

Version No. 005
Health (Pest Control) Regulations 2002
S.R. No. 97/2002

Version incorporating amendments as at 18 December 2007

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1 Objectives

The objectives of these Regulations are to—

- (a) prescribe fees and qualifications relating to the licensing of users of pesticides; and
- (b) provide for the making of returns to the Secretary under section 108E of the **Health Act 1958**.

2 Authorising provisions

These Regulations are made under sections 108H, 390 and 391 of the **Health Act 1958**.

3 Commencement

These Regulations come into operation on 26 October 2002.

4 Revocations

The Regulations listed in Schedule 1 are **revoked**.

5 Definitions

In these Regulations—

registered education and training organisation has the same meaning as it has in the **Victorian Qualifications Authority Act 2000**;

the Act means the **Health Act 1958**.

6 Licence fees

(1) For the purposes of section 108C(2)(a) of the Act—

Reg. 6(1)(a)
amended by
S.R. Nos
64/2003
reg. 4(a),
115/2005
reg. 3(a).

(a) the prescribed fee for a licence other than a licence granted—

(i) under section 108C(2A) of the Act; or

(ii) to a person referred to in subregulation (2)—

is 45.2 fee units;

Reg. 6(1)(b)
amended by
S.R. Nos
64/2003
reg. 4(b),
115/2005
reg. 3(b).

(b) the prescribed fee for a licence that is granted under section 108C(2A) of the Act is 15 fee units.

Reg. 6(2)
amended by
S.R. Nos
64/2003
reg. 4(c),
115/2005
reg. 3(c).

(2) For the purposes of subregulation (1)(a)(ii), the prescribed fee for a licence granted to a person who—

(a) usually resides in another State or Territory of the Commonwealth; and

(b) holds a valid licence as an authorised user of pesticides in that State or Territory; and

(c) has applied for a licence to use pesticides in Victoria that are the same or similar in all respects to the pesticides that are authorised for use under the licence—

is 4.9 fee units.

7 Qualifications

For the purposes of section 108C(2)(b) of the Act, a person is qualified to be granted—

(a) a licence that only authorises the use of pesticides (except fumigants) that have been formulated for the control of any pest, to

- control any pest except a pest animal, if the person has completed at least one of the approved courses or has obtained a qualification listed in Part 1 of Schedule 2; and
- (b) a licence that only authorises the use of 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—
- if the person has completed the approved course or has obtained a qualification listed in Part 2 of Schedule 2; and
- (c) a licence that only authorises the use of pesticides that are in the form of fumigants if the person has completed at least one of the approved courses or has obtained a qualification listed in Part 3 of Schedule 2.

8 Qualifications for certain existing licensees

Despite regulation 7, an applicant for a licence who—

- (a) on 26 October 2002 held a licence under section 108C(1) of the Act that authorised the use of all the pesticides or the classes of pesticides that are to be authorised for use under the licence being applied for; and
- (b) at the time of the application had been employed in the pest control industry for at least a total period of 2 years in the 5 year period before the application—

is qualified to be granted that licence.

9 Courses of training for supervised licence holders

For the purposes of section 108C(2A)(b) of the Act, the prescribed courses of training are set out in Schedule 3.

10 Returns and records

- (1) For the purposes of section 108E of the Act, a pest control operator must submit returns by 31 December in each year.
 - (2) For the purposes of making returns under subregulation (1), a pest control operator must record in writing the following details each time a pesticide is used during the course of the pest control operator's business—
 - (a) the name of the pesticide; and
 - (b) the date it was used; and
 - (c) the place it was used (including the full street address, if applicable); and
 - (d) the purposes for which it was used; and
 - (e) the volume and application rate of the pesticide used for each job; and
 - (f) the name and licence number of the person who applied the pesticide.
 - (3) A pest control operator must retain the records required by subregulation (2) at his or her business address for at least 3 years.
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SCHEDULES

