituent in a way stated in the instructions on the approved label for containers of the pellets;
  - (c) set approved ovitraps.
- (3) In this section—

**approved ovitrap** means an ovitrap approved under a permit within the meaning of the Agvet Code of Queensland, section 109, granted for the purposes of preventing, controlling or eradicating mosquitoes.

**vector mosquito** means a mosquito that—

- (a) is, or may be, a vector for the dengue, zika or chikungunya virus; or
- (b) poses, or may pose, a risk to human health.

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## Division 4 Building-related activities

### 83 Timber preservation

A person authorised to carry out an environmentally relevant activity under the *Environmental Protection Act 1994* may carry out a pest control activity if the activity involves using a pesticide to treat timber for preservation on a commercial basis.

### 84 Installers of termite barrier sheet material

- (1) This section applies to a person who holds a current class of licence called ‘Termite management—physical’ under the *Queensland Building and Construction Commission Regulation 2018*.
- (2) The person may carry out a pest control activity that involves installing termite barrier sheet material during the construction of a building or structure.
- (3) In this section—

***termite barrier sheet material*** means a chemically treated product manufactured for use as a termite barrier that is—

- (a) tested in accordance with AS 3660.3 (Termite Management Part 3: Assessment criteria for termite management systems); and
- (b) registered with the Australian Pesticides and Veterinary Medicines Authority for use as a physical termite barrier.

### 85 Treating fence posts

- (1) This section applies to a person who—
  - (a) holds a commercial operator’s licence under the *Agricultural Chemicals Distribution Control Act 1966*, section 16; or

- (b) satisfies the competency requirements for treating fence posts stated in ‘Departmental standard 4: Competency requirements for approved persons undertaking regulated activities with poisons, pesticides and fumigants’.
- (2) When installing fence posts, the person may carry out a pest control activity using a pesticide to treat the posts or soil near the posts.
- (3) The pesticide must be applied in accordance with the pesticide’s approved label.

## **Division 5                      Agricultural activities**

### **86            Post-harvest treatment of products**

- (1) This section applies to a person who satisfies the competency requirements for carrying out a pest control activity on food stated in ‘Departmental standard 4: Competency requirements for approved persons undertaking regulated activities with poisons, pesticides and fumigants’.
- (2) The person may carry out a pest control activity using a pesticide to treat an agricultural or horticultural product, after the product has been harvested, at a place where the product is being processed for a commercial purpose.

*Example—*

applying a pesticide to fruit in a commercial packing shed

- (3) The pesticide must be applied in accordance with the pesticide’s approved label.

### **87            Treatment of livestock**

- (1) This section applies to a person who satisfies the competency requirements for carrying out a pest control activity on livestock stated in ‘Departmental standard 4: Competency

requirements for approved persons undertaking regulated activities with poisons, pesticides and fumigants’.

- (2) The person may carry out a pest control activity using a pesticide to treat livestock at a place where the livestock are being processed for a commercial purpose.

*Example—*

applying tick treatment to cattle at a commercial dip

- (3) The pesticide must be applied in accordance with the pesticide’s approved label.

## **Part 3 Requirements and conditions for qualified persons**

### **Division 1 Preliminary**

#### **88 Purpose of part**

This part prescribes—

- (a) for a qualified person who is an approved person—additional requirements for section 91(1) of the Act for carrying out the pest management activity mentioned in part 2; or
- (b) for a qualified person who is licensed technician—standard conditions applying in relation to the technician’s pest management licence for section 70(1)(a) of the Act.

## Division 2                      Labels, containers and storage

### 89            Using containers

- (1) The qualified person must ensure a container used in relation to carrying out the pest management activity—
  - (a) is impervious to the fumigant or pesticide it contains; and
  - (b) does not react chemically with the fumigant or pesticide; and
  - (c) does not physically interact with the fumigant or pesticide in a way that may result in deterioration of the performance of the container; and
  - (d) can be securely closed; and
  - (e) is sufficiently durable to prevent it from breaking, or its contents from leaking or otherwise escaping, during ordinary handling, storage or transport; and
  - (f) is securely closed at all times unless a fumigant or pesticide is being put into, or taken from, the container; and
  - (g) is not a container that is a food or drink container; and
  - (h) is not a container that is similar in colour, shape or appearance to a food or drink container.
- (2) In this section—

***food or drink container*** means a container ordinarily used or supplied for use to hold food or drink.

### 90            Labelling containers

- (1) This section applies if a fumigant or pesticide is stored for future use in a container that does not have an approved label attached to it.

- (2) The qualified person must ensure a label showing the following information is durably printed on, or securely attached to, the outside of the container—
  - (a) each active constituent of the fumigant or pesticide in the container;
  - (b) the strength of each active constituent expressed as—
    - (i) for a liquid in a liquid preparation—the mass or volume of the active constituent in a stated volume of the preparation; or
    - (ii) for a liquid in a solid or semisolid preparation—the mass or volume of the active constituent in a stated mass of the preparation; or
    - (iii) for a solid or semisolid in a liquid preparation—the mass of the active constituent in a stated volume of the preparation; or
    - (iv) for a solid or semisolid in a solid or semisolid preparation—the mass of the active constituent in a stated mass of the preparation; or
    - (v) for a gas in a liquid preparation—the mass of the active constituent in a stated volume of the preparation; or
    - (vi) for a gas in a solid or semisolid preparation—the mass of the active constituent in a stated mass of the preparation; or
    - (vii) for a gas in a gaseous preparation—the mass of the active constituent in a stated mass of the preparation.

## **91 Storage on vehicle**

- (1) The qualified person must ensure that a fumigant or pesticide stored or transported in a vehicle is packed or placed in a way that prevents, as far as practicable—

- (a) any damage to the packaging of the fumigant or pesticide; and
  - (b) any leakage or escape of the fumigant or pesticide.
- (2) Also, the qualified person must ensure, as far as practicable, that a person has access to the vehicle only—
  - (a) with the qualified person's knowledge and permission; and
  - (b) if the other person is an adult or a trainee.

