ENVIRONMENTAL HEALTH BRANCH

The Pest Management Act 2001
The Pest Management Regulation 2003

A Guide to What Pest Management Technicians in Queensland Need to Know

Environmental Health Branch
Division of the Chief Health Officer
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Introduction

This guide aims to assist the Queensland pest management industry by providing an overview of the Pest Management Act 2001 (PMA) and the Pest Management Regulation 2003 (PMR). It is a revision of the booklet with the same title which was published in 2003. All Pest Management Technicians (PMT) in Queensland are required to comply with the Act and the Regulation.

This guide is not an extract from the Act and the Regulation. The legislation should be referred to if legal interpretation is required.

The main policy objectives of the Act are to protect the Queensland public and PMTs from health risks associated with pest control activities and fumigation activities; and adverse results of the ineffective control of pests.

Queensland Health looks forward to further promoting and maintaining a strong working relationship with the Queensland Pest Management industry to realise our common mission of promoting, maintaining and improving the health and well being of all people living in Queensland.

Enquiries about interpreting this legislation can be made to Queensland Health Public Health Units whose details are contained in Appendix 3.

A Dictionary of terms is listed in Appendix 1.

Licensing

General
Under section 11 of the Act, only a PMT licensed to carry out a pest management activity, or a trainee properly supervised by a PMT can carry out a pest management activity. There is a maximum penalty of 1000 penalty units (as of June 2011, 1 penalty unit = $100) for an offence against this section of the Act. There is a similar penalty for advertising or holding out as a PMT when unlicensed. A trainee, for the purpose of the Act is a person who is 17 years or more being trained to enable that person to obtain a pest management qualification.

A licence will only be issued to an individual and not to a business.

A licence may not be transferred to another person.

To be licensed as a PMT, the person must be:
- at least 17 years of age;
- a suitable person to hold the licence; and
- hold a pest management qualification relevant to the pest management activity the person intents to carry out.

Suitability of a person to hold a licence
In deciding if a person is suitable to be granted a licence or continue to hold a licence the following are considered:
• skills and competence;
• physical ability and mental capacity (in cases where the person’s physical ability or mental capacity is in doubt, the chief executive may require the person to undergo a health assessment by a doctor before deciding if the person is suitable to hold a licence.);
• contravention of licence conditions (e.g. undertaking an activity not listed on the licence);
• suspension or cancellation of the licence;
• disciplinary action; or
• conviction under a relevant law.

**Single licence for all types of activity**

A single licence is issued for the following types of pest management activity:

• Pest control activity (activities excluding activities for timber pests)
• Pest control activity (activities including activities for timber pests)
• Fumigation activity (specific site environments).

The details included on the licence will include:

• a recent photograph of the applicant;
• applicants signature;
• the following particulars:
  - applicants name;
  - the licence number;
  - date of issue of the licence;
  - date of expiry of the licence;
  - each pest management activity that may be carried out under the licence; and
  - the site environments that can be carried out with a fumigation activity.

**Licence conditions**

The licence is subject to the following conditions:

• only carry out an activity stated in the licence;
• only carry out a fumigation activity in a certain site environment listed on the licence;
• not use a fumigant or pesticide that is a registered chemical product in contravention of the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*; and
• any conditions that the chief executive considers reasonable or necessary to protect persons from health risks associated with an activity (These conditions are listed on your licence).

**Photographic licence card**

A licence is in the form of a photographic identity card, similar to a driver’s licence. It is recommended that licences be carried at all times by the PMT when undertaking pest management activities. The reason for this is that an inspector could require the PMT to produce the licence.

When applying for a licence, two copies of a photograph of the applicant and are they to be the size and quality as that expected for a passport application. The photographs must be identified and certified as a true likeness of the applicant by a
Justice of the Peace, Commissioner for Declarations, or an officer of Queensland Health’s Environmental Health Branch or Public Health Units. The original signature of the identifier is required. A photocopy or facsimile of the certifier’s signature is not acceptable. A copy of the applicant’s signature is taken from the Photographic and Signature Identification form and appears in the photographic licence card.

Applying for a licence
An application for a licence must be made on the approved form and accompanied by the prescribed fee. The application form, supporting information about applying for licences, and fact sheets can be obtained and downloaded by visiting the web page at http://www.health.qld.gov.au/industry/default.asp

Certified photocopies of Statement of Attainment/s or qualification (i.e. qualification means full Certificate stating the applicable units of competence issued by a Registered Training Organisation(RTO)) must be submitted with the application. In the case of an application for a fumigation activity, a Declaration of Assessment is required (See below Declaration of Assessment). An application for a licence or to vary a licence which only has a Result of Assessment attached is not sufficient to proceed with the application.

A Justice of the Peace, Commissioner for Declarations, or an officer of the Environmental Health Branch or Public Health Unit must certify all photocopies as a true and correct copy of the original document. The original signature of the person certifying the documents is required. A photocopy or facsimile of that signature is not acceptable.

Duration of the licence
A licence may be issued for a term ranging from one to five years.

Variation of a licence
A licence can be varied for the following reasons:
- to vary the type of pest management activity that can be carried out;
- to vary a condition of the licence; or
- to vary fumigation site environments.

The application must be made on the approved form and include the correct fee, and can be downloaded from the web page at http://www.health.qld.gov.au/industry/default.asp

Replacement of a licence
Where a licence has been damaged, destroyed, lost or stolen or lost in the post (not delivered) a fee will be charged to cover the cost of a replacement photographic licence. The application form must include details of what happened to the licence in a statutory declaration. This form can be downloaded from the web page at http://www.health.qld.gov.au/industry/default.asp
Renewal of licence
All licensees must renew their licence on time and before the licence expires. If the licence expires, a new application will need to be submitted and evidence of successfully passing the required units of competency for the pest management activity you wish to undertake may be required.

Licence renewal form applications are sent to licensed PMTs at their last address notified to Queensland Health at least 60 days before the licence expiry date. This is a requirement placed on Queensland Health under the Act.

