

GUIDELINES FOR

Pest Control

OPERATORS IN

Victoria



Guidelines for pest control operators in Victoria

Authorised by the State Government of Victoria, Melbourne.

January 2010

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Introduction

The *Guidelines for pest control operators in Victoria* (the Guidelines) provide information about the Licence to use pesticides, issued by the Department of Health (the department) under section 101 of the *Public Health and Wellbeing Act 2008* (the Act).

The Guidelines aim to assist the pest control industry in complying with the legislation under which they are regulated, mainly the Act and the Public Health and Wellbeing Regulations 2009 (the regulations).

The Act requires individual pest control operators to be licensed unless the pesticide is being used for certain specified purposes that do not involve a significant risk to public health.

Licensing of the pest control industry is designed to protect pest control operators, consumers, members of the public and the environment from the harmful effects of pesticides.

Legislation overview

Licensing by the Department of Health

Under section 99 of the *Public Health and Wellbeing Act 2008*, a person must not, in the course of the business of a pest control operator, use any pesticide or class of pesticides unless the person holds a pest control licence as an authorised user of that pesticide or class of pesticides.

A pest control operator is defined in the Act as a person who carries on, or holds themselves out in any way as carrying on, the business of controlling, destroying or repelling pests.

The requirement to hold a licence does not apply if the use of the pesticide is for one or more of the purposes listed in section 100 of the Act:

- a horticulture
- b agriculture
- c water treatment
- d weed control
- e controlling a pest animal, within the meaning of the *Catchment and Land Protection Act 1994*, to protect an area or a place which is not
 - i a building used for commercial purposes or
 - ii domestic premises or privately owned land adjacent to domestic premises.

Licensing by other agencies

A person who carries on a business or offers a service for fee or reward that involves the use of pesticides for any activity identified in categories a–e above may require a Commercial Operator Licence, issued by the Department of Primary Industries. For clarification of the terms ‘horticulture’ and ‘agriculture’ see *Appendix 6: Definitions and glossary*.

A person who is involved in the control of native wildlife may require a Commercial Wildlife (Wildlife Controller) Licence issued by the Department of Sustainability and Environment.

An Industrial Permit, issued by the Drugs and Poisons Unit of the Department of Health, for the possession and use of arsenic and cyanide is required in addition to any other licence or permit.

The Licensing Services Division of Victoria Police administers the *Firearms Act 1996*, under which a licence is required for the possession and use of a firearm.

For further information regarding the licences and permits issued by other authorities see *Appendix 7: Other relevant licensing agencies*.

Copies of Acts and regulations referred to throughout this document can be obtained from the Victorian Legislation and Parliamentary Documents website. See *Appendix 1: Contacts* for website details.

1 The Licence to use pesticides

1.1 Types of licence

Technician licence

A licence issued under section 101(2) of the Act is referred to in this document as a **technician licence**.

A technician licence may be granted to an individual who satisfies the following criteria:

- is at least 18 years of age
- has completed a course listed in *Appendix 2: Approved qualifications* or held a technician Licence to use pesticides on 26 October 2002 and was employed in the pest control industry for at least two years in the five year period before the application
- has paid the relevant licence fee.

A technician licence to use pesticides is valid for a period of **three years** from the date of issue.

Trainee licence

A licence issued under section 101(3) of the Act is referred to in this document as a **trainee licence**. A trainee licence may be granted to an individual who satisfies the following criteria:

- is at least 16 years of age
- is enrolled or undertaking training in a prescribed course or units of competency. Refer to *Appendix 3: Courses of training and units of competency* for further details.
- is applying pesticides in the practical training of pest control while under the supervision of an appropriately qualified pest control technician with a valid licence.
- has paid the relevant licence fee.

A trainee licence to use pesticides is valid for a period of **12 months** from the date of issue and may only be granted on a maximum of **three** occasions unless exceptional circumstances apply. See *Section 2.6 Third issue of a trainee licence*.

For further information regarding the trainee licence, see *Section 2 Supervision and training*.

For further information regarding courses and training organisations, contact the relevant state training authority listed in *Appendix 4: State training contacts*.

Interstate operator licence

A person who usually resides in another state or territory and who holds a valid licence as an authorised user of pesticides in that state or territory, **must** apply for a Victorian Licence to use pesticides in order to apply pesticides in the business of a pest control operator in Victoria. Providing the pesticides they apply for authorisation to use are the same or similar in all respects to the pesticides that are authorised for use under their current licence, they will be granted a Victorian Licence to use pesticides.

This licence, granted under regulation 65(3) of the *Public Health and Wellbeing Act 2008*, is referred to in this document as an **Interstate operator licence** and is valid for a period of **three years** from the date of issue.

1.2 Licence authorisations

Authorisation types

The Licence to use pesticides will authorise a pest control operator to use one or more class of pesticides depending on the type of pest control work the pest control operator is qualified to undertake.

A pest control operator who has completed a qualification listed in part 1 of *Appendix 2: Approved qualifications* or a trainee who is enrolled or undertaking training in a prescribed course or units of competency listed in row one of *Appendix 3: Courses of training and units of competency* may elect to have the following authorisation listed on their licence:

- **pesticides (excluding fumigants) formulated for the control of arthropods, rodents, birds and fungi, which are used to control pests (other than pest animals).**

A pest control operator who has completed a qualification listed in part 2 of *Appendix 2: Approved qualifications* or a trainee who is enrolled or undertaking training in a prescribed course or units of competency listed in row two of *Appendix 3: Courses of training and units of competency* may elect to have the following authorisation listed on their licence:

- **pesticides formulated for the control of pest animals to protect a building used for commercial purposes, a domestic premise, or privately owned land adjacent to domestic premises.**

A pest control operator who has completed a qualification listed in part 3 of *Appendix 2: Approved qualifications*, or a trainee who is enrolled or undertaking training in a prescribed course or units of competency listed in row three of *Appendix 3: Courses of training and units of competency* may elect to have the following authorisation listed on their licence:

- **pesticides in the form of fumigants.**

1.3 Applying for a licence

In order to obtain a licence, an applicant must:

- complete all sections of the relevant application form, identifying the licence authorisations required (for further information see *Section 1.2 Licence authorisations*)
- complete the *Photo Identification* sections of the application form and provide an endorsed photograph
- attach the appropriate documentation, such as certified copies of relevant qualification certificates, where applicable
- pay the appropriate fee.

Application forms are available on the Pest Control Program website or by contacting the department. See *Appendix 1: Contacts* for details.

Photo identification

As part of an application for a Licence to use pesticides, applicants are required to provide the department with one **endorsed** colour photograph of themselves together with the correctly completed *Photo Identification* section of the application form.

The photograph must be:

- full front view of head and shoulders
- not more than six months old

- not smaller than 35 x 45mm and not larger than 40 x 50mm
- good quality with no ink marks on the image
- sharply focused, not blurred or unclear
- correctly endorsed on the back by the Identifier.

The person who identifies the applicant for the purposes of the *Photo identification* section of the application form and endorses the back of the photograph must:

- have known the applicant for the past 12 months
- be 18 years of age or over
- endorse the back of the photograph by writing 'This is a true photograph of [applicant's full name]' and sign underneath
- complete their details and sign the declaration on the application form.

Upon approval, the applicant will receive a photo identification licence.

The following information is detailed on the licence:

- name of licence holder
- photo of licensee
- licence number
- expiry date
- issue/renewal date
- authorisation/s
- signature of the Secretary to the department delegate.

Pest control operators should carry their licence with them at all times. Customers may ask to see a pest control operators licence to confirm that the pest control operator is qualified to perform a specific pest control activity. An authorised officer of the department may also ask to see a pest control operators licence during the course of an inspection.

Issue of replacement licence

A replacement Licence to use pesticides will be issued free of charge to a holder who satisfies the department that their original pest control licence has been lost, stolen or destroyed.

Certification of qualifications

Applicants must ensure that an authorised witness **certifies** all copies of certificates and statements of attainment provided to the department in support of an application for a Licence to use pesticides.

A certified copy means a genuine copy of the original, which has been declared to be true and correct by a person authorised to witness statutory declarations.

For a list of persons authorised to certify documents see *Appendix 5: Statutory declaration witness list*.

