



Queensland

# **Pest Management Amendment Regulation (No. 1) 2011**

## **Explanatory Notes for SL 2011 No. 180**

made under the

*Pest Management Act 2001*

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## **General outline**

### **Short title**

*Pest Management Amendment Regulation (No. 1) 2011.*

### **Authorising law**

Section 10 of the *Pest Management Act 2001* (the Act).

### **Policy objectives and the reasons for them**

The objectives of the amendments are to:

- enable Biosecurity Queensland to undertake its program for eradication of red imported fire ants more efficiently and effectively and meet community expectations regarding eradication or control of red imported fire ants
- ensure that the licensing requirements under the Act in relation to pest management activities are consistent with the Act's main objective, by applying only to those activities where necessary to protect the public from the health risks associated with pesticides.

Section 10 of the Act allows a regulation to exempt from the Act a particular pest management activity, the use of a pesticide or fumigant, the use or form of a pesticide or fumigant, a method or use of a pesticide or fumigant. A regulation may only be made if the activity, use or method could be reasonably expected to pose no, or only negligible, health risk to any person.

Biosecurity Queensland wishes to use ground corn baits containing .045% of the pesticide indoxacarb as part of its red imported fire ant eradication program. Approximately 130 workers will be engaged by Biosecurity Queensland and authorised under the *Plant Protection Act 1989* to undertake this pest management activity. Queensland Health has assessed that this activity poses no, or only negligible, health risk to any person.

If this activity is not exempted from the licensing requirements under the Act, it will not be able to be lawfully carried out unless Biosecurity Queensland's workers obtain a licence or Biosecurity Queensland engages private licensed pest management technicians to perform the activity. This would increase the costs of the red imported fire ant eradication program and potentially delay its progress. The effectiveness of the red imported fire ant eradication program would be compromised if Biosecurity Queensland is not able to undertake this activity and has to rely on the use of other pesticides in the program.

Queensland Health has also assessed that another pest management activity poses no, or only negligible, health risk to any person. This activity involves the installation of a termite barrier known as Kordon and containing the pesticide deltamethrin at a concentration of not more than 2g/m<sup>2</sup>. The manufacturer of the product, Bayer Cropscience Pty Ltd (Bayer), has requested that the activity be exempted under section 10 of the Act, when performed by an installer accredited by Bayer.

### **Achievement of policy objectives**

To achieve the policy objectives, the amendments will exempt the abovementioned pest management activities from the licensing requirements under the Act. This will be achieved by amending the *Pest Management Regulation 2003* to specify that these particular activities are exempt from section 11 and Part 2, Division 12 of the Act (these provisions prohibit a person from performing a pest management activity unless they hold a licence for the activity issued under the Act).

### **Consistency with policy objectives of authorising law**

The amendments are consistent with the main objectives of the Act that is, to protect the public from the health risks associated with pest management activities and the adverse results of the ineffective control of pests.

### **Inconsistency with policy objectives of other legislation**

The amendments are consistent with the main objectives of other legislation relating to public health and safety.

### **Alternative ways of achieving policy objectives**

The amendments are the only effective means of achieving the policy objectives.

While the status quo could be maintained (ie. by not exempting the relevant pest management activities from licensing requirements), this approach would be inconsistent with the main objective of the Act, as those activities pose no, or only a negligible health risk, to any person.

### **Benefits and costs of implementation**

The amendments:

- will enable Biosecurity Queensland to undertake its program for eradication of red imported fire ants more efficiently and effectively and meet community expectations regarding eradication or control of red imported fire ants; and
- are likely to reduce the construction industry's time and costs for the installation of Kordon, because it will be able to be installed by any person (eg. an employee of the construction company) accredited by Bayer, rather than solely by a licensed pest management technician.

The exempting of the relevant pest management activities is not expected to impose significant financial or other costs, either directly or indirectly, on any person or body.

## **Consistency with fundamental legislative principles**

The amendments are consistent with section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

The amendments have been requested by Biosecurity Queensland and Bayer.

The Australian Environmental Pest Managers Association and the Master Builders Association have been consulted and expressed no concerns regarding the amendments.

# **Notes on provisions**

## **Short Title**

Clause 1 provides the short title of the regulation.

## **Regulation amended**

Clause 2 specifies that the regulation amends the *Pest Management Regulation 2003*.

## **Amendment of s 3A (Exemption for electric or fire ant prevention, control or eradication - Act, s 10)**

Clause 3 omits the definition of 'inspector' in section 3A(3). The definition is relocated to Schedule 3 by the amendment in clause 5.

## **Insertion of new ss 3B and 3C**

Clause 4 inserts new sections 3B and 3C to exempt, from section 11 and Part 2, Division 12 of the Act, the pest management activities specified in those sections.

Section 3B exempts the use of ground corn baits containing .045% of indoxacarb as the only active ingredient, applied at a rate of not more than 1.7kg of baits a hectare. The exemption only applies to the use of that pesticide by inspectors or other persons authorised under the *Plant Protection Act 1989* for treating red imported fire ants, or land or things infested with those ants.

Section 3C exempts the installation of a Kordon termite barrier, a product manufactured by Bayer, that is a non-woven matrix of polyester fibres impregnated with deltamethrin at a concentration of not more than 2g/m<sup>2</sup> and laminated with polyethylene. The exemption only applies to that pest management activity when it is carried out by a person accredited by Bayer to install the Kordon termite barrier.

### **Amendment of sch 3 (Dictionary)**

Clause 5 inserts a definition of 'inspector' in Schedule 3. The definition is relocated from section 3A(3) by the amendment in clause 3.

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#### **ENDNOTES**

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Health.

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