

Queensland



Pest Management Act 2001

PEST MANAGEMENT REGULATION 2003

**Reprinted as in force on 14 November 2003
(includes commenced amendments up to 2003 SL No. 279)**

Reprint No. 1A

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This regulation is reprinted as at 14 November 2003. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprint.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Queensland



PEST MANAGEMENT REGULATION 2003

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	3
2	Commencement	3
3	Definitions	3
PART 1A—EXEMPTION		
3A	Definitions for pt 1A	3
3B	Exemption for fire ant prevention, control or eradication—Act, s 10	4
3C	Expiry of pt 1A	4
PART 2—LICENSING		
4	Competency standard—pest control and fumigation activities	4
5	Competency standard—timber pests qualification	5
6	Notice of change in circumstances—Act, s 54	5
PART 3—PROVISIONS ABOUT PEST MANAGEMENT ACTIVITIES		
7	Requirements about containers	6
8	Labelling of container by pest management technician	6
9	Disposal of containers	7
10	Storage of fumigants or pesticides other than in motor vehicles	8
11	Dealing with leakages or escapes	9
12	Disposal of fumigants or pesticides	9
14	Records of use of fumigants or pesticides	11
15	Records of use for certain treatments for termites	12
16	Requirements about motor vehicles	13
17	Requirements about use of respiratory protective devices	14

PART 4—PROVISIONS ABOUT FUMIGATION ACTIVITIES

18	Establishing risk area.	14
19	Inspecting before fumigating.	15
21	Barricades to be erected	17
22	Danger signs to be displayed.	18
23	Interfering with barricades or danger signs.	18
24	Inspecting and testing during fumigation	18
25	Releasing fumigant and venting fumigation space	19
26	Re-entering fumigation space	19
28	Other person to be near technician	21
29	Smoking prohibited	21

PART 5—FEES

30	Fees	21
31	Refund of licence fee.	21

PART 6—TRANSITIONAL PROVISIONS

32	Marking of motor vehicles	22
----	-------------------------------------	----

SCHEDULE 2	23
-----------------------------	----

FEES

SCHEDULE 3	24
-----------------------------	----

DICTIONARY**ENDNOTES**

1	Index to endnotes.	26
2	Date to which amendments incorporated.	26
3	Key.	26
4	Table of reprints.	27
5	List of legislation	27
6	List of annotations	27

PEST MANAGEMENT REGULATION 2003

[as amended by all amendments that commenced on or before 14 November 2003]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Pest Management Regulation 2003*.

2 Commencement

(1) Section 13 commences on 20 September 2004.

(2) Sections 20 and 27 commence on 20 March 2004.

(3) The remaining provisions of this regulation commence on 20 September 2003.¹

3 Definitions

The dictionary in schedule 3 defines particular words used in this regulation.

PART 1A—EXEMPTION

3A Definitions for pt 1A

In this part—

“**exempted pesticide**” means either of the following—

¹ See *Statutory Instruments Act 1992*, section 33 (Commencement of citation and commencement provisions).

- (a) ground corn baits containing either 0.5% of methoprene or 0.5% of pyriproxyfen as the only active ingredient, applied at a rate of not less than 1.6 kg, and not more than 2.0 kg, of baits a hectare;
- (b) ground corn baits containing 0.73% of hydramethylnon as the only active ingredient, applied at a rate of not more than 2.5 kg of baits a hectare.

“**fire ant**” means the tropical fire ant (*Solenopsis geminata*) or red imported fire ant (*Solenopsis invicta*).

3B Exemption for fire ant prevention, control or eradication—Act, s 10

(1) This section applies to the use of an exempted pesticide by a person for carrying out a pest management activity for prevention, control or eradication of fire ants, if the use of the pesticide by the person is authorised by the department in which the *Plant Protection Act 1989* is administered.

(2) The use of the exempted pesticide for the pest management activity is exempted from section 11 and part 2, division 12² of the Act.

3C Expiry of pt 1A

This part expires on 30 June 2006.

