



4 June 2019

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

**Email:** [sdnraidc@parliament.qld.gov.au](mailto:sdnraidc@parliament.qld.gov.au)

To Whom It May Concern

**Review of Medicines and Poisons Bill 2019 and associated Regulation**

Thank you for the opportunity to provide comment to the *Medicines and Poisons Bill* and the *Medicines and Poisons (Pest Management, Poisons and Other Regulated Substances) Regulation 2019*.

Local government officers use Schedule 7 (S7) poisons for the control of invasive animals on local government property as well as undertaking coordinated baiting programs involving the supply of baits to landholders for invasive animal control purposes.

Queensland local governments invest heavily in invasive plant and animal control including an annual payment of \$5.4 million (16/17) to the Land Protection Fund which funds the provision of 1080 baiting training as well as authorisation under the *Biosecurity Act 2014*.

The attached LGAQ submission contains 6 recommendations outlining a number of ways to ensure the risks associated with the use of S7 poisons are appropriately mitigated and local government officers continue to be authorised under the *Biosecurity Act 2014*.

Please don't hesitate to contact Ms Kristy Gooding, Lead – Natural Assets and NRM on (07) 3000 2257 or [REDACTED] should you wish to discuss any aspect of these comments.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Sarah Buckler', is written over a white background.

Sarah Buckler PSM  
GENERAL MANAGER - ADVOCACY



# **Medicines and Poisons Bill 2019 and Medicines and Poisons (Pest Management, Poisons and Other Regulated Substances) Regulation 2019**

Submission

June 2019



**Connect  
Innovate  
Achieve**



[lgaq.asn.au](http://lgaq.asn.au)



[@LGAQ](https://twitter.com/LGAQ)



[www.facebook.com/localgovqld](https://www.facebook.com/localgovqld)

The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association setup solely to serve councils and their individual needs. The LGAQ has been advising, supporting and representing local councils since 1896, allowing them to improve their operations and strengthen relationships with their communities. The LGAQ does this by connecting councils to people and places that count; supporting their drive to innovate and improve service delivery through smart services and sustainable solutions; and delivering them the means to achieve community, professional and political excellence.

## 1.0 Introduction

The Local Government Association of Queensland (LGAQ) welcomes the opportunity to provide comment on the *Medicines and Poisons Bill 2019* (the Bill) and the *Medicines and Poisons (Pest Management, Poisons and Other Regulated Substances) Regulation 2019* (the Regulation).

The LGAQ Policy Statement, the definitive statement of the collective voice of local government in Queensland, hold the following positions relevant to biosecurity:

5.3.7.2 Local government seeks to work cooperatively with the federal and state governments to control the impacts of declared and environmental invasive plants and animals in the state.

This Bill and Regulation are of interest as local governments in Queensland view biosecurity matters and invasive plants and animals as one of the most significant threats to productivity, human wellbeing and the environment. Collectively, Queensland councils expend greater than \$40 million of limited resources per annum to reduce the impacts of invasive plant and animal species. More specifically, local government officers use Schedule 7 (S7) poisons for the control of invasive animals on local government property as well as undertaking coordinated baiting programs involving the supply of baits to landholders for invasive animal control purposes.

The LGAQ has prepared detailed comments in relation to the Bill and Regulations and has made 6 recommendations, summarised below:

- **Recommendation 1: The LGAQ recommends the continuation of the use of general approvals for authorised officers under the *Biosecurity Act 2014* to prevent the need for additional approval processes.**
- **Recommendation 2: The LGAQ recommends the decision to develop an entity level approval remains at the discretion of each local government.**
- **Recommendation 3: Recommendation 3: The LGAQ recommends the Department of Agriculture and Fisheries continue to support Queensland local governments through the provision of 1080 and associated training.**
- **Recommendation 4: The LGAQ recommends landholders participating in baiting programs are responsible for waste management of uneaten baits and carcass disposal on their own land.**
- **Recommendation 5: The LGAQ recommends Queensland Health provide an opportunity for local government officers to provide input into the development of *Departmental Standard 1*.**
- **Recommendation 6: The LGAQ recommends the market is not expanded for retail supply of s7 poisons unless a well resourced Statewide compliance program is developed and implemented.**

Please don't hesitate to contact Kristy Gooding, Lead – Natural Assets and NRM on (07) 3000 2257 or at [REDACTED] should you wish to discuss any aspect of this submission.

## 2.0 Medicines and Poisons Bill 2019

### 2.1 General approval

Section 68 part 1 outlines, 'A *general approval* is an approval that authorises a person to

carry out a regulated activity with a regulated substance stated in the approval'; and part 2, 'A regulation may prescribe different classes of general approvals for carrying out different types of regulated activities'.