SCHEDULE 1

Regulation 4

REVOKED REGULATIONS

<i>S.R. No.</i>	<i>Title</i>
292/1992	Health (Pest Control Operators) Regulations 1992
95/1993	Health (Pest Control Operators) (Amendment) Regulations 1993
197/1993	Health (Pest Control Operators) (Fees) Regulations 1993
9/1994	Health (Pest Control Operators) (Amendment) Regulations 1994
161/1994	Health (Pest Control Operators) (Fees) Regulations 1994
191/1994	Health (Pest Control Operators) (Qualifications) (Amendment) Regulations 1994
50/1996	Health (Pest Control Operators) (Fees) Regulations 1996
119/1997	Health (Pest Control Operators) (Amendment) Regulations 1997
150/2001	Health (Pest Control Operators) (Amendment) Regulations 2001

SCHEDULE 2

Regulation 7

APPROVED COURSES AND QUALIFICATIONS

PART 1

Sch. 2 Pt. 1
amended by
S.R. No.
41/2005
reg. 3(a).

Victoria:

Certificate in Pest Control (conducted by Commercial Pest Training Services and TAFE Colleges in Victoria).

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 for recognition of current competencies or prior learning in pest control issued by a registered education and training organisation.

Pest Control Correspondence Course (conducted by Australian Environmental Pest Managers Association).

South Australia:

South Australia Pest Control Certificate Course (conducted by Gilles Plains College of TAFE).

New South Wales:

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).

Western Australia:

Western Australia 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:

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:

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).

PART 2

Victoria:

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.

Sch. 2 Pt. 2
amended by
S.R. Nos
41/2005
reg. 3(b),
146/2007
reg. 3.

Sch. 2 Pt. 3
amended by
S.R. No.
41/2005
reg. 3(c).

PART 3

Victoria:

Methyl Bromide Fumigation Course (conducted by Victorian College of Agriculture and Horticulture and University of Melbourne).

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 competencies or prior learning in the use of fumigants in pest control issued by a registered education and training organisation.

Phosphine Fumigation Course conducted by The Grain Elevators Board, VicGrain or GrainCorp.

New South Wales:

New South Wales Fumigation Course (conducted by New South Wales WorkCover Authority).

South Australia:

South Australia Fumigation Course (conducted by Gilles Plains College of TAFE).

SCHEDULE 3

Regulation 9

Sch. 3
amended by
S.R. No.
146/2007
reg. 4.

COURSES OF TRAINING

Pest Animal Management Course (conducted by Victorian College of Agriculture and Horticulture and Victorian Colleges of TAFE).

Units RTD2101A, RTD2126A, RTD4403A and RTE3406A of Certificate III in Conservation and Land Management conducted by a registered education and training organisation.

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ENDNOTES

1. General Information

The Health (Pest Control) Regulations 2002, S.R. No. 97/2002 were made on 22 October 2002 by the Governor in Council under sections 108H, 390 and 391 of the **Health Act 1958**, No. 6270/1958 and came into operation on 26 October 2002: reg. 3.

The Health (Pest Control) Regulations 2002 will sunset 10 years after the day of making on 22 October 2012 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

This Version incorporates amendments made to the Health (Pest Control) Regulations 2002 by statutory rules, subordinate instruments and Acts.

Health (Pest Control) (Fees) Regulations 2003, S.R. No. 64/2003

Date of Making: 17.6.03

Date of Commencement: 1.7.03: reg. 3

Health (Pest Control) (Qualifications) Regulations 2005, S.R. No. 41/2005

Date of Making: 24.5.05

Date of Commencement: 24.5.05

Health (Pest Control) (Fees) Regulations 2005, S.R. No. 115/2005

Date of Making: 20.9.05

Date of Commencement: 20.9.05

Health (Pest Control) (Qualifications and Training) Regulations 2007,
S.R. No. 146/2007

Date of Making: 18.12.07

Date of Commencement: 18.12.07

3. Explanatory Details

No entries at date of publication.