

How to obtain a Pest Management Technician License

1. Contact a TAFE organization to obtain Certificate III: Asset Maintenance (Pest Control Technical)
 - Open learning Institute of TAFE (QLI) – 3259 4111
 - Brisbane Institute of TAFE – 1300 301 107
 - Rapid Training (private) – 02 4954 4770
2. Courses for Basic Pest Management technician license:
 - PRMPM05 Modify environment to manage pests
 - PRMPM06 Apply pesticides to manage pests
 - PRMPM18 Maintain an equipment and consumables storage area
3. If you wish to do **Pest Control with Timber Pests** the units to complete are:
 - PRMPM05 Modify environment to manage pests
 - PRMPM06 Apply pesticides to manage pests
 - **PRMPM08 Inspect and report on timber pests**
 - **PRMPM10 Control timber pests**
 - PRMPM18 Maintain an equipment and consumables storage area
4. If you wish to obtain a Fumigation License, the unit you will have to complete is:
 - PRMPM11 Conduct Fumigation
5. After completing TAFE courses you will receive a Statement of Attainment. You will need this certificate as proof of qualification when you fill out the application to become a pest management technician. The fumigation license only requires you to submit a Declaration of Assessment with your application.
6. Fill out an application which can be found online at:
<http://www.health.qld.gov.au/ph/Documents/ehu/32089.pdf>
7. Remember to include 2 passport-sized photos, a copy of your Statement of Attainment and a form of payment. **Remember to completely fill out the application and that BOTH the photo form and Statement of Attainment must be certified by a qualified JP, CommDec, or current employee of Queensland Health.**



The purpose of this newsletter, produced by Queensland Health's Environmental Health Branch, is to inform licensed pest management technicians (PMT) primarily about regulatory matters, impacting on their industry.

The industry is regulated by the *Pest Management Act 2001* (the Act) and *Pest Management Regulation 2003* (the Regulation) to protect the public and pest management technicians from health risks associated with pest management activities which include pest control and fumigation activities.

Have you seen an exotic pest?

Attached to this newsletter is a new exotic pest brochure and sticker developed by Queensland Primary Industries and Fisheries (QPIF).

Biosecurity Queensland, a specialist group within QPIF, is constantly on the lookout for exotic pests and diseases that could impact on our economy, the environment or the community and is asking Pest Management Technicians to also remain vigilant.

Exotic insects such as termites and timber borers can be destructive to our homes and primary industries.

Reports of suspect exotic pest detections from Pest Management Technicians could provide valuable information that helps protect Queensland, especially our timber industries. The earlier new incursions are detected the greater the chance that they will be able to be contained and eradicated.

The West Indian drywood termite, the world's most destructive drywood termite, is an example of a pest that has been imported into Queensland but has not reached its destructive potential. This has been due to the assistance of the pest management industry and a pest containment program that QPIF has been managing since the 1960s.

Please read the brochure and sticker and keep them in a handy place in case you come across a pest that could be exotic during the course of your work.

If you think you have seen an exotic pest, contact Biosecurity Queensland immediately on 13 25 23.

If the suspect exotic is in imported timber or timber products, contact the Australian Quarantine and Inspection Service (AQIS) – (07) 3246 8755.

For more information on exotic pests in Queensland, including identification materials, contact the Queensland Primary Industries & Fisheries Business Information Centre on 13 25 23 or visit www.dpi.qld.gov.au.

A guide to what Pest Management Technicians in Queensland need to know – pest control advice

An observant PMT after reading the last Newsletter contacted us to advise that there was an omission on page 12 of the guide. The guide should include a statement that the PMT who performs the pest control activity is required to sign the pest control advice information notice that is given to the occupier or others. Section 13 of the Regulation, Information to be given to occupiers or others sets out the information to be included in the pest control advice notice.

Hostels, boarding houses, flats

The last newsletter prompted a question from a reader about advice notices relating to the above examples of occupied premises. Under section 13 of the Regulation, a technician undertaking or supervising a pest control activity must provide a pest control advice notice that is signed and dated by him/her.

For example, in the case of a boarding house where each boarder has a locked room, does the technician need to provide an advice notice to each boarder? The Regulation is not as clear in its application as it is for premises such as houses, free standing retail premises and residential units or town house complexes.

This is a situation where a decision will need to be made by the technician on a 'case-by-case' basis. For example, if the boarding house has a manager or owner living on-site, the technician might believe that leaving an advice notice with the owner or manager is satisfactory. The technician should be confident the information will be passed on to all the boarders in some form e.g. copying and distributing your original advice notice or displaying it in the common area where it will be noticed by all boarders.

However, if a complaint about the technician's work was investigated and it was found that the manager or owner had not provided the boarder with a copy of the advice notice, the technician may be held liable. If the technician is not certain, the advice notice could be left in each occupied room of the boarding house.

The technician has to make the decision and be able to justify the decision, if needed.

Obligations and PMT Vehicles

Many sections of the Act and the Regulation require the PMT to do certain things. In the case of a PMT who is an employee of a business, the PMT is responsible for complying with the Act and Regulation. For example, before an employee PMT takes control of a pest management vehicle owned by their employer, they should make sure the vehicle complies with the Regulation before they use it and while they have control of the vehicle. A further example is if two PMT employees are using the vehicle for pest management activities at the same time i.e. they are working on the same job, they both have responsibility for making sure the vehicle complies with the Regulation.

Changes to the Pest Management Regulation 2003

1. Notice of change in circumstances.
Section 6 of the Regulation is amended by adding an additional sub-section that requires the technician to notify the chief executive of a change in the technician's physical and 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. In terms of the technician's capacity to continue performing pest management work competently and safely, inclusion of this requirement is a logical extension of section 14 of the PMA which deals with the suitability of a person to be granted a licence or renewal of a licence.

2. Disposal of fumigants or pesticides
Section 9 (b) of the PMR is amended by removing the specific option allowing the return of the un-rinsed empty pesticide container to the supplier. This amendment has been made because this option causes friction between the supplier and technician when the supplier refuses to accept the container. If the container is accepted (whatever the container's condition), the supplier takes responsibility for the disposal of the container. It is understood that this existing disposal option is the exception for technicians. The supplier can still accept containers under section 9(a) or 9(c) if appropriate.

This amendment does not affect the return of fumigant gas cylinders to suppliers.

The amendments are contained in the Pest Management Amendment Regulation (No. 1) 2009 and can be found at-
<http://www.legislation.qld.gov.au/LEGISLTN/SLS/2009/09SL031.pdf>

Prosecutions and licence suspension

A person who was unqualified and un-licensed was found guilty of applying an unknown pesticide in a person's home. This person used a bogus licence number and was fined \$10,000 for a breach of the *Pest Management Act 2001*.

A PMT had their licence suspended for one month for failing to notify the chief executive of Queensland Health of a change in circumstance.

Contact details and finding information

Enquiries concerning this newsletter can be made to the Environmental Health Branch on (07) 332 89310.

This and earlier newsletters are available along with other information on pest management including all licence forms at

http://www.health.qld.gov.au/industry/poisons_pest/default.asp

The Acts and regulations can be found at www.legislation.qld.gov.au

Enquiries or complaints regarding pest management regulation and licensing can be made to a Population Health Unit listed below.

PHU offices

Brisbane North Ph 3624 1111	Mackay Ph 4968 6611
Brisbane South Ph 3000 9148	Mt Isa Ph 4744 4846
Bundaberg Ph 4150 2780	Redcliffe Ph 3142 1800
Cairns Ph 4050 3600	Rockhampton Ph 4920 6989
Charleville Ph 4656 8100	Sunshine Coast Ph 5409 6600
Gold Coast Ph 5509 7222	Toowoomba Ph 4631 9888
Hervey Bay Ph 4120 6000	Townsville Ph 4753 9000
Logan Ph 3412 2989	West Moreton Ph 3810 1500
Longreach Ph 4658 0859	



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Compliance audit 2005 / 06

The report on the compliance audit is available on the Queensland Health website
<http://www.health.qld.gov.au/phs/Documents/ehu/31663.pdf>

From a total population of 2,312 licensed PMTs, a representative and valid sample of 195 was drawn from all agencies. Audits and telephone surveys were carried out by Queensland Health Environmental Health Officers.

