

Public Health and Wellbeing Regulations Sunset Review regulatory impact statement

Chapter 6: Pest control

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The following chapter is an extract of the regulatory impact statement for the proposed Public Health and Wellbeing Regulations (2019).

Information on infringements, consultation, implementation, evaluation and the exposure draft regulations are contained in the full regulatory impact statement available on the [Engage Victoria website](https://engage.vic.gov.au) <<https://engage.vic.gov.au>>.

This extract was prepared to assist stakeholders who access the report by accessing a specific category on the Engage website.

Introduction (and invitation to comment)

Overview

The Public Health and Wellbeing Regulations 2009 (the current regulations) were made under the *Public Health and Wellbeing Act 2008* (the Act) and are due to sunset on 15 December 2019. New regulations are needed to replace them.

The remaking process provides an opportunity to revisit whether regulations are still needed and, if so, whether there are ways to improve them.

Public health regulations provide a framework for businesses, councils and individuals to protect the health and wellbeing of Victorians. Understanding how these regulations, and any proposed changes, will impact on Victorian business and the Victorian community is critical to the effective operation of the regulatory framework.

The current regulations include several regulatory areas, and the subject matter varies widely. In some ways these regulatory areas are distinct in their nature; however, their overall objective gives effect to the Public Health and Wellbeing Act.

To the extent that the regulatory areas are different, the department consulted key stakeholders to ensure any issues were understood and the impact of proposed solutions would be acceptable. This preliminary consultation has informed the proposed regulations and a summary is provided in the 'Consultation' chapter.

Purpose and objective

Victorians enjoy one of the highest standards of health and wellbeing in the developed world. This could not be achieved without laws and regulations that protect and promote public health and wellbeing.

The Act

The current regulations were made under the Public Health and Wellbeing Act. The purpose of the Act is to provide a legislative framework that promotes and protects public health and wellbeing in Victoria.

The state has a significant role in promoting and protecting the public health and wellbeing of Victorians.

Public health and wellbeing includes the absence of disease, illness, injury, disability or premature death and the collective state of public health and wellbeing. Public health interventions are one of the ways in which the public health and wellbeing can be improved and inequalities reduced.

The regulations

As set out in the Public Health and Wellbeing Act, the aim of the regulations is to achieve the highest attainable standard of public health and to prevent disease and illness while minimising costs for regulated industries.

Public health regulations provide a framework for businesses, councils and individuals in the practical application of the Act.

The regulatory impact statement

The purpose of this regulatory impact statement is to provide information and analysis to review how these regulations, and any proposed changes, will affect Victorian business and the Victorian community and contribute to the effective operation of the regulatory framework for public health.

The current regulations are due to expire on 15 December 2019. New regulations are needed to replace them.

Preparation of the new regulations

Before new regulations are made, the *Subordinate Legislation Act 1994* requires completion of the following four steps shown in Figure 1.

Figure 1: The four steps of making new regulations



Preliminary consultation

The department undertook preliminary consultation with key stakeholders to inform development of the proposed regulations. The proposed regulations address a range of matters for giving effect to the Act and therefore different stakeholders were engaged on different matters.

A summary of the preliminary consultation that has occurred is provided in the ‘Consultation’ chapter of this regulatory impact statement.

Public consultation: regulatory impact statement, evaluation and implementation

This regulatory impact statement has been prepared to meet the requirements of the Subordinate Legislation Act, enabling public consultation on the proposed regulations. The regulatory impact statement presents the range of matters addressed in the proposed regulations in separate chapters. Each chapter includes the regulatory objective for the matters addressed in the chapter, an assessment of the costs and benefits of the proposed regulations and possible alternatives.

In most cases the regulatory impact statement considered and analysed three regulatory options: to remove all regulation, to remake the current regulations without change, or to strengthen the requirements set out in the current regulations. The extent of the analysis of the regulatory options varies but is consistent with the need for regulatory change. In most cases the recommended option for each regulatory area is to strengthen the current regulations.

Each of the regulatory areas included within the regulatory impact statement has a specific implementation plan that will support awareness and understanding of any changes, preparedness and compliance. Information about implementing the proposed regulations can be found in the ‘Implementation’ chapter.

The proposed regulations will operate for up to 10 years. Evaluation has a key role in ensuring the intended improvements of the proposed regulations (appropriately effective and proportionate) are borne out and align with government objectives on an ongoing basis. Each of the regulatory areas included within the regulatory impact statement has a specific evaluation plan. Information about the evaluation, including public consultation, can be found at the end of the regulatory impact statement.

The proposed regulations are included as an attachment to this document.

Consideration of submissions

Public comments and submissions will be considered before the new regulations are made.

Final decision

The decision to make or not to make the proposed regulations will be informed by the public comments and submissions received. Notice of the decision will be published as soon as practicable after the decision has been made.

Small business impact and competition assessment

Small businesses may disproportionately experience the impacts from regulatory requirements for a range of reasons, including relatively limited resources to interpret compliance requirements or to keep pace with regulatory changes, and the cumulative effect of different requirements.

Most of the proposed regulations propose simplified and streamlined regulatory definitions and requirements compared with the current regulations, particularly where stakeholder feedback has raised issues about ambiguity of the intention of regulations. Any regulatory proposal needs to be scrutinised carefully to assess whether it is having an adverse impact on the ability of firms or individuals to enter and participate in the market. In line with the *Victorian guide to regulation*, new legislation (both primary and subordinate) needs to demonstrate that it will not restrict competition, unless benefits of the restriction outweigh the costs and the objectives of the legislation can only be achieved by restricting competition.

In instances where restrictions on competition have been identified, the benefits of the restriction outweigh the costs and the objectives of the legislation can only be achieved by restricting competition. For example, the registration of a premises by local government for the purposes of infection control standards creates an additional cost for starting a health and beauty service business. However, this cost is offset by the reduced risk of disease in the community and the reduced risk of an infectious disease outbreak.

Structure of the regulatory impact statement and the proposed regulations

This regulatory impact statement and the proposed regulations have grouped the regulations according to either how the regulations are administered or the regulation's purpose in the Act. These are broadly grouped into:

- regulations administered by councils
- regulations administered by the department
- regulations related to managing and controlling infectious diseases, micro-organisms and medical conditions
- other regulations.

