Queensland

Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021

Subordinate Legislation 2021 No. 141

made under the

Agricultural Chemicals Distribution Control Act 1966
Biosecurity Act 2014
Chemical Usage (Agricultural and Veterinary) Control Act 1988
Drugs Misuse Act 1986
Medicines and Poisons Act 2019

Contents

Contents

Contents

Contents

Chapter 1 Introduction

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021*.

2 Commencement

This regulation commences on 27 September 2021.

3 Definitions

The dictionary in schedule 7 defines particular words used in this regulation.

4 Application of regulation

(1) This regulation applies in relation to a regulated activity that is a dealing with a poison or prohibited substance.

(2) However, this regulation does not apply in relation to carrying out any of the following regulated activities—

(a) a dealing with an S7 poison authorised under section 60 of the Act;

(b) a pest management activity, or asking or directing another person to carry out a pest management activity;

(c) disposing of waste from a fumigant or pesticide.

Notes—

1 Section 60 of the Act applies in relation to particular dealings subject to work health and safety laws.

2 See the Poisons Standard, part 1 for the definition of *therapeutic use*.

3 See the *Medicines and Poisons (Pest Management Activities) Regulation 2021* in relation to pest management activities.

Part 2 Categories of poisons and prohibited substances

5 Regulated poisons

A ***regulated poison*** is—

(a) a hazardous poison; or

(b) a prohibited substance, other than a prohibited substance used, or intended to be used, for a therapeutic use.

Note—

See the Poisons Standard, part 1 for the definition of *therapeutic use*.

6 S2, S3, S4 and S8 poisons

(1) An ***S2 poison*** is an S2 medicine treated as a poison under section 12(2) of the Act.

(2) An ***S3 poison*** is an S3 medicine treated as a poison under section 12(2) of the Act.

(3) An ***S4 poison*** is an S4 medicine treated as a poison under section 12(2) of the Act.

(4) An ***S8 poison*** is an S8 medicine treated as a poison under section 12(2) of the Act.

7 High-risk poisons

A ***high-risk poison*** is an S8 poison or a prohibited substance, other than a prohibited substance used, or intended to be used, for a therapeutic use.

Note—

See the Poisons Standard, part 1 for the definition of *therapeutic use*.

8 Restricted S7 poisons

A ***restricted S7 poison*** is an S7 poison stated in schedule 1.

9 Non-restricted S7 substances

A ***non-restricted S7 substance*** is an S7 substance that is not a restricted S7 poison.

10 Low-risk fluoroacetic acid baits

A ***low-risk fluoroacetic acid bait*** is a poison that is fluoroacetic acid in the form of a bait containing the acid in a concentration of not more than 0.5 grams for each kilogram of the bait.

Part 3 Authorisations and approval of departmental standards

11 Approved persons—Act, s 54

(1) For section 54(1) of the Act, a class of persons stated in schedule 2 is prescribed for the dealing with the regulated poison stated in the table in the schedule for the class of persons to the extent the dealing is carried out by a person acting—

(a) as a member of the class of persons; and

(b) within the scope for the dealing, if any.

Example—

An authorised officer under the *Biosecurity Act 2014* is prescribed for a dealing with a regulated poison stated in the table in schedule 2, section 12 to the extent the person is acting as an authorised officer under that Act and within the scope stated for the dealing in column 3 of the table.

(2) In this section—

scope, for a dealing with a regulated poison, means a circumstance, purpose or other matter stated in a table in schedule 2 for the dealing.

12 Departmental standards—Act, s 233

(1) For section 233(4) of the Act, each departmental standard stated in schedule 3 is approved.

Note—

See section 233(4) of the Act for when a departmental standard takes effect.

(2) A reference in this regulation to a departmental standard by its name is a reference to the standard stated in schedule 3—

(a) with that name; and

(b) with the version number mentioned opposite that name.

Part 4 Exemptions and exclusions

13 Exemption for reference material—Act, s 7

(1) For section 7(1) of the Act, each of the following activities with the following substances is prescribed—

(a) applying or using reference material containing 1 gram or less of a regulated poison at an analytical or chemical laboratory;

(b) applying or using reference material containing 0.5 grams or less of a regulated poison in a portable testing device;

(c) buying or possessing reference material for an activity mentioned in paragraph (a) or (b).

(2) In this section—

accredited laboratory means a laboratory accredited by an accreditation body in compliance with AS ISO/IEC

17011:2018 (Conformity assessment—Requirements for accreditation bodies accrediting conformity assessment bodies).

portable testing device means a portable device designed to test, and provide an immediate analysis of, a sample of a person's breath or bodily fluid.

Examples—

blood testing kit, hand-held breathalyser, portable urine analyser

reference material means a substance used to calibrate analytical equipment, or validate an analytical measurement process, that has been manufactured by an accredited laboratory in compliance with—

(a) AS ISO/IEC 17025:2018 (General requirements for the competence of testing and calibration laboratories); and

(b) AS ISO/IEC 17034:2018 (General requirements for the competence of reference material producers).

14 Excluded places—Act, s 60

For section 60(3) of the Act, definition *excluded place*, paragraph (b), a place used for the sole or main purpose of carrying out or providing 1 or more activities or services stated in schedule 4 is prescribed to be an excluded place.

15 Excluded S7 poisons—Act, s 60

For section 60(3) of the Act, definition *excluded S7 poison*, a restricted S7 poison is prescribed to be an excluded S7 poison.

Chapter 2 Standard conditions for substance authorities

Part 1 Preliminary

16 Application of chapter—Act, s 70

For section 70(1)(a) of the Act, this chapter prescribes standard conditions applying in relation to substance authorities authorising dealings with regulated poisons.

Note—

See also chapter 3 for requirements prescribed under section 91(1) of the Act.

Part 2 Conditions for particular types of substance authorities

Division 1 Manufacturing licences

17 Application of division

This division applies in relation to a manufacturing licence authorising the manufacture of a regulated poison.

18 Manufacturing supervisors

(1) The holder of a manufacturing licence must appoint an appropriately qualified person to supervise manufacturing under the licence.

(2) The holder must take all reasonable steps to ensure—

(a) the person mentioned in subsection (1) satisfies, and continues to satisfy, the competency requirements stated

in the competency standard that relate to the supervision of manufacturing for the type of licence held; and

(b) the manufacture of a regulated poison under the licence is carried out under the supervision of the person.

(3) In this section—

competency standard means the departmental standard called 'Competency requirements for authority holders dealing with poisons'.

19 Quality control

The holder of a manufacturing licence must take all reasonable steps to ensure a regulated poison manufactured under the licence is fit for its intended use and free from contamination.