Compliance with regulations was generally high with non-compliance highest for aspects of:

- 'Records of pest management activity' (Reg s14 & s15)
 - name and strength of each active constituent used (35% non-compliance)
 - quantity of each active constituent (31% non-compliance), and
- 'Pest control advice notice to occupiers and others' (Reg s13)
 - precautions to be taken for pest control activity (29% non-compliance).

The chemical analysis report on the pesticide samples obtained during the audit is not yet available.

No individual's details are identified in the report.

Information to be given to occupiers or others about pest management work

Under section 13 of the Pest Management Regulation 2003, a technician who has carried out or supervises a pest control activity or fumigation activity must provide a pest control advice notice signed and dated by the technician.

Who you provide the pest control advice notice to will depend on whether the premises treated was occupied or unoccupied at the time of treatment. The pest control advice notice must be provided

immediately before or immediately after the activity is carried out.

For a premises that is occupied, the notice must be:

- personally given to a person who resides at or is an occupier of the premises if practicable; or
- otherwise left in a conspicuous place, including for example, on a table or counter or in a letter box.

For premises that are not occupied, the notice must be personally given, posted to the person who:

- owns the premises; or
- requested the activity, including for example a letting agent.

The notice must contain the following information:

- the technician's licence number
- the technician's name or the name and business name of your employer (if applicable)
- for each pesticide used, the name by which it is marketed or sold
- the active constituent of the pesticide
- the part of the premises in which the pesticide is used
- any general precautions that should be taken for the pest control activity. Some precautions may be the same for many jobs but other jobs will require specific advisory precautions.

Details to be recorded

Pest management activity details are to be recorded no later than 24 hours after the activity. Details must include:

- Date the activity was carried out
- The address of the premises
- Description and type of premises or place eg factory, office, residence
- Name and contact details of the owner, occupier or other person contracting the activity
- Name and licence number of the pest management technician
- Name and strength used of each constituent
- The quantity used
- The rate of application for the fumigant or for the pesticide if, in carrying out the activity, it is used for timber pests

A person who performs a termite treatment and completes a Certificate of Installation or Certificate of Installation in accordance with Australian Standard

3660 is considered to have made a record of the pest management activity.

Suitability of a person to hold a licence

A person may be found to be unsuitable to hold a licence or to continue to hold a licence to carry out a pest management activity, in the areas of:

- 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
- previous suspension or cancellation of the licence
- disciplinary action
- conviction under relevant law

There is provision for a person to continue to hold a licence with conditions, which may specify the circumstances under which the person can work.

In the renewal of licence application form and licence application form there is a section where the applicant must declare their mental and physical capacity to perform pest management activities.

Calibration of fumigation testing equipment

A testing device specific for a particular fumigant is used to determine if the fumigant has been exhausted from the fumigation space e.g. container, stack, silo and, that the fumigant concentration is under a specified value. Therefore, knowing this information allows the fumigator to decide if the fumigation space is safe to enter. If a testing device is used to establish that the fumigation space is safe to enter and then state this fact in the clearance certificate, a fumigator would need to be satisfied that the testing device has been checked and is calibrated accurately.

It can be said that to really know if the fumigation space is safe for entry, and for the fumigator to accurately determine the concentration of fumigant using a testing device, the device must be calibrated properly. In addition, a way of convincing the EHO that section 26(1) of the Pest Management Regulation 2003 is being complied with, is to produce recent records of calibration.

Updating skills and knowledge, staying informed

Technicians are encouraged to update their skills and knowledge and staying informed about their industry. This can be achieved in numerous ways and includes undertaking formal courses, regularly assessing your practices, reading and questioning

articles in industry magazines, attending field workshop events.

Benefits can include: better able to comply with various regulations, providing customers with new or different choices, getting the best from employees and other personal and business advantages. There are downsides such as taking up your time, attention and effort but over time the benefits can outweigh the demands on your attention.

Contact details and finding information

Enquiries concerning this newsletter can be made to the Environmental Health Unit on (07) 3234 0938.

This document is available along with other information on pest management including all licence forms at <http://www.health.qld.gov.au/industry/poisonspests.asp>

The Acts and regulations can be found at www.legislation.qld.gov.au

Enquiries or complaints can be made to a Population Health Unit listed below.

PHU offices

Brisbane North Ph 3624 1111	Mackay Ph 4968 6611
Brisbane South Ph 3000 9148	Mt Isa Ph 4744 4846
Bundaberg Ph 4150 2780	Redcliffe Ph 3897 6480
Cairns Ph 4050 3600	Rockhampton Ph 4920 6980
Charleville Ph 4656 8100	Sunshine Coast Ph 5409 6600
Gold Coast Ph 5509 7222	Toowoomba Ph 4631 9888
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Longreach Ph 4658 0859	West Moreton Ph 3810 1500



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Licence renewals reminder

Licence renewal applications are sent to licensees at their last recorded address at least 60 days before the expiry date of their licence.

Some PMTs have advised that they did not receive their licence renewal for a variety of reasons or they simply forgot to submit their application, and the licence has expired. You are reminded that it is your responsibility to ensure an application for renewal notice is received by Queensland Health prior to the expiry date. Under the Act, Queensland Health cannot renew a licence if it is received after the expiry date.

In the case of 'grandfathered' licences, a PMT who has let their licence expire has to obtain several competency units in order to obtain a new licence and commence work.

It is suggested that you write in your diary or have some other personal reminder system to remind you to follow up on your renewal notice if you have not received one.

Working while unlicensed may have legal, commercial or insurance implications particularly for any jobs performed within the un-licensed period. Unlicensed activity is a breach of the Act.

Condition of licence

All pest management technician licences require the PMT (as per the Act), who uses a fumigant or pesticide that is a registered agricultural chemical product under the *Chemical Usage (Agricultural and Veterinary) Control Act 1988* to do so in a way that does not contravene section 13 or 13A of that Act.

Briefly, the Act requires a person (includes a PMT) to use a fumigant or pesticide in the way stated in the

instructions on the approved label for the product, unless there is an exemption eg. permit authorisation.

The Act can be found at www.legislation.qld.gov.au The website will show a tab or heading 'Acts, SL as in force' click on this. An alphabetical letter listing will appear. Click on the appropriate letter which will then reveal the list of legislation.

Mutual recognition

A licence recognition search facility has been established by the COAG Skills Recognition Taskforce to assist applicants with finding an equivalent licence in another State or Territory. The Licence Recognition website is www.licencerecognition.gov.au/

Notifiable incidents

The Act requires the PMT to notify the chief executive of Queensland Health **immediately** about notifiable incidents that occur when the technician is carrying out or supervising a pest management activity (see section 123 of the Act).

Notifications given orally must be put in writing and notified to the chief executive within seven days from when the incident occurred.

A notifiable incident refers to an exposure, spillage or other release of a pesticide or fumigant that adversely affects, or is likely to affect, a person's health.

In practice, to comply with the Act it is likely you would notify one of the following:

- your local Public Health Unit whose contact details are listed in this bi-annual newsletter or;
- the Environmental Health Branch licensing section whose contact details are listed in this bi-annual newsletter.

It is suggested you send the written notification by registered post so that you have documented evidence that the notification was received, or alternatively by fax and keep a record that the fax transmission was successful.

Change in location

The Environmental Health Branch including the Licensing Section has moved to 15 Butterfield Street Herston (opposite the Royal Brisbane and Womens Hospital).

Exemptions under the Act - laminated blankets

Section 10 of the Act provides for limited exemptions where for example, a person who installs a laminated blanket that is impregnated with a pesticide using a particular method, does not need to be a licensed PMT.

There are a number of laminated blanket type barriers that are impregnated with a pesticide in the market place. These blankets provide a physical barrier and/or chemical deterrent.

Around 2006, the APVMA determined that these products are agricultural chemical products (pesticides) and required them to be assessed and registered.

Several manufacturers have sought from and have been granted an exemption by Queensland Health where the person installing the laminated blanket does not need to hold a PMT licence. The manufacturers have provided evidence that when the laminated blanket is installed, there is no or negligible health risk to a person.

The PMR requires the installer to be trained in the installation of the laminated blanket and the training is undertaken through the manufacturer.

