



Queensland

Medicines and Poisons (Poisons and Prohibited Substances) Amendment Regulation 2023

Subordinate Legislation 2023 No. 162

made under the

Medicines and Poisons Act 2019

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1 Short title

This regulation may be cited as the *Medicines and Poisons (Poisons and Prohibited Substances) Amendment Regulation 2023*.

2 Commencement

This regulation commences on 1 December 2023.

3 Regulation amended

This regulation amends the *Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021*.

4 Amendment of s 13 (Exemption for reference material—Act, s 7)

Section 13(2), definition *portable testing device*—
omit, insert—

portable testing device means a portable device designed to test for the presence of, or provide immediate analysis of, a regulated substance.

5 Amendment of s 20 (Batch manufacturing records)

Section 20—
insert—

(2) However, subsection (1) does not apply in relation to a batch of regulated poison that is a low-risk fluoroacetic acid bait manufactured for immediate use.

6 Amendment of s 22 (Competency for dealings)

(1) Section 22—
insert—

(2A) For subsections (1) and (2), a person satisfies a

[s 7]

requirement to have a competency stated in the competency standard if the person—

- (a) has a statement of attainment stating the person has successfully completed the competency; or
- (b) has successfully completed training, approved by the chief executive, that is substantially equivalent to the competency.

(2) Section 22(2A) and (3)—

renumber as section 22(3) and (4).

7 Omission of s 23 (Compliance with departmental standard for restricted S7 poisons)

Section 23—

omit.

8 Amendment of s 38 (Disposal of S2, S3 or S4 poison or S7 substance)

Section 38(2), definition *authorised supervisor*—

omit, insert—

authorised supervisor, for a substance authority, means—

- (a) 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; or
- (b) an appropriately qualified person, approved by the holder of the authority, to supervise the destruction of an S2, S3 or S4 poison or S7 substance.

9 Amendment of s 48 (Purchase order requirements)

(1) Section 48(1)(e)—

omit, insert—

- (e) for a regulated poison other than a high-risk poison—the name and amount of the poison;
 - (ea) for a high-risk poison—the name, form, strength and amount of the poison;
- (2) Section 48(1)(ea) and (f)—
renumber as section 48(1)(f) and (g).

10 Amendment of s 54 (Labels and containers to comply with Poisons Standard or approved alternatives)

- (1) Section 54(1)(a), ‘part 2, section 1’—

omit, insert—

part 2, division 2

- (2) Section 54(2)(a), ‘part 2, section 2’—

omit, insert—

part 2, division 3

11 Amendment of s 55 (Supplier must give invoice)

Section 55(1)(e)—

omit, insert—

- (e) for a regulated poison other than a high-risk poison—the name and amount of the poison;
- (f) for a high-risk poison—the name, form, strength and amount of the poison.

12 Omission of ch 3, pt 3, div 2 (Supply of low-risk fluoroacetic acid baits)

Chapter 3, part 3, division 2—

omit.

[s 13]

13 Amendment of s 62 (Applying regulated poisons safely)

(1) Section 62(b)—

omit.

(2) Section 62(c)—

renumber as section 62(b).

14 Omission of s 63 (Possessing low-risk fluoroacetic acid baits)

Section 63—

omit.

15 Amendment of s 65 (Disposal of waste from low-risk fluoroacetic acid baits)

Section 65, from ‘in the way’—

omit, insert—

in a way that prevents a person or an animal accessing the bait and that is otherwise lawful.