20 Batch manufacturing records

The holder of a manufacturing licence must keep a record of the following information for each batch of regulated poison manufactured under the licence—

(a) a unique identifier;

(b) details of materials used in the manufacture;

(c) the supplier of the materials for manufacture;

(d) the procedures and controls used in manufacturing;

(e) details of tests carried out during processing the batch;

(f) if a stability study is carried out to test the shelf life and appropriate storage conditions of the batch—details of the study.

Division 2 General approvals for controlling invasive animals

21 Application of division

This division applies in relation to a general approval authorising a dealing with a restricted S7 poison to control an invasive animal.

22 Competency for dealings

(1) The holder of a general approval must satisfy, and continue to satisfy, the competency requirements stated in the competency standard that relate to the type of approval held.

(2) Also, the holder of the general approval must take all reasonable steps to ensure that every person dealing with a restricted S7 poison under the approval satisfies, and continues to satisfy, the relevant competency requirements stated in the competency standard.

(3) In this section—

competency standard means the departmental standard called 'Competency requirements for authority holders dealing with poisons'.

23 Compliance with departmental standard for restricted S7 poisons

The holder of a general approval must take all reasonable steps to ensure that every person dealing with a restricted S7 poison under the approval complies with the departmental standard called 'Dealing with restricted S7 poisons for invasive animal control'.

Part 3 Conditions for particular regulated poisons

Division 1 Possession of high-risk poisons

Subdivision 1 Preliminary

24 Application of division

This division applies in relation to a substance authority authorising the possession of a high-risk poison.

25 Definitions for division

In this division—

high-risk poison register, for a substance authority, means the high-risk poison register kept for the authority under section 26.

portion, of a high-risk poison in relation to a substance authority, means a discrete part of the total amount of the poison authorised to be possessed under the authority, in a particular form and strength.

Subdivision 2 High-risk poison register

26 Keeping register

(1) The holder of a substance authority must keep a document (a ***high-risk poison register***) about the total amount of a high-risk poison authorised to be possessed under the authority.

(2) The holder must take all reasonable steps to ensure the high-risk poison register states—

(a) how each portion of the total amount of the high-risk poison is dealt with; and

(b) how much of the high-risk poison is possessed at any given time at each authorised place for the authority.

27 Information that must be recorded in register

(1) This section applies to each person carrying out a dealing with a portion of a high-risk poison under a substance authority.

(2) At the time of the dealing, the person must record the following information in the high-risk poison register for the substance authority—

(a) the date of the dealing;

(b) the name, form, strength and amount of the portion;

(c) the details of the dealing;

Examples for paragraph (c)—

- apply a portion of heroin to testing equipment for calibration
- dispose of a portion of 1,3-dimethylbutylamine by mixing it with reagents

(d) the name, position and signature of the person;

(e) if the dealing is supply—the contact details of—

(i) the person who supplied the portion; and

(ii) the person to whom the portion was supplied;

(f) if the dealing is disposal—

(i) the name and position of the person who witnessed the destruction of the portion; and

(ii) the method of destruction;

(g) if the dealing is not supply or disposal—the name and position of any other person who is involved in carrying out the dealing under the substance authority.

28 Corrections to register

(1) A person mentioned in section 27(1) must not amend a high-risk poison register unless the person is correcting the register in the way mentioned in subsections (2) and (3).

(2) The person may correct an entry (an ***original entry***) in the high-risk poison register by making a record of the following information with the entry—

(a) the date the correction is made;

(b) the name and position of the person;

(c) the name and position of another person who witnessed the person making the correction;

(d) the reason for the correction.

(3) The person must not cancel, delete or obliterate the original entry when making the correction.

29 Electronic register

(1) This section applies if the holder of a substance authority keeps a high-risk poison register in an electronic form.

(2) The holder must take all reasonable steps to ensure—

(a) a person can make entries in the register only by using the person's secure system identifier provided by the holder; and

(b) the person's secure system identifier is automatically recorded with an entry in the register made by the person; and

(c) the register is set up in a way that allows the information required under sections 27 and 28 to be included in the register; and

(d) the entries in the register are able to be easily reproduced on paper.

(3) The holder must make and keep a record of each person's secure system identifier in a form that can not readily be altered without detection.

(4) In this section—

secure system identifier, for a person, means a unique identifier for the person that can only be used in combination with a password created by the person.

30 Paper register

(1) This section applies if the holder of a substance authority keeps a high-risk poison register in a paper form.

(2) The holder must take all reasonable steps to ensure—

(a) a page can not be removed from the register without detection; and

Example for paragraph (a)—

a bound book with consecutively numbered pages

(b) the register is set up in a way that allows the information required under sections 27 and 28 to be included in the register.

31 Reconciling register

(1) The holder of a substance authority must reconcile the remaining portion of a high-risk poison for the authority with how much of the poison is physically possessed at each authorised place for the authority.

(2) The reconciliation must be done at least monthly.

(3) In this section—

remaining portion, of a high-risk poison for a substance authority, means the portion of the poison stated in the high-risk poison register for the authority that is purportedly possessed under the authority.

32 Reporting lost, stolen or destroyed register

(1) If the holder of a substance authority has a high-risk poison register that is lost, stolen or destroyed (each an ***incident***), the holder must give a notice to the chief executive about the incident.

(2) The notice must be given to the chief executive as soon as practicable, and no later than 7 days, after the incident.

Subdivision 3 Storage and transportation

33 Storing and transporting high-risk poison

(1) The holder of a substance authority must take all reasonable steps to ensure—

(a) a high-risk poison possessed under the authority is stored in a secure area; and

(b) if the high-risk poison is transported in a vehicle—the poison is stored in a secure area of the vehicle.

(2) Subsection (1) does not prevent the holder taking steps that are reasonably necessary for otherwise dealing with the high-risk poison in the authorised way.

(3) Subsection (4) applies if the substance authority is a wholesale licence or manufacturing licence.

(4) The holder of the licence must also ensure each premises in which the high-risk poison is stored is constantly monitored by an alarm system or person located at the premises.

Division 2 Disposal of high-risk poisons

34 Application of division

This division applies in relation to a substance authority authorising the disposal of waste from a high-risk poison.

35 Destroying high-risk poison

The holder of a substance authority must take all reasonable steps to ensure waste from a high-risk poison disposed of under the authority is destroyed under the supervision of—

(a) an inspector; or

(b) another person stated in the authority as being authorised to supervise the destruction of the poison.

Division 3 Possession of particular hazardous poisons

36 Storage of S2, S3 or S4 poison

(1) This section applies in relation to a substance authority authorising the possession of an S2, S3 or S4 poison.

(2) The holder of the substance authority must take all reasonable steps to ensure the S2, S3 or S4 poison is stored in a way that prevents the poison from being accessed by a person who is not authorised to deal with the poison.