In addition, where the laminated blanket is used as a physical barrier, a Queensland Building Services Authority (BSA) termite management physical licence is required. The individual installer (self employed) or a representative of the installing company must possess the BSA licence. Successful completion of the competency unit PRMPM24A Install Physical Termite Barrier obtained from a registered training organisation is required. Consult the Queensland *Building Services Authority Regulation 2003* Part 53 or the BSA for specific details.

Tank/pressurised container carry-over residual pesticide mix contamination

A small project of sampling pesticides in PMT's pesticide tanks was conducted to test and establish a reproducible and sound sampling procedure in order for inspectors to take legal samples of made up pesticide emulsions.

One finding of concern (but not connected with the purpose of the sampling procedure process) was the significant number of pesticide emulsions that contained pesticides that were different to the pesticides stated by the PMT at the time of sampling.

Inappropriate chemical combinations may result in adverse health consequences. Small quantities of highly toxic pesticides at low concentrations are potentially significant, for example, where the pesticide is registered for outside use only, and it is used inside a habitable building. The pesticide concentration of the highly toxic pesticide in the tank mix may approach levels stated on the container

label directions to be used for a purpose different to the one stated by the PMT.

The practice of diluting the remainder of the previous pesticide mixed with a new batch of a different pesticide is probably used to avoid disposing the pesticide residue resulting from the cleaning out the tank and hose. However, this practice can result in unintended consequences including the one mentioned above.

Prosecutions

Three people were prosecuted for performing pest management activities while un-licensed. The fines ranged from \$1,500 to \$3,500. In two cases, Queensland Health has lodged appeals to the District Court about the magistrate's findings and the fines imposed. One matter was concluded after the unlicensed person agreed to pay a fine of \$12,000.

Contact details and finding information

Enquiries concerning this newsletter can be made to the Environmental Health Branch on telephone number (07) 3328 9310 or fax (07)3328 9354.

This and earlier newsletters are available along with other information on pest management including all licence forms at:

www.health.qld.gov.au/industry/poisons_pest/default.asp

The Acts and regulations can be found at www.legislation.qld.gov.au

Enquiries or complaints regarding pest management regulation and licensing and notification of notifiable incidents can be made to a Population Health Unit listed below.

PHU offices

Brisbane North Ph 3624 1111	Mackay Ph 4968 6611
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Bundaberg Ph 4150 2780	Redcliffe Ph 3142 1800
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INFORMATION NOTICE OF CHANGE IN PEST MANAGEMENT TECHNICIAN LICENCE FEES 2010

Purpose of this information notice

The purpose is to advise that Schedule 2 of the *Pest Management Regulation 2003* is expected to be amended soon to allow a change in the fee structure commencing in January 2010.

When will the change take place?

The change is expected to occur in January 2010.

Why are the fees changing?

Historically, the fees increase annually based on the increase in the Consumer Price Index and advice from Queensland Treasury.

Up until 2010, Queensland Health has not factored in the full cost of processing new licence applications. Currently, the renewal of licence application fee is the same amount as the licence application fee.

The licence application fee and renewal of licence fee for 2010 will increase above the Consumer Price Index to more closely reflect the licensing processing costs, the costs of enforcement activities, the introduction of a new licensing database system and the on-site printing of the photo ID licensing cards. The current licensing database system has been in operation for over 20 years and is in need of replacement in order to streamline the assessment and licensing procedure.

The new fee structure

The following three tables below set out the new fee structure for 2010.

Table 1

Fees for a new licence - 2010

Licence	Licence fee
For a period of not more than one year	\$220
For a period of more than one year but not more than two years	\$340
For a period of more than two years but not more than three years	\$460
For a period of more than three years but not more than four years	\$580
For a period of more than four years but not more than five years	\$700

Table 2

Fees for a renewal of licence - 2010

Licence	Licence fee
For a period of not more than one year	\$120
For a period of more than one year but not more than two years	\$240
For a period of more than two years but not more than three years	\$360
For a period of more than three years but not more than four years	\$480
For a period of more than four years but not more than five years	\$600

Table 3

Other fees - 2010

Type	Fee
Application fee for variation of licence	\$40
Application fee for replacement of licence	\$40

RTI REQUEST



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Notifiable incidents

Queensland Health environmental health officers investigated a reported notifiable incident recently, following notification from a PMT.

The Act requires the PMT to notify the chief executive of Queensland Health immediately about notifiable incidents that occur when the technician is carrying out or supervising a pest management activity (see section 123 of the Act).

A notifiable incident refers to an exposure, spillage or other release of a pesticide or fumigant that adversely affects, or is likely to affect, a person's health.

The investigations found that the pesticide applications were performed satisfactorily and the PMT had provided the occupier with a correct written information notice, as required by the Regulation. It is believed the occupiers were quite sensitive to the pesticide formulation.

Information to be given to occupiers or others about pest control work performed including residential multi-unit complexes

Under section 13 of the Regulation, a technician undertaking or supervising a pest control activity, must provide a pest control advice notice that is signed and dated by him/her.

The pest control advice notice must be provided immediately before or immediately after the activity is carried out. Who you provide the pest control advice notice to will depend on whether the premises are occupied or unoccupied at the time of treatment.

For premises that are occupied, the notice must be:

- personally given to a person who resides at or is an occupier of, the premises if practicable; or
- left in a conspicuous place, such as on a table, counter or in a letter box.

For premises that are unoccupied, the notice must be personally given or posted to the person who:

- owns the premises; or
- requested the activity, including for example a letting agent.

The notice must contain the following information:

- the technician's licence number
- the technician's name or the name and business name of your employer (if applicable)
- for each pesticide used, the name by which it is marketed or sold
- the active constituent of the pesticide
- each part of the premises in which the pesticide is used
- any general precautions that should be taken for the pest control activity. Please note that while precautions may be the same for many jobs, other jobs will require specific advisory precautions.

Recently a number of enquiries were received from individuals occupying residential multi-unit type complexes stating that they have not received written pest control advice. To comply with section 13, the PMT must ensure the occupier of each unit is provided with the written pest control advice. Providing pest control advice to the unit complex management or body corporate only does not satisfy the requirement of section 13.

In addition, if the common areas of the complex are to be treated (e.g. foyer, garage, gardens), each individual unit occupier should be provided with pest control advice. In practice, however, written pest control advice in the form of a notice may be clearly and obviously displayed in these areas alerting residents to the pest control work to be undertaken, in progress or recently completed.

Fumigation – clearance certificates

Section 27 of the Act requires a PMT to:

- give the person who requested the fumigation a clearance certificate when the PMT believes the fumigation space (i.e. licence site environments) is safe for entry.

- ensure the clearance certificate is signed by the PMT, dated and states the particulars contained in sub-section 27(3).

Competency of recently qualified pest management technicians

As an employer, you may have concerns about a new employee's competency, including the quality of training delivery and assessment, or other matters involving training. Enquiries can be directed to the Department of Education Training and the Arts. To contact the department's complaints unit, phone 1800 600 039 or email: TO.complaints@det.qld.gov.au

Don't permit or require another person to carry out pest management activities

A PMT or a person in the business of providing a pest management activity must not permit or require another person to carry out pest management activities unless the other person is:

- a PMT who is authorised to carry out the activity under the technician's licence; or
- a trainee who is properly supervised in carrying out the activity by the employer.

Explanation of terms

The term 'properly supervised' is defined in the Act. A trainee means an individual who is at least 17 years of age and who is being trained towards obtaining a pest management qualification.

A pest management activity (pest control and fumigation activity) includes preparing a pesticide e.g. measuring, mixing or weighing the pesticide and using the pesticide. This can include a pesticide impregnated in a bait or incorporated into a physical barrier.

Prosecutions and licence cancellations

A PMT was found guilty of including information that was known to be false in a certificate of termite treatment, and failing to provide pest management information to the occupier about the pest management activity. The amount of the fine orders was \$1,000.

In another case, a PMT was found guilty of failure to provide pest management information about the pest management activity, failure to supervise a trainee and failure to notify the chief executive of a notifiable incident. The amount of fine orders was \$5,000.

And another case where a PMT was found guilty of performing a pest management activity without supervision or a licence for that activity. The amount of fine orders was \$1,000.

