

# AGVET CHEMICALS TASK GROUP – MINIMUM TRAINING AND LICENSING REQUIREMENTS WORKING GROUP

## DISCUSSION PAPER: MINIMUM TRAINING AND LICENSING REQUIREMENTS

**Timing:** For discussion at the Agvet Chemicals Stakeholder Roundtable on 9 November 2016. Written submissions will subsequently be invited.

### Recommendation/s:

- That you note the recent activities of the Minimum Training and Licencing Requirements Working Group; and
- That you provide feedback on the proposal for the harmonisation of licensing and training requirements for all users of agvet chemicals.

### KEY POINTS:

- The Minimum Training and Licensing Requirements Working Group (MTLR WG) is one of three working groups established by the Agvet Chemical Task Group (ACTG) to progress the elements of a nationally endorsed regulatory model aiming to deliver a single national framework for the regulation of agricultural and veterinary chemicals.
- The Working Group is responsible for developing a detailed proposal for the:
  - harmonisation of licensing requirements for occupational (fee for service) users of chemicals and businesses providing these services; and
  - harmonisation of competency (training) requirements for
    - licensed occupational chemical users; and
    - all users of Restricted Chemical Products (RCP) and Schedule 7 agvet chemical products.
- Key policy outcomes of this work will include:
  - All users are aware they need to use chemicals safely and responsibly
  - All users are competent in the use of agvet chemicals and can demonstrate competency through training or other appropriate means
  - National training competencies reflect the required management of agvet chemical risk
- The ACTG will hold a stakeholder roundtable to provide progress updates and outline upcoming consultation activities. Your contributions at this roundtable and subsequent regional sessions will greatly assist with informing the final details of these changes.

### BACKGROUND:

- In 2010, COAG approved the *National Policy Framework for the Assessment, Registration and Control of Use of Agricultural and Veterinary Chemicals*.
- COAG endorsed the proposed regulatory model and proposed amendments to the Intergovernmental Agreement to support the controls over registration and use of Agvet chemicals .

- In 2013, the ACTG was formed to oversee the implementation of the regulatory framework agreed to by COAG and comprises members from each state and territory government and the Australian Government.
- The regulatory model when implemented will result in the following:
  - State and Territories will continue to regulate the use of agvet chemicals and obligations to follow approved label instructions will continue;
  - commercial chemical applicators will continue to be required to hold a licence and have competencies appropriate to the occupation;
  - users of restricted chemical products and Schedule 7 poisons will be required to hold a competency determined appropriate to the risk associated with the product use;
  - nationally harmonised veterinary prescribing and compounding rights; and
  - nationally consistent record keeping requirements for all users of agvet chemicals.

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## ATTACHMENTS

Attachment A – Request for Feedback on Implementation of the Proposed National Model for Harmonising the Licensing and Training Requirements for all Users of AgVet Chemicals.

The Attachment outlines the progress of work to date and includes a number of questions that may help you provide feedback to assist the development of the Working Group's recommendations.

Please send feedback to the Agvet Chemical Task Group Secretariat at [agvetpolicy@agriculture.gov.au](mailto:agvetpolicy@agriculture.gov.au) by 11 November 2016.

## **REQUEST FOR FEEDBACK ON IMPLEMENTATION OF THE PROPOSED NATIONAL MODEL FOR HARMONISING THE LICENSING AND TRAINING REQUIREMENTS FOR ALL USERS OF AGVET CHEMICALS.**

Currently, licensing and training requirements and their regulation differs between states and territories. This places an undue regulatory burden on businesses operating across borders, a common situation for many pest management technicians, aerial sprayers and some agricultural ground sprayers, as well as other fee-for service businesses.

At present these individuals and businesses need to comply with multiple varied requirements for both licensing and training, and pay multiple licence fees. These differences can lead to a higher regulatory burden than under an integrated national scheme.

The Inter-Governmental Agreement commits the parties to implement agreed elements of the reforms including consistent regulation of

- (a) minimum licensing requirements for chemical users;
- (b) minimum competency requirements for chemical users

The COAG endorsed regulatory model included implementation of a nationally harmonised licensing model for fee-for-service providers and minimum harmonised training requirements for users of higher risk agvet chemical products. The proposed licensing and training models addresses COAG original policy principles by recognising greater risks from the use of high risk chemicals (RCPs and Schedule 7 chemicals) and fee-for-service use, as requiring at least AQF Level 3 competencies appropriate for the occupation/product. Additional risks of fee-for-service use are recognised by the additional requirement for licensing of both businesses and individuals.