## **92 Storage generally**

- (1) The qualified person must, as far as practicable, ensure that a fumigant or pesticide not being used is stored at a place in a way that prevents—
  - (a) damage to the packaging of the fumigant or pesticide; or
  - (b) any leakage or escape of the fumigant or pesticide; or
  - (c) access to the fumigant or pesticide by another person who is not authorised.
- (2) Subsection (1) does not apply in relation to a fumigant or pesticide stored at the qualified person's workplace, provided the workplace is not the person's residence.

## **Division 3 Documentation**

### **93 Records of use of fumigants or pesticides**

- (1) The qualified person must make a record stating each of the following matters for the pest management activity undertaken by the person—
  - (a) the date of the activity;
  - (b) for the place where the activity was carried out—
    - (i) the address; and

- (ii) if the activity was requested by a customer—the contact details of the customer; and
  - (iii) a description of the place where the activity was carried out;
- (c) if the person who carried out, or supervised, the activity is a licensed technician—the technician's licence number;
- (d) for the fumigant or pesticide used—the name and strength of each active constituent and the amount used;
- (e) the rate of application—
  - (i) for the fumigant; or
  - (ii) for the pesticide if, in carrying out the activity, it is used for timber pests.
- (2) The qualified person must make the record of pest management activity as soon as practicable, but no later than 24 hours, after the activity is carried out.
- (3) The qualified person must keep a copy of the record.
- (4) If the qualified person is employed by a person carrying on a pest management business, the qualified person must give a copy of the record to the person carrying on the business.

*Note—*

See also section 131 about records that must be kept by business owners.

## 94 Records of use for termite treatments

- (1) This section applies if—
  - (a) a licensed technician carries out a pest management activity to which AS 3660 applies and a certificate of termite treatment under that standard is issued for the activity; or
  - (b) an approved person installs termite barrier sheet material under section 84 and a certificate of installation



under AS 3660.1 (Termite management, Part 1: New building work) is issued for the installation.

- (2) Each certificate is taken to be a record complying with section 93.
- (3) The qualified person must keep a copy of the certificate.

## **Division 4 Incidents and disposal**

### **95 Dealing with leakages or escapes**

- (1) This section applies if a fumigant or pesticide in the possession of the qualified person leaks or escapes.
- (2) The qualified person must, as soon as practicable after becoming aware of the leakage or escape, take action to—
  - (a) stop the leakage or escape; and
  - (b) clean and decontaminate the area in which the spillage has occurred to a concentration of the pesticide that is no more than the safe exposure concentration for the pesticide; and
  - (c) if a pesticide has leaked or escaped—contain the pesticide and dispose of it.

### **96 Disposal of containers**

The qualified person must dispose of a container that has been used for a fumigant or pesticide by—

- (a) doing the following—
  - (i) rinsing the empty container several times with water;
  - (ii) rendering it useless, including, for example, by making holes in it; or

- (b) for a container that has been used for a fumigant—  
securely sealing the container and returning it to the  
person who supplied the fumigant; or
- (c) dealing with, or disposing of, the container in another  
lawful way.

## **97 Disposal of fumigants or pesticides**

The qualified person may dispose of a fumigant or pesticide in  
a way—

- (a) that is not likely to—
  - (i) endanger the safety of a person or animal; or
  - (ii) pollute a watercourse or water supply; or
  - (iii) contaminate land; or
  - (iv) adversely affect air quality; or
- (b) that is otherwise lawful.

## **98 Exposure or spillage**

- (1) This section applies if, while carrying out a pest management  
activity, the qualified person, or a trainee supervised by the  
person, has an incident involving the exposure, spillage or  
other release of pesticide or fumigant that is likely to cause a  
person to require medical treatment.

*Examples of incidents—*

- exposure of a member of the public to a fumigant or pesticide  
during application
  - injection of a pesticide into a water supply pipe
- (2) The qualified person must give the chief executive a notice  
about the occurrence of the incident.
  - (3) The notice must—
    - (a) be given immediately, orally or in writing; and

- (b) state enough particulars to identify the incident, its nature and its location.
- (4) If the notice is given orally, the holder must give the chief executive a written notice within 7 days after the incident happened.

## **99 Suspicious products**

- (1) The qualified person must notify the chief executive, orally or in writing, if the person is supplied with a pesticide or fumigant the person reasonably believes is incorrectly labelled, is contaminated or has a manufacturing fault (each a *suspicious product*).
- (2) The notification must be given as soon as practicable after the qualified person becomes aware of the suspicious product and include enough particulars to identify the product and its location.
- (3) If the chief executive is notified orally, the qualified person must give the chief executive a later written notice within 7 days after becoming aware of the suspicious product.

## **Part 4 Additional conditions for licensed technicians**

### **Division 1 Preliminary**

#### **100 Definitions for part**

In this part—

*high-risk place*—

- (a) means premises owned by a person and being used for intensive or high density livestock farming, processing food or food manufacturing; and

- (b) includes land adjacent to those premises if the premises are owned by the same person.

*Examples—*

abattoir, piggery, poultry shed

***pest control advice***, for a pest control activity, means a notice dated and signed by the licensed technician carrying out the activity, stating the following—

- (a) the contact details of—
- (i) for a licensed technician employed by a person carrying on a pest management business—the person carrying on the business; or
  - (ii) otherwise—the licensed technician carrying out the activity, or supervising a trainee to carry out the activity;
- (b) the licensed technician's licence number;
- (c) for each pesticide to be used for the activity—
- (i) the name by which the pesticide is marketed or sold; and
  - (ii) the active constituent of the pesticide;
- (d) the place, or part of the place, where the pesticide is to be used;
- (e) when and for how long the pest control activity will be conducted;
- (f) the precautions that should be taken by persons at the place to minimise exposure to a pesticide.

*Examples of precautions for paragraph (f)—*

- removing or protecting people, animals, birds or fish while the pest control activity is carried out
- ensuring food preparation items exposed to a pesticide are cleaned before use

***sensitive place***—

- (a) means facilities used for aged care, child care, schooling or health care purposes; and
- (b) includes land adjacent to those premises.