In two of these cases, the PMTs were served Show Cause Notices as to why their pest management technician licences should not be cancelled or suspended for a period of time. One of these licensees has had their licence suspended for six months while the other had their licence suspended for three months.

Guidelines for the safe use of pesticides in non-agricultural workplaces

These guidelines were released in late 2007 and have been adopted by some states and territories.

Developed by the National Pest Management Industry and Government Sector Advisory Group, the guidelines can be found on the Queensland Health website -

http://www.health.qld.gov.au/industry/poisons_pest/default.asp under fact sheets. It includes a link to the Victorian Government Health website.

Contact details and finding information

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ENVIRONMENTAL HEALTH UNIT

The Pest Management Act 2001

The Pest Management Regulation 2003

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



Queensland Government
Queensland Health

Environmental Health Unit

OFFICE

Floor 10
Queensland Health Building
147-163 Charlotte Street

POSTAL

GPO Box 48
Brisbane Q 4001

PHONE

(07) 3234 0938

FAX

(07) 3234 1480

Foreword

All pest management technicians in Queensland are covered by the *Pest Management Act 2001 and the Pest Management Regulation 2003*. This booklet aims to assist the Queensland pest management industry to understand and comply with the pest management legislation as it relates to licensing requirements and the management of pesticides and fumigants.

This booklet is not an extract from the *Pest Management Act 2001* and the *Pest Management Regulation 2003*. The legislation should be referred to if legal interpretations are required.

The main policy objectives of the law are to protect the Queensland public from the 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 mission of promoting, maintaining and improving the health and well being of all people living in Queensland.

Dr John Scott
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Public Health Services
Queensland Health

01 August 2003

RTI Released

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Introduction

In the past, pest control operators and fumigators have been regulated by a licensing system under the *Health Act 1937* and the *Health Regulation 1996*. In September 2003, this legislation was replaced by the *Pest Management Act 2001* (the Act) and the *Pest Management Regulation 2003* (the regulation). The main objectives of the new legislation are to protect the Queensland public from the health risks associated with pest control activities and fumigation activities, and adverse results of the ineffective control of pests.

The new legislation

As a result of the new pest management legislation, the main changes are:

- there are transitional arrangements for those who are already licensed under the old legislation
- the names of both “pest control operator” and “fumigator” are now changed to pest management technician
- the types of pest management activities that are regulated and not regulated
- the processes involved for obtaining a licence
- a requirement for the introduction of photographic licences
- the potential to obtain licences for up to a five year term
- treatment of expired licences
- there are legal obligations of pest management technicians and others
- records need to be kept for all pest management activities
- there are significant penalties for offences against the legislation.

A copy of the *Pest Management Act 2001* and the *Pest Management Regulation 2003* can be downloaded free of charge from www.legislation.qld.gov.au or www.health.qld.gov.au.

Transitional arrangements

Licence issues

There is a two-year transitional period for existing licensees, after commencement of the new legislation on 20 September 2003, ending on 20 September 2005.

Pest management technicians may continue to undertake pest management activities in line with the same conditions to which their licence was subject before 20 September 2003. This includes activities for timber pests. At the end of this period, a licensee must have a timber pest qualification to carry out a timber pest activity.

Restricted licensees and fumigators will have two years to upgrade to the required competency units for pest control activities and fumigation activities. See Table 1 in the General Issues part of this document.

Until 20 September 2005, persons who are in possession of a licence that is restricted to the use of up to eight pesticides may continue to apply for inclusion of new chemicals and/or the removal of existing chemicals from the list of conditions.

Licensees should contact their local Environmental Health Service office to arrange for determination of the use of additional pesticides to be nominated for inclusion on the licence. Refer to Appendix 3 for contact details of all Queensland Health Environmental Health Services.

Until 20 September 2005, persons, who are in possession of a licence that is restricted to the use of specified fumigants and/or individual site environments, may continue to apply for inclusion of new fumigants and/or site environments, or the removal of existing fumigants and/or site environments from the list of conditions.

Licensees should contact their local Environmental Health Service office to arrange for determination of the use of additional fumigants and/or site environments to be nominated for inclusion on the licence. Refer to Appendix 3 for contact details of all Queensland Health Environmental Health Services.

Vehicle signage

There is a transitional provision about vehicle signage. Vehicles used by technicians holding an existing licence, prior to the commencement of the new legislation on 20 September 2003 will have to comply within 12 months from that date. For further information about vehicle signage, see *Vehicles, Equipment, Storage and Disposal of Waste*.

Fumigation notice

Section 20 of the *Pest Management Regulation 2003* commences on 20 March 2004. This section requires a relevant person, that is a pest management technician or the person carrying on a pest management business employing the pest management technician, to give an owner or occupier of a place a fumigation notice where a fumigation activity is to be carried out. The notice informs the owner or occupant about the fumigant, who has applied it and where, when, and for what period the fumigant will be used.

Clearance certificate

Section 27 of the *Pest Management Regulation 2003* commences on 20 March 2004. This section requires a relevant person to give the person who requested the fumigation activity a clearance certificate when the relevant person is satisfied the fumigation space is safe for entry.

Pest control advice

Section 13 of the *Pest Management Regulation 2003* commences on 20 September 2004. This section requires a pest management technician to give an owner or occupier of a premises, a pest control advice where a pest management activity is to be carried out. The advice informs the owner or occupant about the pesticide, who has applied it and any general precautions that should to be taken for the pest control activity.

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General Issues

Pest management technicians

The new legislation identifies a pest management technician as a person who holds a licence under the Act and undertakes a pest management activity. The term “pest management technician” replaces both the previous terms “pest control operator” and “fumigator”.

Requirements needed for licensing as a pest management technician

To be licensed as a pest management technician, the person must be:

- at least 17 years of age
- be a suitable person to hold the licence
- hold the relevant pest management qualifications suitable for the pest management activity the person intends to carry out.

In line with the National Standard for Licensing Pest Management Technicians and Standard 10 of the Australian Quality Training Framework, a Statement of Attainment or qualification from a registered training organisation (RTO) will be the only evidence of competence accepted by Queensland Health.

The pest management industry has helped develop a series of competency standards specific to the industry. These standards have been endorsed by the Australian National Training Authority (ANTA) and are part of the training package for Asset Maintenance in Property Services. Training in pest management is conducted by RTOs. Training is not provided by Queensland Health. A full list of RTOs and courses/qualifications can be obtained from the National Training Information Service (NTIS) website www.ntis.gov.au or listed under “Useful Websites” in the Queensland Health website www.health.qld.gov.au.

If you have an issue or complaint in relation to the quality of training offered by a Registered Training Organisation, please telephone 1800 600 039 during business hours and ask for a complaints officer in Registration Services, Department of Employment and Training. Alternatively, you may wish to contact the Business Services Industry Council (Qld) on (07) 3357 7288.

The units of competency prescribed under the regulation that are needed for licensing as a pest management technician are detailed in Table 1 overleaf.

Timber pest qualification

Pest management technicians may continue to undertake pest management activities in line with the same conditions to which their licence was subject before 20 September 2003. This includes activities for timber pests. After 20 September 2003, a licensee will also need a timber pest qualification, as outlined in Table 1 overleaf. Please note that restricted licence holders can only use pesticides listed on the licence.

Timber pest - Obligations under the Queensland Building Services Authority (QBSA) legislation

The QBSA issue licences to pest control operators engaged in the treatment of sites for termite control. It should be noted that your obligations under QBSA legislation must be met, in addition to your obligations under the pest management legislation.

With effect from 1 January 2001, the QBSA amended its legislation so that:

- It is mandatory for BSA pest controlling licences (timber pest work) to attain Unit 8 – “Inspect and report on timber pests” and Unit 10 – “Control timber pests”.
- The scope of licensing to cover inspection about reporting of termite infestation in existing buildings is extended, as well as pre-slab and perimeter soil treatments for termites for new buildings.