It is the PMT’s responsibility to check that the licence renewal application has been received in sufficient time to ensure the licence renewal application is returned to and received by Queensland Health before the licence expires.

The Act prevents Queensland Health from renewing a licence after the licence expires.

‘Grandfathered’ or transitioned licence
The current Act and Regulation came into affect in 2003 and replaced the Pest Control Operators Regulation 1977 (PCO Reg.). The licensees who held the old unrestricted pest control operator’s licence under the PCO Reg. were automatically granted a PMT licence. This licence can be described as a ‘grandfathered licence’ or transitioned licence. The licensees who held the old restricted licence under the PCO Reg. were not transitioned to a new licence.

Technicians who did not hold the required timber pest competencies were issued a licence (not including timber pests) and may not have held the competency units 5, 6 and 18. The technicians who held timber pest competencies were issued a licence (including timber pests) and may not have held the competency units 5 and 18. If a technician allows a ‘grandfathered licence’ to expire, there is no mechanism in the Act to re-activate the licence.

The technician will have to make a fresh application and will need to provide a statement of attainment issued by a RTO stating the applicant is competent in the relevant units of competency listed in the Regulation.

Fees
There will be periodic adjustments to fees annually (around September/October) to reflect the Queensland Government CPI changes. The current fees are listed on the various application forms and are correct at the time of publication. The forms can be found at http://www.health.qld.gov.au/industry/default.asp

Pest management qualification
A statement of attainment or a full certificate (listing the required competencies) issued by a RTO is the only documentation accepted by Queensland Health. In addition, an applicant applying for a licence for fumigation activity will need to provide a Declaration of Assessment testifying they have been assessed as being competent in fumigating specific a site environment.

The pest management industry has assisted in developing a series of competencies specific to the industry, which make up the Certificate III qualification. These

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competencies have been endorsed by the Department of Education and Training and are part of the training package for Asset Maintenance in Property Services, Pest Management Sector. Training is not provided by Queensland Health. A full list of RTOs and courses/qualifications can be obtained from the National Training Information Service website http://www.ntis.gov.au

Declaration of Assessment - Fumigation activity

A Declaration of Assessment is completed and issued by the accredited trainer and assessor engaged and authorised by a RTO to issue a Declaration of Assessment. The Declaration of Assessment is the assessor’s testimony stating that the applicant has been assessed in, and is competent in fumigating that particular site environment nominated in the licence application. Assessment usually involves the applicant actually performing a fumigation of the site environment in the presence of the assessor.

Units of competency

The minimum number of units of competency prescribed under the Regulation that are needed for licensing as a PMT are listed in Table 1 below.

Table 1: Units of Competency required as a pest management technician

<table>
<thead>
<tr>
<th>Type of pest management activity</th>
<th>Unit of Competence</th>
<th>Title of Unit of Competency</th>
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<tbody>
<tr>
<td>Pest control activity</td>
<td>PRMPM05 PRMPM06 PRMPM018</td>
<td>Modify environment to manage pests Apply pesticide to manage pests Maintain an equipment and chemical storage area</td>
</tr>
<tr>
<td>(activities excluding activities for timber pests)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pest control activity</td>
<td>PRMPM05 PRMPM06 PRMPM18 PRMPM08 PRMPM10</td>
<td>Modify environment to manage pests Apply pesticide to manage pests Maintain an equipment and chemical storage area Inspect and report on timber pests Control timber pests</td>
</tr>
<tr>
<td>(activities including activities for timber pests)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fumigation activity</td>
<td>PRMPM11</td>
<td>Conduct fumigation plus a Declaration of Assessment for fumigation site environments</td>
</tr>
</tbody>
</table>

Complaints about the quality of training

Issue or complaints in relation to the quality of training offered by a RTO can be made to the Australian Skills Quality Authority (ASQA) on 1300 701 801 during business hours and ask for a complaints officer or email complaintsteam@asqa.gov.au
Timber pests - Obligations under the Queensland Building Services Authority (QBSA) legislation

It should be noted that licensees' obligations under QBSA legislation must be met, in addition to obligations under the pest management legislation. The QBSA should be contacted about specific requirements but general advice is provided below.

The QBSA may issue contractor licences to PMTs who contract for the scope of work listed below.

The scope of work includes:
1. Pre-slab and perimeter chemical treatment of new building work for termite management
2. Inspect or investigate a completed building, and give advice or a report about the following –
   (a) termite management systems for the building;
   (b) termite infestation in the building.

The QBSA Queensland Building Services Authority Regulation 2003 describes the requirements to be met for the QBSA to issue the licence class Termite Management Chemical.

Generally, if you are an employee of a business providing a timber pest management service including inspection and advice, you do not require a QBSA contractor licence. The business owner or director would hold the contractor licence.

Pest Management Activities

What is a pest management activity?
A pest management activity is either a pest control activity or a fumigation activity.

What is a pest control activity?
A pest control activity includes measuring, mixing or weighing when preparing a pesticide for use. A pest control activity also includes the use of a pesticide to kill, stupefy or repel a pest; inhibit the feeding of a pest; or alter the pest's physiology, natural development or reproductive capacity. It does not include the use of strychnine or 1080 (sodium fluoroacetate). These are Regulated Poisons under the Health (Drugs and Poisons) Regulation 1996.

What is a pesticide?
A pesticide is a chemical or a biological entity used to control pests. An example of a biological entity or living thing is the use of Bacillus thuringiensis, a bacterium used for the control of mosquito larvae. Pesticides (includes fumigants) must be registered by the Australian Pesticides and Veterinary Medicines Authority (APVMA).

What is a fumigation activity?
A fumigation activity includes measuring, mixing or weighing when preparing a fumigant for use. A fumigation activity also includes the use of a fumigant to kill a pest or sterilise grain or seed to prevent germination.
What is a fumigant?
A fumigant is a substance capable of producing a gas or vapour that is ordinarily used to kill a pest or sterilise grain or seed to prevent germination. A substance will be deemed to be a fumigant if:

- it fits the definition;
- it is ordinarily used as a fumigant;
- performs another function prescribed under a regulation.