*Examples—*

nursing home, school, hospital

## **Division 2                      Pest control activities**

### **101      Purpose of division**

- (1) This division prescribes, for section 70(1)(a) of the Act, standard conditions applying in relation to a pest management licence that authorises a licensed technician to carry out, or supervise a trainee to carry out, a pest control activity for a customer if the activity involves controlling timber pests or urban pests.
- (2) In this section—  
*urban pests—*
  - (a) means pests that are commonly found in premises where people live and work; and
  - (b) includes ants, cockroaches, mice, rats and spiders.

### **102      Giving pest control advice**

- (1) The licensed technician carrying out the pest control activity must, before starting the activity, give the customer a pest control advice for the activity.
- (2) The pest control advice may be given personally or by electronic transmission.

### **103      Changes to pest control advice**

- (1) This section applies if—

- (a) a pest control advice for the pest control activity is given to a customer by the licensed technician; and
  - (b) after the advice is given, it is decided that an additional or different activity will be carried out for the customer.
- (2) The licensed technician must ensure an amended pest control advice for the additional or different pest control activity is given to the customer.

### **Division 3 High-risk and sensitive places**

#### **104 Purpose of division**

- (1) This division prescribes, for section 70(1)(a) of the Act, standard conditions applying in relation to a pest management licence that authorises a licensed technician to carry out, or supervise a trainee to carry out, a pest control activity for a customer if the activity involves controlling urban pests at a high-risk place or a sensitive place.
- (2) The conditions in this division apply in addition to the conditions in division 2.

#### **105 Activity risk management plan required**

Before a pest control activity is carried out at the high-risk place or sensitive place, a licensed technician must prepare an activity risk management plan for the activity.

#### **106 Contents of plan**

- (1) The activity risk management plan for the pest control activity must state the following—
  - (a) the contact details and licence number of the licensed technician carrying out the activity;

- (b) the contact details of the person who prepared the plan (the *preparer*), if that person is not the technician mentioned in paragraph (a);
- (c) the contact details of the customer who arranged the activity;
- (d) the contact details of the person responsible for controlling access to the place, if that person is not the customer;
- (e) any procedures that must be followed to obtain access to the place;
- (f) the day and time the activity will be carried out;
- (g) the address of the place where the activity will be carried out;
- (h) details to identify the particular locations where the activity is to be carried out at the place, including a diagram, if practicable;
- (i) the estimated amount of time the activity will take to complete;
- (j) the type of pests to be controlled;
- (k) the reason why the activity is to be carried out;
- (l) the type and concentration of the pesticide to be used for the activity, including the name and active constituent;
- (m) how the pesticide will be used;
- (n) any special considerations or precautions to be implemented due to the nature of the place;
- (o) the hazards and risks associated with carrying out the activity;
- (p) the measures to be implemented to control the identified risks;
- (q) the roles and responsibilities of all persons involved in carrying out the activity.

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- (2) The activity risk management plan must also include—
  - (a) a statement by the preparer of the plan that the matters mentioned in this section have all been considered; and
  - (b) the signature of the preparer.

## **Division 4                      Fumigation activities**

### **Subdivision 1              Preliminary**

#### **107      Purpose of division**

This division prescribes, for section 70(1)(a) of the Act, standard conditions applying in relation to a pest management licence that authorises a licensed technician to carry out a fumigation activity for a customer.

#### **108      What is a *fumigation notice***

A *fumigation notice*, for a fumigation activity, is a notice dated and signed by the licensed technician carrying out the activity, stating the following—

- (a) the contact details of—
  - (i) for a licensed technician employed by a person carrying on a pest management business—the person carrying on the business; or
  - (ii) otherwise—the licensed technician carrying out the activity, or supervising a trainee to carry out the activity;
- (b) the licensed technician's licence number;
- (c) the fumigant to be used for the activity;
- (d) the place, or part of the place, where the fumigation activity is to be carried out;



- (e) the day and time the fumigant is proposed to be introduced into the fumigation space;
- (f) an estimate of the length of the exposure period for the fumigation activity.

#### 109 What is a *clearance certificate*

A *clearance certificate*, for a fumigation activity, is a certificate dated and signed by the licensed technician carrying out the activity, stating the following—

- (a) the contact details of the customer who arranged the activity;
- (b) the name and contact details of—
  - (i) for a technician employed by a person carrying on a pest management business—the person carrying on the business; or
  - (ii) otherwise—the technician;
- (c) the licensed technician's licence number;
- (d) the place, or part of the place, where the fumigation activity was carried out;
- (e) the details of what was fumigated;
- (f) the reason for the fumigation activity;
- (g) the type and concentration of fumigant used;
- (h) the day and time the fumigant was introduced into the fumigation space;
- (i) the method used to introduce the fumigant into the space;
- (j) the retention period for the fumigation space;
- (k) the day and time the fumigant was released from the fumigation space;
- (l) the method used to establish that the fumigation space is safe for entry;

- (m) that the fumigation space is safe for entry.

## 110 Compliance with Commonwealth law

- (1) This section applies if the fumigation activity is required to be carried out under a law of the Commonwealth.

*Note—*

Importers and exporters may be required to carry out fumigation activities and provide certificates under the *Biosecurity Act 2015* (Cwlth).

- (2) The licensed technician is taken to comply with a requirement in a condition in this division in relation to giving notice or a certificate if the technician complies with the same or a substantially similar requirement under the law of the Commonwealth.

## Subdivision 2 Before fumigation

### 111 Activity risk management plan required

Before a fumigation activity is carried out, the licensed technician must prepare an activity risk management plan for the activity.