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

Type of pest management activity	Unit of Competence	Title of Unit of Competence
Pest control activity (other than activities for timber pests)	PRMPM05A	Modify environment to manage pests
	PRMPM06A	Apply pesticide to manage pests
	PRMPM018A	Maintain an equipment and consumables storage area
Pest control activity (including activities for timber pests)	PRMPM05A	Modify environment to manage pests
	PRMPM06A	Apply pesticide to manage pests
	PRMPM018A	Maintain an equipment and consumables storage area
	PRMPM08A	Inspect and report on timber pests
	PRMPM10A	Control timber pests
Fumigation activity	PRMPM11A	Eradicate pests through fumigation

Suitability of a person to hold a licence

A person may be found to be unsuitable to hold a licence or to continue to hold a licence to carry out a pest management activity, in the areas of:

- 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 (eg. undertaking an activity class not listed on the licence)
- suspension or cancellation of the licence
- disciplinary action or
- conviction under relevant law.

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.

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.

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; and
- it is registered by the Australian Pesticides and Veterinary Medicines Authority (APVMA).

Pest management activities where the legislation applies

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. Although yards and lawns are included in the term "premises", the legislation would not apply to the control of plant pests. Swamps and watercourses are also included in the term "premises" for the purposes of controlling fleas, midges and mosquitoes.

Examples of where the legislation applies to pest management activities:

- 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 caterpillars)
- a person employed by a school or sports club to treat against pests (but not for treating lawns or sports fields)
- a person using a household pesticide (eg 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:

- 1) A pest control activity that is:
 - a) carried out by aerial distribution of an agricultural chemical product or any preparation containing an agricultural product (eg aircraft spraying);
 - b) being used in primary production (eg protecting stockfeed by laying rat baits);
 - c) being used in relation to processing grain or seed for the use as food for animals;
 - d) being used in relation to the caring for or growing of a plant that is mainly used for recreational or sporting activities; (eg spraying a bowling green to protect it from damage by insects);
 - e) being used to control a pest on an animal (eg control of fleas or ticks on a dog);
 - f) carried out by a person at a residential premises:-
 - (i) occupied by that person, even if the person is not the owner;
 - (ii) owned by that person, but where the premises is not occupied at the time;
 - g) carried out by a person using only a pesticide:
 - (i) that is normally for household use;
 - (ii) and bought at a supermarket (eg a spray can of insecticide¹);
- 2) A fumigation activity that is carried out on a farm in primary production (eg fumigating a farm grain storage facility); and
- 3) A timber treatment activity under the *Timber Utilisation and Marketing Act* by an authorised person.

¹ NB: The legislation will apply if that 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.

Licensing

General

Under section 11 of the Act, only a pest management technician, licensed to carry out a pest management activity, or a trainee, properly supervised by a pest management activity, can carry out a pest management activity. There is a maximum penalty of 1000 penalty units (As of 20 September 2003, 1 penalty unit = \$75.00) for an offence against this section of the Act. There is a similar penalty for advertising as a pest management technician when unlicensed.

A trainee 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.

Single licence for all classes

Under the new legislation, there will be a single licence issued for the following types of pest management activity:

- Pest control activity (other than activities for timber pests);
- Pest control activity (including timber pests); and
- Fumigation activity.

The details included on your licence will:

- 1) contain a recent photograph of yourself;
- 2) your signature;
- 3) state the following particulars:
 - a) your name;
 - b) the licence number;
 - c) date of issue of the licence;
 - d) date of expiry of the licence;
 - e) each pest management activity that may be carried out under the licence;
 - f) the site environments that can be carried out with a fumigation activity;
- 4) and subject to the following conditions:
 - a) you may only carry out an activity stated in the licence;
 - b) you may only carry out a fumigation activity under the licence in a certain site environment;
 - c) you must 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
 - d) Any conditions that the chief executive considers reasonable or necessary to protect persons from health risks associated with an activity.

A person, who held a pest control operator's licence and a fumigator's licence before the start of the new legislation, will end up with only one licence which will state that they are authorised to undertake both activities.

Photographic licence card

Another key change is the introduction of a licence with a photographic identity card that may be issued for up to 5 years, similar to a driver's licence. Licences should be carried at all times by the person when undertaking pest management activities. The reason for this is that an inspector could require the pest management technician to produce the licence.

There will be no extra cost to you for the issue of photographic licences for renewals and new applicants. The cost of issuing the licence is included in your licence application/renewal fee. However, there is a fee of \$20.00 for the replacement or variation of a photographic licence. Where a licence has been damaged, destroyed, lost or stolen then a fee of \$20.00 will be charged.

You will need to provide two copies of a photograph of the size and quality as that expected for a passport application. You will need to have the photographs identified as a true likeness of yourself by a Justice of the Peace, Commissioner for Declarations, doctor, solicitor, police officer or an officer of Queensland Health's Public Health Service. The original signature of the identifier is required. A photocopy or facsimile of that signature is **not** acceptable.

A copy of your signature will also be required to be included on your 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 may be obtained from the nearest Environmental Health Service office. See Appendix 3 for contact details.

Supporting information about applying for licences and fact sheets can be obtained and downloaded by visiting the web page at www.health.qld.gov.au/healthyliving/pestmgt/1.htm.

To process your application, it is necessary to submit certified photocopies of your Statement of Attainment or qualification (i.e. qualification means full Certificate II, III or IV etc with accompanying units of competency). An application for a licence or to vary a licence which only has a Result of Attainment attached is not sufficient to proceed with the application.

A Justice of the Peace, Commissioner for Declarations, doctor, solicitor, Police Officer or an officer of Queensland Health's Public Health Services 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.

Fees

As of 1 July 2003, the fees for applications of licences are:

Type of Application	Fee (including GST)
1) Licence or renewal - Term:	
a) Of 1 year or less	\$74.00
b) More than 1 but not more than 2	\$148.00
c) More than 2 but not more than 3	\$222.00
d) More than 3 but not more than 4	\$296.00
e) More than 4 but not more than 5	\$370.00
2) Variation	\$20.00
3) Replacement	\$20.00

Please check with your nearest Environmental Health Service office regarding the precise information on current licence fees prior to submitting your application form, as there will be periodic adjustments to fees from time to time to reflect CPI increases. See Appendix 3 for contact details.

Application

The application fee for a licence is \$74.00 per year. A licence may be issued for a term ranging from 1 to 5 years.

The form may be obtained from the nearest Environmental Health Service office. See Appendix 3 for contact details.

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, or
- to vary a condition of the licence.

The application must be made on the approved form and a fee of \$20.00 is required because a new photographic licence has to be issued. The application form may be obtained from the nearest Environmental Health Service office. See Appendix 3 for contact details.

Replacement of a licence

Where a licence has been damaged, destroyed, lost or stolen, a fee of \$20.00 will be charged to cover the cost of a replacement photographic licence. The application form must include details of what happened to the licence. The form may be obtained from the nearest Environmental Health Service office. See Appendix 3 for contact details.

Renewal of licences

The application fee for renewal of a licence is \$74.00 per year. Licences may be issued in terms of one to five years. Included with your first renewal after 20 September 2003, will be a photographic licence card application form. Supporting information will also accompany your application form.

All licensees must renew their licence on time. If you let your licence expire, you will need to reapply and have to provide evidence of successfully passing the required units of competency for that class of pest management activity.

Before the commencement of the new legislation, there were two options available to you after it had expired:

- 1) The application had to be supported by the appropriate units of competence; or
- 2) The person provided a statement certifying that they had continuously held a valid licence as a pest control operator for at least 18 months of the previous 24 months and could demonstrate that they had regularly worked as a pest control operator during that 18 month period. **After the commencement of the new legislation, option 2 will no longer be available when applying for a renewal licence after the old one has expired.**

First renewal application of restricted pest control licences and fumigator licences during the transition period.

A two-year transitional period commenced on 20 September 2003. The end of the transitional period is known as the determining day and will be 20 September 2005.

A key provision of the transitional arrangements is that the fee for the first renewal application for a restricted pest control licence or fumigator's licence will be calculated on the number of full weeks from the licence expiry date to the determining day of 20 September 2005. The fee will be calculated for you and is calculated pro rata using the simple calculation on the next page.

$$\frac{\text{Annual fee x number of full weeks from expiry date to determining day}}{52}$$

For example,

if your licence is due to be renewed on 12 March 2004, the fee would be calculated as:

$$\frac{\$74.00 \times 79 \text{ weeks}}{52} = \$112.00$$

where 79 weeks is the 27 weeks from 12 March 2004 to 20 September 2004 and the full 52 weeks for the whole year until 20 September 2005.