The signature of the person certifying the document must be an original. Photocopies and faxes of certified documents are **not** acceptable.

Fees

An applicant will not be granted a Licence to use pesticides unless they have paid the fee prescribed in the Public Health and Wellbeing Regulations 2009.

Applicants are advised to confirm the current fees for technician, trainee and interstate operator licenses prior to submitting an application for a licence, by contacting the department or checking the Pest Control Program website (See *Appendix 1: Contacts*), as the prices increase annually in line with the Reserve Bank's Consumer Price Index. As a result, new fees come into effect on 1 July each year. Any application or renewal received after this date will be subject to the new fees. Fees for the Licence to use pesticides are exempt from GST.

Currently the department is only able to accept payment for a licence in the form of cash, cheque or money order. The department shall issue receipts for licence payment upon request.

Renewal

Prior to licence expiration, pest control operators will receive a renewal notice from the department. It is advisable that this notice is returned with payment to the department as soon as it is received.

The department will accept an application for the renewal of a licence within the period of **60 days** after expiry. However:

- the new expiry date will be determined by the old expiry date, not the date of payment
- the applicant is considered to be unlicensed during the period between the old expiry date and the issue of the renewal
- the full fee must be paid.

If the department does not receive renewal payment within the period of **60 days** after the expiry date of the licence, the licence will be cancelled.

Pest control operators are reminded that it is an offence to use pesticides for commercial gain in Victoria without an appropriate licence. Pest control operators may be liable to be prosecuted under Section 99 of the Act if this requirement is breached.

For further information regarding offences and penalties see *Section 6 Offences*.

If a licence has expired and the pest control operator wishes to obtain a new licence, they must apply to the department with the appropriate documentation, such as certified copies of relevant qualification certificates. Should the application be successful they will be issued with a new licence.

Change of contact details

Pest control operators should inform the department within ten working days if any of their personal or business details change. They risk licence cancellation as a result of not receiving renewal notices and may miss out on other important information and updates.

Change of Contact Details forms are available on the Pest Control Program website or by contacting the department. See *Appendix 1: Contacts* for details.

Adding new authorisations to an existing licence

Adding additional licence authorisations to an existing Licence to use pesticides may be achieved if the applicant:

- has completed the relevant qualification required for that licence authorisation
- or
- is enrolled or undertaking training in a prescribed course or units of competency required for the particular licence authorisation. However, in this case, the licence holder will be granted **trainee status** for the particular authorisation and therefore must only use the relevant class of pesticides under the supervision of an appropriately qualified and licensed technician. See Section 2 Supervision and training for further information regarding the trainee licence.

The licence holder must make a written request to the department to have additional licence authorisations added to their Licence to use pesticides. Requests are to be made on a licence application form, clearly indicating that the licence exists and **additional authorisations only** are required. The form should then be mailed to the department, together with the appropriate documentation such as certified copies of relevant qualification certificates, where applicable.

Unless a new photo is required, there is no need to complete the *Photo identification* section of the application form or provide an endorsed photograph.

The pest control operator may be asked to surrender their existing licence. The department will reissue the licence listing all authorisations at no additional cost.

1.4 Conditions on licence

The Licence to use pesticides is subject to a number of general conditions. The department may also impose additional specific conditions on individual licences in some circumstances. Conditions on licence are issued in writing with the licence.

It is an offence to breach a condition of licence.

See *Section 6 Offences* for further information regarding offences and penalties.

A licence holder may make an application to the department to vary or delete any condition relating to a Licence to use pesticides. Where this occurs, the department will advise the applicant in writing of any decision made and the grounds for that decision. However, a condition can only be varied or deleted if it will not make the licence inconsistent.

If a decision is made to vary or delete a condition relating to the authorisations on a licence, or the use of a specified pesticide for a specified use only, the holder may be required to return their licence and the department will reissue the licence at no additional cost. The holder must comply with a request to return a Licence to use pesticides. A penalty exists for non compliance. For further information regarding offences and penalties see *Section 6 Offences*.

General conditions

All holders of a Licence to use pesticides are required to:

- comply with the Public Health and Wellbeing Act and regulations

Non-compliance with an obligation or limitation could therefore constitute a breach of a condition of licence in addition to an offence under the Act or regulations.

- only use the pesticides or classes of pesticides specified on the licence

The Licence to use pesticides will authorise a pest control operator to use one or more class of pesticides, depending on the type of pest control work the pest control operator is qualified to undertake. For further information see *Section 1.2 Licence authorisations*.

- comply with any relevant obligations imposed by the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* and the *Occupational Health and Safety Act 2004*.

This condition enables the department to require pest control operators to comply with the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* and the *Occupational Health and Safety Act 2004* and investigate and take appropriate action in the event that a pest control operator is found to be contravening a relevant provision of the legislation.

In relation to the *Agricultural and Veterinary Chemicals Control of Use Act*, provisions such as those relating to off-label use apply. In relation to the *Occupational Health and Safety Act*, provisions such as those relating to hazardous substances, dangerous goods and risk assessment apply.

In addition to potentially breaching a condition of licence under the *Public Health and Wellbeing Act*, non-compliance with any of these relevant obligations may also constitute an offence under the *Agricultural and Veterinary Chemicals Control of Use Act*, the *Occupational Health and Safety Act* or the associated regulations. Therefore, the department may also refer such matters to the Department of Primary Industries or WorkCover (the administering authorities) for investigation.

Specific conditions

Specific conditions may also be placed on an individual licence. These conditions may include:

- that a certain pesticide or class of pesticides may only be used for specified uses

This condition enables the department to restrict the activities of an individual pest control operator by requiring that they only use a particular pesticide in a specific manner if the licence holder has failed to comply with the Act, regulations or licence conditions or there is a risk to health.

- that the licence holder may use a prescribed chemical product for an exempt purpose

Under the *Public Health and Wellbeing Act*, the department is able to issue a pest control licence with a condition authorising the holder to use pesticides for an exempt purpose. An exempt purpose includes horticulture, agriculture, water treatment, weed control and controlling a pest animal to protect an area or place which is not a building used for commercial purposes or domestic premises or privately owned land adjacent to domestic premises.

Ordinarily, the use of pesticides for these purposes is licensed by the Department of Primary Industries.

For further information regarding the licenses and permits issued by other authorities, see *Appendix 7: Other relevant licensing agencies*.

Pest control operators must make a written request to the department to have a condition authorising the holder to use pesticides for an exempt purpose listed on their Licence to use pesticides. Requests are to be made on a *Conditions of licence* application form, clearly indicating the existing licence number and the specific condition required. The form should be mailed to the department together with the appropriate documentation such as certified copies of relevant qualification certificates where applicable.

A condition authorising a licence holder to use pesticides for an exempt purpose will only be listed on a Licence to use pesticides if the department is satisfied that the licence holder is competent to use a prescribed chemical product for an exempt purpose. The Department of Primary Industries will also be consulted regarding the application.

The pest control operator may be asked to surrender their existing licence. The department will reissue the licence listing the specific conditions at no additional cost.

- any other condition imposed by the Secretary.

Trainee-specific conditions

In regards to a trainee licence, the holder may only:

- use the pesticides or classes of pesticides specified on the licence under the supervision of a person who holds a technician licence
- use the pesticides or classes of pesticides that their supervisor is authorised to use.

This condition relates to appropriate supervision of trainees and the classes of pesticides that they are authorised to apply.

For more information regarding the trainee licence see *Section 2 Supervision and training*.

2 Supervision and training

This section outlines the responsibilities of supervisors and trainees.

Under the Act, a person must not, in the course of the business of a pest control operator, use any pesticide or class of pesticides unless the person holds a pest control licence as an authorised user of that pesticide or class of pesticides.

The requirement to hold a Licence to use pesticides extends to individuals who are considered 'in training' or 'trainees'.

Under section 109, a pest control operator must take all reasonable steps to ensure that persons employed in the course of the business of a pest control operator by the pest control operator comply with the Act and the associated provisions.

This means that an employer or nominated supervisor may be held liable for permitting an unlicensed trainee to use pesticides in the course of the business of a pest control operator.

For further information regarding offences and penalties see *Section 6 Offences*.