PART 2—LICENSING

4 Competency standard—pest control and fumigation activities

For schedule 3 of the Act, definition “pest management qualification”, the competency standard is successful completion of the following competencies—

- (a) for a pest control activity other than an activity for timber pests—
 - (i) PRMPM05—Modify environment to manage pests; and

2 Section 11 (Licence is required to carry out pest management activity) and part 2 (Licences), division 12 (Offences) of the Act

- (ii) PRMPM06—Apply pesticide to manage pests; and
- (iii) PRMPM18—Maintain an equipment and consumables storage area;
- (b) for a pest control activity including an activity for timber pests—
 - (i) PRMPM05—Modify environment to manage pests; and
 - (ii) PRMPM06—Apply pesticide to manage pests; and
 - (iii) PRMPM08—Inspect and report on timber pests; and
 - (iv) PRMPM10—Control timber pests; and
 - (v) PRMPM18—Maintain an equipment and consumables storage area;
- (c) for a fumigation activity—PRMPM11—Eradicate pests through fumigation.

5 Competency standard—timber pests qualification

For section 131 of the Act, definition “timber pests qualification”, the competency standard is successful completion of the following competencies—

- (a) PRMPM06—Apply pesticide to manage pests;
- (b) PRMPM08—Inspect and report on timber pests;
- (c) PRMPM10—Control timber pests.

6 Notice of change in circumstances—Act, s 54

For section 54 of the Act, each of the following is a change in a pest management technician’s circumstances of which the chief executive must be given notice—

- (a) a change in the technician’s name;
- (b) a change in the technician’s business, postal or residential address;
- (c) if the technician is employed, a change in the name or address of the employer;
- (d) if the technician is self-employed, a change in a name under which the technician carries on business as a pest management technician;

- (e) a change in the address of the place where the technician stores fumigants or pesticides.

PART 3—PROVISIONS ABOUT PEST MANAGEMENT ACTIVITIES

7 Requirements about containers

A pest management technician must ensure a container the technician uses in relation to the carrying out of a pest management activity—

- (a) is impervious to the fumigant or pesticide it contains; and
- (b) does not react chemically with the fumigant or pesticide it contains; and
- (c) does not physically interact with the fumigant or pesticide it contains 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, transport or storage; and
- (f) is securely closed at all times unless a fumigant or pesticide is being put into, or taken from, the container.

Maximum penalty—20 penalty units.

8 Labelling of container by pest management technician

(1) This section applies if a pest management technician or a trainee—

- (a) puts a fumigant or pesticide into a container that does not have an approved label attached to it; and
- (b) stores the container for future use of the fumigant or pesticide.

(2) The technician, or the pest management technician who is supervising the trainee, 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.

Maximum penalty—20 penalty units.

(3) In this section—

“approved label” means a label approved under part 2 of the Agvet Code of Queensland.

9 Disposal of containers

A pest management technician must not dispose of a container that has been used for a fumigant or pesticide other than by—

- (a) doing all the following—
 - (i) rinsing the empty container several times with water;³

3 See section 12 (Disposal of fumigants or pesticides).

- (ii) rendering it useless, including, for example, by making holes in it;
- (iii) disposing of it at a place where it can be disposed of without contravening any law; or
- (b) securely sealing the container and returning it to the person who supplied the fumigant or pesticide to the pest management technician; or
- (c) a way provided for under another law of the State.

Maximum penalty—20 penalty units.

10 Storage of fumigants or pesticides other than in motor vehicles

(1) A pest management technician who has control, custody or possession of a fumigant or pesticide must ensure the place where the fumigant or pesticide is stored—

- (a) is locked unless a fumigant or pesticide is being put into, taken from, or being prepared in, the place; and
- (b) has a floor that is impervious to a fumigant or pesticide stored in the place; and
- (c) is built in a way that a leakage or escape of a fumigant or pesticide is not likely to cause harm or nuisance to a person or the environment; and
- (d) if the place is, or is in, a part of a person's residence, is not a place that is used for residential purposes.