(3) Subsection (2) does not prevent the person taking steps that are reasonably necessary for otherwise dealing with the S2, S3 or S4 poison in the authorised way.

Division 4 Disposal of particular hazardous poisons

37 Application of division

This division applies in relation to a substance authority authorising the disposal of waste from an S2, S3 or S4 poison or an S7 substance.

38 Disposal of S2, S3 or S4 poison or S7 substance

(1) The holder of a substance authority must take all reasonable steps to ensure waste from an S2, S3 or S4 poison or S7 substance disposed of under the authority is destroyed under the supervision of an authorised supervisor for the authority.

(2) In this section—

authorised supervisor, for a substance authority, means a person stated in the authority as being authorised to supervise the destruction of an S2, S3 or S4 poison or an S7 substance under the authority.

Part 4 Notification conditions

Division 1 Conditions for all regulated poisons

39 Application of division

This division applies in relation to a substance authority authorising a dealing with a regulated poison.

40 Particular changes to persons or places

The holder of a substance authority must give the chief executive notice if any of the following changes are proposed by the holder—

(a) a change to an authorised place for the authority;

(b) a change to a relevant person stated in the authority;

(c) if the substance authority is a manufacturing licence—a change to the person who is appointed to supervise manufacturing under the licence.

41 Stopping dealing

(1) This section applies if the holder of a substance authority proposes to stop carrying out a dealing with a regulated poison under the authority.

(2) The holder must give the chief executive a notice stating the following information—

(a) the day the dealing is proposed to stop;

(b) the amount of regulated poison that is likely to be unused on the day mentioned in paragraph (a), if any;

(c) how the person proposes to deal with any unused poison.

Division 2 Conditions for restricted S7 or high-risk poisons

42 Application of division

This division applies in relation to a substance authority authorising a dealing with a restricted S7 poison or high-risk poison.

43 Loss of, or exposure to, poison

(1) The holder of a substance authority must notify the chief executive, orally or in writing, if either of the following incidents happen—

(a) an amount of a restricted S7 poison or high-risk poison possessed under the authority is not accounted for;

(b) a release of a restricted S7 poison or high-risk poison possessed under the authority causes, or is likely to cause, someone to require medical treatment.

(2) The notification must—

(a) be given as soon as practicable after the incident happens; and

(b) include enough particulars to identify the nature of the incident and its location.

(3) If the notification is given orally, the holder must give the chief executive a later written notice within 7 days after the incident happens.

Chapter 3 Requirements for dealings

Part 1 Preliminary

44 Application of chapter—Act, s 91

For section 91(1) of the Act, this chapter prescribes requirements, for a person authorised under section 54(4) or 62 of the Act to deal with a regulated poison, in relation to carrying out the dealing.

Notes—

1 See section 91(3) of the Act in relation to the matters to which the requirements under this chapter are subject.

2 This chapter does not apply in relation to persons authorised to deal with a regulated poison under section 57 of the Act which relates to emergency orders.

Part 2 Buying regulated poisons by wholesale

45 Application of part

(1) This part applies to a person (a ***buyer***) who is authorised to buy a regulated poison.

(2) However, this part does not apply in relation to a dealing that is buying a regulated poison from a supplier by retail.

46 Definition for part

In this part—

supplier, of a regulated poison, means a person authorised under the Act, or permitted under a corresponding law or another law, to supply the poison.

47 Buyer must give purchase order

A buyer who buys a regulated poison from a supplier must give a written purchase order for the poison to a supplier before or at the time of supply of the poison.

48 Purchase order requirements

(1) A buyer must state each of the following matters in a purchase order given under section 47—

(a) the date of the purchase order;

(b) the name and contact details of the buyer;

(c) if the buyer carries on a business—the buyer's ABN;

(d) the details of the buyer's authorisation under the Act to buy the poison;

(e) the name, form, strength and amount of the poison;

(f) if the poison is to be delivered to the buyer—the physical address of the buyer for delivery.

(2) The purchase order must—

(a) be prepared and sent to the supplier in a way that is reasonably likely to—

(i) minimise fraud or tampering; and

(ii) allow the purchase order to be amended only by the buyer or supplier; and

(b) be signed by the buyer or marked with a unique identifier for the buyer.

49 Buyer must give information about authorisation

A buyer who buys a regulated poison from a supplier must give the supplier information demonstrating that the buyer is authorised under the Act to buy the poison.

50 Buyer to keep invoice

If a buyer receives an invoice from a supplier for the supply of a regulated poison to the buyer, the buyer must keep the invoice.

Part 3 Supplying regulated poisons

Division 1 Supply to buyers

51 Application of division

This division applies to a person (a ***supplier***) who is authorised to supply a regulated poison.

52 Definition for division

In this division—

buyer, of a regulated poison, means a person buying, or attempting to buy, the poison.

53 Supply to authorised buyer only

A supplier must not supply a regulated poison to a buyer unless the supplier reasonably believes that the buyer is a person authorised under the Act, or permitted under a corresponding law or another law, to buy the poison.

54 Labels and containers to comply with Poisons Standard or approved alternatives

(1) A supplier must not supply a regulated poison to a buyer unless the poison is labelled in accordance with—

(a) the requirements for labelling the poison stated in the Poisons Standard, part 2, section 1; or

(b) if an alternative way for labelling the poison is approved, or taken to be approved, by the chief executive under section 82—the alternative way.

(2) A supplier must not supply a regulated poison to a buyer unless the container of the poison complies with—

(a) the requirements for a container of the poison stated in the Poisons Standard, part 2, section 2; or

(b) if an alternative way for packaging the poison is approved, or taken to be approved, by the chief executive under section 82—the alternative way.

(3) However, the supplier does not contravene subsection (1) or (2) if—

(a) the schedule of the Poisons Standard in which the regulated poison is listed has changed within 6 months after the poison was labelled or packaged; and

(b) the supplier had labelled or packaged the poison in accordance with the schedule of the Poisons Standard in which the poison was listed before the change to the listing happened.

(4) To remove any doubt, it is declared that subsections (1)(a) and (2)(a) do not apply to the supplier to the extent an exemption mentioned in the Poisons Standard applies to the labelling or packaging for the regulated poison.

55 Supplier must give invoice

(1) A supplier who supplies a regulated poison to a buyer must give the buyer a written invoice for the supply that states the following information—

(a) a unique identifier for the invoice;

(b) the date of the supply;

(c) the name and contact details of the buyer;

(d) if the buyer carries on a business—the buyer's ABN;

(e) the name, form, strength and amount of the poison.

(2) The supplier must keep a copy of the invoice or the information stated in the invoice.

