

Factsheet – Local government

Who is this factsheet for?

This factsheet is for local governments whose employees hold approvals under the Health (Drugs and Poisons) Regulation 1996 (HDPR) to use regulated poisons or to undertake pest management activities to control pests under the *Pest Management Act 2001*.

This factsheet details the changes and new requirements that apply to the use of S7 poisons and pesticides under the new *Medicines and Poisons Act 2019* (the MPA) which replaced the HDPR and the *Pest Management Act 2001* on 27 September 2021.

How will it affect me?

- Local governments or their employees seeking to deal with restricted S7 (RS7) poisons for baiting of invasive animals or undertake pest management activities will be required to hold an appropriate authorisation under the MPA.
- Persons who currently hold authorities under the *Pest Management Act 2001* or the HDPR will continue to be authorised, until the authorisation expires, is cancelled, surrendered, or amended. Authorisations under the HDPR will transition as closely as possible to a new authority under the MPA.

Dealings with Poisons

- Local government officers will be required to hold a general approval, or be employed by an entity with a general approval, to buy, possess, use, supply or dispose of RS7 poisons (other than low risk fluoroacetic acid baits (LRFABs)) for the purpose of invasive animal control. This includes fluoroacetic acid concentrate to make fresh meat baits.
- Competency requirements for the control of invasive animals are prescribed in the Departmental Standard '*Competency requirements for authority holders dealing with poisons – version 1*'.
- If local governments are intending to manufacture fresh LRFABs they may apply for a general approval under the MPA. Such approvals may be granted as an entity level approval for local governments.
- Under an entity level approval, the local government will be responsible for ensuring that conditions under the Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021 (the Poisons Regulation) and general approval, such as storing, applying, disposal and transporting RS7 poisons are complied with.
- Local governments who hold an entity approval may be required to have a Substance Management Plan (SMP) if they intend to hold more than a total of 100g of undiluted RS7s at any one time.

- The Departmental Standard '*Substance Management Plans for regulated poisons – version 1*' provides details of the requirements for SMPs.
- As previously, local governments will be able to supply non-restricted S7 poisons (e.g. herbicides) to land holders for weed control without needing a S7 retail licence. The Poisons Regulation has classified local governments as Approved Persons for this activity.

Dealing with Low-risk fluoroacetic acid baits (LRFABs)

- LRFABs are fresh or APVMA registered manufactured baits with concentration of fluoroacetic acid of no more than 0.05%. The concentration allowed in manufactured or fresh baits has been increased from 0.03% to 0.05% based on a health risk assessment.
- The Poisons Regulation classifies authorised officers under the *Biosecurity Act 2014* as 'Approved Persons' and authorises them to possess, apply and dispose LRFABs on land managed by the relevant state department or local government.
- Approved Persons are authorised on the basis of their competency and training to deal with LRFABs without the requirement for a specific approval under the MPA.
- The authorised officers may also supply LRFABs to approved persons (see table 1) to carry out baiting activities on the landholder's property or as part of coordinated baiting programs. Chapter 3 of the Poisons Regulation details requirements for supplying LRFABs to a landholder.
- Local government officers who are authorised under the MPA to deal with RS7 poisons for invasive animal control, landholders and other authority holders must comply with the departmental standard '*Dealing with restricted S7 poisons for invasive animal control – version 1*'.

Pest management activities

- There has been no change to the exempted pest management activities that may be carried out by local governments. Pest control activities carried out by Council ground maintenance officers at sporting grounds and parks owned by the Council will not require a pest management licence.
- There are also no changes to the exemption for authorised persons under the *Public Health Act 2005* when undertaking mosquito control activities as part of a prevention and control program, from needing a pest management licence.
- Local government officers who carry out pest control outside of sports or recreational parks (e.g. fogging or spraying for mosquitoes) and fumigation activities (e.g. fumigating rabbit burrows) will continue to be required to hold a pest management licence. Additional categories of pest management licence, e.g. pest bird control have been introduced and have specific competency requirements.
- Certain pest management activities, including fumigation will require activity risk management plans (ARMP). The Medicines and Poisons (Pest Management Activities) Regulation 2021 provides for details to be include in ARMPs. Guidelines and templates will be available to support in the preparation of ARMPs.

- Competency requirements for a pest management licence are prescribed in the Departmental Standard '*Competency requirements for licensed technicians undertaking pest management activities with pesticides and fumigants – version 1.*'

How to apply for a general approval

To apply for a general approval, go to '[Poisons general approval application forms](#)'.

To apply for a pest management licence, go to '[Pest management application forms, templates and fees](#)'.

For further information

- [Relevant factsheets and documents](#)
 - Authorised Biosecurity & Nature Conservation Officers
 - Do I need a Substance Management Plan?
 - Transitional arrangements
 - Poisons terms
 - Activity risk management plan template – pest control activity
 - Activity risk management plan template – fumigation activity
- [Departmental Standards](#)
 - Competency requirements for licensed technicians undertaking pest management activities with pesticides and fumigants - version 1
 - Substance management plans for regulated poisons – version 1
 - Dealing with restricted S7 poisons for invasive animal control – version 1

Table 1 – Approved persons – Rural landholders

Approved person	Scope of activity	Requirements	Limitations
Rural landholder	Authorised to possess, apply (use), dispose (of waste) from LRFABs	LRFABs (baits containing fluoroacetic acid in a concentration of not greater than 0.5 grams for each kilogram of bait – equivalent to 0.6 grams of 1080 for each kilogram of bait)	<ul style="list-style-type: none"> • LRFABs obtained from a person authorised under the Biosecurity Act 2014 or Nature Conservation Act 1992 for the control of invasive animals. • On land in a rural area (not in an urban area within the meaning of the Planning Regulation 2017)
Adult employee or agent of a landholder	Authorised to possess, apply (use), dispose (of waste) from LRFABs	LRFABs (baits containing fluoroacetic acid in a concentration of not greater than 0.5 grams for each kilogram of bait – equivalent to 0.6 grams of 1080 for each kilogram of bait)	<ul style="list-style-type: none"> • LRFABs obtained from a person authorised under the Biosecurity Act 2014 or Nature Conservation Act 1992 for the control of invasive animals. • On land in a rural area (not in an urban area within the meaning of the Planning Regulation 2017)