Example of a way to prevent access to a bait—

burying the bait in a deep pit

16 Amendment of s 69 (Compliance with Poisons Standard or approved alternatives)

(1) Section 69(1)(a), ‘part 2, section 1’—

omit, insert—

part 2, division 2

(2) Section 69(2)(a), ‘part 2, section 2’—

omit, insert—

part 2, division 3

17 Amendment of sch 2 (Approved persons)

(1) Schedule 2, section 12—

*omit, insert—***12 Dealing authorised**

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	manufacture	a low-risk fluoroacetic acid bait	the poison is manufactured— (a) in accordance with the approved label of the fluoroacetic acid contained in the bait; and (b) for immediate use by another person to control an invasive animal on the person's land or premises
2	possess	a low-risk fluoroacetic acid bait	the poison is possessed to control an invasive animal
3	supply	a low-risk fluoroacetic acid bait	(a) the poison is supplied to another person to control an invasive animal on the person's land or premises; and (b) the authorised officer is satisfied the health risk to a person or an animal, other than an invasive animal to be controlled, in relation to the application of the poison supplied is likely to be low or negligible
4	apply	a low-risk fluoroacetic acid bait	the poison is applied to control an invasive animal
5	dispose	waste from a low-risk fluoroacetic acid bait	

[s 17]

(2) Schedule 2, section 14—

*omit, insert—***14 Dealing authorised**

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	manufacture	a low-risk fluoroacetic acid bait	the poison is manufactured— (a) in accordance with the approved label of the fluoroacetic acid contained in the bait; and (b) for immediate use by another person to control an invasive animal on the person's land or premises
2	possess	a low-risk fluoroacetic acid bait	the poison is possessed to control an invasive animal
3	supply	a low-risk fluoroacetic acid bait	(a) the poison is supplied to another person to control an invasive animal on the person's land or premises; and (b) the authorised officer is satisfied the health risk to a person or an animal, other than an invasive animal to be controlled, in relation to the application of the poison supplied is likely to be low or negligible
4	apply	a low-risk fluoroacetic acid bait	the poison is applied to control an invasive animal
5	dispose	waste from a low-risk fluoroacetic acid bait	

(3) Schedule 2, part 3—

insert—

Division 4 Primary producers

18A Class of person

A person (a *primary producer*) who commercially produces agricultural or horticultural products.

18B Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	possess	a gaseous poison	the poison is possessed to control a burrowing invasive animal
2	apply	a gaseous poison	the poison is applied to control a burrowing invasive animal
3	dispose	a gaseous poison	

Division 5 Persons with particular competencies

18C Class of person

A person who has a burrowing invasive animal competency certificate.

18D Dealing authorised

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
1	possess	a gaseous poison	the poison is possessed to control a burrowing invasive animal

[s 18]

	Column 1 Dealing	Column 2 Regulated poison	Column 3 Scope of dealing
2	apply	a gaseous poison	the poison is applied to control a burrowing invasive animal
3	dispose	a gaseous poison	

18 Amendment of sch 3 (Departmental standards)

- (1) Schedule 3, entry for ‘Competency requirements for authority holders dealing with poisons’, ‘1’—

omit, insert—

2

- (2) Schedule 3, entry for ‘Dealing with restricted S7 poisons for invasive animal control’—

omit.

19 Amendment of sch 6 (Fees)

Schedule 6, items 1(a) and 5(a), ‘for low-risk fluoroacetic acid baits using fresh meat’—

omit, insert—

to manufacture low-risk fluoroacetic acid baits for immediate use

20 Amendment of sch 7 (Dictionary)

Schedule 7—

insert—

burrowing invasive animal means—

- (a) a European fox (*Vulpes vulpes*); or
 (b) a European rabbit (*Oryctolagus cuniculus*).

burrowing invasive animal competency certificate, for a person, means a statement of attainment that the person has successfully

completed the unit of competency, CPPUPM3011—Manage organisms by applying fumigants to commodities and environments, in a VET course.

gaseous poison, in relation to a burrowing invasive animal, means an S7 poison that the Australian Pesticides and Veterinary Medicines Authority has approved, registered or permitted for use to control the animal when the poison is in the form of a gas.

immediate use, for a low-risk fluoroacetic acid bait, means the bait is manufactured for supply and use on the same day as its manufacture.

Endnotes

ENDNOTES

- 1 Made by the Governor in Council on 16 November 2023.
- 2 Notified on the Queensland legislation website on 17 November 2023.
- 3 The administering agency is Queensland Health.

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