Regulations administered by councils

- Vector-borne infectious disease control
- Registered premises – infection control
- Aquatic facilities

Regulations administered by the Secretary to the Department of Health and Human Services

- Cooling tower systems

- Legionella risks in certain premises (water delivery systems)
- Pest control

Management and control of infectious diseases, micro-organisms and medical conditions

- Notifications of infectious diseases, micro-organisms and medical conditions
- Closed court orders for prescribed diseases
- Immunisation and exclusions – schools and childcare
- Escort agencies providing information to sex workers and clients

Other regulatory provisions

- Prescribed senior officers (Chief Health Officer delegations)
- Tissue donations
- Consultative councils.

What isn't included in this regulatory impact statement

The Public Health and Wellbeing Act

The Public Health and Wellbeing Act is the legislation under which these regulations are made. The matters that can be set out in the regulations are confined to what is required under the Act. The requirements under the Act are not the subject of this review, only the details set out in the regulations. During the process of the review and consultation it is likely that potential improvements to the Act may be identified, but that is not the focus of this regulatory impact statement.

Public Health and Wellbeing Regulations relating to prescribed accommodation

Regulations relating to prescribed accommodation will not be considered within this regulatory impact statement (rr. 13 to 27). Separate new regulations relating to prescribed accommodation will be made in 2020. In the interim, the operation of the prescribed accommodation regulations will be extended in their current form for 12 months to allow further time for review and consultation.

The extension of the prescribed accommodation regulations provides an opportunity to separate regulations relating to prescribed accommodation from the other regulations made under the *Public Health and Wellbeing Act 2008*. It is intended that the extended prescribed accommodation provisions will be contained in the renamed 'Public Health and Wellbeing (Prescribed Accommodation) Regulations 2009' and will operate separately from the proposed Public Health and Wellbeing Regulations 2019.

Public Health and Wellbeing Regulations relating to HIV testing

The Public Health and Wellbeing Act prescribes special requirements for HIV testing and these requirements are included in the 2009 regulations. The need to review and modernise these requirements is an issue that a range of sector stakeholders have been raising for some years. Overwhelmingly, the sector has supported a repeal of relevant sections of the Act relating to pre and post HIV testing. The Victorian Parliament recently passed the Public Health and Wellbeing Bill 2019 to repeal the HIV testing specific provisions (ss. 131 and 132) on the basis that they stigmatise people with HIV and are outdated. As a result, the prescribed regulations will not need to be made.

Invitation to comment

In accordance with the *Victorian guide to regulation*, the Victorian Government seeks to ensure that proposed regulations are well-targeted, effective and appropriate, and impose the lowest possible burden on Victorian businesses and the community.

The regulatory impact statement process involves assessing regulatory proposals and allows members of the community to comment on proposed regulations before they are finalised. Such public input provides valuable information and perspectives and improves the overall quality of regulations.

The Public Health and Wellbeing Regulations 2019 (the proposed regulations) will replace the Public Health and Wellbeing Regulations 2009 (the current regulations). A copy of the proposed regulations is published with this regulatory impact statement.

Public comment is invited on the regulatory impact statement and the proposed regulations.

The consultation period is 60 days. Please note that all comments and submissions received will be treated as public documents.

Submission deadline

Comments and submissions should be received by the Department of Health and Human Services no later than 5.00 pm, Monday 30 September 2019.

How to make a submission

Preferred method

The [Engage Victoria website](https://engage.vic.gov.au) <https://engage.vic.gov.au> is the preferred method for receiving submissions. The website includes specific questions for each regulatory area and allows for additional feedback to be provided.

Email

If you are unable to use the preferred method above, submissions can be received by [emailing the department](mailto:phwa.enquiries@dhhs.vic.gov.au) <phwa.enquiries@dhhs.vic.gov.au>.

Post

If you are unable to use the preferred method above, submissions can be received by post marked 'Submission to the Review of the Public Health and Wellbeing Regulations 2009' and addressed to:

Chief Health Officer
Regulation, Health Protection & Emergency Management
Department of Health and Human Services
GPO Box 4057
Melbourne VIC 3001

Where can I obtain copies of this regulatory impact statement and the proposed regulations?

Copies of this regulatory impact statement and the proposed regulations can be obtained from the [Engage Victoria website](https://engage.vic.gov.au) <https://engage.vic.gov.au>.

How can I be updated on the progress of the review?

The [Engage Victoria website](https://engage.vic.gov.au) <https://engage.vic.gov.au> enables you to register to receive updates on the progress of the review of the current regulations.

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This extract was prepared to assist stakeholders who access the report by accessing a specific category on the Engage website. This is not intended to limit the scope of submissions; the department welcomes submissions from all interested parties.

Chapter 6: Pest control

Problem analysis

Victoria regulates pest control operators to manage the health risks posed by chemicals used to control pests. Our regulations need to change to harmonise with a new national framework, aiming to bring consistency across Australia.

There are several Victorian and Commonwealth Acts and Regulations that are relevant to the pest control industry. This legislation aims to ensure:

- people, the environment, agricultural produce and livestock are protected
- pesticides are applied according to label directions
- where required, pesticides are registered with the Australian Pesticides and Veterinary Medicines Authority.

Legislation controlling agricultural and veterinary chemicals is primarily provided through the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992*. This Act requires that anyone who carries on a business or offers a service for fee or reward involving a prescribed class of agricultural chemical must have a commercial operator licence. There is an exception to this requirement for pest control operators licensed under the *Public Health and Wellbeing Act 2008*, reflecting the smaller size and scope of pest control operations relative to larger agricultural operations.

Hazard

Pest control operators use substantial quantities of pesticides from a variety of chemical classes to control pests. Many are highly toxic. Pesticides are controlled substances, and their distribution is managed throughout the supply chain.

Exposure

Pesticides can have serious health effects when used incorrectly. The short-term effects of contact with pesticides are well documented and can include vomiting, diarrhoea, mental confusion and effects on the heart rate, blood pressure and breathing. Short-term exposure to large amounts of pesticides can cause death.

Long-term exposure to pesticides in an occupational setting has been found to adversely affect the health of those exposed. People may be inadvertently exposed to pesticides through skin contact, inhalation and ingestion, leading to potential irritative effects. The systemic health effects of long-term pesticide exposure are of most concern. These effects include respiratory issues such as an increased incidence of asthma and cancer, as well as impaired neurological development and reduced male fertility from long-term exposure to pesticides.

Vulnerability

The most vulnerable population is the pest control operators who have small, long-term exposure to pesticides and chemicals as part of their occupation.

Pest control operators are hired to apply pesticides for controlling pests in residential and commercial premises. While pest control operators are at greatest risk, owing to being around pesticides all the time, homeowners and other people in the community are also at risk of exposure to large amounts in a short period of time.