This means that unless holders of restricted pest control licensees and fumigator licences have attained the required competency units and varied their licence prior to their first renewal in the transitional period, then the expiry date for their second renewal will fall on 20 September 2005. For full details of competency units, see Table 1 in the General Issues part of this booklet.

Second renewal application at the end of the transition period

60 days before 20 September 2005, you will receive a second renewal notification. Providing you have attained the necessary units of competency for the type of licence you wish to apply for, you will be issued a renewed licence.

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Pest Management Obligations

The pest management legislation imposes certain obligations on:

- Pest management technicians, whether employed or self employed; or
- Another person carrying on a business of providing a pest management activity.

Pest management technicians

The pest management technician 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 any changes of circumstances;
- notify certain events;
- inform occupiers or others;
- provide proper supervision of trainees; and
- comply with licence conditions.

Another person carrying on a business of providing a pest management activity

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, if the other person is unlicensed or not a trainee; and provide for proper supervision of trainees.

Further details relating to each of these obligations are described below.

You need a licence to undertake pest management activities

Under section 11 of the Act, a pest management technician must be licensed to carry out a pest management activity. There is a maximum penalty of 1000 penalty units for an offence against this section of the Act. As of 20 September 2003, a penalty unit = \$75.00. Please note that this amount may be subject to change.

There is also a maximum penalty of 1000 penalty units for advertising or holding out to carry out a pest management activity, when not licensed to do so.

Don't permit or require another person to carry out pest management activities

Section 51 of the Act states that a pest management technician, 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 pest management technician; or
- a supervised trainee.

The maximum penalty for failing to comply with this section is 1000 penalty units.

Notify Queensland Health of any changes of circumstances

Any change of a pest management technician's circumstances must be notified within 21 days after the change happens. Prompt notification of change in circumstances assists in the process of licence renewals and reminders. There is a maximum penalty of 10 penalty units for failing to comply with this requirement.

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.

You may wish to advise Queensland Health of change of telephone or fax numbers for yourself or employers.

Notify Queensland Health of certain events

It is the duty of a pest management technician to notify the chief executive of any notifiable incident that occurs:

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

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.

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

For the purposes of notification of certain events to the chief executive, notification to any Environmental Health Service office will be sufficient

There is a maximum penalty of 50 penalty units for not notifying the chief executive of a notifiable incident. While notification may affect a technician's suitability to hold a licence, the important factor to remember is the protection of the public's health from risks associated with pest management activities.

Inform occupiers or others

A pest management technician carrying out a pest management activity at a premises must provide written pest control advice 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 notice must be left with that person or left in a conspicuous place, or if the place is unoccupied, posted to the person. The notice must contain the following information.

- the technician's name and licence number;
- the name and business name of the person employing the technician (if applicable);
- the name of each pesticide as it is marketed and sold;
- the active constituent of the pesticide;
- where the pesticide is used in the premises; and
- the precautions that should be taken for the pest control activity, eg removing pets, washing crockery etc.

Provide proper supervision of trainees

Section 52 of the Act requires that the pest management technician or the owner of the business must properly supervise a trainee carrying out a pest management activity.

Supervision of a trainee by a pest management technician 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, works 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. The pest management technician must be accessible.

The maximum penalty for failing to supervise a trainee properly is 200 penalty units.

Complying with licence conditions

A licence issued to you will contain certain conditions that you have to comply with.

These conditions relate to:

- the permitted pest management activity;
- a fumigation activity at certain site environments;
- the use of a pesticide or fumigant that is a registered chemical product in contravention of the *Chemical Usage (Agricultural and Veterinary) Control Act*; and
- any additional condition that the chief executive considers necessary to protect public health.

Failure to comply with these conditions may result in a maximum penalty of 200 penalty points.

Other duties

Besides the obligations mentioned above, there are other duties under the pest management legislation that a pest management technician must undertake in relation to record keeping, vehicles, equipment, storage and the disposal of waste. Details of these other duties are provided later in this booklet.

Obligations and duties under the Workplace Health and Safety legislation

The *Workplace Health and Safety Act 1995* places an obligation on every person to ensure his or her workplace health and safety, and the workplace health and safety of others.

The following website is a useful workplace health and safety legislation and information resource for a pest management technician, an employer or a trainee <http://www.whs.qld.gov.au/legislation/index.htm>.

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

RTI REVIEW

Record Keeping

Duty to keep records

The new pest management legislation requires that records of the use of fumigants or pesticides must be kept for a period of at least two years. It is an offence to knowingly make a false or misleading record. The maximum penalty for such an offence is 20 penalty units.

Who needs to keep records?

Under the previous *Health Regulation 1996*, only a licensed fumigator was obliged to keep records of fumigation treatment details. Under the new laws, the requirement to keep records now applies to:

- 1) the pest management technician, if self employed; or
- 2) the person carrying on a business of providing a pest management activity who employs:
 - a) a pest management technician; or
 - b) a trainee.

Details to be recorded

Pest management activity details are to be recorded not later than 24 hours after such an activity. Details must include:

- 1) date the activity was carried out;
- 2) for the premises:
 - a) address where it was carried out;
 - b) description and type of premises or place, eg factory, office or residence;
- 3) name and contact details of owner, occupier or other person contracting the activity;
- 4) name and licence number of the pest management technician;
- 5) name of any trainee involved in the activity;
- 6) for the fumigant or pesticide:
 - a) name and strength used of each active constituent;
 - b) quantity used;
- 7) the rate of application:
 - a) for the fumigant; or
 - b) for the pesticide, if in carrying out the activity, it is used for timber pests.

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; 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 a Certificate of Installation in accordance with Australian Standard 3660.1 or a Certificate of Termite Treatment in accordance with Australian Standard 3660.2

Vehicles, Equipment, Storage And Disposal Of Waste

Vehicles

Any vehicle used by the pest management technician for storing, transport or preparation of a fumigant or pesticide (the substance), must meet the following minimum standards:

- the floor and walls of the vehicle are to be impervious to the substance;
- the section of the vehicle used to store the substance must be able to contain it in the event of a leakage or escape;
- the substance is packed or placed so as to prevent any damage to the packing of the substance, and any leakage or escape of the substance; and
- the container or equipment is inaccessible to anyone not having permission of the technician. (When away from the vehicle, it is advisable to always lock the vehicle and storage area.)

Signage

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

- contains the technician's name or business name; or
- contains the business name of the technician's employer; and
- contains the contact telephone number of the technician or employer; and if the name on the vehicle is used for pest management activities, the words "Pest management vehicle" or other words that clearly indicate the vehicle is used for pest management activities; and
- can be easily read by a member of the public or an inspector while walking or driving past the vehicle.

Inspector's authority to stop a vehicle

An inspector is a Queensland Health officer appointed under section 55 of the Act. If an 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;
- 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.

Equipment

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 durable during ordinary handling, transport or storage;
- have sufficient excess capacity;
- be capable of being securely closed;
- be chemically unreactive to the substance it contains; and
- not be physically interactive with the substance it contains.

Labelling

If a pest management technician or a trainee puts a fumigant or pesticide into a container that does not have an approved label attached to it and then stores the container for future use, the outside of the container must be suitably labelled showing:

- the active constituents 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 Regulation for precise details.

Respiratory protection devices

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

- AS/NZS 1715:1994 - Selection, use and maintenance of respiratory protective devices; and
- AS/NZS 1716:1994 - Respiratory protective devices.

The maximum penalty for failing to comply with this requirement is 20 penalty units.

Storage of a fumigant or pesticide

Storage area

The place where a pest management technician stores a fumigant or pesticide (other than his motor vehicle) must comply with certain standards. 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;
- is 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;
- be contained to prevent spillage external to the storage area; 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 the yard as long it is not used as a residential area;
- a locked garage which is inaccessible to those under 18 years of age, and is not used for residential or recreational purposes.

It is the duty of a pest management technician to ensure that the storage area used to store fumigants and pesticides complies with the above requirements.

This does not apply to a storage area where the pest management technician stores a reasonable amount of fumigant or pesticide for his own personal use and which is not for business purposes.