Fumigants must be registered by the APVMA.

Pest management activities where the legislation applies
The legislation applies to a pest management activity carried out by a person who uses pesticides or fumigants in or about premises for the purpose of controlling, destroying or preventing the growth of pests, as part of a business of providing a pest management activity. In domestic and other situations, yards, gardens and lawns are included in the term “premises”. If the control of pests is not for the caring of plants, the legislation will apply e.g. control of biting ants in a lawn. Swamps and watercourses are also included in the term “premises” for the purposes of controlling midges and mosquitoes. Further examples of where the legislation applies to pest management activities includes:

- a person employed by a food processing facility (a flour mill) who undertakes pest control as part of their duties;
- a person employed by a local government who treats trees and fence posts for termites (but not for horticultural purposes);
- a person employed by a school or sports club to treat against pests (but not for treating lawns or sports fields in the caring for vegetation); and
- a person using a household pesticide (e.g. a spray can of pesticide which can be bought from a supermarket) as part of a business of providing a pest control activity.

Pest management activities where the legislation does not apply
The legislation does not apply to agricultural, horticultural and pastoral or to some domestic activities.

Examples of activities not regulated by the Act:
A pest control activity that is:
- carried out by aerial distribution of an agricultural chemical product or any preparation containing an agricultural product (e.g. aircraft spraying);
- being used in primary production (e.g. protecting stockfeed by laying rat baits);
- being used in relation to processing grain or seed for the use as food for animals;
- being used in relation to the caring for or growing of a plant that is mainly used for recreational or sporting activities; (e.g. spraying a bowling green to protect it from damage by insects);
- being used to control a pest on an animal (e.g. control of fleas or ticks on a dog);
- carried out by a person at a residential premises:-
  - occupied by that person, even if the person is not the owner;
  - owned by that person, but where the premises is not occupied by a tenant at
that time;
- carried out by a person using only a pesticide:
  - that is normally for household use; and
  - ordinarily available for purchase in a retail store where groceries are sold
e.g. a spray can of insecticide¹ at a supermarket; and
  - packaged in a way the pesticide is ordinarily available for purchase in a
retail store where groceries are sold. If a person uses a household pesticide
as part of a business of providing a pest control activity, the PMA applies
i.e. the person must be licensed.
- a fumigation activity that is carried out on a farm in primary production (e.g.
fumigating a farm grain storage facility); and
- using a chemical to treat timber for preservation on a commercial basis and is
an environmentally relevant activity under the Environmental Protection Act
1994 (Also see section 145 of the Act). NB. This exemption does not relate to
the control of timber pests which is still subject to the PMA e.g. treating termites
in a building, fence posts.

Pest Management Obligations
The pest management legislation imposes certain obligations on:
- PMTs, whether employed or self employed; or
- another person carrying on the business of providing a pest management
activity.

Pest management technicians (PMTs)
The PMT must:
- be licensed before undertaking pest management activities;
- not permit, or require another person, to carry out pest management
activities, if the other person is unlicensed or not a trainee;
- notify Queensland Health of any changes of circumstances;
- notify Queensland Health of certain events;
- give pest control advice (detailed in the PMR) to occupiers or others;
- provide proper supervision of trainees; and
- comply with all licence conditions (some are contained in section 26 of the
PMA).

Advertising or holding out about performing pest management activities
A person must not advertise or hold out that they carry out a pest management
activity, when the person is not licensed to do so. However, a person may advertise
or hold out that they carry on a business of providing a pest management activity
provided they employ a licensed PMT to perform the activity they are licensed for.

Don't permit or require another person to carry out pest management
activities
Section 51 of the Act states that a PMT, or a person carrying on a business of
providing a pest management activity, must not permit or require another person to
carry out pest management activities, unless they:
- are authorised to do so as a PMT; or

¹ NB: The legislation will apply if the person is a pest management technician using the same type of spray can of pesticide to
undertake a pest control activity as part of the business.

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a trainee supervised by a PMT.

**Provide proper supervision of trainees**

Section 52 of the Act requires that the PMT or the PMT’s employer must properly supervise a trainee carrying out a pest management activity. The term ‘properly supervised’ is defined in the Act’s dictionary.

The PMT who supervises the trainee must be licensed for the pest management activity the trainee is undertaking. A person carrying on a business of providing a pest management activity who employs or otherwise engages a trainee must ensure the trainee is properly supervised.

Supervision of a trainee by a PMT may be direct or indirect depending on the nature of the work delegated. Direct supervision is provided when the PMT is actually present, observes, works with and directs the trainee. Indirect supervision is when the PMT works in the same premises as the trainee but does not constantly observe the trainee’s activities. The supervising PMT must be personally present and physically accessible at all times i.e. accessible does not mean solely through the use of communication devices (such as mobile phones).

**Notification to Queensland Health of PMT’s change in circumstances**

Any change of a PMT’s circumstances must be notified to Queensland Health within 21 days after the change happens. Prompt notification of change in circumstances assists in the process of licence renewals and reminders.

The types of changes to be notified are:

- the technician’s name;
- the technician’s business, postal or residential address;
- the name and address of the technician’s employer, if the technician is employed;
- the business name, if any, under which a self employed technician carries on business;
- the place where the licence holder stores a fumigant or a pesticide; and
- 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.

**Notifiable incidents – Notification to Queensland Health**

When an incident has occurred, the Act requires the PMT to notify the chief executive of any notifiable incident:

- when carrying out the pest management activity; or
- when supervising a trainee carrying out a pest management activity.

Notification to the Director, Drugs and Poisons Policy and Regulation Unit as delegate of the chief executive is acceptable. This notification can be done through the Environmental Health Service of your nearest Queensland Health Public Health Unit (PHU). Listings of PHUs can be found in the State Government section of the Telstra White Pages telephone directory or search for ‘public health unit’ on the Queensland Health website www.health.qld.gov.au
A notifiable incident means an exposure, spillage or other release of a pesticide or fumigant that adversely affects, or is likely to affect, a person’s health. An example of this would be exposure of persons to a fumigant as a result of protective equipment failure or a person having an adverse reaction to the pesticide used e.g. a customer.