Victoria has regulated the pest control industry, stipulating the qualifications that a pest control operator must have before applying pesticides in the business of pest control for several decades.

Objective of the regulations

The objective of the regulations to minimise the adverse health impacts associated with pesticides on the Victorian community, by establishing a framework for licensing pest control operators and the environment.

Requirements of the regulations

The current regulations relate to:

- s. 101 of the Public Health and Wellbeing Act – ‘Issue or renewal of pest control licences including:
 - prescribed licence fees and qualifications
 - prescribed courses of training and units of competency’
- s. 108 of the Public Health and Wellbeing Act – ‘Records’.

The current regulations prescribe the:

- qualifications required of those who authorise the use of one or more classes of pesticides and allows for people who held a licence and qualifications before the 2002 regulations were introduced to be eligible to apply for a current licence
- licence fees for different types of pest control licences (including fully qualified pest control operators, pest control operators undergoing training and pest control operators licensed and living in another state or territory)
- courses of training for supervised pest control licence holders
- records to be kept by a pest control operator in relation to the use of a pesticide, and the period for which the records must be kept.

Effectiveness of the current regulations

The department employs a variety of regulatory options, from public education and awareness campaigns and activities to support operator compliance, to enforcement actions such as warnings, fines and prosecution. Regulatory action is undertaken in a graduated and proportionate manner, commensurate to the actual or potential risk.

Education and awareness

The department operates an information service to educate the pest control industry and the public on the risks of pesticide use and the legislative requirements for using pesticides. Every year, this service receives approximately 1,600 enquiries via email and 1,000 phone calls via a dedicated phone number that require an action or response. Most enquiries (75 per cent of phone enquires and 80 per cent of email enquiries) directly relate to the regulatory actions of the department’s Pest Control team. The department continues to handle an average of four email and five phone enquiries per week from members of the public concerned about pesticide use.

Enquiries range from pest identification and control methods, to selecting a pest control operator and precautions to take when pesticides are used in the home. Complaints regarding pest control operators are also received. The department has produced three public information brochures and content for several articles on the Better Health Channel to support and emphasise this advice.

Monitoring and compliance

Inspections in response to enquiries and complaints is used as part of the department's monitoring and compliance. For example, in 2017–18, of the approximately 2,711 enquiries received, there were 10 incidents investigated involving pesticides. The number of incidents investigated has increased over the past few years owing to a greater public awareness of the legislative requirements of pest control operators and an increase in the number of compliance inspections conducted by the department.

Should a compliance inspection or enquiry identify a potential breach of the Public Health and Wellbeing Act, authorised officers will act to gather evidence, including statements, and determine an appropriate enforcement action proportionate to the circumstances.

Number of regulated entities

As at the end of 2018, Victoria had 1,316 pest control operators licensed to apply pesticides for fee or reward in a commercial or domestic setting, with 153 of those currently undergoing training to become fully qualified.

The number of licensed operators over the past four years is shown in Table 6.1.

Table 6.1: Number of licensed pest control operators, by licence type and year, Victoria

Licence	2015	2016	2017	2018
Technician	1,044	1,059	1,032	1,154
Trainee	102	78	134	153
Interstate	127	131	142	162

Exemptions

Under the current regulations, people who held a pest control licence on 26 October 2002 are exempt from the qualification requirement established under the current regulations (colloquially known as the 'grandfather clause'). There are currently 221 pest control operators licensed under this exemption – approximately 17 per cent of all licences.

This exemption recognised that existing operators had experience in handling and applying pesticides. Over time, as operators have left the industry, the number of exempt licence holders has fallen.

In line with efforts to harmonise competency across jurisdictions in Australia, there is a case to remove this exemption and require operators licensed under the grandfather clause to demonstrate formally that they meet the current required competencies. The potential impacts and benefits of this will be described in the impact analysis section.

Potential impacts of pesticides in the absence of regulations

The department licenses pest control operators to apply pesticides in the business of pest control, based on the pest control operator being adequately trained in the safe handling and application of pesticides. This increases the likelihood that pesticides are applied according to specific label directions and in accordance with relevant safety precautions, minimising potential public health risks associated with pesticide use.

Removing or reducing regulations relating to the competencies required for licensed pest control operators would be expected to increase the risk that pest control operators would use pesticides incorrectly during their business operations. This may not immediately translate into poor outcomes for Victoria. This is because most of the current pest control operator workforce has been assessed for the required competencies (except for grandfathered licences). However, by removing training as a barrier to entry, it would be expected that new entrants into the pest control industry may not have the

competencies set by the regulations, and subsequently cultivate an environment in which there is an increased risk of incorrect use of chemicals and pesticides.

The department expects that ongoing continued incorrect use of pesticides would likely impact health outcomes in the Victorian population due to the health impacts associated with both short- and long-term exposure to pesticides. All Australian states and territories regulate chemical and pesticide use in recognition of the potential for serious adverse health effects when these substances are used incorrectly.

Analysis of licence fees

Table 6.2 provides comparative data on licensing fees that are charged across all states and territories. (Note that trainee licences are not issued in the ACT and Queensland.)

Fees for pest control technicians (the basic licence category) vary widely, from a low of \$59 in the Northern Territory and New South Wales to a high of \$297 in Queensland.

Victoria's fee of \$217 is the third highest however, Victoria does not levy a separate business licence fee (which is levied by some states and territories). These fees can be as much as \$360 in Western Australia, which needs to be paid in addition to individual licence fees for all operators.

Victoria appears to be alone in having a separate interstate operator licence that provides a discounted fee for technicians licensed, and residing, in another state or territory but wishing to be able to operate in Victoria.

Table 6.2: State and territory pest control licensing fees, per year, as at 1 July 2018

State	Licence	Authorisation	Cost
ACT	Technician	Commercial pest and weed control	\$276.00
NSW	Technician	Pest management Fumigation	\$59.00
	Trainee permit	Pest management Fumigation	\$59.00
NT	Technician	Pest control (may include fumigation)	\$59.00
	Provisional	Pest control (may include fumigation)	\$59.00
Qld	Technician	Pest control including/excluding timber pest	\$297.00
SA	Business	Registration for commercial pesticides or fumigation	\$328.00
	Technician	Controlled substances (includes pesticides/fumigants)	\$80.50
	Limited	Controlled substances (includes pesticides/fumigants)	\$80.50
Tas.	Technician	Pest control (may include fumigation)	\$155.00
Vic.	Technician	Arthropods, rodents, birds and fungi Pest animals Fumigants	\$217.70
	Trainee	Arthropods, rodents, birds and fungi Pest animals Fumigants	\$216.80

State	Licence	Authorisation	Cost
	Interstate operator	Arthropods, rodents birds and fungi Pest animals Fumigants	\$70.80
WA	Business	Commercial pesticide/fumigator firm	\$360.00
	Technician	Termites and timber pests Pest and weed control Commercial/domestic pests Feral vertebrates Birds Crops/aerial pasture Fumigation	\$190.00
	Provisional	Termites and timber pests Pest and weed control Commercial/domestic pests Feral vertebrates Birds Crops/aerial pasture Fumigation	\$190.00

Pest control operators pay licence fees. Fee for the 2018–19 financial year are shown in Table 6.3.