56 Supplier to ensure buyer confirms receipt of restricted S7 or high-risk poisons

(1) A supplier must not supply a restricted S7 poison or high-risk poison to a buyer unless—

(a) the buyer signs a document confirming receipt of the poison; or

(b) if the poison is to be delivered to the buyer—the supplier arranges for a receipt to be signed by the buyer when the poison is delivered to the buyer.

(2) The supplier must give a notice to the chief executive in the approved form if the supplier does not receive a receipt under

subsection (1)(b) within 7 days after the day the restricted S7 poison or high-risk poison is delivered to the buyer.

57 Direct delivery

(1) This section applies if a supplier arranges delivery of a regulated poison to a buyer.

(2) The supplier must take all reasonable steps to ensure the regulated poison is delivered directly to the physical address of the buyer for delivery stated on the purchase order for the poison.

Division 2 Supply of low-risk fluoroacetic acid baits

58 Application of division

The division applies to a person who is authorised to supply a low-risk fluoroacetic acid bait.

59 Supply to landholders

(1) A person must not supply a low-risk fluoroacetic acid bait to a person mentioned in schedule 2, section 15 or 17 (a ***landholder***) unless the person reasonably believes the health risk in relation to the application of the bait is likely to be low or negligible.

(2) The person must give the landholder a copy of the departmental standard called 'Dealing with restricted S7 poisons for invasive animal control' when supplying the low-risk fluoroacetic acid bait.

Division 3 Supply of liquid paraquat

60 Application of division

This division applies to a person who is authorised to supply an S7 substance that is liquid paraquat.

61 Treating liquid paraquat

Before a person supplies liquid paraquat, the person must ensure it is—

(a) coloured to appear blue or green; and

(b) treated with a sufficient amount of a stenching agent to make the paraquat smell offensive.

Part 4 Other dealings with regulated poisons

62 Applying regulated poisons safely

A person who is authorised to apply a regulated poison must apply the poison—

(a) if the poison has an approved label—in accordance with the approved label; or

(b) if the poison is a low-risk fluoroacetic acid bait without an approved label—in the way stated in the departmental standard called 'Dealing with restricted S7 poisons for invasive animal control'; or

(c) otherwise—in a way that does not cause, or is not likely to cause, a health risk.

63 Possessing low-risk fluoroacetic acid baits

A person who is authorised to possess a low-risk fluoroacetic acid bait must possess the bait in the way stated in the departmental standard called 'Dealing with restricted S7 poisons for invasive animal control'.

64 Storing and transporting S7 substances

(1) This section applies to a person authorised to possess an S7 substance, including a restricted S7 poison.

(2) The person must take all reasonable steps to ensure—

(a) the S7 substance is stored in a secure area; and

(b) if the S7 substance is transported in a vehicle—the substance is stored in a secure area of the vehicle.

(3) Subsection (2) does not prevent the person taking steps that are reasonably necessary for otherwise dealing with the S7 substance in the authorised way.

65 Disposal of waste from low-risk fluoroacetic acid baits

A person who is authorised to dispose of waste from a low-risk fluoroacetic acid bait must dispose of the waste in the way stated in the departmental standard called 'Dealing with restricted S7 poisons for invasive animal control'.

Chapter 4 Substance management plans

66 Regulated places and responsible persons—Act, s 92

(1) For section 92 of the Act, definition *regulated place*, paragraph (b), each place stated in column 1 of the table in schedule 5 is prescribed to be a regulated place.

(2) For section 92 of the Act, definition *responsible person*, the person stated in column 2 of the table in schedule 5 is prescribed to be the responsible person for the regulated place stated opposite in column 1.

67 Matters for plan—Act, s 93

For section 93(2)(b) of the Act, the matters stated in the departmental standard called 'Substance management plans for regulated poisons' are prescribed.

68 Review of plan—Act, s 93

(1) For section 93(3)(b) of the Act, the following times are prescribed for a substance management plan for a regulated place—

(a) as soon as practicable after a review incident happens in relation to the regulated place;

(b) at least every 5 years after—

(i) the day the substance management plan starts; or

(ii) if the plan is reviewed in any 5-year period after the plan starts—the day the plan was last reviewed.

(2) In this section—

review incident, in relation to a regulated place, means an incident stated to be a review incident for the place in the departmental standard called 'Substance management plans for regulated poisons'.

Chapter 5 Offences

Part 1 S5 and S6 poisons

Division 1 Supplying S5 and S6 poisons

69 Compliance with Poisons Standard or approved alternatives

(1) A person must not supply an S5 or S6 poison unless the poison is labelled in accordance with—

(a) the requirements for labelling the poison stated in the Poisons Standard, part 2, section 1; or

(b) if an alternative way for labelling the poison is approved, or taken to be approved, by the chief executive under section 82—the alternative way.

Maximum penalty—40 penalty units.

(2) A person must not supply an S5 or S6 poison unless the container of the poison complies with—

(a) the requirements for a container of the poison stated in the Poisons Standard, part 2, section 2; or

(b) if an alternative way for packaging the poison is approved, or taken to be approved, by the chief executive under section 82—the alternative way.

Maximum penalty—40 penalty units.

(3) However, a person does not contravene subsection (1) or (2) if—

(a) the schedule of the Poisons Standard in which the poison is listed has changed within 6 months after the poison was labelled or packaged; and

(b) the person had labelled or packaged the poison in accordance with the schedule of the Poisons Standard in which the poison was listed before the change to the listing happened.

(4) To remove any doubt, it is declared that subsections (1)(a) and (2)(a) do not apply to the person to the extent an exemption mentioned in the Poisons Standard applies to the labelling or packaging of the S5 or S6 poison.

70 Retail sale and storage of S6 poisons

(1) A person selling an S6 poison by retail must take all reasonable steps to ensure the poison—

(a) is stored or sold in child-resistant packaging; or

(b) is not stored or sold within reach of children under 4 years.

Maximum penalty—40 penalty units.

Note—

See the Poisons Standard, part 1 for the definition of *child-resistant packaging*.

(2) A person does not commit an offence against subsection (1) if the person stores the S6 poison in compliance with the document called the 'National guideline for retail storage of schedule 6 and schedule 7 poisons' made by the Australian Health Ministers' Advisory Council.

71 Supplying unsolicited S5 and S6 poison samples

(1) A person must not supply a sample of an S5 or S6 poison from place to place, unless the person has a reasonable excuse.

Example—

travelling door-to-door putting samples in letterboxes

Maximum penalty—40 penalty units.

(2) Subsection (1) does not apply to a person supplying a sample by handing it directly to someone who has an opportunity to refuse to take it.