Examples for paragraph (d)—

Example 1

A pest management technician operates a pest management business from his residence and uses a locked shed in the backyard of the residence to store fumigants or pesticides, but does not use the shed for a residential purpose.

Example 2

A pest management technician stores fumigants or pesticides in a locked cabinet in a garage attached to the residence.

Maximum penalty—20 penalty units.

(2) Also, the technician must ensure, as far as practicable, a person has access to the place only—

- (a) with the technician's knowledge and authority; and
- (b) if the person is—
 - (i) a pest management technician; or
 - (ii) a trainee; or
 - (iii) another person who is at least 18.

Maximum penalty—20 penalty units.

(3) Subsection (1) does not apply to a place where a technician stores a reasonable amount of a fumigant or pesticide for the technician's personal use, and not for use by a person in carrying on the business of providing a pest management activity.

(4) In this section—

“place” does not include a motor vehicle.

11 Dealing with leakages or escapes

(1) This section applies if a fumigant or pesticide in the control, custody or possession of a pest management technician leaks or escapes.

(2) The technician must, as soon as practicable after the technician becomes aware of the leakage or escape, take action to—

- (a) stop the leakage or escape; and
- (b) if practicable, contain the fumigant or pesticide that has leaked or escaped; and
- (c) if necessary, dispose of the fumigant or pesticide that has leaked or escaped.

Maximum penalty—20 penalty units.

12 Disposal of fumigants or pesticides

(1) This section applies if a pest management technician, or a trainee disposes of a fumigant or pesticide.

(2) The pest management technician, or a technician who supervises the trainee, must ensure the fumigant or pesticide is not, without a reasonable excuse, disposed of in a way that is likely to—

- (a) endanger the safety of a person or animal; or

- (b) pollute a watercourse or water supply; or
- (c) contaminate land; or
- (d) adversely affect air quality.

Maximum penalty—20 penalty units.

13 Information to be given to occupiers or others

(1) This section applies if a pest management technician or trainee carries out a pest control activity that is using a pesticide at premises.

(2) The technician, or the technician who supervises the carrying out of the activity by the trainee, must ensure that a pest control advice for the activity is—

- (a) for premises that are occupied—*
 - (i) personally given to a person who resides at, or is an occupier of, the premises if practicable; or*
 - (ii) otherwise—left in a conspicuous place, including, for example, on a table or counter, or in a letter box; or*
- (b) for premises that are not occupied, personally given, or posted, to the person who—*
 - (i) owns the premises; or*
 - (ii) requested the activity, including for example a letting agent.*

Maximum penalty—20 penalty units.

(3) A pest management technician must comply with subsection (2) either immediately before, or immediately after, the activity is carried out.

(4) In this section—

“pest control advice”, for a pest control activity, means a notice signed by the pest management technician who carries out the activity or supervises the carrying out of the activity by a trainee, dated and stating the following—

- (a) the name and business name, if any, of—*
 - (i) for a pest management technician employed or otherwise engaged by a person who carries on a business that provides the activity—the person; or*
 - (ii) otherwise—the pest management technician;*

- (b) *the technician's licence number;*
- (c) *for each pesticide 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 part of the premises in which the pesticide is used;*
- (e) *general precautions that should be taken for the pest control activity.*

Example for paragraph (e)—

Removing or protecting any people, animals, birds or fish while the pest control activity is carried out.⁴

14 Records of use of fumigants or pesticides

(1) A responsible person, for each recordable activity for which the person is the responsible person, must make a record containing the following about the activity—

- (a) the date of the activity;
- (b) for the place where the activity was carried out—
 - (i) the address; and
 - (ii) the name of the owner or occupier, or of another person who requested the activity, and the owner's, occupier's or other person's telephone number or other contact details for the owner, occupier or person; and
 - (iii) a description of the place;

Examples of a place—

Factory, office or residence

- (c) the name of the person who carried out the activity;
- (d) if the person who carried out the activity is a pest management technician—the number of the technician's licence;
- (e) if the person who carried out the activity is not a pest management technician—the name of the technician who

⁴ This provision had not commenced on or before the reprint date.

supervised the carrying out of the activity, and the number of the technician's licence;

- (f) for the fumigant or pesticide used—
 - (i) the name and strength of each active constituent; and
 - (ii) the quantity used;
- (g) 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.

