

**Att: Committee Secretary**

State Development, Natural Resources and Agricultural Industry Development Committee
Parliament House
George Street
Brisbane QLD 4000

Friday 31 May, 2019

Re Medicines and Poisons Bill 2019

Dear Secretary,

I write in respect to the invitations for submissions for the Medicines and Poisons Bill 2019. This submission is made on behalf of AEPMA, the national body representing the pest management industry in Australia.

In respect of the above legislation, we note that the Bill is to replace the Pest Management Act 2001 and Pest Management Act 2003. These previously regulated access to, and the use of, poisons, such as pesticides and fumigants. They also set licensing and competency requirements for persons who carry out pest management activities.

We understand that the aim of the new legislation is to provide a new regulatory framework to modernize and streamline the regulation of medicines and poisons and ensuring that requirements are easier for industry and the community to understand and apply in practice.

We are concerned that the new legislation does not go far enough in reducing the regulatory burden of industry and is less transparent than the previous legislation which was contained in one Act. In respect of these two issues, we would make the following comments:

1. Licensing

Industry has consistently supported uniform national licensing as the industry operates nationally and variances between states increases costs to industry. To reduce the costs to industry, we would prefer that the legislation address the following matters:

a) Licensing by Department of Health and Queensland Building and Construction Commission (QBCC)

Queensland is the only state requiring two licenses and therefore there exists an opportunity to bring the QBCC licensing, specially pertaining to pest management, under one department (QLD Health). This would mean that industry in Queensland is consistent with New South Wales, Victoria and other states.

b) Interstate Movement

Industry notes that the Queensland government is party to the Mutual Recognition Agreement between the States. We further note that New South Wales allows up to



60 days for an appropriately qualified person to operate from the time the person applies until the person is either issued with a license or rejected. Obviously, the administration can be made more efficient but ensuring qualified technicians are not left sitting around while their license is being processed is a considerable operational efficiency. Industry has consistently argued for harmonization between the States and notes that if this is not possible, then the legislation should not impede legitimate movement of people and/or resources between States. We therefore support the Queensland legislation mirroring New South Wales.

In Victoria, they allow an interstate license, which is another way of ensuring free movement between states. Either of the above two options would be supported by industry.

c) Business Registration

Industry notes that the Department is not going to maintain a register of Pest Control businesses, although the Department will have on record the storage facilities for poisons and medicines. We believe that given recent threats to human health by pandemics i.e. A man in Hong Kong being the first person to contract the rat version of the hepatitis E virus, Hendra virus etc and the increased biosecurity threats as a result of increased world trade and international travel, a database of pest control companies would provide a valuable tool to respond to any emergency. Business registration would improve the recordkeeping, contact points and ensure effective service to consumers. This would provide efficiency dividends to the economy in reducing transaction costs, reducing future service costs as there would be appropriate information databases and providing greater accountability.

If the government wishes to reduce compliance costs, then it is possible to abolish individual pest control licenses and license the business to ensure they only employ accredited technicians.

2. Consumer Transparency

a) Stand Alone Pest Control Regulations

It is unlikely that a member of the public will look for the regulation and licensing of pest controllers under a Medicines and Poisons Act. At the very least, industry would like to see all pest control activities governed by a single regulation, to ensure the public is aware of the licensing obligations of pest controllers. Likewise, industry can find all their obligations in one location.

b) Codes of Practice

Industry now has a suite of seven Codes of Practice, two of which are registered with the ACCC, specifically:

- *Code of Best Practice for Termite Management*
- *Code of Best Practice for Termite Management During Construction*



Codes of Practice are superior to Standards as they are best practice and they are more regularly updated and provide more information at no cost to the consumers. NSW legislation recognizes their importance, as does the ACCC. In the Pesticides Act 1999, No. 80, Part 9 Pesticides Codes of Practice, Section 69 Nature of Pesticides Codes of Practice and Section 70 Making of Pesticides Codes of Practice, the legislation allows the registration and publishing of codes of practice by the Minister. This is beneficial both to the public and to the aims of public health and environment protection, by best practice use of pesticides/poisons. We would therefore request that the new legislation mirror NSW legislation to allow for the registration of codes of practice.

c) Competency Requirements

Industry notes the Draft Standard Competency requirements for undertaking regulated activities with poisons, pesticides and fumigants for non-therapeutic use in Queensland. Industry does not have a problem with the Standards contained therein, we are however worried that the units of competency are again under review and we would suggest future proofing by allowing the department to approve any changes to be made as contained in the NSW regulations (Pesticides Regulation 2017: Schedule 2 Approval of Units of competency by EPA), i.e.:

1 The Environment Protection Authority may from time to time approve of units of competency, or parts of units of competency, for the purposes of the definition of recognized qualification in clause 31 (2).

2 The Environment Protection Authority may only approve of units of competency, or parts of units of competency, if the units of competency are specified in a current Training Package endorsed by the Australian Industry and Skills Committee established by the Council of Australian Governments Industry and Skill Council.

Reference is made to 3660.3 and 3660.1 respectively, which of course deal with pre-construction and termite barrier systems. Industry believes that the use of standards and references to individual standards is obsolete. The Standards are only reviewed on average every 14 years and quickly become out of date. Under the Building Codes Board, they are only referenced documents to ensure compliance with the National Construction Code (BCA and PCA). The National Construction Code (NCC) is given legal effect by relevant legislation in each State and Territory. This legislation prescribes or “calls up” the NCC to fulfill any technical requirements that are required to be satisfied with undertaking building work or plumbing and drainage installations. For compliance with the NCC, it is first important to understand that it is a performance-based code.

In Queensland, the Department of Housing and Public Works administers construction through Building Codes of Australia and the Building Act 1975, Division 2, Paragraph 12. Industry would like to see the reference to Australian Standards deleted and reference made to the Queensland legislation and National Construction Code. Reference documents could also include codes of practice.



d) Introduction of National (Aspirational) Licence for Pest Controllers

This would enable industry to have a nationally consistent licence. It would mean a better educated workforce and enable pest controllers to move between jurisdictions, reducing compliance costs and also possibly costs to consumers as there is a potentially greater supply of trained pest controllers for seasonal work and for peak periods. This could be introduced with the minimum licensing and would encourage better trained operators and improve productivity by allowing some technicians to move freely between states.

Industry is using the term National (Aspirational) Licence which would be recognised by regulatory authorities. The competencies would be agreed and an industry technician, who has completed all the appropriate competencies, could qualify to receive a national licence which would be recognised by all regulatory authorities. This we believe, could be added to standards for licenses as a new category and would allow a first step towards the potential harmonisation of licenses between the States.

Naturally we would be happy to discuss any of the matters raised.

Yours sincerely,

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