Example—

handing out a sample to an attendee at a gardening show

Division 2 Possessing S5 and S6 poisons

72 Definitions for division

In this division—

compliant container, of an S5 or S6 poison, means a container complying with section 69 or an equivalent requirement under a corresponding law.

signal word—

(a) for an S5 poison—means 'caution'; or

(b) for an S6 substance—means 'poison'.

73 Interfering with labelling

A person must not change, cover, deface or remove an approved label on a compliant container of an S5 or S6 poison.

Maximum penalty—40 penalty units.

74 Decanting poisons

A person must not decant an S5 or S6 poison from a compliant container into a new container unless the new container is labelled with—

(a) the approved name of the poison; and

Note—

See the Poisons Standard, part 1 for the definition of *approved name*.

(b) the signal word for the poison in capital letters.

Maximum penalty—40 penalty units.

75 Cracked and damaged packaging

If a person becomes aware that a compliant container of an S5 or S6 poison is cracked or damaged, the person must immediately—

(a) if the contents are to be applied by the person—

(i) empty the poison into another container; and

(ii) label the other container with the approved name of the poison and the signal word for the poison in capital letters; or

Note—

See the Poisons Standard, part 1 for the definition of *approved name*.

(b) otherwise—dispose of the contents lawfully.

Maximum penalty—40 penalty units.

76 Contaminating food or drink containers

(1) A person must not use a food or drink container, or cause a food or drink container to be used, to contain an S5 or S6 poison.

Maximum penalty—40 penalty units.

(2) A person must not soak, wash or otherwise treat a poison container in a receptacle used to soak, wash or treat a food or drink container.

Maximum penalty—40 penalty units.

(3) In this section—

food or drink container means a container that is used, or is of a type commonly used, to hold human or animal food or drink.

poison container means a container that—

(a) is used, or is of a type commonly used, to hold an S5 or S6 poison; or

(b) has an approved label attached showing the container has been used to hold an S5 or S6 poison.

Division 3 Disposing of waste from S5 and S6 poisons

77 Safe disposal of waste

A person must not dispose of waste from an S5 or S6 poison in a way that affects, or is likely to affect, the health or safety of another person or a domestic animal.

Maximum penalty—40 penalty units.

Part 2 Advertising

78 Unlawful advertising of prohibited substances

(1) A person must not advertise, or cause a person to advertise, a prohibited substance.

Maximum penalty—80 penalty units.

(2) However, subsection (1) does not apply in relation to—

(a) an advertisement of a prohibited substance in a price list intended for circulation only to persons authorised under the Act, or permitted under a corresponding law or another law, to use the substance; or

(b) an advertisement of *Cannabis sativa* in connection with an activity authorised under the *Drugs Misuse Act 1986*, section 47 or 48(1).

79 Unlawful advertising of hazardous poisons

(1) A person must not advertise, or cause a person to advertise, a hazardous poison.

Maximum penalty—80 penalty units.

(2) However, subsection (1) does not apply in relation to an advertisement of a hazardous poison in a journal, a price list or other promotional material intended for circulation only to—

(a) persons applying the poison in a workplace; or

(b) persons authorised under the Act, or permitted under a corresponding law or another law, to supply the poison.

(3) In this section—

workplace means a place that is subject to a work health and safety law within the meaning of section 60 of the Act.

Part 3 Record keeping

80 Recording information

(1) This section applies if a person records information in writing to comply with a requirement under this regulation.

(2) The person must ensure the information—

(a) is written in English; and

(b) if the information is recorded on paper—is marked legibly in ink.

Maximum penalty—20 penalty units.

(3) However, subsection (2)(a)—

(a) does not prevent the person also writing the information in another language to help someone understand the information; and

(b) does not apply in relation to the person's signature.

81 Keeping information

(1) This section applies if a person is required to record or keep information to comply with a requirement under this regulation.

(2) The person must ensure the information—

(a) is readily retrievable; and

(b) can not be altered, obliterated, deleted or removed without detection; and

(c) is kept for 5 years after the day it is recorded.

Maximum penalty—20 penalty units.

Chapter 6 Administration

Part 1 Administration by chief executive

82 Chief executive may approve alternative ways of labelling or packaging poisons

(1) The chief executive may approve a way (an ***alternative way***) of labelling or packaging a poison that is different to the Poisons Standard.

(2) However, the chief executive may approve the alternative way only if the chief executive is satisfied the alternative way is unlikely to adversely affect public safety.

(3) For subsection (2), the chief executive must have regard to the nature of the poison and the purpose for which the poison is commonly used or intended to be used.

(4) The chief executive must publish, on the department's website, a notice stating—

(a) the requirements of the alternative way; and

(b) the day, no earlier than the day the notice is published, that the approval of the alternative way takes effect; and

(c) the period, if any, for which the approval of the alternative way has effect.

(5) Subsection (6) applies if an appropriate authority, for a purpose or in another State, has authorised (whether by approval, exemption or some other way) another way to label or package a poison for the purpose or other State.

Note—

See the Poisons Standard, part 1 for the definition *appropriate authority*.

(6) To the extent authorised by the appropriate authority, the other way is taken to be an alternative way approved under this section, unless the chief executive publishes a notice on the department's website stating the other way is not approved for Queensland.

83 Replacing lost, stolen or damaged hard copy substance authorities

(1) This section applies if the chief executive has given a person a hard copy document evidencing a substance authority for a dealing with a regulated poison.

(2) The person may apply to the chief executive for a replacement of the document if the document is lost, stolen or damaged.

(3) The application must be—

(a) made in the approved form; and

(b) accompanied by the fee stated in schedule 6.

Part 2 Fees

Division 1 General

84 Definitions for part and schedule 6

In this part and schedule 6—

licensing fee means a fee for an application relating to a substance authority stated in schedule 6, items 1 to 6.

site, for a substance authority, means a place at which a dealing with a regulated poison is, or is proposed to be, carried out under the authority.

85 Fees payable generally

(1) The fees payable under the Act in relation to a substance authority for a dealing with a regulated poison are stated in schedule 6.

(2) A licensing fee for a substance authority is payable for each site for the authority for each year of the term of the authority.

(3) However, for any part of the term of a substance authority that is not a full year, the licensing fee payable in relation to that part of the term is the proportion of the licensing fee attributable to the number of months, rounded up to whole months, of that year that are in the term.

Division 2 Exemptions

86 Manufacturing licence for hazardous poisons

No licensing fee is payable for an initial application or renewal application for a manufacturing licence for a hazardous poison (each a ***later application***) if—

(a) an initial application or renewal application for a manufacturing licence for an S4 medicine (each a ***first application***) has been made, and not withdrawn or refused, under the *Medicines and Poisons (Medicines) Regulation 2021*; and

(b) the site the subject of the later application is the same as the site the subject of the first application; and

(c) the term proposed for the later application ends no later than the last month of—

(i) the term proposed for the first application; or

(ii) if the chief executive has granted the first application—the term of the substance authority granted on the first application; and

(d) all fees payable under the Act for the first application have been paid.

