



S7 RETAIL SELLER'S LICENCES

Retailers who sell or supply Schedule 7 poisons must be licensed in accordance with Section 15 of the *Controlled Substances Act, 1984* (the Act) and comply relevant regulations under the *Controlled Substances (Poisons) Regulations, 2011* (the Regulations).

A penalty of up to \$10,000 applies for selling or supplying a Schedule 7 poison without a licence.

A retail seller's licence allows the holder to sell or supply agricultural and veterinary Schedule 7 poisons to an end user who holds a current accreditation card or a licence issued under the *Controlled Substances (Pesticides) Regulations, 2017* (a Pesticide Licence as issued to commercial pest control operators), or in the case of a Regulation 25 poison, a Licence to Possess Regulation 25 Poisons or a Pesticide Licence which specifically lists the Regulation 25 poison being purchased (see Regulation 25 Poisons over page).

Schedule 7 poisons are labelled '**DANGEROUS POISON**' at the top of the label. They are substances or products of high to extremely high toxicity or hazard and are considered to be too dangerous to be made available to the general public or used for a domestic purpose or domestic gardening purpose.

Before issuing a licence SA Health may make any enquiries necessary to establish the bona fides of the applicant(s).

Please include the following with your application:

- A copy of the current certificate(s) of registration of your company and/or trading names including the names and addresses of the company directors; **or**
- The names of the persons running the business where there is no company name but there is a trading name, and a copy of the current certificate(s) of registration of trading names; **or**
- The names of the persons running the business where there is no company name or trading name.

Term of Licence and Expiry Date

Applicants have the option of applying and paying for a licence that will expire either 1 year or 3 years from the date of issue and the licence will expire on the day before the 1 or 3 year anniversary of this date. Thereafter the licensee will have the option of renewing the licence for a 1 year or 3 year period.

Licence Fees: 1/7/2021 to 30/6/2022

The current fees for a licence to sell Schedule 7 poisons by retail sale are noted below.

1 year	\$214.00	or	3 years	\$642.00
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Regulation 25 Poisons

Section 22 – Possession

Regulation 25 – Possession of poisons (section 22 of Act)

Regulation 25 poisons are Schedule 7 poisons that have a much higher toxicity than other Schedule 7 poisons, and are listed below.

Section 22 of the Act prohibits any person possessing a Regulation 25 poison unless holding a licence for this purpose. It is therefore an offence to sell or supply regulation 25 poisons to a person who does not hold either a 'Licence to Possess Regulation 25 Poisons' issued under the Act, or a licence issued under the *Controlled Substances (Pesticides) Regulations, 2017* which specifically lists the poison (unless the sale or supply is in accordance with an exemption listed under regulation 25(4)).

4-aminopropiophenone (PAPP)

Acrolein

Arsenic (when included in Schedule 7)

Chloropicrin

Cyanides (when included in Schedule 7)

Cyanogen

DDT

Fluroacetamide

Fluroacetic acid

Hydrocyanic acid (when included in Schedule 7)

Methyl bromide

Mirex

Sodium fluoroacetate (1080)

Strychnine (when included in Schedule 7- unless as per regulation 25 (4) exemption)

Thallium



Licence Conditions

Sections 15, 16, 17 and 25 of the Act, and regulations 12, 15, 25, 27(a), 27(d), 30 and 49 of the Regulations apply to the storage, sale or supply, and record keeping requirements of Schedule 7 poisons. Licences also have conditions with which the licensee must comply in addition to the Act and Regulations.

Failure to comply with any of these legal requirements is a penalty of up to \$10,000. In addition, if a licensee is convicted of an offence or has failed to comply with a condition, the licence may be revoked.

The requirements or conditions imposed on the licensee include but are not limited to:

Sale or supply

Section 16 – Sale of certain poisons
Condition of licence (under section 55 of the Act)

Schedule 7 poisons may only be sold or supplied by retail sale to a person who:

- Is over 18 years old, and
- Is known to the licensee, or can provide evidence of their identity, and
- Provides a satisfactory answer when asked the purpose for which they are purchasing the poison, and
- Holds a current chemical user accreditation card or a current Pesticide Licence, or
- Is a nominated agent for an accredited person, or
- Does not hold a current accreditation provided the poisons are delivered to a person who holds a licence, or
- Is a nominated responsible person within a business or partnership who holds a current accreditation or licence.

Storage

Section 25 – Storage
Regulation 27(a)
Regulation 27(d) – refers to Part 2 Section 3.1 of the Uniform Poison Standard

Schedule 7 poisons must be stored in an area and manner that only allows physical access to the poisons by:

- The owner of the retail establishment, or
- An employee of the owner, or
- Persons legally permitted to purchase the poison and under the supervision of the owner or an employee of the owner.

Record keeping

Section 16 – Sale of certain poisons
Regulation 15 – refers to Part 2 Section 5.1(1) of the Uniform Poison Standard
Condition of licence (under section 55 of the Act)

The licensee must keep a record of the sale or supply of all Schedule 7 poisons that includes:



- The name and address of the purchaser,
- The date of the sale/supply,
- The approved name or trade name that identifies the poison to be supplied or sold,
- The quantity supplied or sold,
- The purchaser's accreditation card number and expiry date, or Pesticide Licence number and expiry date, and
- Where a regulation 25 poison is sold, the number and expiry date of the purchaser's Licence to Possess Regulation 25 Poisons or Pesticide Licence that specifically lists the poison being purchased.

Such records must be retained for a period of 5 years, and be readily available for inspection at all reasonable times.

(CSA ss15, 16, 17, 25, 55; Poisons Regulations regs 12, 15, 25, 27(a), 27(d), 30, 49)

CONTROLLED SUBSTANCES LICENSING
Public Health and Licensing Services
SA Health
PO Box 6, Rundle Mall ADELAIDE 5000

Phone: (08) 8226 7100
E-mail: HealthControlledSubstances@sa.gov.au
Fax: (08) 8226 6681