Under the Bill, a general approval will authorise the approval holder to undertake a regulated activity with the regulated substance stated in the approval, under the conditions stated in the approval or as standard conditions stated in a Regulation. For example, a general approval may authorise a person or an entity to possess and apply a restricted S7 poison to kill invasive animals at a landholder's property. The LGAQ supports the use of general approvals to enable authorised officers under the *Biosecurity Act 2014* to authorise a regulated activity with a prohibited substance without the need for further approvals.

**Recommendation 1: The LGAQ recommends the continuation of the use of general approvals for authorised officers under the *Biosecurity Act 2014* to prevent the need for additional approval processes.**

## 2.2 Substance Management Plan

Sections 93 part 1 outlines, 'The responsible person for a regulated place must make a substance management plan for the place that complies with subsection (2) before any dealing happens with a regulated substance at the place, unless the person has a reasonable excuse.'

A substance management plan is a co-regulatory tool to assist substance authority holders to consider and manage known and foreseeable risks specific to regulated activities with regulated substances. The requirement for a substance management plan supports a risk-management system for regulated substances that is dynamic and proportionate to the risk. Such a plan sets a minimum base for risk management, accountability and governance criteria that must be met by certain entities in their dealings with regulated substances.

Local governments are supportive of the choice provided in the Bill to either have officers authorised under the *Biosecurity Act 2014* or an entity level approval through the development of a Substance Management Plan. Notwithstanding, Queensland local governments feel strongly that this decision will need to be made on a council by council basis. As such, the LGAQ strongly believe the Department of Agriculture and Fisheries should continue to train and authorise local government staff as part of the services delivered by the Land Protection Fund, to which local governments contribute \$5.4 million per annum.

If a local government chooses to develop a Substance Management Plan under the Bill, it is unclear who delivers and bears the cost of this training as individual officers will not necessarily be 'authorised' under the *Biosecurity Act 2014*.

**Recommendation 2: The LGAQ recommends the decision to develop an entity level approval remains at the discretion of each local government.**

**Recommendation 3: The LGAQ recommends the Department of Agriculture and Fisheries continue to support Queensland local governments through the provision of 1080 and associated training.**

### 3.0 Medicines and Poisons (Pest Management, Poisons and Other Regulated Substances) Regulation 2019

#### 3.1 Authorised officers dealing with baits for invasive animal control

Section 21 part 4 states, 'The authorised officer may supply a bait to another person to control invasive animals on the person's land or premises'. Local government officers who are authorised officers under the *Biosecurity Act 2014* often fulfil this role as a means of assisting their communities to meet their General Biosecurity Obligation. Section 21 part 6 of the Regulation states 'the authorised officer may dispose of waste from a bait in accordance with part 4. The requirement for local governments to dispose of waste on a person's land or premises is completely unreasonable and would result in potential liabilities and significant costs to local government. Local government authorised officers may have a need on occasion to dispose of unused bait material, however, it is the landholder that must bear responsibility for any collection and disposal of untaken baits.

**Recommendation 4: The LGAQ recommends landholders participating in baiting programs are responsible for the liability and waste management of uneaten baits and carcass disposal on their own land.**

#### 3.2 Standard – Use of Restricted S7 poisons for the control of invasive animals in Queensland

Section 21 part 3 states, 'The authorised officer may possess and apply a bait to control invasive animals in accordance with *Departmental standard 1: Use of restricted schedule 7 poisons for invasive animal control*'. The development of such a standard would benefit from input by local government authorised officers who are experienced in the application of baits as part of frequent coordinated baiting programs.

**Recommendation 5: The LGAQ recommends Queensland Health provide an opportunity for local government officers to provide input into the development of *Departmental Standard 1*.**

#### 3.3 Wholesale or retail supply

Sections 33-37 detail delivery and supply requirements of wholesalers and retailers in supplying regulated poisons. Queensland local governments believe there are inherent risks in making s7 poisons such as 1080 baits available for supply via retail outlets.

Local governments are able to supply landholders with 1080 baits with limited notice, be it via purchase of manufactured baits at cost price or provision of 1080 impregnation service for fruit, grain or fresh meat baits. Providing additional scope for retail supply of manufactured baits increases the risk of misuse and has the potential to erode accountability and hinder investigations into the report of misuse, in particular the off-target baiting of domestic dogs.

**Recommendation 6: The LGAQ recommends the market is not expanded for retail supply of s7 poisons unless a well resourced Statewide compliance program is developed and implemented.**