The notice must be given immediately, either verbally or in writing, identifying the circumstances of the incident and where it happened. A verbal notification must be backed up with a written notification within 7 days of the incident.

The notification may be investigated but the important factor to remember is that any remedial action needs to be relevant to the protection of the public’s or technician’s health from risks associated with pest management activities.

Information to be given to occupiers or others about the pest management activity
A PMT carrying out a pest management activity at a premises must provide written pest control advice notice to (for example, a householder, an occupier, a resident or a tenant, or a letting agent, if they requested the activity) before or just after the activity is carried out. The advice must be personally given to the person or left in a conspicuous place in or on the premises. If the premises is unoccupied, this advice must be personally given to or posted to the owner or the person who requested the activity.

The pest control advice notice must contain the following information:
- the name of the person (and the business name where applicable) who employs or engages the technician. If the previous situation is not relevant, the technician’s name is to be stated. A person can be a company e.g. XYZ Pest Control Pty Ltd;
- the technician’s licence number;
- the name of each pesticide product used in the treatment, as it is marketed and sold;
- the active constituent of each pesticide product used;
- the part(s) of the premises in which the pesticide is used; and
- the precautions that should be taken in relation to the pest control activity, e.g. removing pets, washing crockery etc.

The pest control advice notice must be signed and dated by the PMT carrying out the activity or the PMT who supervises the carrying out of the activity by a trainee.

Record Keeping – fumigants and pesticides

Duty to keep records
The PMR requires that records of the use of fumigants or pesticides must be made and kept by the responsible person for a period of at least two years. It is an offence to knowingly make a false or misleading record. The meaning of responsible person is contained in Appendix 1 of this document.

The responsible person needs to keep records
The requirement to keep records applies to:
- the PMT, if self employed; or
• the person carrying on a business of providing a pest management activity who employs:
  - a PMT; or
  - a trainee.

Details to be recorded
Pest management activity details are to be recorded not later than 24 hours after such an activity is undertaken. The responsible person as defined in the Regulation must make the record.

Details must include:
• the date the activity was carried out;
• for the premises:
  - the address where it was carried out; and
  - a description and type of premises or place, e.g. factory, office, silo, ship hold or residence;
• the name and contact details (telephone number or other contact details) of the owner, occupier or other person requesting the activity;
• the name of the person who carried out the activity e.g. the trainee, the PMT. If the person who carried out the activity is a PMT, the technician's licence number;
• if the person who carried out the activity is not a PMT, the name of the technician who supervised the carrying out of the activity, and the technician's licence number;
• for the fumigant or pesticide:
  - name and strength of each active constituent used; and
  - the quantity used;
• the rate of application:
  - for the fumigant; or
  - for a pesticide, when used in relation to timber pest activity.

Records of termite treatments
There is no need for a person to make a separate record for termite treatment to which Australian Standard 3660 applies. Australian Standard 3660 requires a person who:
• installs termite barriers for new buildings and new extensions; or
• undertakes termite treatments for existing buildings
  to give the person who requested the work a certificate containing specified details.

The person is deemed to have complied with the need to make a record of termite treatment if they complete and issue a Certificate of Installation in accordance with Australian Standard 3660.1 or a Certificate of Termite Treatment in accordance with Australian Standard 3660.2

The responsible person must keep the record or copy of the certificate for at least two years after it is made.

The responsible person must not include in the record or certificate any information the person knows is false, misleading or incomplete.
Vehicles, Equipment, Storage and Disposal of Waste

Vehicles

Any vehicle used by the PMT for storing, transport or preparation of a fumigant or pesticide, must meet the following minimum standards:

- the floor and walls of the part of the vehicle where the fumigant or pesticide is stored are to be impervious to the fumigant or pesticide;
- the part of the vehicle where the fumigant or pesticide is stored must be able to contain the fumigant or pesticide in the event of a leakage or escape;
- the fumigant or pesticide is packed or placed so as to prevent any damage to the fumigant’s or pesticide’s containers; and
- a person who is a PMT or a trainee or another person who is least 18 years is permitted to have access to the vehicle only with the knowledge and authority of the PMT. (When away from the vehicle, it is advisable to always lock the vehicle and the part of the vehicle where the fumigant or pesticide is stored).

Signage

The vehicle is to be clearly identifiable as a pest management vehicle by appropriate signage in English, on the exterior of the vehicle which can be easily read. For example, “Urban Pest Management Services, Telephone (07) 7777 9999”. The signage will be appropriate if the signage:

- contains the technician’s name or business name or contains the name or business name of the technician’s employer;
- contains the contact telephone number of the technician or employer; and
- can be easily read by a member of the public or an inspector while walking or driving past the vehicle.

If the signage on the vehicle does not clearly indicate that the vehicle is used for pest management activities, signage with the words “Pest management vehicle” or other similar words that clearly indicate the vehicle is used for pest management activities is required on the vehicle.

Inspector’s authority to stop a vehicle

If an inspector believes that something in or on a vehicle will provide evidence of an offence against the Act or Regulation, an inspector can:

- ask or signal a person in charge of a vehicle to stop the vehicle;
- enter the vehicle with the driver’s consent or with a warrant; or
- give direction that the vehicle is not to be moved; or
- give direction that the vehicle is to be moved somewhere else.

A person must comply with the inspector’s direction, unless the person has a reasonable excuse.