2.1 The trainee licence

Authorisations

The Trainee Licence to use pesticides authorises trainee pest control operators to apply **only** those classes of pesticides listed on their licence, **only** under the supervision of a fully qualified pest control operator who is also authorised to use those same classes of pesticides.

When signing the declaration on the trainee licence application form, supervisors must ensure that the licence authorisations selected by the trainee match those authorisations that appear on their own licence.

Trainee licence holders must also be enrolled or undertaking training in a prescribed course or units of competency appropriate for the licence authorisations nominated. For further information see *Section 1.2 Licence authorisations*.

Conditions

All pest control licences are subject to conditions. However, trainee licences are granted **subject to additional conditions**, which are issued with the licence. The department may also place specific conditions on individual licences if there is reason to do so.

It is an offence to breach a condition of licence.

For further information see *Section 1.4 Conditions on licence*.

2.2 Supervision and the *Trainee skills declaration form*

A trainee must only apply pesticides for the control of a particular pest (for example, ants) under **direct supervision** until such time as they can satisfy the department that they have sufficient knowledge and skills to safely apply pesticides to control that pest under **indirect supervision**.

A trainee will be considered to have the knowledge and skills to safely control a particular pest under indirect supervision when they have satisfactorily completed a minimum of **four** applications of pesticides to control that pest under direct supervision.

The department will be satisfied that the trainee has successfully completed the four applications upon receipt of a declaration by their supervisor on a *Trainee skills declaration* form.

Direct supervision means that a trainee must apply the pesticides within **sight and hearing range** of their supervisor at all times. The supervisor must personally demonstrate the safe application of each pesticide and personally observe the trainee's work.

Indirect supervision means that a trainee must apply pesticides within **sight or hearing range** of their supervisor at all times. This includes telephone or two-way radio contact with their supervisor.

The *Trainee skills declaration* form is available by contacting the Department. See *Appendix 1: Contacts* for details on the Pest Control Program.

2.3 Training logbook

Trainees are required to maintain a record (logbook) of all training undertaken on the job. The following details are required to be included in the training logbook:

- pest identification
- pest habits and locations
- chemical selection
- label interpretation
- selection of personal protective equipment
- selection and maintenance of equipment
- chemical application
- safe handling of equipment and chemicals
- procedures for handling chemical spills
- industry best practice
- interpretation of material safety data sheets
- debriefing sessions.

The training logbook should include information that will allow individual pest control jobs that have been attended by the trainee to be matched with the business records for that job (for example, job number or date and site address).

For further information regarding material safety data sheets refer to 'technical note number 13 *Interpreting material safety data sheets*'. Technical notes are available on the Pest Control Program website or by contacting the department. See *Appendix 1: Contacts* for details.

2.4 Debriefing

The department recommends that supervisors debrief with their trainees face-to-face **at least** once a week.

The debriefing session is an opportunity for the trainee to raise technical questions with their supervisor and for the supervisor to gauge the progress of their trainee's education.

The trainee and supervisor should keep notes of debriefing sessions. The date, time and nature of the meetings should also be recorded in the trainee's logbook.

2.5 Maximum supervision numbers

The Act specifies that the holder of a trainee licence may **only** apply pesticides under the supervision of a person who holds a valid technician licence.

The department recommends that fully qualified pest control technicians **only** accept responsibility for the number of trainees that can be **adequately managed under direct supervision** to meet their supervisory requirements under the Act. Supervisors are encouraged to have a **maximum of two** trainees under their direct supervision and/or **up to five** trainees under indirect supervision.

The administration of the requirements of direct supervision, which specify that trainees must only apply pesticides within sight and hearing range of their supervisor, becomes difficult with a large number of trainees.

2.6 Third issue of a trainee Licence to use pesticides

Under section 101(4) of the Act, the Secretary to the Department of Health must not grant an application for a trainee Licence to use pesticides to a person more than three times unless satisfied that there are special circumstances for doing so. Consequently, upon expiration of a person's third trainee licence, the department will not accept further applications from that person for a trainee licence, except in cases where an application for exceptional circumstances has been received in writing and approved.

To continue to work as a pest control operator after the expiry of a person's third trainee licence, they will be required to apply for and be granted a technician Licence to use pesticides. To do this, the department requires proof that they have completed a prescribed training course.

It is an offence to use pesticides for commercial gain in Victoria without an appropriate licence. Pest control operators may be liable to be prosecuted under section 99 of the Act if this requirement is breached.

See *Section 6 Offences* for further information regarding offences and penalties.

2.7 Upgrading to a technician Licence to use pesticides

To be eligible for a technician Licence to use pesticides, a trainee must have completed a course listed in *Appendix 2: Approved qualifications*.

The trainee must submit a certified copy of this qualification to the department, along with an application for a technician licence and the relevant fee in order to be granted technician status. For further information see *Section 1.3 Applying for a licence*.

Application forms for a technician licence are available on the Pest Control Program website or by contacting the department. See *Appendix 1: Contacts* for details.

3 Legislative requirements and best practice recommendations

In addition to the Act and associated regulations, pesticide storage, use and transport is also regulated under other Victorian legislation relating to hazardous substances, dangerous goods and agricultural and veterinary chemicals.

Furthermore, pest control operators should always strive for best practice in their business operations and seek to minimise the risk to their own health, public health and the environment when using pesticides as part of that business.

This section outlines requirements and recommendations for vehicles, equipment and records. For further information in relation to occupational health and safety issues, contact the Victorian WorkCover Authority. See *Appendix 1: Contacts* for details.

3.1 Vehicles

Vehicles used for the purpose of pest control, including the storage, transport and preparation of pesticides, should meet the following requirements:

- the vehicle should be **labelled** with the name of the pest control business and either the Department of Health business registration number (A number) or Department of Health Licence to use pesticides number (L number) in lettering at least 75mm high.
- the driver's cabin should be **separate** from chemicals and contaminated clothing or equipment. These materials should not be stored or transported in the driver's cabin.
- the chemical storage area should have appropriate **ventilation**
- **emergency telephone numbers** should be clearly displayed in a prominent location (such as secured to the windscreen or dashboard) so that anyone can find them in case of a spill or other emergency. Stickers containing emergency telephone numbers can be obtained by contacting the department. See *Appendix 1: Contacts* for details.
- a **list** of all chemicals carried on the vehicle should be kept in an easily accessible location
- a well-maintained **fire extinguisher** (dry powder or CO₂ type), within the expiration date, should be kept in an easily accessible location
- the entire vehicle should be **clean and free from pesticide residue**
- suitable **clean-up material** for chemical spillages should be carried at all times. This includes a spare pair of gloves and materials to contain liquids and prevent spills such as commercial absorbent materials: (hydrated lime or limil, kitty litter or dry sand). Pest control operators should ensure that their spill kit is clearly labelled, stored in an easily accessible location and that they are familiar with the contents and their use.

3.2 Application equipment

Pesticide application equipment should meet the following requirements:

- be **clean and free from pesticide residue**
- be **secured to the vehicle**, not free to move around the load area during transport or use
- be **well maintained** and free from any damage or leaks. Pest control operators should check their equipment regularly and replace items subject to wear and tear (such as hoses) at least every 12 months
- machinery drive shafts and belts should be **fitted with a guard**
- all containers should be properly **labelled for contents**, including pesticide tanks, contaminated article containers and clean water tanks.

3.3 Personal protective equipment and other safety items

When working with pesticides, pest control operators should always read the label and follow the directions. This includes any safety precautions and specified personal protective equipment. This is particularly important for pest control operators as they work with chemicals every day and are at greater risk of exposure.

Personal protective equipment is the last line of defence against pesticide exposure. For personal protective equipment to be effective it must be selected, used and maintained correctly.

The following personal protective equipment and other safety items should be available when chemicals are being handled:

- a **respirator** of an appropriate type, well maintained and properly stored
- suitable **spare respirator cartridges**, within the manufacturer's expiration date
- **long-sleeved overalls**. After use, these should be removed and transported in a contaminated articles container. They should be washed separately before being used again.
- a **washable hat**
- **eye and face protection**
- **soap, towel** and at least **ten litres of clean water**, stored away from any chemicals
- a **first aid kit**, stocked according to WorkCover recommendations. Refer to the WorkCover website for more information. See *Appendix 1: Contacts* for details.
- a **spare change of clothing** for use in an emergency
- a sturdy, sealable **receptacle for contaminated items**
- **material safety data sheets** for each of the chemicals handled. For further information regarding material safety data sheets refer to 'technical note number 13 *Interpreting material safety data sheets*'. Technical notes are available on the Pest Control Program website or by contacting the department. See *Appendix 1: Contacts* for details.
- **impervious boots and gloves**. Leather boots must be treated regularly with a waterproofing agent to ensure they remain impervious.

