



Queensland

Medicines and Poisons (Pest Management Activities) Amendment Regulation 2023

Subordinate Legislation 2023 No. 163

made under the

Medicines and Poisons Act 2019

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1 Short title

This regulation may be cited as the *Medicines and Poisons (Pest Management Activities) Amendment Regulation 2023*.

2 Commencement

This regulation commences on 1 December 2023.

3 Regulation amended

This regulation amends the *Medicines and Poisons (Pest Management Activities) Regulation 2021*.

4 Amendment of s 5 (Fumigants—Act, s 14)

Section 5, ‘section 19(2)(a), (b), (c) or (d)’—
omit, insert—
section 19(2)

5 Amendment of s 8 (Approval of departmental standard—Act, s 233)

Section 8, ‘version 1’—
omit, insert—
version 2

6 Amendment of s 10 (Competency condition)

- (1) Section 10(1), from ‘type’—
omit, insert—
pest management activities stated in the technician’s licence.
- (2) Section 10(2)—
omit, insert—
(2) For subsection (1), a person satisfies a

[s 7]

requirement to have a competency stated in the competency standard if the person—

- (a) has a statement of attainment stating the person has successfully completed the competency; or
- (b) has successfully completed training, approved by the chief executive, that is substantially equivalent to the competency.

7 Amendment of s 11 (Application of division)

Section 11, ‘out, or supervise a pest management trainee to carry out,’—

omit, insert—

out

8 Amendment of s 14 (Contents of pre-treatment pest control advice)

(1) Section 14(1)(b)—

omit, insert—

- (b) the date the technician gives the pre-treatment pest control advice to the customer;

(2) Section 14(2)—

omit.

(3) Section 14(3)—

renumber as section 14(2).

9 Replacement of s 18 (Activity risk management plan required)

Section 18—

omit, insert—

18 Activity risk management plan required

- (1) A licensed technician must not start carrying out a pest control activity for a customer at a high-risk or sensitive place unless a plan (an **activity risk management plan**) has been prepared for carrying out, and addressing the risks associated with, the activity.
- (2) The activity risk management plan must be prepared by a licensed technician who—
 - (a) has a statement of attainment stating the technician has successfully completed the competency required under the competency standard for treating urban pests at the type of place at which the pest control activity is to be carried out; or
 - (b) has successfully completed training, approved by the chief executive, that is substantially equivalent to the competency mentioned in paragraph (a).

10 Amendment of s 19 (Contents of activity risk management plan)

- (1) Section 19(1)(b)—

omit, insert—

 - (b) the contact details and licence number of the licensed technician preparing the plan (the **preparer**), if that technician is not carrying out the activity;
- (2) Section 19(1)(h), from ‘out’ to ‘practicable’—

omit, insert—

out

11 Insertion of new s 20A

After section 20—

[s 12]

insert—

20A Supervision required for carrying out activity

A licensed technician must not carry out a pest control activity for a customer at a high-risk or sensitive place unless the licensed technician has, or is supervised by a licensed technician who has—

- (a) a statement of attainment stating the technician has successfully completed the competency required under the competency standard for treating urban pests at the type of place at which the pest control activity is to be carried out; or
- (b) successfully completed training, approved by the chief executive, that is substantially equivalent to the competency mentioned in paragraph (a).

12 Amendment of s 21 (Application of division)

Section 21, ‘out, or supervise a pest management trainee to carry out,’—

omit, insert—

out

13 Replacement of s 23 (Activity risk management plan required)

Section 23—

omit, insert—

23 Activity risk management plan required

A licensed technician must not start carrying out a fumigation activity for a customer at a fumigation site unless a plan (an ***activity risk management plan***) for carrying out, and addressing the risks associated with, the activity

has been prepared by the technician or another licensed technician authorised to carry out the fumigation activity.

14 **Amendment of s 24 (Contents of activity risk management plan)**

(1) Section 24(1)(b)—

omit, insert—

(b) the contact details and licence number of the licensed technician preparing the plan (the ***preparer***), if that technician is not carrying out the activity;

(2) Section 24(1)(h), from ‘activity’ to ‘practicable’—

omit, insert—

activity

15 **Amendment of s 38 (Obligations when supervising)**

(1) Section 38, heading, after ‘supervising’—

insert—

pest management trainees

(2) Section 38(1)—

omit, insert—

(1) This section applies if—

(a) a pest management trainee is carrying out a pest management activity that the trainee is authorised under the Act to carry out under supervision; and

(b) a licensed technician is, under the technician’s licence, authorised to carry out the pest management activity; and

[s 16]

(c) the licensed technician is carrying out the pest management activity with, and supervising, the pest management trainee.

