



Queensland

*Pest Management Act 2001*

# **Pest Management Regulation 2003**

**Current as at 1 July 2016**





## Queensland

# Pest Management Regulation 2003

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# Pest Management Regulation 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.

### 3 Definitions

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

## Part 1A Exemptions

### 3A Exemption for electric or fire ant prevention, control or eradication—Act, s 10

- (1) This section applies if an authorised officer, or other person, is authorised under the *Biosecurity Act 2014* to treat electric or fire ants, or land or another thing infested with electric or fire ants.
- (2) The use by the authorised officer or other person of an exempted pesticide for the treatment of electric or fire ants, or land or another thing infested with electric or fire ants, is a pest management activity exempted from section 11 and part 2, division 12, of the Act.

(3) In this section—

*electric ant* means *Wasmannia auropunctata*.

*exempted pesticide* means either of the following—

- (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 1.6kg, and not more than 2.0kg, 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 2.5kg of baits a hectare.

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

### **3B Exemption for red imported fire ant prevention, control or eradication—Act, s 10**

- (1) This section applies if an authorised officer, or other person, is authorised under the *Biosecurity Act 2014* to treat fire ants, or land or another thing infested with fire ants.
- (2) The use by the authorised officer or other person of an exempted pesticide for the treatment of fire ants, or land or another thing infested with fire ants, is a pest management activity exempted from section 11 and part 2, division 12 of the Act.
- (3) In this section—

*exempted pesticide* means ground corn baits containing 0.045% of indoxacarb as the only active ingredient, applied at a rate of not more than 1.7kg of baits a hectare.

*fire ant* means the red imported fire ant (*Solenopsis invicta*).

### **3C Exemption of kordon termite barrier—Act, s 10**

- (1) An exempted pest management activity carried out by an accredited installer is exempted from section 11 and part 2, division 2 of the Act.

(2) In this section—

*accredited installer* means a person who is accredited by Bayer CropScience to install a kordon termite barrier.

*Bayer CropScience* means Bayer CropScience Pty Ltd ACN 000 226 022.

*exempted pest management activity* means a pest management activity involving the installation of a kordon termite barrier.

*kordon termite barrier* means a product manufactured by Bayer CropScience that is a non-woven matrix of polyester fibres—

- (a) impregnated with deltamethrin at a concentration of not more than 2g/m<sup>2</sup>; and
- (b) laminated with polyethylene.

### **3D Exemption for dengue mosquito prevention, control or eradication—Act, s 10**

(1) This section applies to an exempted pest management activity carried out by an exempted officer, in the course of the officer's official duties, for prevention, control or eradication of dengue mosquitoes.

(2) The exempted pest management activity is exempted from section 11 and part 2, division 12 of the Act.

(3) In this section—

*dengue mosquito* includes any mosquito that may be a vector for dengue.

*exempted officer* means—

- (a) either of the following who is also an authorised person appointed under the *Public Health Act 2005*, section 377(1)—
  - (i) a medical entomologist;
  - (ii) an indigenous environmental health coordinator; or

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- (b) any 1 of the following who is also an authorised person appointed under the *Public Health Act 2005*, section 377(1) or (2)—
  - (i) an environmental health officer;
  - (ii) an environmental health worker;
  - (iii) a vector control officer.

***exempted pest management activity*** means any of the following pest management activities—

- (a) applying briquettes containing not more than 1.8% of (S)-methoprene as the only active constituent in a way stated in the instructions on the approved label for containers of the briquettes;
- (b) applying pellets containing not more than 4% of (S)-methoprene as the only active constituent in a way stated in the instructions on the approved label for containers of the pellets;
- (c) setting prescribed ovitraps at the rate of not more than 4 prescribed ovitraps at a premises.

***permit*** see the Agvet Code of Queensland, section 3.

***prescribed ovitrap*** means an ovitrap—

- (a) containing a cloth strip that has been treated with a pesticide containing bifenthrin as the only active constituent; and
- (b) prepared in accordance with a permit.

### **3E Exemption for installing laminated blankets—Act, s 10**

- (1) An exempted pest management activity carried out by an accredited installer is exempted from section 11 and part 2, division 12 of the Act.
- (2) In this section—

***accredited installer*** means a person who is accredited by TMA for installing laminated blankets.



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***exempted pest management activity*** means a pest management activity involving the installation of a laminated blanket.