87 Wholesale licence for hazardous poisons

No licensing fee is payable for an initial application or renewal application for a wholesale licence for a hazardous poison (each a ***later application***) if—

(a) an initial application or renewal application for a manufacturing licence or wholesale licence for an S4 medicine, or a manufacturing licence for an S8 medicine, (each a ***first application***) has been made, and not withdrawn or refused, under the *Medicines and Poisons (Medicines) Regulation 2021*; and

(b) the site the subject of the later application is the same as the site the subject of the first application; and

(c) the term proposed for the later application ends no later than the last month of—

(i) the term proposed for the first application; or

(ii) if the chief executive has granted the first application—the term of the substance authority granted on the first application; and

(d) all fees payable under the Act for the first application have been paid.

Division 3 Refunds

88 Rejected or withdrawn application

(1) This section applies if—

(a) an applicant has paid the licensing fee for an application for a substance authority for a hazardous poison; and

(b) the application is refused by the chief executive or withdrawn by the applicant.

(2) The chief executive must refund the applicant the licensing fee for the application.

89 Authority granted for shorter term

(1) This section applies if—

(a) an applicant has paid the licensing fee for an application for a substance authority for a hazardous poison for a particular term (the ***proposed term***); and

(b) the application is granted for a period (the ***granted term***) that is shorter than the proposed term.

(2) The chief executive must refund the applicant the amount that is the proportion of the paid licensing fee attributable to the number of months, rounded up to whole months, that is the difference between the proposed term and granted term.

(3) No refund is payable if the amount under subsection (2) is zero or less than zero.

90 Surrender of authority

(1) This section applies if—

(a) the holder of a substance authority for a hazardous poison paid the licensing fee for an application for the authority for a particular term (the ***granted term***); and

(b) the substance authority is surrendered before the end of the granted term.

(2) The chief executive must refund the applicant the amount that is the proportion of the paid licensing fee attributable to the number of months, rounded up to whole months, remaining in the granted term after the surrender.

(3) No refund is payable if the amount under subsection (2) is zero or less than zero.

Chapter 7 Savings and transitional provisions

91 Certified way of packaging

(1) This section applies if—

(a) the chief executive certified a container for packing a poison under the repealed *Health (Drugs and Poisons) Regulation 1996*, section 10(3); and

(b) the certification was in effect immediately before the commencement.

(2) The certification is taken to be an alternative way for packaging the poison approved under section 82 until—

(a) if an expiry day is stated in the certification—the stated day; or

(b) otherwise—the day that is 1 year after the commencement.

92 Certified way of labelling

(1) This section applies if—

(a) the chief executive certified an alternative way of labelling a package for a poison under the repealed *Health (Drugs and Poisons) Regulation 1996*, section 11(3); and

(b) the certification was in effect immediately before the commencement.

(2) The certification is taken to be an alternative way of labelling a package for the poison approved under section 82 until—

(a) if an expiry day is stated in the certification—the stated day; or

(b) otherwise—the day that is 1 year after the commencement.

Chapter 8 Amendment of other regulations

93 Regulations amended

Schedule 8 amends the regulations mentioned in it.

Schedule 1 Restricted S7 poisons

section 8

acrylonitrile

alachlor

4-aminopropiophenone (para-aminopropiophenone)

arprinocid

azocyclotin

captafol

carbadox

chlordecone

chlordimeform

chloromethiuron

cyhexatin

1,2-dibromo-3-chloropropane

4-dimethylaminoazobenzene

dinitrocresols

dinoseb

etaconazole

ethylene dibromide

fluoroacetamide

fluoroacetic acid (sodium fluoroacetate)

halofuginone

halogenated dibenzodioxins and dibenzofurans

hexachlorobenzene (HCB)

hydrocyanic acid and cyanides

iodomethane

methacrifos

methoxyethylmercuric acetate

4,4'-methylenebis [2-chloroaniline]

mirex

nicotine

nitrofen

o-tolidine

phenylmercuric acetate

pyrinuron

strychnine

sulcofuron

vinyl chloride monomer

Schedule 2 Approved persons

section 11

Part 1 Aerial distributors

Division 1 Commercial pilots

1 Class of person

A person who—

(a) holds a commercial pilot licence issued by CASA that is endorsed with an aerial application rating; and

(b) has spraysafe accreditation issued by the Aerial Application Association of Australia Ltd; and

(c) is employed to aerially distribute a poison.

2 Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	possess	a low-risk fluoroacetic acid bait	
2	apply	a low-risk fluoroacetic acid bait	the poison is applied by aerial distribution
3	dispose	waste from a low-risk fluoroacetic acid bait	

Division 2 Pilots of remotely piloted aircraft

3 Class of person

A person who—

(a) holds a remote pilot licence issued by CASA; and

(b) has—

(i) a chemical competency certificate; or

(ii) spraysafe accreditation issued by the Aerial Application Association of Australia Ltd; and

(c) is employed to aerially distribute a poison.

4 Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	possess	a low-risk fluoroacetic acid bait	
2	apply	a low-risk fluoroacetic acid bait	the poison is applied by aerial distribution
3	dispose	waste from a low-risk fluoroacetic acid bait	

Division 3 Aerial operators

5 Class of person

A person who—

(a) holds an air operator's certificate issued by CASA that is endorsed with an aerial application rating; and

(b) is employed to aerially distribute a poison.

6 Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	buy	a low-risk fluoroacetic acid bait	the poison is bought for aerial distribution
2	possess	a low-risk fluoroacetic acid bait	
3	supply	a low-risk fluoroacetic acid bait	the poison is supplied to a person authorised to apply the poison by aerial distribution
4	dispose	waste from a low-risk fluoroacetic acid bait	

Division 4 Operators of remotely piloted aircraft

7 Class of person

A person who—

(a) holds a remotely piloted aircraft operator's certificate issued by CASA; and

(b) is employed to aerially distribute a poison.

8 Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	buy	a low-risk fluoroacetic acid bait	the poison is bought for aerial distribution
2	possess	a low-risk fluoroacetic acid bait	

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
3	supply	a low-risk fluoroacetic acid bait	the poison is supplied to a person authorised to apply the poison by aerial distribution
4	dispose	waste from a low-risk fluoroacetic acid bait	

Part 2 Carriers

9 Class of person

A person who is engaged to deliver a regulated poison by another person who is authorised under the Act, or permitted under a corresponding law or another law, to supply the poison.