### 112 Contents of plan

- (1) The activity risk management plan for the fumigation activity must state the following—
- (a) the contact details and licence number of the licensed technician carrying out the activity;
  - (b) the contact details of the person who prepared the plan (the *preparer*), if that person is not the technician mentioned in paragraph (a);
  - (c) the contact details of the customer who arranged the activity;

- (d) the contact details of the person responsible for controlling access to the place (the *fumigation site*) where the activity will be carried out, if that person is not the customer;
- (e) any procedures to be followed to obtain access to the fumigation site;
- (f) the day and time the activity will be carried out;
- (g) the address of the fumigation site;
- (h) details to identify the particular locations at the fumigation site where the activity will be carried out, including a diagram, if practicable;
- (i) details about access to the fumigation site and the availability of water and power on the site;
- (j) how the fumigant will be introduced to the fumigation space;
- (k) how the fumigation space will be ventilated;
- (l) the arrangements for securing or restricting access to the fumigation space and risk area;
- (m) the method to be used to establish the fumigation space is safe for entry;
- (n) the estimated amount of time the activity will take to complete;
- (o) the type of pests to be controlled;
- (p) the reason why the activity is to be carried out;
- (q) the type and concentration of the fumigant to be used for the activity, including the name and active constituent;
- (r) how the fumigant will be used;
- (s) any special considerations or precautions to be implemented due to the nature of the premises;
- (t) the hazards and risks associated with carrying out the activity;

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- (u) the measures to be implemented to control the identified risks;
- (v) the roles and responsibilities of all persons involved in carrying out the activity;
- (w) procedures for dealing with emergency incidents that may arise during the activity.
- (2) The activity risk management plan must also include—
  - (a) a statement by the preparer of the plan that the matters mentioned in this section have all been considered; and
  - (b) the signature of the preparer.

### **113 Notifying persons about fumigation activity**

- (1) The licensed technician must give a fumigation notice for the fumigation activity to the customer or an owner or occupier of the place where the activity will be carried out.
- (2) Subsection (1) does not apply if the licensed technician is a member of staff employed by the owner or occupier of the place.
- (3) The licensed technician must keep a copy of the fumigation notice.

### **114 Establishing risk area**

Before carrying out the fumigation activity, the licensed technician must inspect the fumigation space and the area adjoining the fumigation space to establish if there is a risk area for the fumigation activity.

### **115 Inspecting before fumigating**

- (1) The licensed technician must, before introducing the fumigant into the fumigation space, inspect the fumigation space and the risk area (if any) and ensure the following—

- (a) only persons authorised by the technician to be in the fumigation space or risk area are in the space or area;
  - (b) every potential source of ignition in the space and area is extinguished or turned off;
  - (c) any food or liquid that is not the subject of the fumigation activity is removed from the space and area;
  - (d) every opening in the space by which the fumigant could escape, including, for example, a crack or crevice, is sealed in a way that prevents the escape of the fumigant.
- (2) Subsection (1)(d) does not apply if—
- (a) the fumigation space is a grain storage facility; and
  - (b) the fumigation activity is carried out using a method designed for use in a grain storage facility that is not sealed.

#### **116 Barricades to be erected**

The licensed technician must, before carrying out the fumigation activity, ensure a barricade is erected to restrict access to the fumigation space and risk area, if any, during the exposure period for the activity.

#### **117 Warning signs to be displayed**

- (1) The licensed technician carrying out the fumigation activity must ensure warning signs are placed on any barricades erected under section 116.
- (2) The warning signs must be—
  - (a) sufficient in number to warn a person approaching the fumigation space or risk area, if any, about the fumigation activity; and
  - (b) placed in a way that can be easily seen by a person approaching the fumigation space or risk area, if any, for the fumigation activity; and

- (c) placed before the activity is started; and
  - (d) kept in place for the entire exposure period for the activity.
- (3) Each warning sign must be on a white background and state the following—
  - (a) the contact details of the licensed technician carrying out the fumigation activity or, if the technician is employed in a pest management business, the contact details of the technician's employer, in a type of print that is easy to read;
  - (b) the words 'danger', 'keep out' and 'fumigation in progress' in red print and capital letters with a height of at least 50mm;
  - (c) after the words mentioned in paragraph (b), the word 'with' followed by the name of the fumigant to be used for the fumigation activity, also in red print and capital letters with a height of at least 50mm.

### **Subdivision 3      During fumigation**

#### **118      Other person to be near licensed technician**

- (1) The licensed technician must ensure that, while the technician is carrying out the fumigation activity, at least 1 other person is physically present at the place where the fumigation activity is carried out.
- (2) The other person must be at least 18 years, suitably trained for the fumigation activity and able to assist the licensed technician.

#### **119      Inspecting and testing during fumigation**

- (1) The licensed technician carrying out the fumigation activity must—

- (a) inspect the fumigation space and the equipment being used to introduce the fumigant into the space; and
  - (b) test the space and the equipment, if applicable, for leakage or escape of the fumigant.
- (2) Inspection and testing must be carried out—
  - (a) during the introduction of the fumigant, if practicable; and
  - (b) regularly during the period (the *retention period*) the fumigant is retained in the fumigation space.
- (3) Subsection (4) applies in relation to a leakage or escape of a fumigant (an *unsafe leak*) that is more than the safe exposure concentration for the fumigant.
- (4) If the licensed technician detects an unsafe leak from the fumigation space or the equipment being used to introduce the fumigant into the space, the technician must stop the unsafe leak and seal the space or equipment to prevent further unsafe leaks.
- (5) This section does not apply if—
  - (a) the fumigation space is a grain storage facility; and
  - (b) the fumigation activity is carried out using a method designed for use in a grain storage facility that is not sealed.

## Subdivision 4 Finalising fumigation

### 120 Releasing fumigant and venting fumigation space

At the end of the retention period for the fumigation activity, the licensed technician must—

- (a) release the fumigant in a way that will not endanger a person; and

- (b) vent the fumigation space in a way that leaves the concentration of the fumigant in the space no more than the safe exposure concentration for the fumigant.