Containers

A pesticide or a fumigant should be kept and stored in its original container. A container used to contain a fumigant or a pesticide should:

- be suitable for the purpose;
- be impervious;
be sufficiently durable to prevent it from breaking, or its contents from leaking or otherwise escaping, during ordinary handling, transport or storage;

• have sufficient excess capacity;
• be capable of being securely closed;
• be securely closed at all times unless a fumigant or pesticide is being put into, or taken from, the container;
• not react chemically with the fumigant or pesticide it contains;
• 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
• not be a container that is a food or drink container and is not a container that is similar in colour, shape or appearance to a food or drink container. The fact sheet ‘Interpretation of the Pest Management Regulation 2003 sections 7(1)(g) and 7(1)(h) relating to not using a food or drink container in a pest management activity’ provides guidance on deciding if a container may be considered to be a food or drink container. This document can be located at [http://www.health.qld.gov.au/industry/default](http://www.health.qld.gov.au/industry/default)

**Labelling of containers**

A PMT must not possess an incorrectly labelled container or un-labelled container. A PMT’s responsibility extends to when a business has multiple vehicles on which pesticides are stored for future use, and the vehicles are used by a number of PMT’s. Any PMT using the vehicle at a particular time is responsible for ensuring the containers of pesticide are labelled correctly. Possession includes having custody or control of the container and storing the container in any place, including a vehicle. If a PMT or a trainee puts a fumigant or pesticide into a container that does not have an approved label (approved under part 2 of the Agvet Code of Queensland) attached to it and then stores the container for future use, the PMT or trainee must ensure that the container is suitably labelled with a durable label that includes the following:

• the active constituent(s) of the fumigant or pesticide; and
• a statement of the mass or volume of the active constituent per stated mass or volume of the preparation (dependant upon whether it is a liquid, solid, semi solid or gas in a liquid, semi-solid, or gaseous preparation). See section 8 of the PHR for details.

Future use generally means for example, that a tank of pesticide solution is mixed or dusting powder is put in another container and stored in the container overnight or longer. In this case, the container must be labelled in accordance with section 8 of the PMR.

**Respiratory protection devices**

Any respiratory protective device used by a PMT or trainee in the course of a pest management activity must comply with:

• AS/NZS 1715:1994 - Selection, use and maintenance of respiratory protective devices; and
Storage

Storage area (other than in a motor vehicle)
The PMT who has control, custody or possession of a pesticide or fumigant must comply with certain requirements. The storage area must:

- if it is in part of a person’s residence, not be used for residential purposes;
- have a floor that is impervious to the fumigant or pesticide;
- be built in a way that leakage or escape of a fumigant or pesticide is not likely to cause harm or nuisance to a person or the environment; and
- be secured at all times unless a fumigant or pesticide is being put into, or taken from, or being prepared in the storage area.

Examples of what could be considered acceptable as a storage area are:

- a locked shed in a yard used only for this purpose;
- the part of the shed that is used for storage of the pesticide or fumigant is locked; or
- a locked garage that is not used for residential or recreational purposes.

It is the responsibility of a PMT to ensure that the storage area used to store fumigants and pesticides complies with the above requirements.

These requirements do not apply to a storage area where the PMT stores a small amount of fumigant or pesticide for his/her own personal use and which is not for business purposes. It is good practice that the pesticide and fumigant used for personal use is stored so that unauthorised access such as from children and pets is prevented.

Access to the storage area
It is the responsibility of a PMT who has custody, control or possession of a fumigant or pesticide to ensure that the storage area is secured against un-authorised access. The technician must ensure, as far as practicable, a person has access to the storage place only with the technician’s knowledge and authority and the person is a PMT or is a trainee or another person who is at least 18 years.

Disposal of waste
The disposal of waste is generally controlled by environmental protection legislation i.e. Environmental Protection Act 1994.

The PMR has requirements about disposing of unwanted or spilled fumigants or pesticides (and in the case of a gaseous fumigant, dispersed) by a PMT so that it does not:

- put at risk or endanger the life or safety of any person or animal; or
- pollute a watercourse or water supply; or
- contaminate land; or
- adversely affect air quality.

Disposal of containers
A PMT must only dispose of containers used to contain a fumigant or pesticide by:
emptying the container, rinsing it several times with clean water, then crushing or piercing it and then disposing of it without contravening any law, e.g. at an approved waste facility; or
returning fumigant gas cylinders to the supplier; or
another method provided for in other Queensland legislation, such as the Environmental Protection Act 1994.

N.B. The contaminated rinse water must be disposed of properly so that it does not pollute the environment.

Clean up of spills
As soon as a PMT becomes aware of a spill or leakage of a fumigant or pesticide, they must take appropriate action to contain, and if necessary, dispose of the substance. The circumstances relating to of the spill or leakage may need to be notified to the chief executive if it affects or is likely to affect a person’s health.

Fumigation Activity – additional obligations
Fumigants are toxic gases and vapours that can cause serious harm to persons or animals exposed to them. A fumigant activity involves the use of the gas or vapour and requires specific skills and work practices.

Procedure for fumigation activity
The PMT must comply with the following procedures for any fumigation activity:

Actions and precautions to be taken before undertaking the activity:
- give a fumigation notice in writing to an occupier of the premises before the fumigant activity is to take place. Section 20 of the PMR contains very specific requirements about the notification and the fumigation notice;
- establish the extent of the risk area;
- assess the risk area adjacent to the fumigation space to determine if there is a risk to persons from any escape of fumigant. This also includes areas some distance from the fumigation site that may be at risk due to meteorological factors;
- ensure only authorised persons are in the fumigation space or risk area;
- ensure barricades are in place for the fumigation space and risk area to restrict access;
- ensure sufficient danger signs are in place on the barricades for the fumigation space and risk area and the signs can be easily seen by a person approaching the risk area or fumigation site. See Appendix 1 for more details about appropriate signage;
- ensure that potential ignition sources in the fumigation space and risk area are switched off or extinguished;
- ensure that all food and liquids are removed from the area; and
- inspect the fumigation space and the equipment being used to introduce the fumigant into the space and test for leakage or escape of fumigant to determine their suitability.
- ensure that all cracks and crevices are sealed to prevent the escape of the fumigant. This part does not apply if:
  - the fumigation space is a grain storage facility; and
- the activity is carried out using a method designed for use in a grain storage facility that is not sealed;

**Actions and precautions to be undertaken during the fumigation activity:**

- ensure that at least one other person who is 18 years of age is present and close enough to the technician to see or communicate with the technician and to assist in preventing entry to the risk area if it cannot be secured by locking;
- ensure barricades remain in place to restrict unauthorised access to the fumigation area;
- ensure danger signs remain in place;
- ensure there is no smoking of tobacco or other substances;
- inspect the fumigation space and the equipment used to introduce the fumigant into the space; and
- test for leaks in equipment and in the fumigation space (if applicable).