***laminated blanket*** means a synthetic fibre blanket manufactured by TMA that is—

- (a) impregnated with deltamethrin at a concentration not more than 1g/m<sup>2</sup>; and
- (b) laminated with polyethylene.

**TMA** means TMA Corporation Pty Ltd ACN 009 452 475.

## Part 2                      Licensing

### 4            **Competency standard—pest control and fumigation activities**

(1) For schedule 3 of the Act, definition *pest management qualification*, the competency standard is—

(a) for a pest control activity other than a pest control activity for timber pests—successful completion of—

(i) all of the following competencies—

(A) CPPPMT3005—Modify environment to manage pests;

(B) CPPPMT3006—Apply pesticides to manage pests;

(C) CPPPMT3018—Maintain equipment and chemical storage areas; or

(ii) all of the following competencies—

(A) PRMPM05—Modify environment to manage pests;

(B) PRMPM06—Apply pesticide to manage pests;

- (C) PRMPM18—Maintain an equipment and consumables storage area; or
  - (b) for a pest control activity including a pest control activity for timber pests—successful completion of—
    - (i) all of the following competencies—
      - (A) CPPPMT3005—Modify environment to manage pests;
      - (B) CPPPMT3006—Apply pesticides to manage pests;
      - (C) CPPPMT3008—Inspect and report on timber pests;
      - (D) CPPPMT3010—Control timber pests;
      - (E) CPPPMT3018—Maintain equipment and chemical storage areas; or
    - (ii) all of the following competencies—
      - (A) PRMPM05—Modify environment to manage pests;
      - (B) PRMPM06—Apply pesticide to manage pests;
      - (C) PRMPM08—Inspect and report on timber pests;
      - (D) PRMPM10—Control timber pests;
      - (E) PRMPM18—Maintain an equipment and consumables storage area; or
  - (c) for a fumigation activity—successful completion of either of the following competencies—
    - (i) CPPPMT3011—Conduct fumigation;
    - (ii) PRMPM11—Conduct fumigation.
- (2) The competency mentioned in subsection (1)(c)(ii) is taken to include the competency by its former name 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;
- (f) a change in the technician's physical or mental capacity that the technician knows, or ought reasonably to know, may adversely affect the technician's ability to competently and safely carry out a pest management activity.

## Part 3 Provisions about pest management activities

### 7 Requirements about containers

- (1) A pest management technician must ensure a container used, in relation to the carrying out of a pest management activity, by the technician or a trainee carrying out the activity under the technician's supervision—
  - (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; 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.

Maximum penalty—20 penalty units.

- (2) In this section—

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

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## **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

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- (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.

## **8A Possession of incorrectly labelled container**

- (1) A pest management technician must not possess, or allow a trainee carrying out a pest management activity under the technician's supervision to possess, a container containing a fumigant or pesticide unless the container is labelled in a way complying with section 8(2).

Maximum penalty—20 penalty units.

- (2) In this section—

*possess*, a container, includes—

- (a) have custody or control of the container; and
- (b) store the container in any place, including a vehicle.

## **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;
  - (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) for a container that has been used for a fumigant—securely sealing the container and returning it to the person who supplied the fumigant to the pest management technician; or
- (c) a way provided for under another law of the State.

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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 or her 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.

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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—

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- (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

## **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 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

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- (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.

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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 1716:2003—*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—

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- (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.

## **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.

## **22 Danger signs to be displayed**

A pest management technician carrying out a relevant fumigation activity must ensure danger signs, 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—

[s 24]

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

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## **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.

## **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—

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

**Schedule 2      Fees**

section 30

	\$
1    Application fee for a licence under section 19(1)(c)(i) of the Act—	
(a) 1 year or less	268.00
(b) more than 1 year but not more than 2 years	414.00
(c) more than 2 years but not more than 3 years	560.50
(d) more than 3 years but not more than 4 years	707.00
(e) more than 4 years but not more than 5 years	853.50
2    Application fee for a renewal of a licence under section 29(3)(b) of the Act—	
(a) 1 year or less	146.50
(b) more than 1 year but not more than 2 years	293.00
(c) more than 2 years but not more than 3 years	439.50
(d) more than 3 years but not more than 4 years	586.00
(e) more than 4 years but not more than 5 years	732.50
3    Application fee for a variation of a licence under section 34(2)(b) of the Act	48.50
4    Application fee for a replacement of a licence under section 40(2)(c) of the Act	48.50

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## Schedule 3      Dictionary

## section 3

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

*authorised officer* means an authorised officer under the *Biosecurity Act 2014*.