(3) Section 38(3), from ‘supervising’ to ‘activity’—

omit, insert—

carrying out the pest management activity with, and supervising, the pest management trainee

16 Amendment of s 39 (Changes affecting licence)

(1) Section 39(b) and (c), before ‘contact details’—

insert—

address or

(2) Section 39(d), before ‘contact details’—

insert—

address and

17 Amendment of s 58 (Business records)

Section 58(a), before ‘contact details’—

insert—

address and

18 Insertion of new pt 7, div 1, hdg

Before section 71—

insert—

Division 1

**Transitional provisions for
SL No. 142 of 2021**

19 Insertion of new pt 7, div 2

Part 7—

insert—

Division 2 Transitional provision for Medicines and Poisons (Pest Management Activities) Amendment Regulation 2023

73 Existing activity risk management plans

- (1) This section applies if—
 - (a) before the commencement, an activity risk management plan was prepared—
 - (i) that complied with former section 19 for a pest control activity; or
 - (ii) that complied with former section 24 for a fumigation activity; and
 - (b) immediately before the commencement, the activity had not been carried out.
- (2) The activity risk management plan is—
 - (a) if the plan was for a pest control activity—taken to be an activity risk management plan that complies with new sections 18 and 19; or
 - (b) if the plan was for a fumigation activity—taken to be an activity risk management plan that complies with new sections 23 and 24.
- (3) In this section—

former, for a provision of this regulation, means the section as in force immediately before the commencement.

new, for a provision of this regulation, means the section as in force from the commencement.

[s 20]

74 Particular licensed technicians taken to hold competency for 1 year

- (1) This section applies to a licensed technician who—
 - (a) immediately before the commencement, held a licence stating the technician was authorised to carry out a pest control activity for a customer at a high-risk or sensitive place; and
 - (b) from the commencement, does not have the statement of attainment or training mentioned in section 18(2) or 20A.
- (2) The licensed technician is taken to hold the competency required under the section until the day that is 1 year after the commencement.

20 Amendment of sch 1 (Approved persons)

- (1) Schedule 1, authorising provision, ‘section 9’—
omit, insert—
section 7
- (2) Schedule 1, part 6, heading—
omit, insert—

Part 6 State officers and assistants

- (3) Schedule 1, part 6, division 1—
omit, insert—

Division 1 Biosecurity officers

19 Class of person

An authorised officer under the *Biosecurity Act 2014*.

20 Pest management activity authorised

	Column 1 Pest management activity	Column 2 Fumigant or pesticide	Column 3 Scope of activity
1	a pest control activity	a pesticide, other than an S7 substance	the pest control activity is carried out for biosecurity matter that is a pest

Division 1A Assistants to biosecurity officers**20A Class of person**

A person who is directed by, or is helping, an authorised officer under the *Biosecurity Act 2014* to treat or destroy biosecurity matter that is a pest.

20B Pest management activity authorised

	Column 1 Pest management activity	Column 2 Fumigant or pesticide	Column 3 Scope of activity
1	a pest control activity	a pesticide, other than an S7 substance	the pest control activity is carried out for the biosecurity matter— (a) if the person is subject to a direction—in accordance with the direction; or (b) if the person is helping an authorised officer—in the way agreed

(4) Schedule 1, part 6, division 2, heading—
omit, insert—

Division 2 Public health officers

[s 21]

- (5) Schedule 1, section 28, table, column 3, from ‘technician’—
omit, insert—

technician, or an approved person mentioned in part 7, authorised under the Act to carry out the activity with the fumigant or pesticide

21 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definition *business employee*—
omit.

- (2) Schedule 3—
insert—

biosecurity matter see the *Biosecurity Act 2014*, section 15.

competency standard means the departmental standard approved under section 8.

- (3) Schedule 3, definition *contact details*, paragraphs (a) and (b), from ‘name,’ to ‘address’—
omit, insert—

name and phone number

- (4) Schedule 3, definition *high-risk place*, paragraph (a) and examples—
omit, insert—

(a) means a place owned or occupied by a person and used for—

(i) intensive or high density livestock farming; or

(ii) large-scale manufacturing, processing or storage of food for sale primarily by wholesale; and

- (5) Schedule 3, definition *sensitive place*, paragraph (a) and examples—
omit, insert—

- (a) means a building—
 - (i) used for providing aged care, child care or schooling; or
 - (ii) used as a hospital; and

ENDNOTES

- 1 Made by the Governor in Council on 16 November 2023.
- 2 Notified on the Queensland legislation website on 17 November 2023.
- 3 The administering agency is Queensland Health.

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