Maximum penalty—20 penalty units.

(2) The responsible person must make the record as soon as practicable after the activity is carried out, and in any case, within 24 hours.

Maximum penalty—20 penalty units.

(3) The responsible person must not include in the record an entry the person knows is false, misleading or incomplete.

Maximum penalty—20 penalty units.

(4) The responsible person must keep the record for at least 2 years after it is made.

Maximum penalty—20 penalty units.

15 Records of use for certain treatments for termites

(1) This section applies if—

- (a) a pest management technician or trainee carries out a pest management activity to which AS 3660—*Termite management* applies; and
- (b) a certificate of installation under AS 3660.1, or a certificate of termite treatment under AS 3660.2, is issued for the activity.

(2) A person must not include in the certificate, any information the person knows is false, misleading or incomplete.

Maximum penalty—20 penalty units.

(3) The responsible person for the activity is taken to have complied with section 14(1).

(4) The responsible person must keep a copy of the certificate for at least 2 years after it is issued.

Maximum penalty—20 penalty units.

16 Requirements about motor vehicles

(1) A pest management technician must not have a fumigant or pesticide in or on a motor vehicle unless the vehicle—

- (a) for the part of the vehicle where the 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; and
- (b) has the following on the exterior of the vehicle in English in a way that can be easily read—
 - (i) the technician's name or business name, or the name or business name of the technician's employer;
 - (ii) the contact telephone number for the technician or employer;
 - (iii) 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.

(2) The technician must ensure that a fumigant or pesticide in or on the motor 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.

Maximum penalty—20 penalty units.

(3) Also, the technician must ensure, as far as practicable, that a person has access to the vehicle only—

- (a) with the technician's knowledge and authority; and

- (b) if the person is—
 - (i) a pest management technician; or
 - (ii) a trainee; or
 - (iii) another person who is at least 18.

Maximum penalty—20 penalty units.

17 Requirements about use of respiratory protective devices

(1) This section applies to a pest management technician or a trainee who uses a respiratory protective device while carrying out a pest management activity.

(2) The technician or the technician who supervises the trainee must ensure the respiratory protective device—

- (a) is selected, used and maintained in accordance with AS/NZS 1715:1994—*Selection, use and maintenance of respiratory protective devices*; and
- (b) complies with the performance criteria in AS/NZS 1716:1994—*Respiratory protective devices*.

Maximum penalty—20 penalty units.

(3) In this section—

“AS/NZS” means a joint Standards Australia and Standards New Zealand standard.

PART 4—PROVISIONS ABOUT FUMIGATION ACTIVITIES

18 Establishing risk area

A pest management technician must, before carrying out a relevant fumigation activity, inspect the area adjoining the fumigation space for the activity to establish if, in any part (the “**risk area**”) of the adjoining area, an escape of fumigant from the space may endanger a person.

Maximum penalty—20 penalty units.

19 Inspecting before fumigating

(1) A pest management technician must, before introducing a fumigant into a fumigation space, inspect the fumigation space and the risk area for the space, if any, and ensure as follows—

- (a) only persons authorised by the technician to be in the fumigation space or risk area are in the fumigation space or risk area;
- (b) every potential source of ignition, in the fumigation space and the risk area is extinguished or turned off;
- (c) any food or liquid that is not the subject of the fumigation activity is removed from the fumigation space and the risk area;
- (d) every opening in the fumigation space by which the fumigant could escape from the space, including, for example a crack or crevice, is sealed in a way that prevents the escape of the fumigant.

Maximum penalty—20 penalty units.