10 Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	possess	a regulated poison	the poison is possessed for the purposes of delivering the poison under any conditions applying in relation to the supply of the poison

Part 3 Invasive animal controllers

Division 1 Biosecurity officers

11 Class of person

An authorised officer under the *Biosecurity Act 2014* who has a baiting competency certificate.

12 Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	possess	a low-risk fluoroacetic acid bait	the poison is possessed to control an invasive animal
2	supply	a low-risk fluoroacetic acid bait	the poison is supplied to another person to control an invasive animal on the person's land or premises
3	apply	a low-risk fluoroacetic acid bait	the poison is applied to control an invasive animal
4	dispose	waste from a low-risk fluoroacetic acid bait	

Division 2 Nature conservation officers

13 Class of person

An authorised person under the *Nature Conservation Act 1992* who has a baiting competency certificate.

14 Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	possess	a low-risk fluoroacetic acid bait	the poison is possessed to control an invasive animal
2	supply	a low-risk fluoroacetic acid bait	the poison is supplied to another person to control an invasive animal on the person's land or premises
3	apply	a low-risk fluoroacetic acid bait	the poison is applied to control an invasive animal

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
4	dispose	waste from a low-risk fluoroacetic acid bait	

Division 3 Rural landholders and their adult employees and agents

Subdivision 1 Rural landholders

15 Class of person

A person who is the owner or occupier of land or premises in a rural area.

16 Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	possess	a low-risk fluoroacetic acid bait	the poison is supplied by an approved person under division 1 or 2, and is possessed to control an invasive animal
2	apply	a low-risk fluoroacetic acid bait	the poison is supplied by an approved person under division 1 or 2, and is applied to control an invasive animal
3	dispose	waste from a low-risk fluoroacetic acid bait	

Subdivision 2 Adult employees and agents

17 Class of person

An adult who is employed by, or acting as an agent for, a person mentioned in section 15 (the ***landholder***).

18 Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	possess	a low-risk fluoroacetic acid bait	the poison is supplied to the landholder by an approved person under division 1 or 2, and is possessed to control an invasive animal
2	apply	a low-risk fluoroacetic acid bait	the poison is supplied to the landholder by an approved person under division 1 or 2, and is applied to control an invasive animal
3	dispose	waste from a low-risk fluoroacetic acid bait	

Part 4 Local governments and their employees

Division 1 Local government

19 Class of person

A local government or the chief executive officer of a local government.

20 Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	possess	a non-restricted S7 substance	
2	supply	a non-restricted S7 substance	the poison is supplied— (a) in the course of providing a service to the public; or (b) to an owner or occupier of land for managing weeds or vegetation on the land
3	dispose	waste from a non-restricted S7 substance	

Division 2 Local government employees

21 Class of person

A person who is employed by a local government.

22 Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	possess	a non-restricted S7 substance	
2	supply	a non-restricted S7 substance	the poison is supplied— (a) in the course of providing a service to the public; or (b) to an owner or occupier of land for managing weeds or vegetation on the land

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
3	dispose	waste from a non-restricted S7 substance	

Part 5 Pest management service providers

Division 1 Business owners

23 Class of person

A business operator under the *Medicines and Poisons (Pest Management Activities) Regulation 2021*.

24 Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	buy	an S7 substance	the poison is bought for the operator's pest management business
2	possess	an S7 substance	the poison is possessed for the operator's pest management business

Division 2 Qualified persons

25 Class of person

A qualified person under the *Medicines and Poisons (Pest Management Activities) Regulation 2021*.

26 Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	buy	an S7 substance	the poison is bought for carrying out a pest management activity for which the qualified person is authorised under the Act
2	possess	an S7 substance	the poison is possessed for carrying out a pest management activity for which the qualified person is authorised under the Act

Part 6 Pharmaceutical professions

Division 1 Pharmacists

27 Class of person

A pharmacist who owns, or is an employee of, a community pharmacy.

28 Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	buy	a non-restricted S7 substance, cyanide or strychnine	
2	possess	a non-restricted S7 substance, cyanide or strychnine	
3	supply	a non-restricted S7 substance, cyanide or strychnine	

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
4	dispose	waste from a non-restricted S7 substance, cyanide or strychnine	

Division 2 Other employees of community pharmacies

29 Class of person

A person, other than a pharmacist, who is an employee of a community pharmacy.

30 Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	possess	a non-restricted S7 substance, cyanide or strychnine	
2	supply	a non-restricted S7 substance, cyanide or strychnine	the poison is supplied under the supervision of a pharmacist at the premises of the community pharmacy

Part 7 Suppliers from other jurisdictions

31 Class of person

A person who is permitted under a corresponding law to supply a regulated poison, whether by wholesale or retail.

32 Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	supply	a regulated poison	(a) the poison is supplied in compliance with any conditions of the person's permission under the corresponding law; and (b) the person arranges the delivery of the poison only to someone within Queensland who is authorised, or for whom it is not unlawful, to buy the poison; and (c) the person does not— (i) possess the poison by storing it at a place in Queensland; or (ii) arrange for the poison to be collected from a storage facility located in Queensland; and (d) the supply is not otherwise authorised under section 50 of the Act

Part 8 Veterinary professions

Division 1 Veterinary surgeons

33 Class of person

A veterinary surgeon.

34 Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	buy	a non-restricted S7 substance	the poison is bought for animal treatment
2	possess	a non-restricted S7 substance	
3	supply	a non-restricted S7 substance	the poison is supplied for animal treatment
4	apply	a non-restricted S7 substance	the poison is applied for animal treatment
5	dispose	waste from a non-restricted S7 substance	

Division 2 Employees at veterinary premises

35 Class of person

A person who is employed at veterinary premises under the *Veterinary Surgeons Act 1936*.

36 Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	possess	a non-restricted S7 substance	the poison is possessed for animal treatment under the supervision of a veterinary surgeon at the veterinary premises
2	supply	a non-restricted S7 substance	the poison is supplied for animal treatment under the supervision of a veterinary surgeon at the veterinary premises

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
3	apply	a non-restricted S7 substance	the poison is applied for animal treatment under the supervision of a veterinary surgeon at the veterinary premises
4	dispose	waste from a non-restricted S7 substance	the waste is disposed of under the supervision of a veterinary surgeon at the veterinary premises

Schedule 3 Departmental standards

section 12

Name	Version
Competency requirements for authority holders dealing with poisons	1
Dealing with restricted S7 poisons for invasive animal control	1
Substance management plans for regulated poisons	1