## **121 Re-entering fumigation space**

- (1) After a release and venting under section 120, the licensed technician must check that the concentration of fumigant in the fumigation space and risk area, if any, is no more than the safe exposure concentration for the fumigant.
- (2) The licensed technician must, as far as practicable, ensure no person enters the fumigation space or risk area, if any, until the technician is satisfied the space or area is safe for entry.
- (3) If the fumigation space is a residence and methyl bromide is used as a fumigant in the space, the space is taken not to be safe for entry if the concentration of the fumigant in the space is above the safe exposure concentration for the fumigant.

## **122 Clearance certificate**

- (1) The licensed technician must, when satisfied a fumigation space is safe for entry, give the customer a clearance certificate for the fumigation activity.
- (2) The licensed technician must keep a copy of the clearance certificate.

## **Division 5 Other conditions**

### **123 Obligations when supervising**

- (1) A licensed technician, when supervising a trainee, must—
  - (a) directly supervise the trainee while the trainee is carrying out a pest management activity, unless the supervisor is satisfied—



- (i) the trainee is competent enough to be indirectly supervised; and
  - (ii) the health and safety of the trainee, or another person, would not be endangered; and
- (b) provide directions, demonstrations, training and monitoring that are appropriate to carrying out a pest management activity and relevant to the trainee; and
- (c) ensure the trainee complies with any conditions or requirements under the Act for carrying out each pest management activity; and
- (d) take remedial action if an emergency arises from the trainee carrying out a pest management activity or the trainee has carried out a pest management activity in a noncompliant way.

- (2) In this section—

***directly supervised***, in relation to a trainee, means the trainee is within the direct sight and hearing of the trainee's supervisor when carrying out a pest management activity.

***indirectly supervised***, in relation to a trainee, means the trainee is on the same site as the trainee's supervisor but is in indirect sight or hearing of the supervisor and can communicate using a communication device, including, for example, a phone or two-way radio.

## 124 Changes affecting licence

A licensed technician must notify the chief executive about any of the following changes as soon as practicable—

- (a) if the technician was required to undertake a health assessment under section 90 of the Act when applying for the technician's pest management licence—a change in a matter disclosed to the chief executive in the health assessment;
- (b) a change in the technician's contact details;

- (c) if the technician is employed by a person in a pest management business—
  - (i) a change in the contact details of the person; or
  - (ii) a change of employer;
- (d) if the technician is self-employed in a pest management business—a change in the contact details for the business;
- (e) a change in the address of the authorised place where the technician stores fumigants or pesticides.

## Part 5 Offences

### Division 1 Business owners

#### 125 Application of division

This division applies to a person (the *business owner*) who—

- (a) is self-employed in a pest management business; or
- (b) employs a licensed technician or trainee in a pest management business for which the technician or trainee carries out pest management activities.

#### 126 Obligations in relation to trainees

If the business owner employs a trainee, the business owner must ensure—

- (a) the trainee is appropriately supervised while carrying out a pest management activity; and
- (b) the trainee is supervised by a licensed technician; and
- (c) the trainee receives appropriate training for the work and the trainee's level of competency.

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Maximum penalty—20 penalty units.

### 127 Equipping employees

- (1) The business owner must ensure that any equipment, documents or vehicles used, or provided to the employee, for carrying out a pest management activity—
- (a) are suitable for carrying out the activity; and
  - (b) comply with any requirements of this regulation; and
  - (c) allow the employee to comply with any requirements of this regulation.

Maximum penalty—20 penalty units.

- (2) In this section—

*equipment* includes containers, hoses, measuring tools, spray packs and spill kits.

### 128 Storage on vehicle

The business owner must ensure that a vehicle used to store or transport a fumigant or pesticide meets the following requirements—

- (a) the part of the vehicle where a solid or liquid fumigant or pesticide is located—
  - (i) has a floor and walls that are impervious to the fumigant or pesticide; and
  - (ii) can contain a leakage or escape of the fumigant or pesticide;
- (b) the part of the vehicle where a cylinder of gaseous fumigant or pesticide is located—
  - (i) is open to the air with unrestricted ventilation; or
  - (ii) has a vapour tight cabinet to enclose the cylinder that is vented to the outside of the vehicle;

- (c) the part of the vehicle where a fumigant is located—
  - (i) is separated from the driving compartment of the vehicle by a barrier that is impervious to gas; and
  - (ii) is able to be secured when the vehicle is unattended.

Maximum penalty—20 penalty units.

## 129 Signage on vehicle

The business owner must ensure that a vehicle used to store or transport fumigants or pesticides has the following information printed on the exterior of the vehicle in English in a way that can be easily read—

- (a) the name, or business name, and contact details of the business owner;
- (b) if the name on the vehicle does not clearly indicate the vehicle is used for pest management activities—the words ‘pest management vehicle’ or other words clearly indicating the vehicle is used for pest management activities.

Maximum penalty—20 penalty units.

## 130 Secure storage

- (1) The business owner must ensure that a fumigant or pesticide available for use for the owner’s pest management business is stored at a place that—
  - (a) is kept locked when unattended; and
  - (b) has a floor and other surfaces that are impervious to the fumigant or pesticide; and
  - (c) is built in a way that the leakage or escape of the fumigant or pesticide is not likely to cause harm or nuisance to a person or the environment; and
  - (d) is adequately ventilated; and

- (e) provides protection from the weather; and
- (f) is located in an area that is separated from a residence or another work area that is not used for pest management activities.

Maximum penalty—20 penalty units.

- (2) Also, the business owner must ensure, as far as practicable, that another person has access to the place only—
  - (a) with the owner's knowledge and authority; and
  - (b) if the person is an adult or a trainee.

Maximum penalty—20 penalty units.

### **131 Employee records**

The business owner must keep a record of—

- (a) the details of each of the owner's employees; and
- (b) the pest management activities carried out by each employee; and
- (c) any notifiable incidents reported to the chief executive under section 98.

Maximum penalty—20 penalty units.

### **132 Completing and keeping documentation**

- (1) This section applies if an employee of the business owner is required to make or keep a record of a particular matter.
- (2) The business owner must ensure—
  - (a) the employee makes the record; and
  - (b) the record is kept in the way, and for the period, required under this regulation.

Maximum penalty—20 penalty units.