Table 6.3: Victorian licence fees for pest control operators as at 1 July 2018

Type	Cost	Length	Average cost per year
Technician	\$653.10	3 years	\$217.70
Trainee	\$216.80	1 year	\$216.80
Interstate	\$70.80	3 years	\$23.60

The annual fee revenue from pest control operator licence fees is provided in Table 6.4. Given that all licences, other than the trainee licence, are issued for three years and because licences issued before 2002 have a common expiry date of 31 December, the annual revenue can fluctuate significantly. The industry can also be quite transient in nature, particularly among trainee licence holders.

Table 6.4: Annual licence fee revenue from pest control licenses

Revenue source	2014–15	2015–16	2016–17	2017–18	Average
Annual fee revenue	\$261,238	\$181,874	\$309,910	\$321,956	\$268,744

The department's regulatory administration and enforcement activities involve processing licence applications (both initial and renewal applications) and cancellations, providing information to operators, responding to complaints, conducting inspections and undertaking investigations.

There are 2.3 full-time employee resources involved in these tasks, with approximate costs of \$268,000 per annum inclusive of corporate overheads and non-salary items.

Cost recovery analysis

A comparison of departmental costs with the average fee revenue, as set out above, indicates that current licensing fees are set at cost recovery. This is inline with government policy on cost recovery. The average fee revenue of \$268,744 closely matches the total administration costs of \$268,000, noting that annual fee revenue can fluctuate based on licence renewals.

Costs incurred in providing other services including responding to enquiries and carrying out public educational initiatives are not included in the above comparison and would be expected to continue in the absence of the licensing system.

Proposed changes to the regulations

Amend the current regulations to be consistent with the national framework

The Victorian Government has committed to the national harmonisation of licensing and training requirements and chemical usage record-keeping requirements. As such, rather than examining a range of options, this chapter explores the impact of this commitment on Victoria's regulations pertaining to pest control.

This includes an evaluation of the efficacy of the current regulations and a detailed analysis of the proposed changes to the current regulations to meet the government's commitment to a consistent national framework.

Adopting the national framework for harmonised minimum training and licensing requirements

In 2008 the Productivity Commission produced a report on the regulation of chemicals and plastics¹. The report found that variable regulatory licensing requirements among occupational users of agricultural and veterinary chemicals between jurisdictions was an impediment to businesses operating across jurisdictional borders.

In 2013 the Australian ministers for agriculture endorsed a regulatory model for a national framework to harmonise regulations around agricultural and veterinary chemicals. The agreed national scheme will harmonise licensing and training requirements and chemical usage record-keeping requirements, as well as veterinary prescribing and compounding rights (not relevant to pest control licensing).

In July 2017 the Agricultural Ministers' Forum endorsed harmonised minimum record-keeping requirements for users of agricultural chemicals, which includes pesticides. The endorsed model establishes a common level of information required to be recorded for agricultural chemical use and is proposed to be adopted into the Public Health and Wellbeing Regulations for national consistency.

In April 2018 the Agricultural Ministers' Forum endorsed a proposal to harmonise minimum training and licensing requirements for fee-for-service users of agricultural and veterinary chemicals.

Expected benefits of the national framework

The main benefit of introducing national harmonisation is removing some of the regulatory burden placed on those that operate across jurisdictional borders.

¹ Productivity Commission 2008, *Chemicals and plastics regulation: research report*, Australian Government, Canberra

The national framework also creates additional licence authorisations (activities), and associated units of competency (training), for the control of timber pests and fumigation of pest animals. This is in recognition of the complexity involved and specialist knowledge required in pest management activities of this nature. The higher qualification requirements increase the skills and knowledge of the industry and consumer confidence in the service provided by licensed operators. The licensing system operates on the principle that ensuring minimum standards regarding the safe handling, storage and application of pesticides minimises the potential risk to health associated with their use.

Implications for licensing requirements under the national framework

The proposed national model includes the following minimum requirements:

- all fee-for-service providers (such as pest control operators and ground and aerial applicators) must be licensed
- licenses will be issued by the jurisdiction where the business is registered, or for an individual, based on their primary location/residence
- fees and charges will be set by each jurisdiction
- individual jurisdictions will be responsible for auditing and compliance
- any suspension or cancellation of a licence in a particular jurisdiction will automatically apply in other jurisdictions.

The proposed changes to Victoria's pest control regulations to move towards national harmonisation include:

- creating an additional licence authorisation and associated units of competency for using pesticides to control timber pests
- modifying the pest animal licence authorisation such that an additional unit of competency is necessary for someone to be authorised to use fumigation tablets for controlling pest animals
- replacing the out-of-date units of competency for vertebrate (pest animal) control
- implementing transitional arrangements for new applicants and current pest control operator licence holders to acquire the specified units of competency
- making minor changes to the wording of the details to be kept under the record-keeping requirements.

In addition, it is proposed to set fees at approximately the same levels as in the current regulations.

Licence authorisations and units of competency

Pest control licences authorise an operator to use one or more classes of pesticides depending on the type of work the pest control operator is required to undertake. Licences are issued to individuals who have completed a qualification prescribed under the regulations that authorised the use of:

- pesticides (excluding fumigants) formulated for the control of arthropods, rodents, birds and fungi, which are used to control pests (other than pest animals): 'General pest control'
- 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: 'Pest animals'
- pesticides in the form of fumigants: 'Fumigation'.

Table 6.5 outlines the harmonised licence authorisations and associated mandatory units of competency under the proposed regulations.

The change will moves the requirements from 'approved courses and qualifications' to 'units of competency'.

