

**Australian Environmental Pest Managers Association Ltd
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Dr Jacqueline Goodall
Legislation & Policy Officer
Legislation Review
Public Health
Department of Human Services
GPO Box 1670N
MELBOURNE VIC 3001N

Dear Dr Goodall

**Review of the Health Act 1958 – A new legislative framework for public health
in Victoria – A discussion paper**

We wish to submit the following comments:

**Q 29 Should the new Act support and enhance the practice of risk
management ?**

We consider that the requirements under the Occupational Health and Safety Act and its regulations already require employers to provide a safe workplace and carry out risk assessment for hazardous substances. There is, therefore, no requirement for risk assessment to be dealt with under the Health Act.

We believe there could be some merit in the Department of Human Services entering into a memorandum of understanding with the Victorian Workcover Authority (WorkSafe) so that departmental officers who deal with the pest control industry could also act as inspectors under the Occupational Health and Safety Act.

**Q 122 Who should be required to hold a licence to use pesticides under the
new Act?**

Any person who carries out the application of pesticides for profit should be required to be licensed.

The necessary skills and experience to apply pesticides should include a comprehensive knowledge of integrated pest management, thereby ensuring that the pest control operator has sufficient skills to select the appropriate methods of pest management (control and products).

The present minimum competencies required for issue of a licence (Units 5, 6 and 18) do not provide the required level of skills for intergrated pest management.

The Association's accreditation scheme – PestCert - has identified three levels of skills:

- Level 1 3 units....5,6,18 (ie current DHS Licence) but committed to going to at least Level 2. Note a person doing Fumigation must have these units plus Unit 11.
- Level 2 minimum of 5 units... 5,6,18 plus two others. If doing termite work these must be 8,10.
- Level 3 13 units which is Certificate III.

In addition, we believe that a sole operator should be at Level 3. For companies with more than one operator there is a sliding scale, but basically there should be no more than 60% at Level 1 and the remainder at Level 2 or higher.

We believe that the PestCert accreditation should be considered for licensing. Its introduction would increase the professionalism of the industry and justify the confidence of the public in a "licensed operator". The public perceives a licensed person as well qualified to treat their property for pests when all the licence has done is qualify them to use pesticides safely.

Duration of licence

We consider that the maximum period for a licence should be no more than three years. Ideally, however, one year would be the appropriate duration

Legislation

Pest control licensing should be addressed within a separate section of the Act and via regulations.

Q123 Does the new Act need to deal with the use of pesticides not associated with a commercial enterprise ? If so, what non-commercial activities should be regulated and how should these be regulated.

The new Act should deal with the use of pesticides not associated with a commercial enterprise. This is an area where there is a potential for risk.

In the interests of public health the Department of Human Services should have the authority to regulate any non-commercial use of pesticides, except where other state government departments have jurisdiction.

Regulation to limit the sale by volume of pesticides to unlicensed persons would help to reduce the risk to the public. Labelling should state the volume above which the pesticide is not for sale except to licensed pest controllers. Retailers should be accountable for the checking of the qualifications of those who purchase above the allowed level.

Q124 Are there any areas of overlap or duplication between the regulation of the use of pesticides under the Health Act and the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992*

The Departments of Human Services and Primary Industries have a memorandum of understanding (MOU) that provides for resolving any issues of overlap. We understand that this MOU is reviewed on annual basis. We believe that the present situation is satisfactory.

Yours sincerely



David Gay
Chairman