Queensland Health

Factsheet – Transitional arrangements

Purpose

This factsheet is for persons who hold an authorisation (e.g. licences, approvals, authorities) under the repealed Health (Drugs and Poisons) Regulation 1996 (the HDPR) or the *Pest Management Act 2001*.

This factsheet details the arrangements to transition authorisations to the *new Medicines and Poisons Act 2019* (the MPA) and the Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021 and the Medicines and Poisons (Pest Management Activities) Regulation 2021.

Scope

This factsheet applies to persons who are authorised to:

- deal with scheduled poisons for non-therapeutic purposes under the HDPR; or
- undertake pest management activities with fumigants and/or pesticides under the *Pest Management Act 2001*.

Transition of authorisations

Former authorisation	New authorisation	Transition arrangements
Pest management licence	Pest management licence	Former authorisations continue to have effect after commencement of the MPA until either: a substance authority equivalent to the former authorisation is granted; or the term of the former authorisation ends; or the former authorisation is cancelled or surrendered.
Poisons manufacturer licence	Manufacturing licence	
Poisons wholesaler licence	Wholesale licence	
Licence to sell S7 poisons, for other than human therapeutic use	S7 Retail licence	
Approval under s.18 of the HDPR	General approval	
Approval at a university	General approval	
Approval other than a university	General approval	
Cyanide permit	General approval	

Former authorisation	New authorisation	Transition arrangements
Regulated poison landholder approval (strychnine, PAPP, 1080 permits)	General approval	
Endorsement for university vice-chancellor or delegate to supply S2 or S3 poisons for research/teaching (s.265A HDPR)	General approval	Former authorisations continue to have effect for 12 months after commencement, until either: • an application for a substance authority is made and decided. • Or the day that is 1 year after the commencement.
Authority for authorised officer under the Biosecurity Act 2014, to supply a regulated poison for invasive animal control (s.272 HDPR)	Approved person	Former authorisations automatically transition on commencement of the MPA.
Authority for carriers transporting and delivering regulated poisons (s.273 HDPR)	Approved person	
Endorsement for local governments selling S7 poisons and sodium fluoride (s.254 HDPR)	Approved person	
Endorsement for pharmacists, trainee pharmacists and pharmacy assistants, selling S7 poisons (s.257 & 258 HDPR)	Approved person	
Endorsement for veterinary surgeons selling S7 poisons (s.266 HDPR)	Approved person	

Where the holder of a former authorisation no longer needs an authorisation under the MPA, their former authorisation will end on commencement of the MPA.

The following former authorities will not transition under the MPA:

- Controlled (S8) and restricted (S4) drug manufacturers will no longer have an authority to manufacture S7 poisons and will be required to hold a manufacturing licence for regulated poisons. (*Note – existing (S8) and (S4) drug manufacturer licenses will still be able to manufacture S7 poisons until either the license expires or until the 26 September 2022).
- Restricted drug wholesalers will no longer have an authority to sell S2, S3 or S7 poisons and will be required to hold a wholesale licence to sell regulated poisons.

Note, if a fee has been paid under the Medicines and Poisons (Medicines) Regulation 2021 for a substance authority relating to manufacturing or wholesale, and the type of dealing with any S7 poison is in addition to a medicine at the site/s, no additional fee is payable.

Substance management plans

Persons who are required to have a substance management plan (SMP) will have 12 months from the date of commencement of the MPA to make an SMP.

Competencies

Existing Approval holders (under the superseded *Pest Management Act 2001* or HDPR) who are required to have additional prescribed competencies under the MPA will have 12 months to obtain these competencies from the date of commencement of the MPA.

For further information

Please refer to:

- Chapter 8 Medicines and Poisons Act 2019
- Chapter 6 Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021
- Part 6 Medicines and Poisons (Pest Management Activities) Regulation 2021
- Substance management plans for regulated poisons – version 1
- Competency requirements for licensed technicians undertaking pest management activities with pesticides and fumigants - version 1

Definitions

Term	Meaning
Approved person	A member of a class of persons prescribed by regulation who is authorised to carry out a regulated activity with a regulated substance without requiring a substance authority.
Equivalent authorisation	A new authorisation is equivalent to a former authorisation if it is substantially the same activity, even if: • described differently • conditions are not identical • the activity includes and is more than the former activity
Former authorisation	A licence, approval, authority or permit under the HDPR or the *Pest Management Act 2001*.
New authorisation	An approved person's authorisation or a substance authority under the MPA.

Term	Meaning
Regulated poisons	• An S7, S9 or S10 substance; or • An S2, S3, S4 or S8 poison (medicines for non-therapeutic use)
Substance authority	A licence or a general approval under the MPA.