Table 6.5: Current licence authorisations and proposed licence authorisations and associated units of competency

Licence authorisations (current)	Approved courses and qualifications (current)	Licence authorisations (proposed)	Units of competency (proposed)
Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest except a pest animal [‘ general authorisation ’]	<p>Example: Completion of at least one of — 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. <i>[a number of courses are specified]</i></p>	Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest (including rodents) except a pest animal or timber pests [‘ general authorisation (excluding timber pests) ’]	CPPPMT3005 – Manage pests without applying pesticides CPPPMT3006 – Manage pests by applying pesticides CPPPMT3018 – Maintain equipment and pesticide storage area in pest management vehicles
	N/A	Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest (including rodents and timber pests) except a pest animal [‘ general authorisation (including timber pests) ’]	CPPPMT3005 – Manage pests without applying pesticides CPPPMT3006 – Manage pests by applying pesticides CPPPMT3008 – Inspect for and report on timber pests CPPPMT3010 – Control timber pests CPPPMT3018 – Maintain equipment and pesticide storage area in pest management vehicles
Pesticides— that have been formulated for the control of any pest animal; and to protect an area or place in a building used for commercial purposes or domestic premises or privately owned land adjacent to domestic premises.	<p>Example: Completion of at least one of — Victoria Pest Animal Management Course (conducted by Victorian College of Agriculture and Horticulture and Victorian Colleges of TAFE).</p>	Pesticides— that have been formulated for the control of any pest animal; and that are not in the form of fumigants; and to protect an area or place in a building used for commercial purposes or domestic premises or privately owned land	AHCCHM304 – Transport and store chemicals AHCCHM307 – Prepare and apply chemicals to control pest, weeds and diseases AHCPMG309 – Apply pest animal control techniques

Licence authorisations (current)	Approved courses and qualifications (current)	Licence authorisations (proposed)	Units of competency (proposed)
['pest animal authorisation']	<i>[a number of courses are specified]</i>	adjacent to domestic premises. ['pest animal authorisation (excluding fumigants)']	
	N/A	Pesticides— that have been formulated for the control of any pest animal; and that are in the form of fumigants; and to protect an area or place in a building used for commercial purposes or domestic premises or privately owned land adjacent to domestic premises. ['pest animal authorisation (including fumigants)']	AHCCHM304 – Transport and store chemicals AHCCHM307 – Prepare and apply chemicals to control pest, weeds and diseases AHCCHM310 – Conduct manual fumigation of vertebrate and invertebrate pests AHCCHM309 – Apply pest animal control techniques
Pesticides that are in the form of fumigants ['fumigant authorisation']	Example: Completion of at least one of — Victoria Methyl Bromide Fumigation Course (conducted by Victorian College of Agriculture and Horticulture and University of Melbourne). <i>[a number of courses are specified]</i>	Pesticides that are in the form of fumigants ['fumigant authorisation']	CPPPMT3011 – Manage organisms by applying fumigants to commodities and environments

The endorsed proposal to harmonise the training and licensing requirements for fee-for-service users of agricultural and veterinary chemicals in Australia also specifies creating an additional licence authorisation and associated units of competency required for using pesticides to control birds. However, because the proposal does not identify a specific course or training offered nationally, the department is not able to implement a bird control authorisation at this time.

The proposed new licence authorisations and associated mandatory units of competency under the new regulations are proposed to come into effect on the day the regulations commence. This would mean that from 15 December 2019 pest control licences would be issued based on the new licensing requirements specified above.

Existing licence holders who hold lower competency standards will have to provide proof that they have attained the relevant qualifications within a specified period from the commencement of the proposed regulations (see transitional arrangements) to retain the associated licence authorisations.

The Vocational Education and Training (VET) process allows for greater flexibility in the training and education system. It allows current competency and prior learning to be recognised, where registered training organisations (RTOs) assess prior learning and work experience for equivalence with current competencies. This ensures competency of licence holders through the process of recognition and, if required, reassessment.

The proposed regulations provide for the Secretary to, by notice published in the *Government Gazette*, approve units of competency to be equivalent units of competency for the purposes of the new licensing requirements. This caters for the minor changes in the course codes and descriptions of the units of competency that may occur over time.

Implications for record-keeping requirements under the national framework

Pest control operators are required to keep records for several purposes. Under occupational health and safety legislation employers have a responsibility to ensure workplace safety. This is often managed through job site analysis checklists and hazardous substance risk assessment records. Records must also be kept for insurance and operational purposes.

The Public Health and Wellbeing Act does not require a separate set of duplicate information to be kept, and it doesn't specify the way the information is to be recorded. However, the department's Pest Control team provides a one-page template for record keeping that contains all the required information. The template is available online for pest control operators. Operators can modify it for their own use or insert repeating information such as their name, licence number and business details.

The endorsed harmonised minimum record-keeping requirements for users of agricultural chemicals establishes a common level of information that must be recorded for agricultural chemical use (see Table 6.6) and is proposed to be adopted into the regulations for national consistency. The proposed record-keeping requirements represent only minor amendments in the description of the details to be kept and are expected to only have a minor impact on pest control operators.

Table 6.6: Current record-keeping requirements and proposed record-keeping requirements

Record-keeping requirements (current)	Record-keeping requirements (proposed)	Description
The trade name of the pesticide	Trade name of pesticide	
The batch number of the pesticide	Batch number	
Specific precautions to be observed, including the re-entry period	Specific precautions to be observed	Includes re-entry period
The date of the pesticide application	Date of application	
The start and finish times of the pesticide application	Start and finish times of application	
The location of the pesticide application (including street address, if applicable)	Location of the pesticide application	Includes street address (can differ from address of client)
A description of the areas treated	Specific location of application on the property	Areas within a property where the product was applied
The pests treated	Pests treated	

Record-keeping requirements (current)	Record-keeping requirements (proposed)	Description
The method of application	Method of application	Spray, bait, etc.
A description of the amount of pesticide applied	Quantity of pesticide applied	
	Rate of pesticide application or sufficient information to allow the rate of pesticide application to be determined	As expressed on the product label
If applied outdoors, the ambient temperature, wind direction and speed at the time of application	If applied outdoors, the ambient temperature, wind direction and speed at the time of application	
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	Name and licence number of the person applying the pesticide	
	If applicable, name and licence number of the person supervising the application	Where the pesticide is applied by a trainee licence holder
The trading name, address and phone number of the business employing, engaging or owned by the person applying the pesticide	Trading name, address and phone number of the business employing, engaging or owned by the person applying the pesticide	
The name and address of the person for whom the work was carried out	Name and contact details (phone number and address) of the person for whom the work was carried out	
The signature of the person completing the record	The signature of the person completing the record	

Highlighted rows indicate the major proposed changes to pesticide application record-keeping requirements.