(2) Subsection (1)(d) does not apply if—

- (a) the fumigation space is a grain storage facility; and
- (b) the relevant fumigation activity is carried out using a method designed for use in a grain storage facility that is not sealed.

20 Notifying persons about relevant fumigation activity

(1) A relevant person must, at least 24 hours before carrying out a relevant fumigation activity at a place, give a fumigation notice for the activity to at least 1 of the following—

- (a) the owner or occupier of the place;
- (b) another person, if any, who requested the activity.

Maximum penalty—20 penalty units.

(2) However, the relevant person may give the fumigation notice less than 24 hours before carrying out the activity if—

- (a) the place is not a public place; and
- (b) it is not practicable for the relevant person to give the notice 24 hours before carrying out the activity.

Example for paragraph (b)—

The fumigation activity must be carried out urgently to effectively kill a pest.

(3) *The relevant person must keep a copy of the fumigation notice for at least 2 years after the fumigation activity is carried out.*

Maximum penalty—20 penalty units.

(4) *In this section—*

“fumigation notice”, for a relevant fumigation activity, means a notice that—

- (a) is signed by the relevant person for the activity; and*
- (b) is dated; and*
- (c) includes the pest management technician’s licence number; and*
- (d) includes the following—*
 - (i) the name, address and contact telephone number of the relevant person;*
 - (ii) where the relevant fumigation activity is to be carried out;*
 - (iii) if the relevant fumigation activity is to be carried out in only part of the place, details of the part;*
 - (iv) the fumigant to be used;*
 - (v) the day and time the fumigant is proposed to be introduced into the fumigation space;*
 - (vi) an estimate of the length of the exposure period.*

“occupier”, of a place, means—

- (a) a person in actual occupation of the place or a part of the place; or*
- (b) a person who employs another person in, or in connection with, the business conducted in the place; or*
- (c) a principal, agent, manager, supervisor or other person involved, or apparently involved, in the management or control of the place or a business conducted in the place.*

“public place” means a place, or part of the place, other than an aircraft, motor vehicle or ship, that—

- (a) *the public is entitled to use, is open to members of the public or is used by the public, whether or not on payment of money; or*

Examples of a place that may be a public place under paragraph (a)—

1. *A beach*
2. *A park*
3. *A road*

- (b) *the occupier of which allows, whether or not on payment of money, members of the public to enter.*

Examples of a place that may be a public place under paragraph (b)—

1. *A shop*
2. *A restaurant*
3. *A cinema complex*

“relevant person” means—

- (a) *for a relevant fumigation activity carried out by a pest management technician employed by another person carrying on a business that provides a pest management activity—the person who employs the technician; or*

- (b) *otherwise, the pest management technician who carries out a relevant fumigation activity.*⁵

21 Barricades to be erected

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

Maximum penalty—20 penalty units.

⁵ This provision had not commenced on or before the reprint date.

22 Danger signs to be displayed

A pest management technician carrying out a relevant fumigation activity must ensure danger signs,⁶ sufficient in number, and placed in a way that they can be easily seen by a person approaching the fumigation space or risk area for the activity, are placed on barricades erected under section 21—

- (a) before the relevant fumigation activity is started; and
- (b) as far as practicable, for the entire exposure period for the activity.

Maximum penalty—20 penalty units.

23 Interfering with barricades or danger signs

A person must not, without the authority of a pest management technician who is carrying out a relevant fumigation activity—

- (a) take down, remove or alter the position of a barricade erected under section 21 for the activity; or

Maximum penalty—20 penalty units.

- (b) deface, take down, remove, alter the position of a danger sign displayed under section 22 for the activity.

Maximum penalty—20 penalty units.

24 Inspecting and testing during fumigation

(1) A pest management technician who carries out a relevant fumigation activity must—

- (a) inspect the fumigation space for the activity 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.

Maximum penalty—20 penalty units.

(2) Inspection and testing must be carried out—

- (a) during the introduction of the fumigant, if practicable; and

⁶ Danger sign is defined in schedule 3.