Schedule 4 Activities and services for excluded places

section 14

accommodation and food services

administrative services

advertising services

business and professional association services

child care services

financial, accounting and insurance services

gambling activities

information and technology services

legal services

management and related consulting services

market research and statistical services

media and telecommunications activities

parking services

personal care services

preschool and primary education activities

real estate services

religious services

Schedule 5 Substance management plans—regulated places and responsible persons

section 66

Column 1 Regulated place	Column 2 Responsible person
an authorised place for a manufacturing licence for a regulated poison	the holder of the manufacturing licence
an authorised place for a wholesale licence for a regulated poison	the holder of the wholesale licence
an authorised place for a general approval for a high-risk poison	the holder of the general approval
an authorised place for a substance authority for a regulated poison, not otherwise mentioned in this table, that has a condition requiring a substance management plan	the holder of the substance authority

Schedule 6 Fees

sections 83(3)(b) and 85

		$
1	Initial application for a manufacturing licence or wholesale licence for a hazardous poison (Act, s 75(c))—	
	(a) if the application is for a manufacturing licence for low-risk fluoroacetic acid baits using fresh meat	169.00
	(b) otherwise	603.50
2	Initial application for an S7 retail licence (Act, s 75(c))	210.50
3	Amendment application for a manufacturing licence or wholesale licence for a hazardous poison to add another site (Act, s 78(2)(c))	603.50
4	Amendment application for an S7 retail licence to add another site (Act, s 78(2)(c))	210.50
5	Renewal application for a manufacturing licence or wholesale licence for a hazardous poison (Act, s 82(2)(c))—	
	(a) if the application is to renew a manufacturing licence for low-risk fluoroacetic acid baits using fresh meat	169.00
	(b) otherwise	603.50
6	Renewal application for an S7 retail licence (Act, s 82(2)(c))	210.50
7	Processing fee for an initial application for a substance authority for a dealing with a hazardous poison	140.50

		$
8	Application for the replacement of a lost, stolen or damaged hard copy document evidencing a substance authority for a dealing with a regulated poison (s 83(3)(b))	55.50

Schedule 7 Dictionary

section 3

animal treatment means killing, repelling or stupefying a pest on an animal.

authorised place, for a substance authority, means a place stated in the authority where a dealing with a regulated poison is authorised to be carried out.

baiting competency certificate, for a person, means—

(a) a statement of attainment that the person has successfully completed the following units of competency in a VET course—

(i) AHCCHM304—Transport and store chemicals;

(ii) AHCCHM307—Prepare and apply chemicals to control pest, weeds and diseases;

(iii) AHCPMG312—Apply poison baits for vertebrate pest control in rural and environmental landscapes; or

(b) a statement that the person has successfully completed training, approved by the chief executive, that is substantially equivalent to the competencies mentioned in paragraph (a).

buyer—

(a) for chapter 3, part 2—see section 45; or

(b) for chapter 3, part 3, division 1—see section 52.

CASA see the *Civil Aviation Act 1988* (Cwlth), section 3.

chemical competency certificate, for a person, means—

(a) a statement of attainment that the person has successfully completed the following units of competency in a VET course—

(i) AHCCHM304—Transport and store chemicals;

(ii) AHCCHM307—Prepare and apply chemicals to control pest, weeds and diseases; or

(b) a statement that the person has successfully completed training, approved by the chief executive, that is substantially equivalent to the competencies mentioned in paragraph (a).

compliant container, for chapter 5, part 1, division 2, see section 72.

contact details means—

(a) in relation to an individual—the name, phone number and address of the individual; or

(b) in relation to an entity carrying on a business—the name, phone number and address of the business.

high-risk poison see section 7.

high-risk poison register, for a substance authority, for chapter 2, part 3, division 1, see section 25.

invasive animal means—

(a) a cat (*Felis catus* or *Prionailurus bengalensis* x *Felis catus*), other than a domestic cat; or

(b) a dingo (*Canis lupus dingo*); or

(c) a dog (*Canis lupus familiaris*), other than a domestic dog; or

(d) a European fox (*Vulpes vulpes*); or

(e) a European rabbit (*Oryctolagus cuniculus*); or

(f) a feral pig (*Sus scrofa*).

licensing fee, for chapter 6, part 2 and schedule 6, see section 84.

low-risk fluoroacetic acid bait see section 10.

non-restricted S7 substance see section 9.

pharmacist see the *Medicines and Poisons (Medicines) Regulation 2021*, schedule 9, section 1.

portion, of a high-risk poison in relation to a substance authority, for chapter 2, part 3, division 1, see section 25.

regulated poison see section 5.

restricted S7 poison see section 8.

rural area means an area that is not an urban area within the meaning of the *Planning Regulation 2017*.

S2 poison see section 6(1).

S3 poison see section 6(2).

S4 poison see section 6(3).

S8 poison see section 6(4).

secure area means an area, or receptacle in an area, that is locked or otherwise designed to prevent access to the area or receptacle by a person who is not authorised to access the area or receptacle.

Examples—

- a padlocked cupboard or chest in a shed
- a room that can be accessed only with an electronic code
- a locked cage in a vehicle
- an elevated area that is accessible only by using a forklift requiring a key

signal word, for chapter 5, part 1, division 2, see section 72.

site, for a substance authority, see section 84.

supplier—

(a) for chapter 3, part 2—see section 46; or

(b) for chapter 3, part 3—see section 51.

VET course see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

Schedule 8 Regulations amended

section 93

Agricultural Chemicals Distribution Control Regulation 1998

1 Section 14(1), from '*Health*'—

omit, insert—

Medicines and Poisons Act 2019, section 47.

Biosecurity Regulation 2016

1 Section 124(a)—

omit, insert—

(a) persons authorised to sell S7 substances under an S7 retail licence under the *Medicines and Poisons Act 2019*;

Chemical Usage (Agricultural and Veterinary) Control Regulation 2017

1 Section 10(1), from 'under' to 'acid.'—

omit, insert—

under the *Medicines and Poisons Act 2019* to possess and apply the fluoroacetic acid.

2 Section 10(2), from 'under' to 'PAPP.'—

omit, insert—

under the *Medicines and Poisons Act 2019* to possess and apply the PAPP.

3 Section 13C, from 'under' to 'strychnine.'—

omit, insert—

under the *Medicines and Poisons Act 2019* to possess and apply the strychnine.

4 Section 13E(2), definition *liquid fumigant*, '*Pest Management Act 2001*, section 5A'—

omit, insert—

Medicines and Poisons Act 2019, section 14(1)

Drugs Misuse Regulation 1987

1 Section 4(b), from 'appointed'—

omit, insert—

under the *Medicines and Poisons Act 2019*.

2 Schedule 9, definition *analyst*—

omit, insert—

analyst means a person who is authorised under the *Medicines and Poisons Act 2019* to use standard THC material to calibrate an analytical instrument used for analysing a substance to determine its THC concentration.

ENDNOTES

1 Made by the Governor in Council on 16 September 2021.

2 Notified on the Queensland legislation website on 17 September 2021.

3 The administering agency is Queensland Health.