Impact analysis

The government has committed to the national harmonisation of licensing and training requirements and chemical usage record-keeping requirements.

This impact analysis will review the expected impact for pest control operators in Victoria transitioning to the national requirements and uses similar methodology as was used in the Commonwealth's *Decision Regulation Impact Statement on a national scheme for assessment, registration and control-of-use of agricultural and veterinary chemicals*. However, this report also assessed the impact of other uses of chemicals outside the scope of pest control operator licensing.

Assessment of the current qualifications and experience of the pest control industry and costs to transition

In implementing the national framework, consideration must be given to the experience and qualification profiles for pest control operators in Victoria. There are broadly three groups of pest control operator experience and qualifications:

1. trainees working under supervision and undertaking training (153 people²)
2. technicians with current qualifications (934 people) – this category includes interstate operator licences
3. technicians with a qualification exemption, colloquially known as the ‘grandfather clause’ (currently 221 people but declining as a proportion of the total licences over time).

The licences issued based on the current qualifications (1 and 2 above) can be further broken down by licence authorisation type as follows:

Authorisation	General pest control	Fumigation	Pest animal
Number of technician licences currently issued	1,041	106	20
Number of trainee licences currently issued	138	3	1
Total	1,179	109	21

Note: The sum of these figures will not equal the total above because a pest control licence can be issued with multiple authorisations.

As discussed above, the endorsed national model specifies harmonised licence authorisations and associated mandatory units of competency. In Victoria, adopting the national framework will require changes to the proposed regulations as follows:

- creation of an additional licence authorisation and associated units of competency required for the use of pesticides to control timber pests
- modification of the pest animal licence authorisation such that an additional unit of competency is necessary to be authorised to use fumigation tablets for the control of pest animals
- replacement of the out-of-date units of competency for vertebrate (pest animal) control.

The subsequent impact of the qualification requirement changes on each of the existing groups identified above are discussed below.

General pest control

Despite minor changes in course codes and descriptions, the proposed units of competency for general pest control remain unchanged from those currently prescribed. Equivalent iterations of these three units have been in place since before they were written into pest control licensing legislation in 2002. The proposed regulations provide for licences to be issued based on units of equivalency approved by the Secretary and published in the *Government Gazette*. Therefore, there will be no qualification impact for trainees or technicians who hold a licence with this authorisation.

² The numbers of people in each group are current as of the end of December 2018.

General pest control with timber pests

The introduction of an additional licence authorisation, and associated units of competency, for the application of pesticides to control timber pests recognises the complexity involved and specialist knowledge required in pest management activities of this nature. Trainees and technicians who currently treat for timber pests under their general pest control authorisation will have to demonstrate to the department that they have obtained the additional units of competency specified in the proposed regulations to obtain a general authorisation (including timber pests).

The department estimates, based on ongoing interactions with industry, that approximately 80 per cent (four out of five) of the general pest control industry (approximately 943 people) are actively engaged in timber pest control. A small proportion of these licence holders may have already obtained the required units of competency for alternative reasons including insurance, professional development or as a result of interstate licensing requirements.

The department is aware of insurance firms that require minimum training as part of providing insurance policies specifically for the pest control industry. These require each operator to have units 8 and 10 in addition to 5, 6 and 18 to be covered under their company's insurance policy and requires evidence of this in the form of a statement of attainment issued by the training provider.

RTO packaging of the units has often been designed to encourage students with an intention to undertake timber pest control to complete the additional units of competency in conjunction with the core licensing units. Pest control operators may also choose to take on additional units, including electives, to receive a qualification that is perceived to improve their business operations.

Operators primarily licensed in states or territories with an existing timber pest control licence (Western Australia, Queensland) will also already have obtained units CPPPMT3008 – Inspect for and report on timber pests and CPPPMT3010 – Control timber pests, the necessary units of competency.

It is therefore assumed that one-third of the pest control operators currently actively engaged in timber pest control have already undertaken the additional units of competency proposed under the new regulations for alternative purposes. The remaining operators will have to seek recognition of prior learning and experience through an RTO or undertake training in the specified units of competency to continue to apply pesticides for the control of timber pests following the introduction of the proposed regulations.

Fumigation

Despite minor changes in course codes and descriptions, the proposed units of competency for fumigation remain unchanged from those currently prescribed. Equivalent iterations of this unit have been in place since before they were written into pest control licensing legislation in 2002. The proposed regulations provide for licences to be issued based on units of equivalency approved by the Secretary and published in the *Government Gazette*. Therefore, there will be no qualification impact for trainees or technicians who hold a licence with this authorisation.

Pest animal control

The prescribed units of competency for pest animal control are obsolete. Despite major changes in course codes and descriptions, the proposed units of competency for pest animal control are equivalent to those currently prescribed. Other equivalent iterations of these units have also been in place since before they were written into pest control licensing legislation in 2002. The proposed regulations provide for licences to be issued based on units of equivalency approved by the Secretary and published in the *Government Gazette*. Therefore, there will be no qualification impact for trainees or technicians who hold a licence with this authorisation.

Pest animal control including fumigants

The introduction of an additional licence authorisation, and associated unit of competency, for the application of pesticides in the form of fumigants for the control of pest animals recognises the complexity involved and specialist knowledge required in pest management activities of this nature. Trainees and technicians who currently control pest animals using fumigant tablets such as aluminium phosphide will have to demonstrate to the department that they have obtained the additional unit of competency specified in the proposed regulations to obtain a pest animal authorisation (including fumigants).

Grandfather clause

Under the current regulations, operators who held a pest control licence on 26 October 2002 are exempt from the qualification requirements established under the current regulations. In line with efforts to harmonise competency across jurisdictions in Australia, it is proposed to remove this exemption and require operators previously licensed under the grandfather clause to demonstrate formally that they meet the current required competencies. A small proportion of these licence holders may have obtained the required units of competency for alternative reasons (insurance, professional development). However, it is assumed that the majority will have to seek recognition of prior learning and experience through an RTO or undertake training in the specified units of competency because they have either not undertaken a qualification or it has been more than 17 years since a qualification has been obtained.

Estimated costs and number of pest control operators to undergo additional training

In the report on the impact of national harmonisation of the units of competency for pest control licensing analysed the expected one-off qualification training costs as they relate to each jurisdiction, to the Certification III or Australian Qualifications Framework Level 3. In 2013 the one-off costs for training in Victoria were outlined, per individual seeking qualifications, as listed in Table 6.7.