*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 50mm high, in the following form—

‘DANGER

KEEP OUT

FUMIGATION IN PROGRESS

WITH (name of fumigant)’.

*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.

*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.

**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.



## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 Key

### Key to abbreviations in list of legislation and annotations

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>AIA</b>	<b>= Acts Interpretation Act 1954</b>	<b>(prev)</b>	<b>= previously</b>
<b>amd</b>	<b>= amended</b>	<b>proc</b>	<b>= proclamation</b>
<b>amd</b>	<b>= amendment</b>	<b>prov</b>	<b>= provision</b>
<b>t</b>			
<b>ch</b>	<b>= chapter</b>	<b>pt</b>	<b>= part</b>
<b>def</b>	<b>= definition</b>	<b>pubd</b>	<b>= published</b>
<b>div</b>	<b>= division</b>	<b>R[X]</b>	<b>= Reprint No. [X]</b>
<b>exp</b>	<b>= expires/expired</b>	<b>RA</b>	<b>= Reprints Act 1992</b>
<b>gaz</b>	<b>= gazette</b>	<b>reloc</b>	<b>= relocated</b>
<b>hdg</b>	<b>= heading</b>	<b>renu</b>	<b>= renumbered</b>
		<b>m</b>	
<b>ins</b>	<b>= inserted</b>	<b>rep</b>	<b>= repealed</b>
<b>lap</b>	<b>= lapsed</b>	<b>(retro</b>	<b>= retrospectively</b>
		<b>)</b>	
<b>notf</b>	<b>= notified</b>	<b>rv</b>	<b>= revised version</b>
<b>d</b>			
<b>num</b>	<b>= numbered</b>	<b>s</b>	<b>= section</b>

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= <b>order in council</b>	<b>sch</b>	= <b>schedule</b>
<b>om</b>	= <b>omitted</b>	<b>sdiv</b>	= <b>subdivision</b>
<b>orig</b>	= <b>original</b>	<b>SIA</b>	= <b>Statutory Instruments Act 1992</b>
<b>p</b>	= <b>page</b>	<b>SIR</b>	= <b>Statutory Instruments Regulation 2012</b>
<b>para</b>	= <b>paragraph</b>	<b>SL</b>	= <b>subordinate legislation</b>
<b>prec</b>	= <b>preceding</b>	<b>sub</b>	= <b>substituted</b>
<b>pres</b>	= <b>present</b>	<b>unnum</b>	= <b>unnumbered</b>
		<b>m</b>	
<b>prev</b>	= <b>previous</b>		

### **3 Table of reprints**

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1	none	20 September 2003	
1A	2003 SL No. 279	14 November 2003	

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1B	—	20 March 2004	ss 20, 27 commenced
1C	2004 SL No. 154	18 August 2004	
1D	—	20 September 2004	s 13 commenced
1E	2005 SL No. 46	1 April 2005	
1F	2005 SL No. 170 2005 SL No. 236	1 October 2005	
2	—	1 July 2006	provs exp 30 June 2006
2A	2006 SL No. 190	1 October 2006	
2B	2006 SL No. 308	15 December 2006	
2C	2007 SL No. 143	29 June 2007	
2D	2007 SL No. 129	1 October 2007	
2E	2008 SL No. 9	1 February 2008	
3 rv	2008 SL No. 185	1 October 2008	Revision notice issued for R3
3A	2009 SL No. 31	17 April 2009	
3B	2009 SL No. 291	1 January 2010	
3C	2010 SL No. 71	30 April 2010	
3D	2010 SL No. 193	1 October 2010	
3E	2011 SL No. 180	16 September 2011	
3F	2011 SL No. 117	1 October 2011	
3G	2012 SL No. 152	1 October 2012	
3H	2012 SL No. 244	21 December 2012	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
1 October 2013	2013 SL No. 185	
1 October 2014	2014 SL No. 211	
1 October 2015	2015 SL No. 49	
1 July 2016	2016 SL No. 75	

## 4 List of legislation

### Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **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 commenced 20 September 2004 (see s 2(1))

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

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

exp 31 August 2017 (see SIA s 56A(2) and SIR s 3 sch 2 pt 2)