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## Division 2 Managers

### 133 Manager to notify attendees

- (1) This section applies if—
  - (a) a pest control activity is to be carried out on premises; and
  - (b) the premises are occupied or accessible by other persons (*attendees*), whether they are residents, workers or visitors of the premises.
- (2) A manager of the premises must give the attendees notice of the following matters before the pest control activity is carried out—
  - (a) when the pest control activity will be carried out;
  - (b) the precautions stated in the pest control advice for the activity;
  - (c) that the pest control advice for the activity may be inspected, and where it may be inspected.

Maximum penalty—20 penalty units.

- (3) For subsection (2), the manager of the premises may give the notice by leaving it in a conspicuous place.

*Example—*

putting up a notice at the entrance to a building or in a lunch room

- (4) As soon as practicable after the pest control activity has been completed, the manager of the premises must give notice to the attendees stating when the pest control activity was completed.

Maximum penalty—20 penalty units.

- (5) In this section—

*manager*, of premises, means a person responsible for controlling access to, or managing the premises, including, for

example, a supervisor of a business, the owner of a building, a body corporate manager or a letting agent.

## **Division 3                      Miscellaneous offences**

### **134      Interfering with fumigation barricades or warning signs**

A person must not, without the permission of a licensed technician carrying out a fumigation activity—

- (a) take down, remove or alter the position of a barricade erected by the technician; or
- (b) deface, take down, remove or alter the position of a warning sign displayed by the technician.

Maximum penalty—20 penalty units.

### **135      Smoking prohibited**

A person must not smoke tobacco or any other substance while the person is carrying out, or is with a person who is carrying out, a fumigation activity.

Maximum penalty—20 penalty units.

## **Chapter 4                      Miscellaneous**

### **Part 1                          Record keeping**

#### **136      Recording information**

- (1) This section applies if a person records information on a document to comply with a requirement of this regulation.

*Examples—*

writing a clearance certificate for a fumigation activity or a pest control advice for a pest control activity

- (2) The person must ensure the information—
  - (a) is written in English; and
  - (b) if recorded on a paper document—is durably marked on the document.

Maximum penalty—20 penalty units.

- (3) A person may also write the information in a language other than English if it is reasonably necessary to ensure a person named in the document understands an instruction given in the document.
- (4) Subsection (2) does not apply to the person's signature.

### **137 Keeping information**

- (1) This section applies to a person responsible for controlling the recording and keeping of information to comply with a requirement under this regulation.
- (2) The person must ensure the information—
  - (a) is readily retrievable; and
  - (b) can not be altered, obliterated, deleted or removed without detection; and
  - (c) is kept for 5 years after the day it is recorded, unless otherwise stated in the requirement.

Maximum penalty—20 penalty units.

## **Part 2 Fees**

### **138 Fees payable**

- (1) The fees payable under the Act are stated in schedule 7.



- (2) However, if an application mentioned in schedule 7 is made for a term that is not 1 year or a number of whole years, the fee for the application is to be adjusted in proportion to the term.
- (3) Also, no fee is payable in relation to a site if—
  - (a) a fee has been paid under the *Medicines and Poisons (Medicines) Regulation 2019* for an application for a substance authority; and
  - (b) the application has been made to authorise dealing with an S7 poison, in addition to a medicine, at the site.
- (4) A reference in this section and in schedule 7 to a site is a reference to a place—
  - (a) where an entity has applied to carry out a regulated activity with a regulated substance; and
  - (b) that is proposed to be stated in the substance authority as a place where the activity may be carried out with the substance.

### 139 Refunds

- (1) This section applies if—
  - (a) an entity has paid a fee for an application for a substance authority or renewal of a substance authority; and
  - (b) the substance authority or renewal is not granted to the entity or is not granted for the period sought by the entity.
- (2) The chief executive may refund the fee, or a proportion of the fee, if the chief executive is satisfied it is appropriate and reasonable to do so in the circumstances.
- (3) In considering a refund under subsection (2), the chief executive may retain a proportion of the fee that represents the cost of considering the application or renewal.

## Chapter 5 Savings and transitional provisions

### 140 Existing pest control advices

- (1) This section applies to a pest control advice under the repealed *Pest Management Regulation 2003*, section 13, given to a person for a pest control activity under that regulation that was in effect immediately before the commencement.
- (2) The pest control advice is taken to be a pest control advice for the same type of pest control activity under the Act.

### 141 Existing fumigation notices

- (1) This section applies to a fumigation notice under the repealed *Pest Management Regulation 2003*, section 20, given to a person for a fumigation activity under that regulation that was in effect immediately before the commencement.
- (2) The fumigation notice is taken to be a fumigation notice for the same type of fumigation activity under the Act.

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*Note—*

*Further savings and transitional provisions may be included when the content of this regulation is finalised.*

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## Chapter 6 Amendment of other regulations

### 142 Regulations amended

Schedule 9 amends the regulations mentioned in it.

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*Note—*

*Further amendment provisions may be included when the content of this regulation is finalised.*

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## Schedule 1 Departmental standards

section 4

Number	Name	Date
1	Use of restricted schedule 7 poisons for invasive animal control	[to be made]
2	Acceptable concentrations for tattoo and permanent makeup inks	[to be made]
3	Substance management plans for poisons and prohibited substances	[to be made]
4	Competency requirements for approved persons undertaking regulated activities with poisons, pesticides and fumigants	[to be made]
5	Competency requirements for authority holders undertaking regulated activities with poisons, pesticides and fumigants	[to be made]

## Schedule 2      Restricted S7 poisons

section 7

acrylonitrile  
alachlor  
4-aminopropiophenone (para-aminopropiophenone)  
arpinocid  
azocyclotin  
captafol  
carbadox  
chlordecone  
chlordimeform  
chloromethiuron  
cychexatin  
1,2-dibromo-3-chloropropane  
4-dimethylaminoazobenzene  
dinitrocresols  
dinoseb  
etaconazole  
ethylene dibromide  
fluoroacetamide  
fluoroacetic acid (sodium fluoroacetate) in a concentration more than 0.5  
grams for each kilogram of a substance in which it is used  
halofyginone