Inspection and testing must be carried out during the introduction of the fumigant if practicable and regularly during the retention period. If a leak or escape of fumigant from the equipment or space is detected, it must be stopped and the source sealed, the exception to this relates to fumigation in some types of grain storage facilities.

**Actions and precautions to be taken at the end of the fumigation activity:**

- release the fumigant safely so as not to endanger a person;
- vent the fumigation space, and anything in the space, so that they are free of fumigant;
- determine if the fumigant space and risk area are safe to enter; and
- deny access to unauthorised persons until a PMT is satisfied that the space or risk area is safe to enter.

**Provision of a clearance certificate**

- When a PMT believes the fumigation space is safe to enter, the PMT must give the person who requested the fumigation activity a clearance certificate for the activity.
- The clearance certificate is a certificate signed and dated by a PMT (not necessarily the PMT who started the fumigation activity) and must state the information contained in section 27(3) of the Regulation including a statement that the fumigation space is safe for entry.
- The PMT, or if the PMT 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 two years after the day the certificate was given.

**Inspectors**

**General powers of inspectors**

Inspectors are appointed by the Chief Executive of Queensland Health to administer and enforce the Act and the Regulation. They are issued an identity card.

An inspector can:

- enter places of business;
- stop motor vehicles;

*Disclaimer: Please note that any material printed is regarded as an uncontrolled copy. It is the responsibility of the person printing the document to refer frequently to [http://www.health.qld.gov.au/industry/poisons_pest/default.asp](http://www.health.qld.gov.au/industry/poisons_pest/default.asp) for updates.*
- seize evidence;
- obtain information;
- require the production of any document issued or required to be kept under the Act. This includes a pest management technician’s licence, records and clearance certificates;
- issue compliance notices;
- take copies of documents; and
- issue Prescribed Infringement Notices (PIN's). (A PIN is a notice issued under Part 3 of the State Penalties Enforcement Act 1999, advising that a breach of the Act has occurred (usually a minor breach)). It provides the alleged offender with the opportunity to pay the penalty in full or to elect to have the matter heard by a Court.)

It is the duty of an inspector to produce or display the identity card issued to them by Queensland Health before exercising any power under the Act.

**Powers of entry for inspectors**

An inspector is allowed to enter a place:
- if it is open to the public; or
- with the occupier’s consent; or
- with a warrant; or
- if it is the place where the PMT operates their business, and the place is open for business or open for entry; or
- a building site or a place where the inspector reasonably believes that a pest management activity is being performed by a PMT.

**Authority to stop a vehicle**

If the inspector believes that something in or on the vehicle will provide evidence of an offence against the Act or regulation, an inspector can:
- ask or signal a person in charge of a vehicle to stop the vehicle; and
- enter the vehicle with the driver’s consent or with a warrant; or
- give a direction that the vehicle is not to be moved; or
- give a direction that the vehicle is to be moved to another place.

**Offences against inspectors**

It is an offence for a person to:
- obstruct an inspector;
- impersonate an inspector;
- fail to comply with an inspector’s direction;
- fail to give an inspector reasonable help to exercise the inspector’s powers unless, the person has a reasonable excuse;
- fail to give information to an inspector unless, the person has a reasonable excuse. It is a reasonable excuse for an individual to fail to give information about an offence or information for monitoring or enforcing compliance with the PMA, to an inspector;
- give false or misleading statements or documents;
- tamper with a seized thing;
- fail to give their name or address unless, the person has a reasonable excuse; or
fail to produce or certify a document, unless the person has a reasonable excuse. It is not a reasonable excuse for a person not to comply with a document production requirement that complying with the requirement might tend to incriminate the person.

Obligations and duties under Workplace Health and Safety legislation

The Work Health and Safety Act 2011 places an obligation on every person to ensure his or her health and safety in the workplace, and the health and safety of others.

The following website is a useful workplace health and safety legislation and information resource for a PMT, an employer or a trainee

Included on that website, is a document entitled “Rural Safety Link No. 8. Pesticides – Safe Use”, which is of particular relevance to the safe handling of pesticides.

Related links:

Template forms, newsletters, reports, guidelines, related websites and other information can be found at this webpage:
## Appendix 1: Dictionary (see the Act and Regulation for a full list)

<table>
<thead>
<tr>
<th>Definition</th>
<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Aerial distribution</strong></td>
<td>Spraying, spreading or dispersing, whether intentionally or not, from an aircraft in flight.</td>
</tr>
<tr>
<td><strong>Agricultural chemical product</strong></td>
<td>Meaning given by the <em>Agvet Code of Queensland</em>, section 4.</td>
</tr>
<tr>
<td><strong>Agricultural purposes</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Agvet Code of Queensland</strong></td>
<td>The provisions applying because of section 5 of the <em>Agricultural and Veterinary Chemicals (Queensland) Act 1994</em>.</td>
</tr>
<tr>
<td><strong>Building</strong></td>
<td>Includes a structure of any type and part of a building or structure.</td>
</tr>
<tr>
<td><strong>Building site</strong></td>
<td>Means a place, other than a place where an individual resides, where building work is being, or about to be carried out and at which a sign must, under the <em>Queensland Building Services Act 1991</em>, section 52, be exhibited.</td>
</tr>
<tr>
<td><strong>Chief Executive</strong></td>
<td>The Chief Executive of Queensland Health.</td>
</tr>
<tr>
<td><strong>Danger Sign</strong></td>
<td>A sign required under the regulation which must be on a white background, contain the name of the pest management technician or details of the owner of the pest management business, a contact telephone number for the technician/business, and include the following works in red letters of not less than 50mm in height: DANGER KEEP OUT FUMIGATION IN PROGRESS WITH (name of fumigant)</td>
</tr>
</tbody>
</table>
## Appendix 1: Dictionary (see the Act and Regulation for a full list)