For further information about personal protective equipment refer to 'technical note number 14 *PPE Part 1—Selection, use and maintenance*' and 'technical note number 15 *PPE Part 2—Specific PPE items*'. Technical notes are available on the Pest Control Program website or by contacting the department. See *Appendix 1: Contacts* for details.

3.4 Chemical storage

Whether chemicals are stored on a business vehicle or in a storeroom at the business premises, chemical storage areas should meet the following requirements:

- **suitably located** in particular, away from any hazards
- **secure** and should remain locked when not in use. Where possible, public access should be minimised.
- chemicals stored on a vehicle should be **secured to the vehicle**, not free to move around the load area during transport or use
- **fire resistant, ventilated and well lit**
- the **floor** and **shelving** should be **impervious** (unable to absorb spills)
- **clean, free from hazards** and have **incompatible chemicals separated**
- **material safety data sheets** for each of the chemicals stored should be readily available for use in an emergency. For further information regarding material safety data sheets refer to ‘technical note number 13 *Interpreting materials safety data sheets*’. Technical notes are available the Pest Control Program website or by contacting the department. See *Appendix 1: Contacts* for details.
- **clearly identified** with appropriate signage. **Warning placards** should also be available to indicate pesticide application or other hazards.
- a suitable **fire extinguisher** (dry powder or CO₂ type) should be easily accessible preferably outside by the entrance, well maintained and within its expiration date
- suitable **clean-up material** for chemical spillages should be kept in an easily accessible location. This includes a spare pair of gloves and materials to contain liquids and prevent spills such as commercial absorbent materials (hydrated lime or limil, kitty litter or dry sand). Pest control operators should ensure that their spill kit is clearly labelled and that they are familiar with the contents and their use.

3.5 Schedule 7 poison storage

Schedule 7 poisons include pesticides such as arsenic trioxide, phosphine and methyl bromide. Special conditions are placed upon Schedule 7 storage areas. They should meet these additional requirements:

- **separate** from other chemicals
- securely **locked**
- clearly **labelled** (with warnings and names of poisons).

A permit for the possession and use of arsenic and cyanide, issued by the Department of Health Drugs and Poisons Unit, is required in addition to any other licence or permit. For further information see *Appendix 6: Other relevant licensing agencies*.

3.6 Records

It is a requirement for pest control operators to make and keep certain records under regulation 69(1) of the *Public Health and Wellbeing Regulations 2009*.

It is an offence to fail to keep the prescribed records for the prescribed period or create false records.

For further information regarding offences and penalties see *Section 6 Offences*.

The following details must be recorded by the pest control operator carrying out the pest control activity for every pesticide application:

- the **trade name** of the pesticide
- the **batch number** of the pesticide
- **specific precautions** to be observed, including the re-entry period
- the **date** of pesticide application
- the **start** and **finish times** of the pesticide application
- the **location** of the pesticide application (including street address, if applicable)
- a description of **treated areas**
- the **pest treated**
- a description of the **amount** of pesticide applied
- the **name** and **licence number** of the **person applying the pesticide** and, if applicable, the name and licence number of the person supervising the application
- the **name** and **address** of the **person for whom the work was carried out**
- if applied outdoors, the **ambient temperature**, **wind direction** and **speed** at the time of application
- the **method of application** (for example, spray or bait)
- the **trading name**, **address** and **phone number** of the **business employing, engaging or owned by the person applying the pesticide**
- the **signature** of the person completing the record.

Records should be accurate, up to date, coherent, consistent and in English. They must be kept at the business address for a minimum of three years.

Weather conditions

All aspects of the weather (for example, temperature, humidity and wind direction) should be assessed when deciding whether it is safe to spray pesticides. In place of a wind-measuring instrument, pest control operators can use the **Beaufort Wind Scale** as a guide for assessing the suitability of the weather conditions for spraying. If estimating the wind force using the Beaufort Wind Scale, pest control operators should note this on the pesticide application record.

An example of how to present the data is as follows:

BWS: Force 2 'light breeze from North East (NE)'.

For further information regarding record-keeping requirements and the Beaufort Wind Scale, refer to 'technical note number 3 *Record keeping*'. Technical notes, a pesticide application record sheet template and a completed example are available on the Pest Control Program website or by contacting the department. See *Appendix 1: Contacts* for details.

Pest control operators may use the template directly or adapt it to suit their business purposes. If a business already uses a record sheet, pest control operators must make sure it contains all the details required to be recorded for each pesticide used.

3.7 Spills

Spill prevention

Pest control operators should prevent spills by:

- using the lowest toxicity pesticide possible
- mixing products on a level surface and holding containers steady
- not mixing or storing pesticides near drains or stormwater outlets
- carrying absorbent materials and keeping them accessible in case of an accident
- securing containers on vehicles
- using warning signs when mixing and applying pesticides
- keeping people, animals, hoses and vehicles away from pesticide containers and treatment areas
- keeping lids on containers when not in use
- storing containers in an organised and orderly manner
- using funnels and accurate measuring jugs with a pouring lip
- having an emergency response plan.

Spill management

Pest control operators should follow these key steps in the event of a spill.

Caution

- Assess the potential dangers. The first priority is for the pest control operator to protect their health and safety and the health and safety of other people.
- If a spill occurs that threatens the environment in any way, contact the Environment Protection Authority Pollution Watch Line or local council immediately. If in doubt or if the spill is large contact the Metropolitan Fire Brigade or Country Fire Authority and the Environment Protection Authority. See *Appendix 1: Contacts* for details.

As much information about the spill should be provided as possible to gain assistance and advice. Important information includes the location of the spill, the quantity of the spill, the type of accident, the chemical involved, chemical flammability and toxicity, and other hazards, such as ignition sources and casualties.

- Always wear the correct personal protective equipment.

- Follow emergency directions on the label and material safety data sheet.

For further information regarding material safety data sheets refer to 'technical note number 13 *Interpreting materials safety data sheets*'. Technical notes are available on the Pest Control Program website or by contacting the department. See *Appendix 1: Contacts* for details.

- Ensure the area is ventilated and stay upwind of the spill.
- Barricade the area to prevent unauthorised access.

Contain

- Contain the spill.
- Use sand or absorbent material to barricade the spill and prevent it from spreading.
- Block any drains in the vicinity.

Control

- Control the source of the spill.
- If the spill has occurred due to a leaking container, decant the remaining liquid into another container or locate the source of the leak and reposition the container so that it is not sitting on the leaking side.

Clean Up

- Prompt clean-up action will reduce the likelihood of the hazardous material soaking into the ground or spreading.
- When using absorbent materials such as hydrated lime or kitty litter, leave the material on the site of the spill for at least one hour.
- Make sure that the spill location is supervised at all times during clean-up.
- If the material safety data sheet recommends the use of bleach to neutralise the material, use only enough to cover the area that was covered by the spill. Absorb the bleach with absorbent materials and dispose of appropriately. For further information regarding material safety data sheets, refer to 'technical note number 13 *Interpreting materials safety data sheets*'. Technical notes are available the Pest Control Program website or by contacting the department. See *Appendix 1: Contacts* for details.
- Do not wash away hazardous materials with water.
- Send any contaminated materials to a facility licensed by the Environment Protection Authority to accept prescribed industrial waste.
- After clean-up, ensure hands and any exposed areas of skin are washed thoroughly with soap and water. Shower if necessary.
- If diluted pesticide contaminates clothing, wash it separately from other family laundry using a heavy-duty detergent. If concentrated product contaminates clothing it may need to be disposed of along with clean-up materials.
- If anyone is directly exposed to a pesticide, wash the pesticide off the skin with plenty of water for at least 15 minutes. **Seek medical attention as soon as possible.** If any person exposed to a hazardous substance requires medical attention within 48 hours of exposure, the employer must notify the Victorian WorkCover Authority. See *Appendix 1: Contacts* for details.