Table 6.7: One-off qualification training costs in Victoria, 2013

Type of cost	Cost
Time cost of attending course	\$884
Time cost of travel	\$221
Transport	\$113
Tuition	\$320
Total cost per person	\$1,537

Source: Table A2.3, *Decision Regulation Impact Statement on a national scheme for assessment, registration and control-of-use of agricultural and veterinary chemicals*

Adjusting this 2013 cost for inflation provides a per-person cost of **\$1,677** in **2018**.

Training in the required units of competency for all licence authorisations is readily available through several RTOs. Many offer alternative delivery options such as classroom-based training and via correspondence/online.

If all existing pest control operators had no pre-existing training, in 2018 there would be 1,469 operators who would need to seek qualification at the Australian Qualifications Framework Level 3. The total one-off cost for pest control operators in Victoria would be \$2,463,513. However, because pest control operators have existing qualifications required by the current regulations, this total impact is expected to be less in practice.

As outlined above, there will be specific groups of current pest control operators that will need to undertake additional training or seek recognition of prior learning and experience from an RTO. The groups expected to be affected by adopting the national framework are:

- licence holders who are required to acquire qualifications relating to timber pests
- licence holders who are required to acquire qualifications relating to fumigation for pest animal control
- licence holders with a qualification exemption ('grandfather clause') who are required to obtain recognition of prior learning and experience.

The estimated costs for the pest control industry to undergo additional training are outlined in Table 6.8.

Table 6.8: Estimated costs for pest control industry to undergo additional training

Type	Number in 2018	Estimate to undergo additional training	Cost
Timber pests	1,179	778	\$1,304,706
Fumigation for pest animal control	21	21	\$35,217
Grandfather clause	221	221	\$370,617
Total			\$1,710,540

Totalling the estimates for each group expected to be affected by adopting the national framework gives an expected estimated one-off cost of \$1,710,540.

There are no expected additional ongoing costs for new entrants, as contemporary qualifications are expected to provide required training to undertake pest control operator business.

Transitional arrangements for pest control operators

Despite the introduction of the new licensing requirements under the proposed new regulations, it is proposed that a transitional period will take effect on the day the regulations commence and operate until 31 December 2021. The transitional arrangements will be implemented to allow for pest control licences to be issued based on the licensing requirements under the current regulations and allow enough opportunity for operators to undergo the process of recognition of prior learning or undertake further training as necessary to meet the new requirements.

The regulations propose that from 1 January 2022, pest control licences will only be issued (or renewed) based on the new licence authorisations and associated mandatory units of competency under the proposed regulations.

Proposed implementation and transitional arrangements

It is proposed that a transitional period will be implemented to provide for three types of transitional arrangements for pest control operators as follows.

New pest control licence applications

The new regulations propose introducing new licence authorisations and associated mandatory units of competency. The transitional arrangements for new pest control licence applications will allow for operators who previously held a pest control licence or recently undertook training prior to the new regulations commencing to apply for a licence based on the approved courses and qualifications under the current regulations until 31 December 2021.

Licences issued under the transitional arrangements for new pest control licence applications will be valid for the full licence term (three years for technician and interstate operator licences and 12 months

for trainees) and may be subsequently renewed if the transitional period is still in effect. In practice, based on the licence durations this will apply to trainee licence holders only.

Example 1: Previously held, now expired technician licence

Joe held a pest control licence that has now expired. The pest control licence authorised Joe to use 'Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest except a pest animal' (also called a general pest control licence). Joe's licence was issued in 2016 based on a statement of attainment in units 5, 6 and 18. Joe's licence expired on 12 October 2019. The new regulations are proposed to come into effect on 15 December 2019.

Under the proposed transitional arrangements for new pest control licence applications, Joe applies for a new pest control licence based on the approved courses and qualifications listed under the current regulations during the transition period up to and including 31 December 2021.

He is granted a new licence on 3 March 2020. His licence will then be valid for the full three-year technician licence period, with a new expiry date of 3 March 2023.

Joe's licence will now expire after the transitional period. Therefore, he will have to renew his licence based on the new licence authorisations and associated mandatory units of competency under the proposed regulations, having had three years in which to obtain any additional requirements.

Because Joe holds a statement of attainment in units 5, 6 and 18 he will be eligible to apply for a pest control licence authorised to use 'Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest (**including rodents**) except a pest animal or **timber pests**' [**general authorisation (excluding timber pests)**]. Should Joe want to control timber pests, he will need to satisfy the department that he has obtained units CPPPMT3008 – Inspect for and report on timber pests and CPPPMT3010 – Control timber pests to upgrade his authorisation to 'Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest (**including rodents and timber pests**) except a pest animal' [**general authorisation (including timber pests)**].

Example 2: Trainee licence holder, upgrading to a technician

Katie holds a trainee pest control licence and is authorised to use 'Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest except a pest animal' (general pest control licence). This licence was issued in early 2019 based on her enrolment in units 5, 6 and 18. The new regulations are proposed to come into effect on 15 December 2019. The expiry date of Katie's licence is 21 February 2020.

Under the proposed transitional arrangements for new pest control licence applications, Katie applies for a new technician pest control licence based on the approved courses and qualifications listed under the current regulations during the transition period up to and including 31 December 2021. She is granted a new licence on 3 February 2020. Katie's licence will then be valid for the full three-year technician licence period, with a new expiry date of 3 February 2023.

Katie's licence will now expire after the transitional period. Therefore, she will have to renew her licence based on the new licence authorisations and associated mandatory units of competency under the proposed regulations, having had three years in which to obtain any additional requirements.

Because Katie holds a statement of attainment in units 5, 6 and 18, she will be eligible to apply for a pest control licence authorised to use 'Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest (**including rodents**) except a pest animal or **timber pests**' [**general authorisation (excluding timber pests)**]. Should Katie want to control timber pests, she will need to satisfy the department that she has obtained units CPPPMT3008 – Inspect for and report on timber pests and CPPPMT3010 – Control timber pests to upgrade her authorisation to 'Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest (**including rodents and timber pests**) except a pest animal' [**general authorisation (including timber pests)**].

Example 3: New trainee licence

Susan has decided to become a trainee pest control operator. Because she is new to the profession and has done no previous training, it is in Susan's best interests to apply for a new licence under the new licence authorisations and associated mandatory units of competency proposed under the new regulations.