Notes—(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

### **Health Legislation Amendment Regulation (No. 3) 2004 SL No. 154 ss 1–2(1), pt 6**

notfd gaz 13 August 2004 pp 1165–7

ss 1–2 commenced on date of notification

remaining provisions commenced 18 August 2004 (see s 2(1))

### **Health Legislation Amendment Regulation (No. 1) 2005 SL No. 46 pts 1, 3**

notfd gaz 1 April 2005 pp 1066–9

commenced on date of notification

**Health Legislation Amendment Regulation (No. 4) 2005 SL No. 170 ss 1, 2(2), pt 6**

notfd gaz 29 July 2005 pp 1146–8  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 October 2005 (see s 2(2))

**Pest Management Amendment Regulation (No. 1) 2005 SL No. 236**

notfd gaz 23 September 2005 pp 309–10  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 October 2005 (see s 2)

**Health Legislation Amendment Regulation (No. 6) 2006 SL No. 190 ss 1, 2(3), pt 7**

notfd gaz 28 July 2006 pp 1480–2  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 October 2006 (see s 2(3))

**Health Legislation Amendment Regulation (No. 7) 2006 SL No. 308 pts 1, 6**

notfd gaz 15 December 2006 pp 1861–5  
commenced on date of notification

**Health Legislation Amendment Regulation (No. 3) 2007 SL No. 129 ss 1, 2(4), pt 5**

notfd gaz 22 June 2007 pp 1018–20  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 October 2007 (see s 2(4))

**Health Legislation Amendment Regulation (No. 4) 2007 SL No. 143 pts 1, 7**

notfd gaz 29 June 2007 pp 1157–65  
commenced on date of notification

**Health Legislation Amendment Regulation (No. 1) 2008 SL No. 9 pts 1, 3**

notfd gaz 1 February 2008 pp 465–7  
commenced on date of notification

**Health Legislation Amendment Regulation (No. 3) 2008 SL No. 185 ss 1, 2(4), pt 7**

notfd gaz 27 June 2008 pp 1268–78  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 October 2008 (see s 2(4))

**Pest Management Amendment Regulation (No. 1) 2009 SL No. 31**

notfd gaz 17 April 2009 pp 1775–6  
commenced on date of notification

**Health Legislation Amendment Regulation (No. 3) 2009 SL No. 291 pts 1, 3**

notfd gaz 11 December 2009 pp 1187–91  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2010 (see s 2)

**Pest Management Amendment Regulation (No. 1) 2010 SL No. 71**

notfd gaz 30 April 2010 pp 1053–4  
commenced on date of notification

**Health Legislation (Fees) Amendment Regulation (No. 1) 2010 SL No. 193 ss 1, 2(3), pt 4**

notfd gaz 30 July 2010 pp 1253–5

ss 1–2 commenced on date of notification  
remaining provisions commenced 1 October 2010 (see s 2(3))

**Health Legislation (Fees) Amendment Regulation (No. 1) 2011 SL No. 117 ss 1, 2(4), pt 5**

notfd gaz 1 July 2011 pp 589–96  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 October 2011 (see s 2(4))

**Pest Management Amendment Regulation (No. 1) 2011 SL No. 180**

notfd gaz 16 September 2011 pp 134–5  
commenced on date of notification

**Health Legislation (Fees) Amendment Regulation (No. 1) 2012 SL No. 152 pts 1, 5**

notfd gaz 7 September 2012 pp 17–18  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 October 2012 (see s 2)

**Pest Management Amendment Regulation (No. 1) 2012 SL No. 244**

notfd gaz 21 December 2012 pp 599–602  
commenced on date of notification

**Health Legislation (Fees) Amendment Regulation (No. 1) 2013 SL No. 185 pts 1, 5**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 27 September 2013  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 October 2013 (see s 2)

**Health Legislation (Fees) Amendment Regulation (No. 1) 2014 SL No. 211 pts 1, 6**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 26 September 2014  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 October 2014 (see s 2)

**Health Legislation (Fees) Amendment Regulation (No. 1) 2015 SL No. 49 ss 1, 2(2) pt 6**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 26 June 2015  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 October 2015 (see s 2(2))

**Biosecurity Regulation 2016 SL No. 75 ss 1–2, 129 sch 12**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 17 June 2016  
ss 1–2 commenced on date of notification  
s 129 sch 12 commenced 1 July 2016 immediately after the commencement of the  
Natural Resources and Mines Legislation (Fees) Amendment Regulation (No. 1)  
2016, pt 11 (see s 2)