These requirements reflect a minimum requirement, however individual states may implement additional licensing and competency requirements to users residing within their jurisdiction to allow for regional need.

### **MINIMUM TRAINING REQUIREMENTS FOR USERS OF SCHEDULE 7 AGVET CHEMICALS AND RESTRICTED CHEMICAL PRODUCTS**

Relevant competency units for users of agvet chemicals are contained in the pest management component of the *CPP Property Services* and *AHC Agriculture, Horticulture and Conservation and Land Management* training packages.

The proposed model endorsed in 2013 includes these minimum harmonised training requirements:

- All fee-for-service providers (e.g. pest controllers, ground and aerial applicators) are required to hold, as a minimum, Australian Qualifications Framework (AQF)\_Level 3 competency determined to be appropriate for the occupation as a condition of licence.
- All users of RCPs and S7 chemicals are required to hold, as a minimum, AQF Level 3 competencies determined to be appropriate for the use of the product (but with no licensing requirement).

Where feasible, regulators would work with industry to recognise existing accreditation and qualifications standards on a national basis.

For non fee-for-service users of S7 chemicals and some RCPs, the MTLR Working Group has agreed that the two competencies in the AHCS00027 Agricultural Chemical Skill Set from the *AHC Agriculture, Horticulture and Conservation and Land Management Training Package* remain the appropriate core requirement for most chemical products. Equivalent competency units within *CPP Property Services* will also be considered as acceptable. Some of the key chemical groups being considered by the Working Group include:

- General S7 pesticides eg. insecticides, rodenticides, nematicides, herbicides, fungicides and solid form fumigants (metallic phosphides) standardised naming of licence categories and area of activity
- Fumigants - liquefied gas form eg. liquid phosphine, methyl bromide, chloropicrin
- Vertebrate Poisons – general eg. 1080, PAPP, Pindone, Strychnine
- Vertebrate Poisons – avicides, eg. Alphachloralose, amino pyridine
- Timber Treatments, eg copper, chromium & arsenic (CCA)
- Biological Control Agents eg. Rabbit Haemorrhagic Disease Virus (RHDV) (also known as rabbit calicivirus)
- S7 veterinary chemicals.

The Working Group would like to gain stakeholder's views on what allowance should be made for itinerant farm labour who may have difficulty in being able to access necessary training in a timely manner. One approach could be to allow such users to use agvet chemicals on a short term basis provided it was under the supervision of a qualified person. Further consideration is also needed as to how ongoing users of limited literacy who have difficulty completing training should be accommodated.

Alternative or additional training requirements apply to some RCPs and the Working Group is currently working to document relevant competencies and identify any gaps. The intention is to cover additional requirements that may apply to persons supervising RCPs use programs as well as exceptions that may apply to some users where other risk management measures exist, such as alternative training programs or supervised use by a suitably qualified person. This framework will be the subject of future consultation.

### **Feedback prompts**

1. Are there improvements that could be made to the proposed minimum training requirements for users of S7 chemicals?
2. For particular RCPs, are there particular competencies or training that you consider are essential for users of these products?
3. Is it appropriate to allow use of S7 chemical by an untrained user if it is supervised by a trained person, and if so what conditions should be placed on that use?

## LICENSING MODEL

The proposed licensing model contains the following minimum harmonised requirements:

- all fee-for-service providers (e.g. pest controllers, ground and aerial applicators, sheep dippers) are required to be licensed
- both fee-for-service businesses and individuals within those businesses are required to be licensed
- licensing will not be required for users of Restricted Chemical Products (RCPs) and Schedule 7 (S7) chemicals who are not operating a fee-for-service business (general users, including farmers)
- licenses will be issued by the jurisdiction for registration of a business or for an individual, based on their primary location/residence
- fees and charges will be set by each jurisdiction
- automatic recognition of any jurisdictional licence will exist in all other jurisdictions and
- individual jurisdictions will be responsible for auditing and compliance within their own state; and any suspension or cancellation of a licence or a right to operate in a particular jurisdiction will automatically apply in other jurisdictions.

A majority of jurisdictions already require both individuals and businesses to be licensed, especially in the case of aerial and ground sprayers. Nonetheless as summarised in Table 1 of this Attachment, legislative changes (after appropriate regional consultation) would be required in most jurisdictions to implement the proposed licensing model.