Existing pest control licence holders

Despite the proposed introduction of new licence authorisations and associated mandatory units of competency, the proposed transitional arrangements for existing pest control licence holders will allow for licences valid immediately prior to the commencement of the new regulations to:

- continue to be held until the existing expiry date
- be renewed based on the approved courses and qualifications under the current regulations until 31 December 2021.

Licences renewed under the transitional arrangements for existing pest control licence holders will be valid for the full licence term (three years for technician and interstate operator licences and 12 months for trainees) and may be renewed more than once if the transitional period is still in effect. In practice, based on the licence durations this will apply to trainee licence holders only.

Example 4: Existing technician licence holder

Jane holds a pest control licence and is authorised to use 'Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest except a pest animal' (general pest control licence). This licence was issued in 2018 based on a statement of attainment in units 5, 6 and 18. The new regulations are proposed to come into effect on 15 December 2019. The expiry date of Jane's licence is 31 December 2021, the last day of the transitional period.

Under the proposed transitional arrangements for existing pest control licence holders Jane applies to renew her licence based on the approved courses and qualifications listed under the current regulations during the transition period up to and including 31 December 2021. Her licence will then be valid for the full three-year technician licence period, with a new expiry date of 31 December 2024.

Jane's licence will now expire after the transitional period. Therefore, she will be required to renew her licence based on the new licence authorisations and associated mandatory units of competency under the proposed regulations, having had nearly five years in which to obtain any additional requirements.

Because Jane holds a statement of attainment in units 5, 6 and 18 she is eligible to apply for a pest control licence authorised to use 'Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest (**including rodents**) except a pest animal or **timber pests**' [**general authorisation (excluding timber pests)**]. Should Jane want to control timber pests she will need to satisfy the department that she has obtained units CPPPMT3008 – Inspect for and report on timber pests and CPPPMT3010 – Control timber pests to upgrade her authorisation to 'Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest (**including rodents and timber pests**) except a pest animal' [**general authorisation (including timber pests)**].

Example 5: Existing trainee licence holder

James holds a trainee pest control licence and is authorised to use 'Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest except a pest animal' (general pest control licence). This licence was issued in early 2019 based on his enrolment in units 5, 6 and 18. The new regulations are proposed to come into effect on 15 December 2019. The expiry date of James' licence is 21 February 2020.

Under the proposed transitional arrangements for existing pest control licence holders James applies to renew his trainee licence based on the approved courses and qualifications listed under the current regulations during the transition period up to and including 31 December 2021. His licence will then be valid for the 12-month trainee licence period, with a new expiry date of 21 February 2021.

James' licence will expire before the transitional period ends. Therefore, he will be able to again renew his trainee licence under the transitional arrangements for existing pest control licence holders (unless he has already been granted a trainee licence three times (s. 101(4)) or apply for a new technician licence under the transitional arrangements for new pest control licence applications (see above).

James is granted a new trainee licence on 21 February 2021. His licence is again valid for the 12-month trainee licence period, with a new expiry date of 21 February 2022.

James' new licence will expire after the transitional period. Therefore, he will have to renew his licence based on the new licence authorisations and associated mandatory units of competency under the proposed regulations, having had two years in which to obtain any additional requirements.

Because James was undertaking training in units 5, 6 and 18, when he finishes he will be eligible to apply for a pest control licence authorised to use 'Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest (**including rodents**) except a pest animal or **timber pests**' [**general authorisation (excluding timber pests)**]. Should James want to control timber pests he will need to satisfy the department that he has obtained units CPPPMT3008 – Inspect for and report on timber pests and CPPPMT3010 – Control timber pests to upgrade his authorisation to 'Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest (**including rodents and timber pests**) except a pest animal' [**general authorisation (including timber pests)**].

Operators previously licensed under the grandfather clause

Under the current regulations, operators who held a pest control licence on 26 October 2002 are exempt from the qualification requirements established under the current regulations. In line with efforts to harmonise competency across jurisdictions in Australia, it is proposed to remove this exemption and require operators previously licensed under the grandfather clause to demonstrate formally that they meet the current required competencies.

Despite the proposed introduction of new licence authorisations and associated mandatory units of competency, the transitional arrangements for operators previously licensed under the grandfather clause will allow for licences valid immediately before the new regulations commence to:

- continue to be held until the existing expiry date
- be renewed based on the grandfather clause under the current regulations until 31 December 2021.

Licences renewed under the transitional arrangements for operators previously licensed under the grandfather clause will be valid for the full licence term (three years for technicians and interstate operator licences).

Example 6: Existing technician licence holder ('grandfather clause')

John holds a pest control licence and is authorised to use 'Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest except a pest animal' (general pest control licence). This licence was issued based on the grandfather clause (John held a pest control licence on 26 October 2002). The new regulations are proposed to come into effect on 15 December 2019. The expiry date of John's licence is 31 December 2021, the last day of the transitional period.

Under the proposed transitional arrangements for operators previously licensed under the grandfather clause, John applies to renew his licence based on the grandfather clause under the current regulations

during the transition period up to and including 31 December 2021. His licence will then be valid for the full three-year technician licence period, with a new expiry date of 31 December 2024.

John's licence will now expire after the transitional period. Therefore, he will have to renew his licence based on the proposed new licence authorisations and associated mandatory units of competency, having had nearly five years in which to obtain any additional requirements (obtain recognition of prior learning and experience or undertake training in the necessary units of competency).

Accessing the full regulatory impact statement

Information on infringements, consultation, implementation, evaluation and the exposure draft regulations are contained in the full regulatory impact statement available on the [Engage Victoria website](https://engage.vic.gov.au) <https://engage.vic.gov.au>.

This extract was prepared to assist stakeholders who access the report by accessing a specific category on the Engage website. This is not intended to limit the scope of submissions; the department welcomes submissions from all interested parties.

Making a submission to the review

Public comment is invited on the proposed regulations and RIS. Please note that all comments and submissions received will be treated as public documents.

Comments and submissions should be received by the Department of Health and Human Services no later than **5.00 pm, Monday 30 September 2019**.

The Engage Victoria website is the preferred method for receiving submissions. Submissions can also be received by [emailing the department](mailto:phwa.enquiries@dhhs.vic.gov.au) <phwa.enquiries@dhhs.vic.gov.au>, or post, marked 'Submission to the Review of the Public Health and Wellbeing Regulations 2009' and addressed to:

Chief Health Officer
Regulation, Health Protection & Emergency Management
Department of Health and Human Services
GPO Box 4057
Melbourne VIC 3001

Copies of the RIS and proposed regulations can also be obtained from the [Engage Victoria website](https://engage.vic.gov.au) <https://engage.vic.gov.au/>.