<table>
<thead>
<tr>
<th>Definition</th>
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<tbody>
<tr>
<td><strong>Fumigant</strong></td>
<td>A substance capable of producing a gas or vapour that is ordinarily used in a gaseous or vaporous state to kill a pest or sterilise grain or seed to prevent germination.</td>
</tr>
<tr>
<td><strong>Fumigation activity</strong></td>
<td>Preparing a fumigant for use including measuring, mixing or weighing or using a fumigant to kill a pest or sterilise grain or seed to prevent germination.</td>
</tr>
<tr>
<td><strong>Household pesticide</strong></td>
<td>Ordinarily used for household use and ordinarily available for purchase in a retail store where groceries are sold and packaged in a way the pesticide is ordinarily available in a store.</td>
</tr>
<tr>
<td><strong>Horticultural purposes</strong></td>
<td>Includes cultivation of flowers, vegetables, fruit and other plants (e.g. ornamentals). This also includes the urban plant nursery industry.</td>
</tr>
<tr>
<td><strong>Inspector</strong></td>
<td>A person appointed under section 55 of the Act.</td>
</tr>
<tr>
<td><strong>Motor vehicle</strong></td>
<td>A vehicle for which registration is required under the Transport Operations (Road Use Management – vehicle Registration) Regulation 1999 and includes a trailer.</td>
</tr>
<tr>
<td><strong>Notifiable incident</strong></td>
<td>Means an exposure, spillage or other release of a pesticide or fumigant that adversely affects, or is likely to affect, a person's health.</td>
</tr>
<tr>
<td><strong>Occupier</strong></td>
<td>Means: (a) a person in actual occupation of the places or a part of the place; For example, an owner, resident of a place or a principal occupant of a business in the place.</td>
</tr>
</tbody>
</table>
Appendix 1: Dictionary (see the Act and Regulation for a full list)

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<tr>
<td>(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.</td>
<td>For example, an insect, a spider, a snail or a rate or mouse. Also includes a rabbit or a fox for the definitions of fumigant and fumigant activity.</td>
</tr>
<tr>
<td><strong>Pest</strong></td>
<td>Generally means an arthropod, bird, mollusc or rodent or another biological entity prescribed under a regulation that injuriously affects or may injuriously affect a place or a person. See the Act for the complete definition.</td>
</tr>
<tr>
<td><strong>Pest control activity</strong></td>
<td>Preparing a pesticide for use, including measuring, mixing or weighing the pesticide or using the pesticide to kill, stupefy or repel a pest; or inhibit the feeding of a pest; or modify the physiology of a pest to alter its development or reproductive capacity. Any activity involving the use of a pesticide to control pests.</td>
</tr>
<tr>
<td><strong>Pesticide</strong></td>
<td>A chemical or biological entity that is ordinarily used to kill, stupefy or repel a pest; or inhibit the feeding of a pest; or modify the physiology of a pest to alter its development or reproductive capacity. A chemical or living thing that is used to control pests. An example of a biological entity or living thing is the use of Bacillus thuringiensis, a bacterium used for the control of mosquito larvae. Pesticide also includes the terms insecticide, rodenticide, arachnidicide, pullicide (weedicide and fungicide).</td>
</tr>
<tr>
<td><strong>Pest management activity</strong></td>
<td>A fumigation activity or pest control activity.</td>
</tr>
<tr>
<td><strong>Pest management technician</strong></td>
<td>An individual who holds a licence issued under the Act. For formerly a pest control operator or fumigator.</td>
</tr>
</tbody>
</table>
Appendix 1: Dictionary (see the Act and Regulation for a full list)

<table>
<thead>
<tr>
<th>Definition</th>
<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pest Management Technician’s Licence</td>
<td>A licence granted under the Act.</td>
</tr>
<tr>
<td>Pest management qualification</td>
<td>A certificate issued by a registered training organisation stating the individual achieved a competency standard prescribed under the Regulation. The Regulation states the units of competency. The qualification may be a Certificate and/or a Statement of Attainment.</td>
</tr>
<tr>
<td>Place</td>
<td>Includes premises and vacant land.</td>
</tr>
</tbody>
</table>
| Premises | **Premises** includes –  
(a) a building or other structure; and  
(b) a part of a building or other structure; and  
(c) land where a building or other structure is situated; and  
(d) aircraft, motor vehicle or ship. |
| Primary production | The production, storage or preparation for marketing or export, of agricultural or horticultural products. |
| Public place | A place or part of a place the public is entitled to use, is open to the public or is used by the public, whether or not on payment of money, or the occupier of which allows the public to enter. It does not include aircraft, motor vehicle or ship. A beach, park or road, for example. A shop, restaurant or cinema complex, for example. |
| Recordable activity | A fumigation activity that is using a fumigant; or  
A pest control activity that is suing a pesticide. |
| Registered Training Organisation | A training organisation registered under the *Training and Employment Act 2000*, or under similar legislation of another State or Territory. |
## Appendix 1: Dictionary (see the Act and Regulation for a full list)