Disposal of unwanted chemicals

Always follow label instructions for chemical disposal and dispose of leftover hazardous chemicals cautiously. Any unwanted liquid chemicals should be disposed of via a licensed waste treatment company. The Environment Protection Authority can provide details of local companies licensed to treat and dispose of waste chemicals. See *Appendix 1: Contacts* for details.

Animal carcasses and other animal waste

Burial of poisoned animals ensures that they will not become a secondary poisoning hazard to pets and wildlife. Skins must not be taken and the meat of poisoned animals must not be used for consumption by humans or animals. The appropriate place for burying poisoned animals is a landfill appropriately approved by the Environment Protection Authority. Ensure that the landfill accepts poisoned animals and that they are covered as soon as possible to minimise odour emissions prior to dumping the contaminated carcasses.

For further information regarding spills and waste refer to 'technical note number 4 *Managing spills and pesticide disposal*'. Technical notes are available on the Pest Control Program website or by contacting the department. See *Appendix 1: Contacts* for details.

3.8 Advice to clients

Pest control operators build a wealth of knowledge about pests and the pesticides used to control them. Clients do not have this experience and knowledge and may feel uneasy about the treatment. They therefore look to the pest control operator to provide them with information and advice.

Important information includes:

- the name of the pesticide to be used
- its toxicity rating
- potential health risks associated with its use
- how it will be applied and to what areas
- the withholding period
- pre- and post-treatment measures that the client can take to minimise exposure.

These pre- and post-treatment safety measures may include:

- ensuring food, clothes, toys, toothbrushes, bedding, towels, vegetable gardens, barbeques, pet bowls, fish ponds, clotheslines and cooking utensils are covered or removed from the area to be treated
- relocating pets during treatment and until the pesticide is dry
- vacating the premises while the pesticide is mixed and applied and until the pesticide is dry (generally four to six hours)
- ensuring that all doors and windows are closed if the pesticide is to be applied outdoors
- ventilating the house by opening all doors and windows upon return if a chemical smell can be detected
- ensuring that benchtops and kitchen utensils are thoroughly cleaned prior to food preparation if a pesticide has been applied indoors.

3.9 Risk assessments

The *Occupational Health and Safety Act 2004* requires employers to provide a safe and healthy workplace for their employees and contractors. Employers and self-employed persons must also ensure that the health and safety of other people, including the general public, is not endangered by the way they conduct their business.

Part 4.1 of the *Occupational Health and Safety Regulations 2007* (the regulations) sets out specific duties applicable to employers, manufacturers, importers and suppliers, which aim to protect people at work against risks to their health associated with the use of hazardous substances.

Hazardous substances

Hazardous substances are substances that have the potential to harm human health. They are defined under the *Occupational Health and Safety Regulations* as a substance that:

- is listed on the Hazardous Substance Information System (HSIS) and the concentration of the substance or its ingredients equals or exceeds the concentration cut-off levels listed on the HSIS that relate to health effects
- meets the criteria for a hazardous substance set out in the National Occupational Health and Safety Commission's Approved Criteria for Classifying Hazardous Substances.

Many pesticides are classified as hazardous. If a chemical is not classified as a hazardous substance, it does not necessarily mean that it is harmless.

Employers have general duties under the *Occupational Health and Safety Act* to ensure employees' health is not at risk. As pesticides are designed to kill or cause harm, they should all be considered hazardous even if they are not officially classified as such.

Identifying and assessing risk

Part 4.1 Hazardous Substances of the *Occupational Health and Safety Regulations* requires employers to **control the risk to health** associated with hazardous substances. While the regulations do not explicitly require employers to perform a risk assessment, this duty is implied in the duty to control the risk. A risk to health cannot be effectively controlled without having done some sort of risk assessment.

A **risk assessment** is a process of determining the likelihood of an adverse health effect associated with potential exposure to hazardous substances in the workplace.

When conducting a risk assessment, pest control operators should consider:

- each hazardous substance used
- the information on the material safety data sheets
- the information on the manufacturer's or importer's label
- the nature of the work involving the use of each hazardous substance
- any information on incidents, illnesses or diseases associated with use of the hazardous substance.

Controlling risk

After conducting a risk assessment, Pest Control Operators should identify and implement all practicable measures for eliminating or reducing the likelihood of injury, illness or disease. Risks to health should be controlled according to the hierarchy of control specified in regulation 4.1.24 of the Occupational Health and Safety Regulations. The hierarchy is simply a list of control measures that must be applied, as far as practicable, in the priority order specified.

The regulations specify a **four-level hierarchy**:

Level 1: Elimination

Level 2: Substitution, isolation or engineering controls

Level 3: Administrative controls

Level 4: Personal protective equipment.

Recording, reviewing and revising risk assessments

After conducting a risk assessment, it makes good business sense to document the process and the outcomes. The record is evidence that the process has actually occurred, that the proper factors have been considered and all reasonable steps have been taken to control the risk, as required by the regulations.

Risk assessments should be reviewed and revised if the work activity or process changes significantly or if the risk assessment no longer adequately assesses the risk associated with the use of a hazardous substance.

The department recommends reviewing risk assessments **annually** as part of general business practices.

For further information regarding risk assessment, refer to 'technical note number 10 *The law and you—Risk assessments*'. Technical notes, a suggested risk assessment template and a completed example are available on the pest control program website or by contacting the department. See *Appendix 1: Contacts* for details. Pest control operators may use the template directly or adapt it to suit their business purposes.

Further information regarding occupational health and safety and risk assessments can be found on the WorkCover website. See *Appendix 1: Contacts* for details.

4 Inspections and investigations

Under section 169 of the Public Health and Wellbeing Act, an authorised officer of the department may enter, at any reasonable hour in the daytime, any premises used for the business of a pest control operator for the purposes of monitoring compliance or investigating a contravention of the Act or regulations or a risk to health.

Authorised officers of the Department of Health are responsible for enforcing provisions under the Public Health and Wellbeing Act and the regulations in regards to pest control. Authorised officers may conduct inspections or investigations in response to complaints or as follow-up to non-compliance issues arising as a result of an inspection.

The department conducts routine inspections of pest control operators during the currency of their licence to ensure that minimum standards set out for the industry are met and compliance with legislative requirements is achieved.

The department will arrange a mutually suitable time and location for the inspection with the pest control operator. The pest control operator will be advised of the areas to be inspected prior to the appointed time and shall receive a post-inspection report highlighting areas requiring improvement.

The department also investigates reports of pest control operators in breach of the Act, regulations and conditions on their licence. For further information regarding the offences under the Public Health and Wellbeing legislation and the range of compliance tools available, refer to *Section 6 Offences* and *Section 7 Compliance tools*.

5 Powers of the Secretary

Under the Public Health and Wellbeing Act, the Secretary has a number of powers in regard to the Licence to Use Pesticides. These include the ability to:

- refuse to issue a licence
- issue a licence subject to conditions. See *Section 1.4 Conditions on licence* for further information.
- vary, cancel or suspend a licence
- refuse to renew a licence
- renew a licence subject to conditions. See *Section 1.4 Conditions on licence* for further information.

The grounds upon which the Secretary may use any of the above powers are where the applicant or licence holder:

- is not a suitable person
 - has failed to comply with any requirement of the Act or regulations
 - has failed to comply with any condition of their licence
- or
- where there is a risk to the health of persons if the issue or renewal of a pest control licence is not refused, the pest control licence is not cancelled or suspended or the issue or renewal of the pest control licence is not subject to conditions.

6 Offences

The Public Health and Wellbeing Act contains a number of offences that apply to licence holders and non-licence holders. Penalties apply for non-compliance.

6.1 Offences by licence holders or pest control operators

The holder of a pest control licence must comply with the conditions placed on their licence. The penalty for not complying is 120 penalty units.

A pest control operator must take all reasonable steps to ensure that any person they employ as a pest control operator complies with the provisions in the Act and the regulations. The penalties for not complying are:

- in the case of a natural person, 60 penalty units.
- in the case of a body corporate, 300 penalty units.

6.2 Offences by non licence holders

It is an offence for a person who does not hold a pest control licence to apply pesticides in the course of the business of a pest control operator. The penalty for not complying is 120 penalty units.