Access to area storage

It is the duty of a pest management technician who has custody of a fumigant or pesticide to ensure that the storage area is secure against someone gaining access to the fumigant or pesticide, unless the person has permission from the pest management technician and who is a pest management technician, a trainee or someone over 18 years of age.

Disposal of waste

The disposal of waste is generally controlled by environment protection legislation. The new pest management legislation provides more specific information on cleaning up and disposal of waste resulting from pest management activities, which complement the requirements in the *Environmental Protection Act 1994*.

Clean up of spills

As soon as a pest management technician 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 spill or leakage may need to be notified to the chief executive if it affects or is likely to affect a person's health. For more details, see the part of the booklet entitled "Obligations of a Pest Management Technician".

Disposal of unwanted or spilled fumigant or pesticide

Unwanted or spilled fumigant or pesticide must be disposed of by a pest management technician so that it does not:

- put at risk or endanger the life or safety of any person or animal; or
- pollute the environment.

Disposal of containers

A pest management technician 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, eg at an approved waste facility, or
- returning the securely sealed container 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 doesn't pollute the environment.

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Fumigation Activity

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 quite specific skills and work practices.

The Department of Industrial Relations have advised that most of these substances will be classified as "Hazardous Substances" under the *Workplace Health and Safety Act 1995*, and *Workplace Health and Safety Regulation 1997* at Part 13-Hazardous Substances. The following brochures are of particular relevance and can be located at the following website <http://www.whs.qld.gov.au/legislation/index.htm>.

- Rural Safety Link No. 8. Pesticides – Safe Use
- Brochure – 023. Employers and Hazardous Substances
- Brochure – 024. Workers and Hazardous Substances
- Brochure – 037. Material Safety Data Sheets and Labels

Procedure for fumigation activity

The pest management technician must comply with the following procedures for any fumigation activity:

- 1) **Precautions to be taken before undertaking the activity:**
 - a) Notify in writing to an occupier of the premises before the fumigant activity is to take place
 - b) Establish a risk area;
 - c) Assess the risk area next to the fumigation space to determine if there is a risk to persons from escaping fumigant;
 - d) Ensure only authorised persons are in the fumigation space or risk area;
 - e) Barricades are in place;
 - f) Appropriate and sufficient danger signage is in place. See Appendix 1 for more details;
 - g) Ensure that potential ignition sources in the fumigation space and risk area are switched off or extinguished;
 - h) Ensure that all food and drink is removed from the area; and
 - i) Ensure that all cracks and crevices are sealed to prevent the escape of the fumigant. This part does not apply if:
 - i) the fumigation space is a grain storage facility; and
 - ii) the activity is carried out using a method designed for use in a grain storage facility that is not sealed.

Further information on risk assessment and associated forms is available from the Department of Industrial Relations.

- 2) **Precautions to be taken during the fumigation activity:**
 - a) Ensure that at least one other person is present:
 - i) to provide first aid; or
 - ii) to assist in preventing entry to the risk area if it cannot be secured by locking.
 - b) Barricades are to remain in place to restrict unauthorised access to the fumigation area;
 - c) Barricade danger signs:
 - i) sufficient in number;
 - ii) can be easily seen by anyone approaching the fumigation space or risk activity;
 - iii) placed on the barricades; and
 - iv) remain in place, until the pest management technician determines it is safe to re-enter;
 - d) No smoking of tobacco or other smoking products;

- e) Test for leaks in equipment and fumigation space:
 - i) for use with methyl bromide, test regularly over the 24 hour period; or
 - ii) for use with aluminium phosphate, test regularly over the 10 to 14 day period, depending on strength of the fumigant.

3) **Precautions to be taken at the end of the fumigation activity**

- a) Release the fumigant safely;
- b) Vent the fumigant space, and anything in the space, so that they are free of fumigant;
- c) Determine if the fumigant space and risk area is safe to enter;
- d) Deny access to unauthorised persons until it is safe to permit re-entry; and
- e) Provide a clearance certificate to the person who requested the activity.

The above requirements only apply to a fumigation activity that is carried out in a public place or other place where the public have unrestricted access. Examples of such places are a beach, park, road, shop, restaurant or a cinema complex.

This section does not apply if the fumigation space is a grain storage facility and the fumigation activity is carried out using a method designed for use in a grain storage facility that is not sealed.

Notification required before using a fumigant in a public place

This section of the Regulation (Section 20) commences on 20 March 2004.

A relevant person includes the pest management technician or their employer.

The relevant person must:

- a) give notice to the occupier of the place to be fumigated:
 - i) at least 24 hours before fumigation in a public place occurs; or
 - ii) less than 24 hours if the place is not a public place and it is not practicable to give 24 hours notice before. An example of this would be if the fumigation activity must be carried out urgently to effectively kill a pest;
 - b) keep a copy of the notice for 2 years from the date of signature;
- 2) The fumigation notice must state:
- f) either the pest management business or technician's:
 - i) name;
 - ii) address;
 - iii) telephone number;
 - b) be dated and signed by the relevant person;
 - c) the street address of the place or specific part of a place to be fumigated;
 - d) the details of the fumigant activity:
 - i) the fumigant that is going to be used;
 - ii) the date and time the fumigant is proposed to be introduced;
 - iii) an estimate of the exposure period of the fumigant; and
- 3) The relevant person must keep a copy of the fumigation notice for at least 2 years.

Clearance certificate

This section of the Regulation (Section 27) commences on 20 March 2004.

At the end of the fumigation activity, a clearance certificate must be issued to the person who contracted the pest management technician to undertake the fumigation activity. The certificate must:

- 1) Be signed and dated by the technician; and
- 2) Include the following details of the :
 - a) name and address of the person receiving the certificate;
 - b) name, address and telephone number of the technician; or
 - c) name, address and telephone number of the owner of the pest management business (if employing the technician);
 - d) where the fumigation has been carried out;
 - e) commodity or thing fumigated;

- f) reason for undertaking the fumigation activity;
 - g) the type of fumigant used;
 - h) the date and time fumigant introduced into the fumigation space;
 - i) method used to introduce the fumigant;
 - j) duration of retention period;
 - k) date and time fumigant released from the fumigation space;
 - l) device or method used to determine fumigation space is safe to re-enter;
 - m) a statement that the fumigation space is safe to re-enter; and
- 3) A copy of the certificate is to be kept for two years by the relevant person.

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Inspectors

General powers of inspectors

An inspector can:

- enter places of business;
- stop motor vehicles;
- seize evidence;
- obtain information;
- require the production of any document issued under the Act. This includes a licence;
- issue compliance notices; and
- issue prescribed infringement notices (PIN). (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 offence 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 carrying out 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 pest management technician 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 pest management technician.

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;
- give direction that the vehicle is not moved; or
- give direction that the vehicle is to be moved some place else.

Offences against inspectors

It is an offence to:

- obstruct an inspector;
- impersonate an inspector;
- fail to comply with an inspector's direction;
- fail to help an inspector;
- fail to give information to an inspector;
- give false or misleading statements or documents;
- tamper with a seized thing;
- fail to give name or address; or
- fail to produce or certify a document.

For more details about penalties for offences against inspectors, see Appendix 2.

Appendix 1: Dictionary

	Definition	Interpretation
Aerial distribution	Spraying, spreading or dispersing, whether intentionally or not, from an aircraft in flight.	The distribution of a pesticide from an aircraft.
Agricultural chemical product	Meaning given by the <i>Agvet Code of Queensland</i> , section 4.	
Agricultural purposes		Means broad acre farming, usually associated with grain crops and stock raising.
Agvet Code of Queensland	The provisions applying because of section 5 of the <i>Agricultural and Veterinary Chemicals (Queensland) Act 1994</i> .	
Barricade sign	The sign must be on a white background, contain the name of the pest management technician or details of the owner of the business, a contact telephone number for the technician/business, and in red letters of not less than 50mm in height, the words: DANGER KEEP OUT FUMIGATION IN PROGRESS WITH (name of fumigant).	
Building	Includes a structure of any type and part of a building or structure.	A building or part of a building.
Building site	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 <i>Queensland Building Services Act 1991</i> , section 52, be exhibited.	Does not include that part of the site where someone lives, eg a caravan etc.
Chief executive	The Chief Executive Officer of Queensland Health.	
Commencement Day	20 September 2003.	
Determining day	20 September 2005, ie the day two years after the commencement of the Act.	The end of the transitional period.