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halogenated dibenzodioxins and dibenzofurans

hexachlorobenzene (HCB)

hydrocyanic acid and cyanides

iodomethane

methacrifos

methoxyethylmercuric acetate

4,4'-methylenebis [2-chloroaniline]

mirex

nicotine

nitrofen

ortho-tolidine

phenylmercuric acetate

pyrinuron

strychnine

sulcofuron

vinyl chloride monomer

## **Schedule 3      S10 prohibited substances for tattoo ink**

section 10

### **Amines**

- 4-chloroaniline
- 4-chloro-o-toluidine
- 3,3'-dichlorobenzidine
- 3,3'-dimethoxybenzidine
- 3,3'-dimethylbenzidine
- 2-naphthylamine
- 5-nitro-o-toluidine
- para-phenylenediamine
- 4,4'-thiodianiline
- 2,4-xylidine

### **Polycyclic aromatic hydrocarbons**

- acenaphthene
- acenaphthylene
- anthracene
- benzo(a)anthracene
- benzo(a)pyrene
- benzo(b)fluoranthene
- benzo(ghi)perylene
- benzo(k)fluoranthene
- chrysene
- dibenzo(a,h)anthracene
- fluoranthene

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- fluorene
- indeno(1,2,3-cd) pyrene
- naphthalene
- phenanthrene
- pyrene

**Metals**

- antimony
- arsenic
- cadmium
- chromium (vi)
- cobalt
- lead
- mercury
- nickel
- selenium
- soluble copper
- tin
- zinc

**Colourants**

- basic red 1, C.I. 45160
- basic violet 10, C.I. 45170
- pigment orange 5, C.I. 12075
- pigment orange 13, C.I. 21110
- pigment orange 16, C.I. 21160
- pigment orange 34, C.I. 21115
- pigment orange 43, C.I. 71105
- pigment orange 74
- pigment red 2, C.I. 12310



- pigment red 3, C.I. 12120
- pigment red 4, C.I. 12085
- pigment red 7, C.I. 12420
- pigment red 9, C.I. 12460
- pigment red 12, C.I. 12385
- pigment red 14, C.I. 12380
- pigment red 15, C.I. 12465
- pigment red 17, C.I. 12390
- pigment red 22, C.I. 12315
- pigment red 53, C.I. 15585
- pigment red 112, C.I. 12370
- pigment red 122, C.I. 73915
- pigment red 146, C.I. 12485
- pigment red 170, C.I. 12475
- pigment red 210, C.I. 12477
- pigment red 269, C.I. 12466
- pigment violet 19, C.I. 73900
- pigment violet 23, C.I. 51319
- pigment yellow 1, C.I. 11680
- pigment yellow 3, C.I. 11710
- pigment yellow 12, C.I. 21090
- pigment yellow 14, C.I. 21095
- pigment yellow 55, C.I. 21096
- pigment yellow 65, C.I. 11740
- pigment yellow 74, C.I. 11741
- pigment yellow 83, C.I. 21180
- pigment yellow 87, C.I. 21107:1
- pigment yellow 97, C.I. 11767

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## **Schedule 4      Prescribed industries**

### section 11

accommodation and food services  
administrative services  
advertising services  
business and professional association services  
child care services  
financial, accounting and insurance services  
gambling activities  
information and technology services  
legal services  
management and related consulting services  
market research and statistical services  
media and telecommunications  
parking services  
personal care services  
preschool and primary education  
real estate services  
religious services

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## Schedule 5      WHS excluded poisons

section 12

acrylonitrile

4-dimethylaminoazobenzene

4,4'-methylenebis [2-chloroaniline]

ortho-tolidine

vinyl chloride monomer

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## Schedule 6 Regulated places and responsible persons

section 66

Regulated place	Responsible person
an authorised place for a manufacturing licence	the holder of the manufacturing licence
an authorised place for the supply of a regulated poison by wholesale	the holder of the wholesale licence authorising supply of the poison or the approved person authorised to supply the poison
a place where a person carries out a regulated activity with a regulated poison under a general approval	the holder of the general approval
a place required to have a substance management plan under a condition of a substance authority	the holder of the substance authority

## Schedule 7 Fees

section 138

		\$
1	Application for the grant of an initial manufacturing licence or wholesale licence to deal with an S7 poison (Act, s 75)—	
	(a) for 1 site for each year	733.40
	(b) for each additional site for each year	733.40
2	Application for the grant of an initial retail licence to deal with an S7 poison (Act, s 75)—	
	(a) for 1 site for each year	345.95
	(b) for each additional site for each year	345.95
3	Application for the grant of an initial pest management licence (Act, s 75)—	
	(a) for 1 year	304.50
	(b) for 2 years	470.50
	(c) for 3 years	637.00
	(d) for 4 years	803.00
	(e) for 5 years	970.00
4	Application for the amendment of a pest management licence (Act, s 78)	55.00
5	Application for the renewal of an initial manufacturing licence or wholesale licence to deal with an S7 poison (Act, s 82)—	
	(a) for 1 site for each year	595.00
	(b) for each additional site for each year	595.00

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Regulation 2019

Schedule 7

		\$
6	Application for the renewal of an initial retail licence to deal with an S7 poison (Act, s 82)—	
	(a) for 1 site for each year	207.60
	(b) for each additional site for each year	207.60
7	Application for the renewal of a pest management licence (Act, s 82)—	
	(a) for 1 year	166.50
	(b) for 2 years	333.00
	(c) for 3 years	499.50
	(d) for 4 years	666.00
	(e) for 5 years	832.50

## Schedule 8 Dictionary

### section 3

**AS**, followed by a number, means the Australian Standard as in force from time to time under that number, regardless of the edition or year of publication of the standard.

**animal treatment**, for chapter 2, part 3, division 2, see section 15.

**authorised place**—

- (a) under a substance authority—means a place stated in the authority where a regulated activity may be carried out with a regulated substance; or
- (b) otherwise—means a place where a regulated activity may be carried out with a regulated substance.