It is also an offence for a non licence holder to:

- claim to be the holder of a pest control licence
- hold themselves out as being qualified to use pesticides in circumstances which require a Licence to Use Pesticides
- represent that they have used pesticides in circumstances which would require a Licence to use pesticides.

The penalty for each of the above offences is 60 penalty units.

6.3 Other penalties

Record keeping

It is a requirement for pest control operators to make and keep certain records under section 69(1) of the regulations. The penalties for not complying are:

- in the case of a natural person, 10 penalty units.
- in the case of a body corporate, 50 penalty units.

Under section 210(2) of the Act, it is an offence for a person to make an entry into a document that is false or misleading. The penalties for making false or misleading documents are:

- in the case of a natural person, 60 penalty units.
- in the case of a body corporate, 300 penalty units.

Request to return a Licence to use pesticides

If a decision is made to vary or delete a condition relating to the authorisations on a licence, or the use of a specified pesticide for a specified use only, the holder may be required to return their pest control licence and the department will reissue the licence at no additional cost. The holder must comply with a request to return a pest control licence. The penalty for not complying is 10 penalty units.

Improvement and prohibition notices

Under section 194 of the Public Health and Wellbeing Act the department has the ability to issue an improvement or a prohibition notice. The penalties for not complying with an improvement or prohibition notice are:

- in the case of a natural person, 120 penalty units.
- in the case of a body corporate, 600 penalty units.

For further information regarding improvement and prohibition notices refer to *Section 7 Compliance tools*.

Infringements

Section 209 of the Public Health and Wellbeing Act provides the power to serve infringements. Schedule 8 to the regulations details the offences for which infringement notices may be served and the infringement penalty for these offences.

In regards to pest control the infringements are:

- unlicensed use of pesticide in the course of the business of a pest control operator, the penalty for not complying is 4 penalty units.
- failure of a natural person to keep prescribed pest control records. The penalty for not complying is 2 penalty units.
- failure of a body corporate to keep prescribed pest control records. The penalty for not complying is 4 penalty units.

The value of a penalty unit generally increases annually each financial year.

7 Compliance tools

Authorised officers of the department have a range of tools under Public Health and Wellbeing legislation to enforce compliance with the Act and regulations. Refer to *Section 4 Inspections and investigations* for more information on monitoring compliance.

7.1 Improvement and prohibition notices

Under section 194 of the Public Health and Wellbeing Act, the department has the ability to issue an improvement or a prohibition notice.

An improvement or a prohibition notice can be issued if:

- a person has contravened a provision of the Act or regulations in circumstances that make it likely that the contravention is continuing or will re-occur
- a person is likely to contravene a provision of the Act or regulations.

An improvement notice can require a person to remedy a contravention or likely contravention or remedy the matters causing the contravention or likely contravention.

A prohibition notice can prohibit the carrying on of an activity altogether or the carrying on of an activity in a specified way until a point in time when the department has certified in writing that the contravention has ceased or that the likelihood of the contravention occurring has passed.

An improvement or prohibition notice must state the following information:

- the grounds on which it is issued
- the provision of the Act or regulations that the department believes has been or is likely to be contravened
- the actions or measures that the person is required to take and the time frame within which the actions or measures are to be completed
- the penalty for non-compliance with the notice. See *Section 6 Offences* for further information.
- how the person who has been served the notice may seek to have the notice reviewed
- that the issue of the improvement notice or the prohibition notice does not affect any legal proceedings in relation to an offence under the Act or the regulations which is related to the purpose for which the notice was issued.

The department can apply to the Magistrates' Court for an injunction:

- compelling a person to comply with an improvement or prohibition notice
- restraining a person from contravening an improvement or prohibition notice.

A person who has been served an improvement or prohibition notice can appeal to the Magistrates' Court within 21 days after they are served with the notice. The Magistrates' Court must reconsider the decision to issue the notice and is entitled to hear any relevant evidence.

7.2 Infringements

Section 209 of the Public Health and Wellbeing Act provides the power to serve infringements.

Infringement notices commonly known as 'on-the-spot fines' are penalties for minor offences. They save the costs of going to court.

Schedule 8 to the regulations details the actual infringements with respect to pest control operators and the associated penalties. See *Section 6 Offences* for further information.

8 Departmental publications

8.1 Newsletters and technical notes

The department regularly publishes newsletters and technical notes for the pest control industry.

The newsletters contain important information regarding licensing and regulations, relevant issues, events that impact the industry and other updates.

The technical notes are prepared in response to industry demand. The aim of the technical notes is to provide pest control operators with a quick reference on common pests and other issues, such as occupational health and safety and public health.

Copies of departmental publications can be obtained from the Pest Control Program website or by contacting the department. See *Appendix 1: Contacts* for details.

8.2 Public information brochures

The Pest Control Program of the Department of Health has produced three public information brochures relating to the licensing of pest control operators and pesticide use.

Pest control operators are encouraged to provide copies of these brochures to their clients to emphasise the importance of hiring a person who is licensed to apply pesticides and promote discussion about treatment options and safety precautions.

Are you thinking of using a pest control service? Making the right choice

It is an offence to use pesticides for commercial gain in Victoria unless a person holds a Victorian Licence to Use Pesticides.

This brochure is designed to assist the community when selecting pest control services. It emphasises the importance of hiring a person who is licensed to apply pesticides, provides an example of what a Licence to use pesticides looks like and includes checklists and contacts for further information.

Commercial pesticides—Safety in the home

Pesticides are substances used to manage pests. They are toxic and if used carelessly they may damage the health of the person applying the pesticide, the health of other people in the community and the environment.

This brochure is designed to provide information regarding the use of commercial pesticides in the home, the potential impact of these chemicals on health and precautions that can be taken to minimise this risk when using a commercial pest control service.

Household pesticides

Despite being readily available, household pesticides may be toxic and should be used with care.

This brochure provides information regarding the application of household pesticides, their storage and disposal and interpretation of pesticide labels. It also describes non-chemical methods of preventing pests from becoming a problem and emphasises the importance of correct pest identification.

Copies of departmental publications can be obtained from the Pest Control Program website or by contacting the department. See *Appendix 1: Contacts* for details.

8.3 Guidelines for the safe use of pesticides in non-agricultural workplaces

The *Guidelines for the safe use of pesticides in non-agricultural workplaces* were developed by the Pest Management Industry and Government Sector Advisory Group, which consists of representatives from the pest management industry and state government licensing agencies.

They were developed as a guide for people working in pest management and related industries. They offer practical and informative guidance on how to comply with legislation relating to the use, transport, storage and disposal of pesticides.

The guidelines were written to ensure consistency with chemical control of use, environmental, public health and workplace health and safety legislation where relevant. They provide a single source of information, thus avoiding the necessity of consulting several documents regarding the safe use of pesticides.

The *Guidelines for the safe use of pesticides in non-agricultural workplaces* document is available on the Pest Control Program website or by contacting the department. See *Appendix 1: Contacts* for details.

8.4 The Pest Control Licensing in Victoria website

Information about pest control licensing is available online at the Pest Control Programs Licensing in Victoria website. This includes, the *Guidelines for Pest Control Operators in Victoria*, licence application forms, Trainee skills declaration forms, the *Change of contact details* form, technical notes, newsletters, public brochures, risk assessment and job site analysis templates and links to related websites. See *Appendix 1: Contacts* for details.