In considering implementation of the licensing model, the MTLR Working Group notes that the current mutual recognition framework already provides a good degree of alignment across jurisdictions for some types of licences. However mutual recognition still requires the individual to notify and apply for the respective licence in individual jurisdiction where the person intended to carry out their occupation.

It is important for both individuals and businesses to be licensed for a number of reasons. Individual fee-for-service operators often work for a number of businesses under a range of employment or contractual relationships. Licensing allows verification that individuals have necessary training in chemical use, provides traceability and aligns permission to provide chemical use services with responsibility for record keeping and for any chemical application errors. Licensing businesses recognises they may also be legally accountable for errors, for ensuring chemical use records are kept and for implementing quality management systems.

Notwithstanding this rationale, the MTLR Working Group has noted some issues that warrant further consideration and future stakeholder consultation. This includes the scope of which activities should be included as requiring a ground applicator licence, whether in practice livestock dipping lends itself to being a licenced activity, and whether the model should recognise situations where fee-for-service users are already required to have a licence or authorisation for their agvet chemical use under other legislative systems.

Further work is also being undertaken by the Working Group to determine the pathway, timelines and administrative systems required to achieve automatic mutual recognition of licences across jurisdictions. Arrangements for granting mutual recognition licences are

already in place and automatic mutual recognition already exists in some jurisdictions (for example in Queensland for aerial applicators). This will be assisted by work to better harmonise the training components required of licensees, as discussed further below.

### **Feedback prompts**

1. Are there improvements that could be made to the proposed national licensing model in the course of its implementation?
2. What are your views on moving towards automatic mutual recognition?
3. Do you support the adoption of the proposed national licensing model?

### **IMPLEMENTATION AND FUTURE CONSULTATION**

With respect to licensing, accreditation and training requirements, emphasis in the proposed national framework is on areas of regulatory difference where the greatest benefit can be achieved through harmonisation. Broadly, these potential benefits take the form of reductions in risk and improved industry productivity from more efficient use of chemical products. Training, licensing and accreditation systems can have significant costs, both to participants (course fees, value of time spent on courses and travel costs) and administrative costs. Therefore, the concentration in the scheme needs to be on those areas where the greatest reduction in risk is likely to flow from training or accreditation requirements.

As noted, implementation will require changes to state and territory control-of-use legislation and will be subject to local consultation. Some changes to Commonwealth legislation may also be required. Due to the different regulatory arrangements within each jurisdiction, harmonisation may be best achieved through the development of consistent and uniform drafting instructions for the amendment of existing legislation and regulations.

***Further stakeholder consultation will be undertaken on details of the proposed models as part of these legislative changes.***

**TABLE 1: existing licensing arrangements and changes with the proposed national scheme**

Note: the columns under the various jurisdictions show the existing requirements under each jurisdiction. The final right-hand column shows the minimum requirements under the proposed national scheme.

Category		VIC	NSW	NT	WA	QLD	SA	TAS	Proposed national scheme
Pest Controllers	Business	x	x	x	✓	x	✓	✓	✓
	Operator	✓	✓	✓	✓	✓	✓	✓	✓
Aerial sprayers	Business	✓	✓	✓	x	✓	✓	✓	✓
	Operator	✓	✓	✓	✓	✓	✓	✓	✓
Ground sprayers	Business	✓	<b>C</b>	✓	✓	✓	✓	✓	✓
	Operator	x	<b>C</b>	✓	✓	✓	✓	✓	✓
Farmers	All Farmers-Business	x	x	x	x	x	x	x	x
	All Farmers-Individuals not using RCPs	x	<b>C</b>	x	x	x	x	x	x
	Farmers using S7 and RCPs (as registered businesses)	x	x	x	x	x	x	x	x
	Farmers using S7 and RCPs (individuals)	✓	<b>C</b>	✓	<b>C</b>	<b>C (NOT ALL S7)</b>	<b>C</b>	✓	<b>C</b>
Others	General Chemicals	x	<b>C</b>	x	x	x	x	x	x
	RCP	✓	<b>C</b>	✓	<b>C</b>	✓	<b>C OR LICENCE</b>	✓	<b>C</b>

<b>Key</b>	
✓	Licence for category
x	No licence for this category
<b>C</b>	Qualifications requirement only
	Jurisdictions current licensing requirements align with proposed requirements under national scheme