**Health Legislation (Fees) Amendment Regulation (No. 1) 2016 SL No. 90 ss 1, 2(2), pt 5**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 24 June 2016  
ss 1–2 commenced on date of notification  
pt 5 commences 1 October 2016 (see s 2(2))

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## 5 List of annotations

### **PART 1A—EXEMPTIONS**

**pt hdg** ins 2003 SL No. 279 s 3  
sub 2005 SL No. 236 s 4

### **Division 1—Fire ant prevention, control or eradication**

**div hdg** ins 2005 SL No. 236 s 4  
exp 30 June 2006 (see prev s 3C)

### **Exemption for electric or fire ant prevention, control or eradication—Act, s 10**

**s 3A** prev s 3A ins 2003 SL No. 279 s 3  
amd 2005 SL No. 236 s 5  
exp 30 June 2006 (see prev s 3C)  
pres s 3A ins 2006 SL No. 308 s 32  
amd 2011 SL No. 180 s 3; 2016 SL No. 75 s 129 sch 12

### **Exemption for red imported fire ant prevention, control or eradication—Act, s 10**

**s 3B** prev s 3B ins 2003 SL No. 279 s 3  
exp 30 June 2006 (see prev s 3C)  
pres s 3B ins 2011 SL No. 180 s 4  
amd 2016 SL No. 75 s 129 sch 12

### **Exemption of kordon termite barrier—Act, s 10**

**s 3C** prev s 3C ins 2003 SL No. 279 s 3  
amd 2005 SL No. 236 s 6  
exp 30 June 2006 (see prev s 3C)  
pres s 3C ins 2011 SL No. 180 s 4

### **Division 2—Dengue mosquito prevention, control or eradication**

**div hdg** ins 2005 SL No. 236 s 7  
om 2006 SL No. 308 s 31

### **Exemption for dengue mosquito prevention, control or eradication—Act, s 10**

**s 3D** ins 2005 SL No. 236 s 7  
amd 2007 SL No. 143 s 20

### **Exemption for installing laminated blankets—Act, s 10**

**s 3E** ins 2008 SL No. 9 s 5

### **Exemption for homeguard precision termite management products—Act, s 10**

**s 3F** ins 2009 SL No. 31 s 3  
om 2012 SL No. 244 s 3

### **Competency standard—pest control and fumigation activities**

**s 4** amd 2005 SL No. 46 s 5; 2012 SL No. 244 s 4

### **Notice of change in circumstances—Act, s 54**

**s 6** amd 2009 SL No. 31 s 4

### **Requirements about containers**

**s 7** amd 2010 SL No. 71 s 3

**Labelling of container by pest management technician**

s 8 amd 2005 SL No. 236 s 8

**Possession of incorrectly labelled container**

s 8A ins 2010 SL No. 71 s 4

**Disposal of containers**

s 9 amd 2009 SL No. 31 s 5

**Storage of fumigants or pesticides other than in motor vehicles**

s 10 amd 2010 SL No. 71 s 5

**Requirements about use of respiratory protective devices**

s 17 amd 2005 SL No. 46 s 6

**Inspecting before fumigating**

s 19 amd 2010 SL No. 71 s 6

**Interfering with barricades or danger signs**

s 23 amd 2004 SL No. 154 s 16; 2010 SL No. 71 s 7

**PART 6—TRANSITIONAL PROVISIONS**

pt 6 (s 32) om 2006 SL No. 308 s 33

**SCHEDULE 2—FEES**

sub 2004 SL No. 154 s 17; 2005 SL No. 170 s 13; 2006 SL No. 190 s 15; 2007 SL No. 129 s 11; 2008 SL No. 185 s 15; 2009 SL No. 291 s 7; 2010 SL No. 193 s 9; 2011 SL No. 117 s 12; 2012 SL No. 152 s 10; 2013 SL No. 185 s 10; 2014 SL No. 211 s 12; 2015 SL No. 49 s 12

**SCHEDULE 3—DICTIONARY**

def *approved label* ins 2005 SL No. 236 s 9(1)

def *authorised officer* ins 2016 SL No. 75 s 129 sch 12

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

amd 2005 SL No. 236 s 9(2)

om 2010 SL No. 71 s 8

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

amd 2005 SL No. 236 s 9(2)

om 2010 SL No. 71 s 8

def *inspector* ins 2011 SL No. 180 s 5

om 2016 SL No. 75 s 129 sch 12