	Definition	Interpretation
Fumigant	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.	
Fumigation activity	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.	
Fumigator's licence	An existing licence granted under the <i>Health Regulation 1996, Part 12.</i>	
Household pesticide	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.	A spray pack of pesticide available for purchase at a supermarket.
Horticultural purposes		Includes cultivation of flowers, vegetables, fruit and other plants (eg ornamentals). This also includes the urban plant nursery situation.
Inspector	A person appointed under section 55 of the Act.	
Motor vehicle	A vehicle for which registration is required under the <i>Transport Operations (Road Use Management – Vehicle Registration) Regulation 1999</i> and includes a trailer.	
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.	
Occupier	Means: <ul style="list-style-type: none">• a person in actual occupation of the place or a part of the place; or• a person who employs another person in, or in connection with, the business conducted in the place; or• 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.	For example, an owner, resident of a place or a principal occupant of a business in the place.

	Definition	Interpretation
Pastoral purposes		Includes stock raising and the growing of crops and other plants for use in relation to stock-raising.
Pest	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.	For example, an insect, a spider, a snail or a rat or mouse. Also includes a rabbit or a fox for the definitions of fumigant and fumigant activity.
Pest control activity	Preparing an insecticide 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.
Pest control operator	A person defined under section 131J of the <i>Health Act 1937</i> .	A person who for payment of reward uses pesticides in or about premises for the purpose of controlling, destroying or preventing the growth or development of insects, arachnids or vermin. It does not refer to a person who uses pesticides for agricultural or pastoral purposes. Vermin also includes rats, mice, birds and other species of pests.
Pest control operator's licence	An existing licence granted under Part 4, Division 7 of the <i>Health Act 1937</i> .	
Pesticide	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 <i>Bacillus thuringiensis</i> , a bacterium used for the control of mosquito larvae. Pesticide also includes the terms insecticide, rodenticide, arachnidicide, pullicide (weedicide and fungicide).
Pest management activity	A fumigation activity or pest control activity.	
Pest management technician	An individual who holds a licence issued under the <i>Pest Management Act 2001</i> .	Formerly a pest control operator of fumigator.
Pest Management Technician's Licence	A licence issued under the <i>Pest Management Act 2001</i> .	

	Definition	Interpretation
Primary production	The production, storage or preparation for marketing or export, of agricultural or horticultural products.	
Public place	A place where the public is entitled to use or is open to the public. A place, the occupier of which allows the public to enter.	A beach, park or road, for example. A shop, restaurant or cinema complex, for example.
Registered Training Organisation	A training organisation registered under the <i>Training and Employment Act 2000</i> , or under similar legislation of another State or Territory.	
Registered chemical product	Has the meaning given by the <i>Agvet Code of Queensland</i> , section 3.	
Restricted licence	A licence that is subject to a condition restricting the pest management technician to the use of only pesticides named in the licence.	
Relevant person	Means: <ul style="list-style-type: none">• 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 – the person who employs the technician; or• otherwise, the pest management technician who carries out a relevant fumigation activity.	Either the technician or his employer.
Supervision	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, works 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. The pest management technician must be accessible.	

	Definition	Interpretation
Timber pests	Pests that attack infest or destroy timber products.	
Units of competency	The pest management qualifications to be attained for each class of pest management activity prescribed by the regulation, as part of the licensing requirement.	

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Appendix 2: Offences

Pest Management Act 2001

Section of the Act	Description	Maximum penalty units (1 p.u. = \$75)
11	Requirement for licensing	1000
27	Contravention of condition of licence	200
39	Varied licence to be produced	10
42	Surrender of licence	10
48	Failure to return of cancelled/ suspended licence	10
51	Pest management technician must not permit or require another person to carry out a pest management activity	1000
52	Failure to supervise a trainee	200
54	Notice of change in circumstances	10
61	Return of identity card	10
68	Complying with an inspector's direction	50
70	Failure to help inspector	50
71	Failure to give information	50
75	Tampering with seized thing	100
76	Powers to support seizure	50
84	Failure to give name or address	50
86	Failure to produce document	50
87	Failure to certify copy of document	50
88	Power to require information	50
89	Compliance notice	100
92	False or misleading statements	50
93	False or misleading documents	50
94	Obstructing inspector	100
95	Impersonation of an inspector	50
96	Notifiable incidents	50
136	Certain licences not to include timber pests after determining day	10

Pest Management Regulation 2003

Section of the Regulation	Description	Maximum penalty units (1 p.u. = \$75)
7	Requirements about containers	20
8	Labelling of containers	20
9	Disposal of containers	20
10	Storage of fumigants or pesticides	20
11	Dealing with leakages or escapes	20
12	Disposal of fumigants or pesticides	20
13	Information to be given to occupiers or others	20
14	Records of use of fumigants or pesticides	20
15	Records of use for certain treatments for termites	20
16	Requirements about motor vehicles	20
17	Requirements about the use of respiratory protective devices	20
18	Establishing risk area	20
19	Inspecting before fumigating	20
20	Notifying persons about relevant fumigant activity	20
21	Barricades to be erected	20
22	Danger signs to be displayed	20
23	Interfering with barricades or danger signs	20
24	Inspecting and testing during fumigation	20
25	Releasing fumigant and venting fumigation space	20
26	Re-entering fumigation space	20
27	Clearance certificate	20
28	Other person to be near technician	20
29	Smoking prohibited	20

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Appendix 3: Environmental Health Services, Queensland Health

Drugs and Poisons Services
Environmental Health Unit
Queensland Health
147 - 163 Charlotte Street
GPO Box 48
BRISBANE QLD 4001
PH: 3234 0938

Brisbane North
Director, Environmental Health
Services
184 St Pauls Terrace
Spring Hill
PO Box 1507
FORTITUDE VALLEY QLD 4006
PH: 3250 8509

Brisbane South
Director, Environmental Health
Services
39 Kessels Road
Coopers Plains
P O Box 333
ARCHERFIELD QLD 4108
PH: 3000 9145

Bundaberg
Director, Environmental Health
Services
Bundaberg Base Hospital
Bourbong Street
P O Box 185
BUNDABERG QLD 4670
PH: 4150 2780

Cairns
Director, Environmental Health
Services
Ground Floor, Aplin House
19 Aplin Street
P O Box 1103
CAIRNS QLD 4870
PH: 4050 3601

Charleville
Environmental Health officer
18 Wills Street
CHARLEVILLE QLD 4470
PH: 4656 8100

Hervey Bay
Environmental Health Officer
141 Long Street
Old Hervey Bay Hospital
Point Vernon
P O Box 724
HERVEY BAY QLD 4655
PH: 4197 7277

Ipswich
Senior Environmental Health Officer
Level 4, Ipswich Hospital
73 Chelmsford Avenue
Ipswich
PO Box 73
IPSWICH QLD 4305
PH: 3818 5001

Longreach
Environmental Health Services
Central Public Health Unit Network
3 Snipe Street
PO Box 297
LONGREACH QLD 4730
PH: 4658 0859

Mackay
Director, Environmental Health
Services
Mackay Community Health Centre
12 - 14 Nelson Street
P O Box 688
MACKAY QLD 4740
PH: 4968 3858

Maroochydore
Director, Environmental Health
Services
150 Horton Parade
P O Box 577
MAROOCHYDORE QLD 4558
PH: 5479 4655

Mt Isa
Environmental Health Services
Mt Isa Hospital
Cnr Doreen & Camooweal Streets
PO Box 27
MT ISA QLD 4825
PH: 4743 8230

Redcliffe
Environmental Health Services
181 Anzac Avenue
P O Box 162
REDCLIFFE QLD 4020
PH: 3883 7480

Rockhampton
Director, Environmental Health
Services
1st Floor, 82 - 86 Bolsover Street
P O Box 946
ROCKHAMPTON QLD 4700
PH: 4920 6989

Southport
Director, Environmental Health
Services
10-12 Young Street
P O Box 267
SOUTHPORT BC QLD 4215
PH: 5509 7222

Toowoomba
Director, Environmental Health
Services
3 Bell Street
P O Box 1775
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Director, Environmental Health
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AITKENVALE 4814
PH: 4750 4020