Appendix 1: Contacts

For information regarding the Licence to use pesticides, supervision and training requirements, inspections and pesticide toxicity.	<p>Department of Health Pest Control Program GPO Box 4541, Melbourne VIC 3001 Phone: 1300 887 090 www.health.vic.gov.au/pestcontrol</p>
For information regarding the Industrial Permit required for the possession and use of specific Schedule 7 poisons, including arsenic.	<p>Department of Health Drugs and Poisons Unit Phone: 1300 364 545 www.health.vic.gov.au/dpu</p>
For information regarding the use of pesticides in agricultural or horticultural situations, chemical labelling and the Commercial Operator Licence.	<p>Department of Primary Industries Chemical Standards Branch Phone: (03) 9217 4331 www.dpi.vic.gov.au</p>
For information regarding wildlife control, the Authority to Control Wildlife and the Commercial Wildlife (Wildlife Controller) Licence.	<p>Department of Sustainability and Environment Phone: 136 186 www.dse.vic.gov.au</p>
To report chemical spills or incidents of environmental concern and for information regarding the disposal of unwanted chemicals and contaminated materials.	<p>Environment Protection Authority (EPA) Phone: (03) 9695 2722 www.epa.vic.gov.au Environment Protection Authority Pollution Watch Line Phone: 1800 444 004</p>
For information regarding firearm licensing.	<p>Victoria Police Licensing Services Branch Phone: 1300 651 645 www.police.vic.gov.au</p>
For copies of the Code of Practice for Hazardous Substances and information regarding occupational health and safety legislation and risk assessments.	<p>Victorian WorkCover Authority Phone: (03) 9641 1444 Toll Free: 1800 136 089 www.workcover.vic.gov.au Call 13 23 60 to report serious workplace-related emergencies, 24 hours a day.</p>
For emergency first aid advice in the event of pesticide exposure.	<p>Poisons Information Centre (Australia-wide) Phone: 13 11 26 www.rch.org.au/poisons</p>
For information regarding the registration of pesticides.	<p>Australian Pesticides and Veterinary Medicines Authority Phone: (02) 6210 4701 www.apvma.gov.au</p>

Appendix 2: Approved qualifications

The approved courses and qualifications for individuals wishing to obtain a Licence to use pesticides are listed below.

For further information regarding courses and training organisations, contact the relevant state training authority listed in *Appendix 3: State training contacts*.

Part 1: Arthropod, rodent, bird and fungi control

- Statement of Attainment in Units 5, 6 and 18 of Certificate II in Asset Maintenance (Pest Management—Technical) issued by a registered education and training organisation
- Statement of Attainment in Units 5, 6 and 18 of Certificate III in Asset Maintenance (Pest Management—Technical) issued by a registered education and training organisation
- Certificate in Pest Control (conducted by Commercial Pest Training Services and TAFE Colleges in Victoria)
- Pest Control Correspondence Course (conducted by Australian Environmental Pest Managers Association)
- Certificate for recognition of current competencies or prior learning in pest control issued by a registered education and training organisation
- New South Wales Urban Pest Control Course (conducted by New South Wales Department of TAFE at Sydney, Ryde and Werrington Colleges)
- New South Wales Urban Pest Control Correspondence Course (conducted by New South Wales Department of TAFE, Open Training and Education Network)
- South Australia Pest Control Certificate Course (conducted by Gilles Plains College of TAFE)
- Western Australian Pesticide Safety, Pest Control Principles and Pest Control Domestic and Commercial Courses (conducted by Bentley College of TAFE and Western Australia Department of TAFE Division of External Studies)
- Northern Territory Pest Control Operators Course (conducted by Northern Territory Institute of TAFE External Studies Centre) plus final unit of Victorian Certificate Course in Pest Control
- Queensland Pest Control Course (conducted by Queensland Distance Education Centre) plus final unit of Victorian Certificate Course in Pest Control
- Urban Pest Control Course (conducted by Ithaca College of TAFE, Grovely Campus, Queensland).

Part 2: Pest animal control

- Pest Animal Management Course (conducted by Victorian College of Agriculture and Horticulture and Victorian Colleges of TAFE)
- Statement of Attainment in the Pest Animal Management Unit of the Diploma of Applied Science (Natural Resource Management) issued by a registered education and training organisation
- Statement of Attainment in Units RTD2101A, RTD2126A, RTD4403A and RTE3406A of Certificate III in Conservation and Land Management issued by a registered education and training organisation
- Certificate for recognition of current competencies or prior learning in pest animal control issued by a registered education and training organisation.

Part 3: Fumigation

- Statement of Attainment in Unit 6 of Certificate II and Unit 11 of Certificate III in Asset Maintenance (Pest Management—Technical) issued by a registered education and training organisation
- Statement of Attainment in Unit 11 of Certificate III in Asset Maintenance (Pest Management—Technical) issued by a registered education and training organisation on or after 1 January 2005
- Certificate for recognition of current competences or prior learning in the use of fumigants in pest control issued by a registered education and training organisation
- Methyl Bromide Fumigation Course (conducted by Victorian College of Agriculture and Horticulture and the University of Melbourne)
- Phosphine Fumigation Course conducted by The Grain Elevators Board, Vicgrain or GrainCorp
- New South Wales Fumigation Course (conducted by New South Wales WorkCover Authority)

Appendix 3: Courses of training and units of competency

A licence that only authorises the use of–	Course of training	Units of competency
Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest except a pest animal.	Certificate III in Asset Maintenance (Pest Management—Technical)	Units 5, 6 and 18 of Certificate III in Asset Maintenance (Pest Management—Technical)
Pesticides– (i) that have been formulated for the control of any pest animal; and (ii) to protect an area or place in a building used for commercial purposes or domestic premises or privately owned land adjacent to domestic premises.	Certificate III in Conservation and Land Management; or Pest Animal Management Course	Units RTD2101A, RTD2126A, RTD4403A and RTE3406A of Certificate III in Conservation and Land Management; or Units of competency related to pest animal management course
Pesticides that are in the form of fumigants.	Certificate III in Asset Maintenance (Pest Management—Technical)	Unit 11 of Certificate III in Asset Maintenance (Pest Management—Technical)

Appendix 4: State training contacts

Australian Capital Territory

Department of Education and Training
GPO Box 158
Canberra ACT 2601
Phone: (02) 6207 5111
www.det.act.gov.au

New South Wales

Department of Education and Training
GPO Box 33
Sydney NSW 2001
Phone: (02) 9561 8000
www.det.nsw.edu.au

Northern Territory

Department Education and Training
GPO Box 4821
Darwin NT 0801
Phone: (08) 8999 5659
www.det.nt.gov.au

Queensland

Department of Education and Training
PO Box 15033
City East QLD 4002
Phone: (07) 3237 0111
www.education.qld.gov.au

South Australia

Department of Further Education, Employment, Science and Technology
Level 4, 11 Waymouth Street
Adelaide SA 5000
Phone: (08) 8226 3821
www.dfeest.sa.gov.au

Tasmania

Department of Education
GPO Box 169
Hobart TAS 7001
Phone: 1800 816 057
www.education.tas.gov.au

Victoria

Skills Victoria
Department of Innovation, Industry and Regional Development
PO Box 266
Melbourne VIC 3001
Phone: (03) 9651 9999
www.skills.vic.gov.au

Western Australia

Department of Education
151 Royal Street
East Perth WA 6004
Phone: (08) 9264 4111
www.det.wa.edu.au

Appendix 5: Statutory declaration witness list

Any of the following persons may witness the signing of a statutory declaration.

Victoria

- a justice of the peace or a bail justice
- a public notary
- an Australian lawyer (within the meaning of the *Legal Profession Act 2004*)
- a clerk to an Australian lawyer
- the prothonotary or a deputy prothonotary of the Supreme Court
- the registrar or the deputy registrar of the County Court
- the principal registrar of the Magistrates' Court
- the registrar or the deputy registrar of the Magistrates' Court
- the registrar of probates and the assistant registrar of probates
- the associate to a judge of the Supreme Court or of the County Court
- the secretary of a master of the Supreme Court or of the County Court
- a person registered as a patent attorney under Chapter 20 of the *Patents Act 1990* (Cwth)
- a member of the police force
- the sheriff or deputy sheriff
- a member or a former member of either House of the Parliament of Victoria
- a member or a former member of either House of the Parliament of the Commonwealth
- a councillor of a municipality
- a senior officer of a council as defined in the *Local Government Act 1989*
- a medical practitioner registered under the *Health Professions Registration Act 2005*
- a dentist registered under the *Health Professions Registration Act 2005*
- a veterinary practitioner
- a pharmacist
- a principal in the (state) teaching service
- a bank manager
- a member of the Institute of Chartered Accountants in Australia or CPA Australia or the National Institute of Accountants
- the secretary of a building society
- a minister of religion authorised to celebrate marriages (not a civil celebrant)
- a person employed under Part 3 of the *Public Administration Act 2004* with a classification that is prescribed as a classification for statutory declarations or who holds office in a statutory authority with such a classification
- a fellow of the Institute of Legal Executives (Victoria).