- (b) regularly during the period (the “**retention period**”) the fumigant is retained in the fumigation space.

(3) If a pest management technician who carries out a relevant fumigation activity detects leakage or escape of a fumigant from a fumigation space for the activity or the equipment being used to introduce the fumigant into the space, the technician must stop the leakage or escape and seal the space or equipment to prevent further leakage or escape.

Maximum penalty—20 penalty units.

(4) This section does not apply if—

- (a) the fumigation space is a grain storage facility; and
(b) the relevant fumigation activity is carried out using a method designed for use in a grain storage facility that is not sealed.

25 Releasing fumigant and venting fumigation space

At the end of the retention period for a relevant fumigation activity, a pest management technician must—

- (a) release the fumigant in a way that will not endanger a person; and
(b) vent the fumigation space, and any thing in the space, in a way that leaves the space and thing, if any, free of the fumigant.

Maximum penalty—20 penalty units.

26 Re-entering fumigation space

(1) After a release and venting under section 25, a pest management technician must find out if the fumigation space and risk area, if any, for the relevant fumigation activity is safe for entry by a person.

Maximum penalty—20 penalty units.

(2) A pest management technician who makes an examination under subsection (1) must, as far as practicable, ensure no person enters the space or area until a pest management technician is satisfied the space or area is safe for entry.

Maximum penalty—20 penalty units.

(3) If the space is a residence and methyl bromide is used as a fumigant for the space, the space is taken not to be safe for entry if the concentration of methyl bromide in the space is more than 5 parts per million by volume.

27 Clearance certificate

(1) A pest management technician must, when the technician is satisfied a fumigation space is safe for entry, give the person who requested the relevant fumigation activity a clearance certificate for the activity.

Maximum penalty—20 penalty units.

(2) The technician, or if the technician is employed or otherwise engaged by a person who carries on a business that provides the relevant fumigation activity, the person, must keep a copy of the clearance certificate for at least 2 years after the day the certificate was given.

Maximum penalty—20 penalty units.

(3) In this section—

“clearance certificate” means a certificate signed by a pest management technician and dated, and stating the following—

- (a) the name and address of the person to whom the clearance certificate is given;
- (b) the name, address and telephone number of—
 - (i) if the pest management technician is employed or otherwise engaged by a person who carries on a business that provides the fumigation activity—the person; or
 - (ii) otherwise—the pest management technician;
- (c) where the activity was carried out;
- (d) if only a part of the place was fumigated, or in the risk area, the part;
- (e) if a commodity or thing is fumigated, the commodity or thing;
- (f) the reason for the fumigation activity;
- (g) the 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;*
- (k) *the day and time the fumigant was released from the fumigation space;*
- (l) *the device or method used to establish that the fumigation space is safe for entry;*
- (m) *that the fumigation space is safe for entry.*⁷

28 Other person to be near technician

A pest management technician carrying out a fumigation activity must ensure that, while the technician is carrying out the activity, at least 1 other person who is at least 18 is close enough to the technician to see, or communicate with, the technician.

Maximum penalty—20 penalty units.

29 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.

PART 5—FEES

30 Fees

The fees payable under the Act are stated in schedule 2.

31 Refund of licence fee

The chief executive must refund the fee accompanying a person's application for a licence, or renewal of a licence, if—

⁷ This provision had not commenced on or before the reprint date.

- (a) the chief executive refuses to grant the application; or
- (b) the person withdraws the application before it is decided.

PART 6—TRANSITIONAL PROVISIONS

32 Marking of motor vehicles

(1) This section applies to a motor vehicle that, immediately before the commencement day, was used by the holder of a pest control operator's licence or a fumigator's licence for carrying out an activity under the licence.

(2) Section 16(1)(b)⁸ does not apply to the vehicle until 1 year after the commencement day.

(3) In this section—

“commencement day” means the day on which this part commences.

“fumigator's licence” see section 131 of the Act.