**business owner** see section 125.

**buyer**—

- (a) for chapter 2, part 4, division 2—see section 28; or
- (b) for chapter 2, part 4, division 3—see section 33.

**clearance certificate** see section 109.

**contact details** means—

- (a) in relation to an individual—the name, phone number and address of the individual; or
- (b) in relation to an entity carrying on a business—the name, phone number and address of the business.

**customer**, in relation to a pest management activity at a place, means the person who requested the pest management activity be carried out at the place, whether or not the person is the owner of the place or paid for the activity to be carried out.

**exposure period**, for a fumigation activity, means the period from when the introduction of the fumigant into the

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fumigation space starts until a clearance certificate is given for the activity.

***fumigation notice*** see section 108.

***fumigation space*** means the entire space into which a fumigant is introduced when carrying out a fumigation activity.

***grain storage facility*** means a bag, bunker, pad, shed or silo used for the storage of bulk amounts of grain.

***high-risk place***, for chapter 3, part 4, see section 100.

***high-risk poison*** see section 6.

***invasive animal*** means—

- (a) a cat (*Felis catus* or *Prionailurus bengalensis* x *Felis catus*), other than a domestic cat; or
- (b) a dingo (*Canis lupus dingo*); or
- (c) a dog (*Canis lupus familiaris*), other than a domestic dog; or
- (d) a European fox (*Vulpes vulpes*); or
- (e) a European rabbit (*Oryctolagus cuniculus*); or
- (f) a feral pig (*Sus scrofa*).

***licence number***, of a licensed technician, means the number of the pest management licence held by the technician.

***licensed technician***, for chapter 3, see section 75.

***manufacturing supervisor***, for a manufacturing licence, means the person responsible for supervising manufacture under the licence.

***pest control advice***, for a pest control activity, for chapter 3, part 4, see section 100.

***poison register*** see section 50(1).

***portion***, of a poison, for chapter 2, part 5, division 4, subdivision 3, see section 49.

***prohibited tattoo ink*** see section 9.



**qualified person**, for chapter 3, see section 75.

**record** includes a certificate or notice given under the Act.

**regulated poison** see section 8.

**relevant section**—

(a) for chapter 2, see section 13; or

(b) for chapter 3, see section 77.

**restricted S7 poison** see section 7.

**retention period** see section 119(2)(b).

**risk area**, in relation to a fumigation activity, means the area—

(a) surrounding the place where the activity is carried out; and

(b) in which there is a likelihood a fumigant may escape in concentrations that may harm a person.

**S2 poison** see section 5(1).

**S3 poison** see section 5(2).

**S4 poison** see section 5(3).

**S8 poison** see section 5(4).

**safe exposure concentration**, for a fumigant, means the concentration of the fumigant in the air that is safe for human exposure—

(a) stated on the approved label for the fumigant; or

(b) in accordance with the document called ‘Workplace exposure standards for airborne contaminants’ published by Safe Work Australia.

**secure area**, for chapter 2, part 5, division 4, see section 46.

**sensitive place**, for chapter 3, part 4, see section 100.

**supervisor**, of a trainee, see section 80(1)(a).

**supplier** see section 33.

**tattoo ink** means a preparation used, or intended to be used, to permanently colour skin.

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*Examples of preparations to permanently colour skin—*

tattoo ink, permanent make-up

***timber pests*** means pests that attack, infest or destroy timber or timber products.

***trainee***, for chapter 3, see section 75.

## Schedule 9 Regulations amended

section 142

### Agricultural Chemicals Distribution Control Regulation 1998

**1 Section 14(1), from ‘the *Health*’—**

*omit, insert—*

*the Medicines and Poisons Act 2019, section 47.*

### Animal Care and Protection Regulation 2012

**1 Schedule 2, section 8, note—**

*omit, insert—*

*Note—*

The *Medicines and Poisons Act 2019* regulates the administration of particular medicines.

### Biosecurity Regulation 2016

**1 Section 124(a)—**

*omit, insert—*

- (a) a person who is authorised to supply an S7 substance under the *Medicines and Poisons Act 2019*;

## Chemical Usage (Agricultural and Veterinary) Control Regulation 2017

### 1 Section 10(1), from 'unless' to 'acid.'—

*omit, insert—*

unless the person is authorised to apply the fluoroacetic acid under the *Medicines and Poisons Act 2019*.

### 2 Section 10(2), from 'unless' to 'PAPP.'—

*omit, insert—*

unless the person is authorised to apply the PAPP under the *Medicines and Poisons Act 2019*.

## Drugs Misuse Regulation 1987

### 1 Schedule 9, definition *analyst*—

*omit, insert—*

*analyst* means a person who is authorised under the *Medicines and Poisons Act 2019* to apply standard THC material to calibrate an analytical instrument used for analysing a substance to determine its THC concentration.

## Nature Conservation (Administration) Regulation 2017

### 1 Section 124(4), definition *poison*, paragraph (a)—

*omit, insert—*

- (a) a poison under the *Medicines and Poisons Act 2019*; and

## Veterinary Surgeons Regulation 2016

1 Section 24(1)(b)(iv), 'drugs'—

*omit, insert—*

medicines

2 Section 27—

*omit, insert—*

**27 Prescribed medicines and poisons—Act, s 25**

Each of an S4 or S8 medicine, a poison or a prohibited substance under the *Medicines and Poisons Act 2019* is prescribed for section 25, definition *disqualifying offence*, paragraph (e), of the Act.

## Waste Reduction and Recycling Regulation 2011

1 Schedule 9, definition *pharmaceutical product*—

*omit, insert—*

*pharmaceutical product* means an S8 medicine or waste from an S8 medicine under the *Medicines and Poisons Act 2019*.

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ENDNOTES

- 1 Made by the Governor in Council on [Made by Governor Date].
- 2 Notified on the Queensland legislation website on [Notification Date].
- 3 The administering agency is Queensland Health.