<table>
<thead>
<tr>
<th>Definition</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Relevant person</strong></td>
<td>Means: 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 – <em>(a)</em> the person who employs the technician; or <em>(b)</em> otherwise, the pest management technician who carries out a relevant fumigation activity.</td>
</tr>
<tr>
<td></td>
<td><em>(a)</em> the employer of a pest management technician or technicians. <em>(b)</em> the self employed technician.</td>
</tr>
<tr>
<td><strong>Responsible person</strong></td>
<td>For a recordable activity means - <em>(a)</em> if the activity is carried out by a trainee – the person who employs the trainee; or <em>(b)</em> If the activity is carried out by a PMT employed by another person carrying on a business that provides a pest management activity – the person who employs the technician; or <em>(c)</em> Otherwise – the PMT who carries out the activity.</td>
</tr>
<tr>
<td></td>
<td><em>(a)</em> the employer of a pest management technician or technicians. <em>(b)</em> the self employed technician.</td>
</tr>
<tr>
<td><strong>Site environment</strong></td>
<td>A particular or type, of place.</td>
</tr>
<tr>
<td><strong>Supervision (Property supervised)</strong></td>
<td>Means the trainee carries out the pest management activity under the supervision of a pest management technician who <em>(a)</em> is authorised to carry out the activity under the technician’s licence; and <em>(b)</em> is personally present with the trainee at all times while the trainee carries out the pest management activity; and <em>(c)</em> ensures the trainee carries out the pest management activity under any requirements, relevant to the trainee, prescribe under a regulation.</td>
</tr>
<tr>
<td></td>
<td>Supervision includes monitoring and directing performance of a pest management activity for a defined time period. Supervision may be direct or indirect depending on the nature of the work delegated. Direct supervision is provided when the pest management technician is actually present, observes, words with and directs the trainee. Indirect supervision is when the pest management technician works in the same premises as the trainee but does not constantly observe activities.</td>
</tr>
</tbody>
</table>
### Appendix 1: Dictionary (see the Act and Regulation for a full list)

<table>
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<tr>
<th>Definition</th>
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<tr>
<td>The supervising pest management technician must be personally present and physically accessible at all times i.e. accessible does not mean the use of communication devices only.</td>
<td></td>
</tr>
<tr>
<td><strong>Timber pests</strong></td>
<td>Pests that attach, infest or destroy timber products.</td>
</tr>
<tr>
<td><strong>Trainee</strong></td>
<td>An individual who is 17 years or more and being trained to enable the individual to obtain a pest management qualification.</td>
</tr>
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## Appendix 2: Offences

### Pest Management Act 2001

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<th>Maximum penalty units (1 p.u. = $100)</th>
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<td>42</td>
<td>Surrender of licence</td>
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<td>48</td>
<td>Failure to return of cancelled/suspended licence</td>
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</tr>
<tr>
<td>51</td>
<td>Pest management technician must not permit or require another person to carry out a pest management activity.</td>
<td>1000</td>
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<tr>
<td>52</td>
<td>Failure to supervise a trainee</td>
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<td>54</td>
<td>Noticed of change in circumstances</td>
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<td>Return of identity card</td>
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<td>Failure to certify copy of document</td>
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<td>Power to require information</td>
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</table>
### Pest Management Regulation 2003

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<th>Section of the Regulation</th>
<th>Description</th>
<th>Maximum penalty units (1 p.u. = $100)</th>
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</thead>
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<td>Requirements about containers</td>
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<td>Labelling of containers</td>
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<tr>
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<td>Possession of incorrectly labelled container</td>
<td>20</td>
</tr>
<tr>
<td>9</td>
<td>Disposal of containers</td>
<td>20</td>
</tr>
<tr>
<td>10</td>
<td>Storage of fumigants or pesticides</td>
<td>20</td>
</tr>
<tr>
<td>11</td>
<td>Dealing with leakages or escapes</td>
<td>20</td>
</tr>
<tr>
<td>12</td>
<td>Disposal of fumigants or pesticides</td>
<td>20</td>
</tr>
<tr>
<td>13</td>
<td>Information to be given to occupiers or others</td>
<td>20</td>
</tr>
<tr>
<td>14</td>
<td>Records of use of fumigants or pesticides</td>
<td>20</td>
</tr>
<tr>
<td>15</td>
<td>Records of use for certain treatments for termites</td>
<td>20</td>
</tr>
<tr>
<td>16</td>
<td>Requirements about motor vehicles</td>
<td>20</td>
</tr>
<tr>
<td>17</td>
<td>Requirements about the use of respiratory protective devices</td>
<td>20</td>
</tr>
<tr>
<td>18</td>
<td>Establishing risk area</td>
<td>20</td>
</tr>
<tr>
<td>19</td>
<td>Inspecting before fumigating</td>
<td>20</td>
</tr>
<tr>
<td>20</td>
<td>Notifying persons about relevant fumigant activity</td>
<td>20</td>
</tr>
<tr>
<td>21</td>
<td>Barricades to be erected</td>
<td>20</td>
</tr>
<tr>
<td>22</td>
<td>Danger signs to be displayed</td>
<td>20</td>
</tr>
<tr>
<td>23</td>
<td>Interfering with barricades or danger signs</td>
<td>20</td>
</tr>
<tr>
<td>24</td>
<td>Inspecting and testing during fumigation</td>
<td>20</td>
</tr>
<tr>
<td>25</td>
<td>Releasing fumigant and venting fumigation space</td>
<td>20</td>
</tr>
<tr>
<td>26</td>
<td>Re-entering fumigation space</td>
<td>20</td>
</tr>
<tr>
<td>27</td>
<td>Clearance certificate</td>
<td>20</td>
</tr>
<tr>
<td>28</td>
<td>Other person to be near technician</td>
<td>20</td>
</tr>
<tr>
<td>29</td>
<td>Smoking prohibited</td>
<td>20</td>
</tr>
</tbody>
</table>
Appendix 3: Environmental Health Services, Queensland Health

Public Health Unit offices enquiries
Brisbane North  Mackay
Ph 3624 1111  Ph 4911 0400

Brisbane South  Mount Isa
Ph 3000 9148  Ph 4744 9100

Bundaberg  Moreton Bay
Ph 4150 2780  Ph 3142 1800

Cairns  Rockhampton
Ph 4226 5555  Ph 4920 6989

Charleville  Sunshine Coast
Ph 4656 8100  Ph 5409 6600

Gold Coast  Toowoomba
Ph 5668 3700  Ph 4631 9888

Hervey Bay  Townsville
Ph 4184 1800  Ph 4753 9000

Logan  West Moreton
Ph 3412 2989  Ph 3413 1200

Longreach  
Ph 4652 6000

This guide was prepared by the Drugs and Poisons Policy and Regulation Unit, Environmental Health Branch, Division of the Chief Health Officer, Queensland Health. Contact details for enquiries about the publication: dppr@health.qld.gov.au