“pest control operator's licence” section 131 of the Act.

8 Section 16 (Requirements about motor vehicles)

SCHEDULE 2**FEES**

section 30

	\$
1. Application fee for a licence or renewal of a licence —	
(a) for a period of not more than 1 year	74.00
(b) for a period of more than 1 year but not more than 2 years	148.00
(c) for a period of more than 2 years but not more than 3 years	222.00
(d) for a period of more than 3 years but not more than 4 years	296.00
(e) for a period of more than 4 years but not more than 5 years	370.00
2. Application fee for variation of licence	20.00
3. Application fee for replacement of licence	20.00

SCHEDULE 3**DICTIONARY**

section 3

“danger sign” means a sign on a white background showing—

- (a) in print that is easily read, the name of, and a contact telephone number for—
 - (i) if the pest management technician carrying out a relevant fumigation activity is employed or otherwise engaged by a person who carries on a business that provides the fumigation activity—the person; or
 - (ii) otherwise—the pest management technician; and
- (b) in red capital letters at least 50 mm high, in the following form—

‘DANGER

KEEP OUT

FUMIGATION IN PROGRESS

WITH (name of fumigant)’.

“exempted pesticide”, for part 1A, see section 3A.

“exposure period”, for a relevant fumigation activity, means the period from when the introduction of the fumigant into the fumigation space starts until a clearance certificate is given for the activity under section 27.

“fire ant”, for part 1A, see section 3A.

“fumigation space” means the entire space into which a fumigant is introduced for a fumigation activity that is using a fumigant.

“licence number”, of a pest management technician, means the number of the licence held by the pest management technician.

“recordable activity” means—

- (a) a fumigation activity that is using a fumigant; or
- (b) a pest control activity that is using a pesticide.

SCHEDULE 3 (continued)

“relevant fumigation activity” means fumigation activity that is using a fumigant in a fumigation space.

“responsible person”, for a recordable activity, means—

- (a) if the activity is carried out by a trainee—the person who employs the trainee; or
- (b) if the activity is carried out by a pest management technician employed by another person carrying on a business that provides a pest management activity—the person who employs the technician; or
- (c) otherwise—the pest management technician who carries out the activity.

“retention period” see section 24(2)(b).

“risk area” see section 18.

“timber pests” means pests that attack, infest or destroy timber or timber products.

ENDNOTES

1 Index to endnotes

		Page
2	Date to which amendments incorporated	26
3	Key	26
4	Table of reprints	27
5	List of legislation	27
6	List of annotations	27

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 14 November 2003. Future amendments of the Pest Management Regulation 2003 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Notes
1	none	20 September 2003	
1A	to 2003 SL No. 279	14 November 2003	

5 List of legislation

Pest Management Regulation 2003 SL No. 201

made by the Governor in Council on 4 September 2003

notfd gaz 5 September 2003 pp 57–8

ss 1–2 commenced on date of notification

s 13 commences 20 September 2004 (see s 2(1))

ss 20, 27 commence 20 March 2004 (see s 2(2))

remaining provisions commenced 20 September 2003 (see s 2 (3))

exp 1 September 2014 (see SIA s 54)

Note—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared.

amending legislation—

Pest Management Amendment Regulation (No. 1) 2003 SL No. 279

notfd gaz 14 November 2003 pp 871–2

commenced on date of notification

6 List of annotations

PART 1A—EXEMPTION

pt 1A (ss 3A–3C) ins 2003 SL No. 279 s 3

exp 30 June 2006 (see s 3C)

PART 7—CONSEQUENTIAL AMENDMENTS

pt 7 (s 33) om R1 (RA ss 7(1)(k) and 40)

SCHEDULE 1—CONSEQUENTIAL AMENDMENTS

om R1 (RA s 40)

SCHEDULE 3—DICTIONARY

def “**exempted pesticide**” ins 2003 SL No. 279 s 4

def “**fire ant**” ins 2003 SL No. 279 s 4