Source: Section 107A of the *Evidence Act 1958*

Australian states and territories

- a justice of the peace for the state or territory in which the declaration is made
- a legal practitioner (barrister or solicitor)
- a public notary
- a commissioner for oaths or declarations in the state or territory where the declaration is made

Outside Australia—within the Commonwealth

- a commissioner for oaths or declarations for the place where the declaration is made
- a public notary
- a justice of the peace for the place where the declaration is made
- a judge or magistrate of a court in the place where the declaration is made
- a person from the Australian Embassy or Consulate who is legally designated to take declarations or oaths
- a legal practitioner (barrister or solicitor)

Outside Australia—outside the Commonwealth

- a public notary
- a judge or magistrate of a court in the place where the declaration is made
- a person from an Australian Embassy or Consulate who is legally designated to take declarations or oaths

Appendix 6: Definitions and glossary

Pesticide

The *Public Health and Wellbeing Act 2008* defines ‘pesticide’ as:

- a any agricultural chemical product within the meaning of the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992*
- b any substance prescribed as a pesticide for the purposes of this definition.

There are currently no substances prescribed as a pesticide under the Public Health and Wellbeing Regulations 2009.

Agricultural chemical product

The *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* defines ‘agricultural chemical product’ by reference to the definition in the Agvet Code of Victoria. The Code, set out in the *Agricultural and Veterinary Chemicals Code Act 1994* (Cwth), and regulations under the Act apply as the Agvet Code of Victoria and regulations for the purposes of the Agvet Code of Victoria.

Under the Agvet Code, an ‘agricultural chemical product’:

- a is a substance or mixture of substances that is represented, imported, manufactured, supplied or used as a means of directly or indirectly:
 - i destroying, stupefying, repelling, inhibiting the feeding of or preventing infestation by or attacks of any pest in relation to a plant, a place or a thing
 - ii destroying a plant
 - iii modifying the physiology of a plant or pest so as to alter its natural development, productivity, quality or reproductive capacity
 - iv modifying an effect of another agricultural chemical product or
 - v attracting a pest for the purpose of destroying it.
- b includes a substance or mixture of substances declared by the regulations to be an agricultural chemical product
- c does not include:
 - i a veterinary chemical product or
 - ii a substance or mixture of substances declared by the regulations not to be an agricultural chemical product.

Under the *Agricultural and Veterinary Chemical Code Regulations 1995* (Cwth) the following classes or mixtures of substances have been declared to be agricultural chemical products:

- a dairy cleansers for on-farm use
- b any substance used in conjunction with an agricultural chemical product to identify areas treated with that product
- c insect repellents for use on human beings.

Licence holder

Under the *Public Health and Wellbeing Act 2008*, 'licence holder' means a person who holds a pest control licence.

Pest control licence

Under the *Public Health and Wellbeing Act 2008*, 'Pest control licence' means a licence issued or renewed by the Secretary under Section 101.

Pest control operator

A 'pest control operator' is defined in the *Public Health and Wellbeing Act 2008* as a person who carries on or holds themselves out in any way as carrying on the business of controlling, destroying or repelling pests.

A pest control operator may also be known as a pest management technician or contractor.

Pests

Under the *Public Health and Wellbeing Act 2008*, 'pests' includes any animal or other biological entity (not being a human being or a plant), which injuriously affects, or is likely to injuriously affect, a person, a person's property or a person's use or enjoyment of a place.

Pest animal

The *Public Health and Wellbeing Act 2008* defines 'pest animal' by reference to the definition in the *Catchment and Land Protection Act 1994*.

Under the *Catchment and Land Protection Act 1994*, 'pest animal' is defined as:

- a a prohibited pest animal
- b a controlled pest animal
- c a regulated pest animal or
- d an established pest animal.

Pest animal species are classified as prohibited, controlled, regulated or established according to their potential to threaten agriculture, community health and the environment.

Under section 20(1)(f) of the *Catchment and Land Protection Act*, a landowner must take all reasonable steps to prevent the spread of, and as far as possible eradicate, **established pest animals** in relation to their land.

Established pest animals include Red foxes, feral dogs and dogs-run-wild, European hares, European rabbits, feral goats and goats-run-wild and feral pigs and pigs-run-wild.

This is a service that a pest control operator may be contracted to provide. In these cases, the pest control operator does not require authorisation from the Department of Sustainability and Environment.

However, if a pest control operator intends to control an established pest animal using pesticides to protect an area or place in a building used for commercial or domestic purposes, the pest control operator will require a Department of Health Licence to use pesticides with the appropriate authorisation.

Wildlife

'Wildlife', as defined under the *Wildlife Act 1975*, includes:

- a any animal of a vertebrate taxonomy, which is indigenous to Australia
- b all kinds of deer, non-indigenous quail, pheasants, and partridges
- c any taxon of animal that the Governor in Council declares to be wildlife for the purposes of the *Wildlife Act 1975*
- d any taxon of terrestrial invertebrate animal listed under the *Flora and Fauna Guarantee Act 1988*
- e any hybrids of a taxon of animal specified above and
- f includes any such animal or any member of a taxon that is bred or kept in captivity or confinement.

The term 'wildlife' refers to wildlife in **any** form, whether dead or alive, and includes any individual part of an animal.

Horticulture

Pesticides used for the purpose of horticulture are pesticides used in the treatment of the following commodities:

- fruit and vegetables
- dried fruit and nuts
- tobacco
- seeds
- flowers
- ornamental plants
- soil and potting mixtures.

Agriculture

Pesticides used for the purpose of agriculture are pesticides used in the treatment of the following commodities:

- grain
- pulses
- hay
- logs
- stock animals.

Appendix 7: Other relevant licensing agencies

Licensing by the Drugs and Poisons Unit, Department of Health

Any person who purchases or possesses arsenic or cyanide is required to hold an Industrial Permit issued by the Drugs and Poisons Unit of the Department of Health. This permit is required **in addition** to either a Department of Health Licence to use pesticides or a Department of Primary Industries Agricultural Chemical Users Permit.

For further information, or to obtain a permit, contact the Drugs and Poisons Unit. See *Appendix 1: Contacts* for details.

Licensing by the Department of Primary Industries

The *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* requires any person who carries on a business or offers a service for fee or reward involving the use of a prescribed class of agricultural chemical to have a Commercial Operator Licence, **unless** the business ensures that all use of the chemical product is undertaken by a person who holds a licence to use that pesticide under the *Public Health and Wellbeing Act 2008*.

For further information regarding licensing by the Department of Primary Industries, contact the Chemical Standards Branch. See *Appendix 1: Contacts* for details.

Licensing by the Department of Sustainability and Environment

Under the *Wildlife Act 1975* it is an offence to hunt, take, destroy, buy, sell, acquire, receive, dispose of, keep, possess, control, breed, process, display, swap, keep, trade, kill, release, take samples from or experiment on wildlife without prior written approval from the Secretary to the Department of Sustainability and Environment. This is usually in the form of a Wildlife Licence or an Authority to Control Wildlife.

The Department of Sustainability and Environment may issue licences in any of the 14 categories prescribed in the Wildlife Regulations 2002. Each category makes provisions for the lawful undertaking of different activities involving wildlife. The category relevant to the pest control industry enabling the removal, destruction or disposal of native fauna is the Wildlife Controller category.

Written authorisations are also issued by the Department of Sustainability and Environment allowing an individual to partake in activities involving wildlife, including destruction and disposal, provided that the Department of Sustainability and Environment is satisfied that the authorisation is necessary.

For further information regarding licensing by the Department of Sustainability and Environment refer to technical note 6, *Wildlife and Pest Animal Control* or contact the Department of Sustainability and Environment Customer Service Centre. Technical notes are available on the Pest Control Program website or by contacting the department. See *Appendix 1: Contacts* for details.

Licensing by the Licensing Services Division, Victoria Police

The Licensing Services Division of Victoria Police administers the *Firearms Act 1996* under which a licence is required for the possession and use of a firearm.

For further information regarding licensing by Victoria Police contact the Licensing Services Division. See *Appendix 1: Contacts* for details.

Copies of the Acts referred to throughout this document can be obtained from the Victorian Legislation and Parliamentary Documents website. Alternatively you can follow the links from the Pest Control Licensing in Victoria website. See Appendix 1: Contacts for details.

