

Factsheet – Poisons and Pest Management for Primary Producers

Who is this factsheet for?

This factsheet is for primary producers who use agricultural chemicals which are also regulated substances under the *Medicines and Poisons Act 2019* (the MPA).

This factsheet details how the new MPA may affect the use of regulated substances by primary producers.

How will it affect me?

Prior to 27 September 2021, two pieces of public health legislation apply to the use of agricultural chemicals in Queensland.

Health (Drugs and Poisons) Regulation 1996 (HDPR)

- The HDPR applied to the use of scheduled poisons¹ in agriculture, industrial or mining activities. The HDPR prescribed some Schedule 7 (S7) poisons (e.g. strychnine, cyanide and fluoroacetic acid) as regulated poisons² and these required an approval or permit for their use. The HDPR also placed supply controls on all S7 poisons.
- The use of all agricultural chemicals was also subject to various pieces of agricultural (*Chemical Usage (Agricultural and Veterinary) Control Act 1988, Agricultural Chemicals Distribution Control Act 1966, etc.*) and workplace laws. For example, a farmer using S7 agricultural chemicals such as paraquat for controlling weeds on a farm was allowed to do so subject to compliance with the relevant agricultural and workplace health and safety laws. Where the chemical was prescribed as a regulated poison the person must also comply with the relevant requirements of the HDPR.
- The purchase of S7 poisons such as paraquat was only allowed from a S7 poisons retailer or wholesaler licensed under the HDPR. The supply was restricted to persons who were able to demonstrate evidence of workplace use of the poison.

Pest Management Act 2001

- Under the *Pest Management Act 2001* (Pest Management Act), 'pest' is defined as a pest animal³ and does not include pest plants or plant diseases. Therefore, the Act only

¹ Scheduled poisons are poisons included in schedules 5, 6 and 7 of the Poison Standard (Standard for Uniform) Scheduling of Medicines and Poisons, a Commonwealth Statutory Instrument under the Therapeutic Goods Act 1989.

² See Appendix 7 of the HDPR

³ means an arthropod, bird, mollusc, or rodent, or another biological entity prescribed under a regulation.

applied to the use of pesticides⁴ on pest animals and not to the use of fungicides or herbicides.

- The Pest Management Act required individuals carrying out pest management activities to hold a pest control or fumigation licence.
- The Pest Management Act did not apply to pest control activities in primary production.

From the commencement of the *Medicines and Poisons Act* on 27 September 2021, the HDPR and Pest Management Act will no longer apply.

Medicines and Poisons Act 2019

- The main objective of the MPA is to manage risks to public health from the use of regulated substances for industrial, agricultural and domestic purposes.
- The MPA has integrated the HDPR and the Pest Management Act into a single regulatory system as they both apply to the use of chemicals.

Pest Management

- Like the Pest Management Act, the MPA only applies to pest animals and not pest plants or plant diseases. Therefore, the MPA applies to the use of pesticides and fumigants⁴ as defined by the MPA and not the use of fungicides or herbicides.
- Similar to the Pest Management Act, the MPA requires individuals carrying out pest management activities to hold a pest control or fumigation licence.
- While the exemption for pest control activities by primary producers remain, commercial contractors providing such services are required to be authorised under the MPA.
- This means that employees (including agents and volunteers) of primary producers will continue to not require a licence for pest control or fumigation activities being carried out at their employer's premises.
- If the primary producer contracts out pest control or fumigation activities to a commercial operator, the person applying the pesticide or fumigant must hold an appropriate pest management licence unless they are an 'approved person' under the MPA.
- Likewise, if a primary producer undertakes fee for service pest management activities for another primary producer, they will also require a pest management licence or be classed as an approved person.
- An approved person is a person prescribed under schedule 1 of the Medicines and Poisons (Pest Management Activities) Regulation 2021 and has the relevant competency or training to carry out the specific pest management activity without a pest management licence.

⁴ 'pesticides' and 'fumigants' are APVMA-registered substances used to control pest animals and does not include herbicides or fungicides

- Attachment 1 to this factsheet, '*Primary production sector - exempted and approved persons*', provides the scope of activities, and requirements including limitations for exempted and approved persons.

Use of Poisons

- S7 substances (including fungicides, herbicides, pesticides, and fumigants) used in primary production must only be purchased from licenced S7 retailers or wholesalers who are licensed under the MPA. The use of such poisons is limited to workplace use.
- As before under the HDPR, primary producers using high-risk poisons, such as strychnine or 1080 in baits for invasive animal control (e.g. wild dogs), will continue to require a general approval, unless they are classed as approved persons.
- An approved person is a person prescribed under schedule 2 of the Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021 and has the relevant competency or training to carry out the specific regulated activity without a general approval.
- Attachment 1 to this factsheet, '*Primary production sector - exempted and approved persons*', provides the scope of activities, and requirements including limitations for exempted and approved persons.
- As before, persons dealing with low risk fluoroacetic acid baits (LRFBs) as part of a coordinated baiting program organised by the local government are not required to have a general approval. Approved person provisions apply to primary producers who are rural land holders receiving and applying LRFBs on their properties.
- Departmental Standards prepared under the MPA set out safety measures and competency requirements to ensure that the high-risk poisons are used safely to prevent public health risks.

How to apply for a licence

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

For further information

- [Relevant factsheets](#)
 - Transitional arrangements
 - Poisons terms
- [Departmental Standard](#)
 - Competency requirements for licensed technicians undertaking pest management activities with pesticides and fumigants - version 1

Definitions

Term	Meaning
Agent of a primary producer	May include an employee, hired labour, volunteer or neighbour of the primary producer providing an in-kind service.
S7 substance	(a) an S7 poison; or (b) a fumigant or pesticide containing a substance to which the Poison Standard, schedule 7 applies.
Primary producer	Means a person producing or storing agricultural or horticultural products.
Low-risk fluoroacetic acid baits	Baits containing fluoroacetic acid (sodium fluoroacetate (1080)) in a concentration of not more than 0.5 grams for each kilogram of the bait.

Attachment 1

Primary Production Sector – Exempted Persons - *Medicines and Poisons Act 2019*

Exempted persons	Scope of pest management activity	Requirements	Limitations
Primary producers and their agents. This includes employees and volunteers.	Applying pesticides ⁵ (including rodenticides) and fumigants on plants and animals at land owned or occupied by primary producer.	Nil	Does not apply to the use of 1080, strychnine or Para-aminopropiophenone (PAPP). An Approval is required, as is currently the case.

⁵ Refer to sections 14, 19 and schedule 1 (Dictionary) of the *Medicines and Poisons Act 2019*.

Attachment 2

Primary Production Sector –Approved Persons - Medicines and Poisons 2019

Approved person ⁶	Scope of regulated activity	Requirements	Limitations
Commercial fee for service operators working in primary production.	On farm ground spraying of pesticides, on crops and horticulture produce.	Licensed as a commercial operator under the <i>Agricultural Chemicals Distribution Control Act 1966</i>	Applies to all areas within the state. Does not apply to laying baits, for example, rodent baits or fumigation activities. These activities require a licensed pest management technician.
Persons (employees) working in post-harvest facilities (e.g. packing sheds).	Spraying of, or immersion in, pesticides of harvested agricultural or horticultural produce.	Core pesticide competencies AHCCHM304 and AHCCHM307 OR Supervised pesticide competency AHCCHM201. The person supervising should have a PMT licence.	Does not apply to laying baits e.g. rodent baits or fumigation. These activities require a licensed pest management technician.

⁶ An approved person is authorised to carry out the regulated activity without a pest management licence or general approval provided they have the specified competency or licence. They will be required to comply with provisions in the Medicines and Poisons (Pest Management Activities) Regulation 2021 and Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021.

Approved person ⁶	Scope of regulated activity	Requirements	Limitations
Persons providing commercial ectoparasite treatments of animals (e.g. cattle dips).	Using pesticides to control pests on animals.	<p>Core pesticide competencies AHCCHM304 and AHCCHM307 OR</p> <p>Supervised pesticide competency AHCCHM201. The person supervising should have a pest management technician licence.</p>	N/A
Primary producers who are rural land holders and their agents	Applying low risk fluoroacetic acid (less than or equal to 0.05% fluoroacetic acid) baits on their properties as part of coordinated baiting program.		Only applies to fresh or manufactured fluoroacetic acid baits supplied by an authorised Officer under the Biosecurity Act 2014
Commercial pilots	Aerial spraying of pesticides or distribution of 1080 baits using manned aircrafts.	<p>(a) holds a commercial pilot licence issued by the Civil Aviation Safety Authority (CASA) that is endorsed with an aerial application rating; and</p> <p>(b) holds, or is employed by the holder of, an air operator's certificate issued by CASA that is</p>	<p>Applies to all areas within the state.</p> <p>Limited to baits containing less than or equal to 0.05% fluoroacetic acid.</p>

Approved person ⁶	Scope of regulated activity	Requirements	Limitations
		<p>endorsed with an aerial application rating; and</p> <p>(c) has spraysafe accreditation issued by the Aerial Application Association of Australia Limited.</p>	
Pilots of unmanned aircrafts	Aerial spraying of pesticides or distribution of 1080 baits using unmanned aircrafts.	<p>(a) holds a remote pilot licence issued by CASA; and</p> <p>(b) holds, or is employed by the holder of, a remotely piloted aircraft operator's certificate issued by CASA; and</p> <p>(c) has obtained a statement of attainment stating the person has successfully completed the core pesticide competencies or has spraysafe accreditation issued by the Aerial Application Association of Australia Limited.</p>	Limited to baits containing less than or equal to 0.05% fluoroacetic acid.