



Australian State & Territory regulatory controls on Schedule 7 poisons

Scheduling medicines & poisons

November 2017

Notes

South Australia

Schedule 7 agricultural and veterinary chemicals can only be purchased by persons who hold a current licence under the *Controlled Substances (Pesticides) Regulations 2017* or a current chemical users accreditation. Schedule 7 poisons for research and analysis can only be purchased by persons who hold a permit issued under section 56 of the *Controlled Substances Act 1984*.

* **Section 22 Poisons**

Section 22 of the *Controlled Substances Act 1984* (the Act) prohibits any person possessing the following poisons (listed under regulation 25 of the *Controlled Substances (Poisons) Regulations 2011*) unless holding a licence for this purpose:

- 4- aminopropiophenone
- Acrolein
- Arsenic (when included in Schedule 7)
- Chloropicrin (when included in Schedule 7)
- 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)
- Thallium

****exemptions** -

A person is exempt from section 22 of the Act in respect of the possession of 4-aminopropiophenone if—

- a) the 4-aminopropiophenone is a constituent of baits designed for destroying vertebrate animals; and

- b) the concentration of 4-aminopropiophenone in each bait does not exceed 2%; and
- c) the total amount of 4-aminopropiophenone in the particular quantity of baits for destroying vertebrate animals does not exceed 5 kilograms; and
- d) the person—
 - i. has the written approval of the Minister to acquire and possess those baits; and
 - ii. acquires the baits from a supplier approved by the Minister.

A person is exempt from section 22 of the Act in respect of the possession of sodium fluoroacetate if—

- a) —
 - i. in the case of sodium fluoroacetate that is contained in a capsule for use with a Pest Canid Ejector designed for destroying foxes or wild dogs—the concentration of sodium fluoroacetate in each capsule does not exceed 0.8%; or
 - ii. in the case of sodium fluoroacetate that is a constituent of baits designed for destroying vertebrate animals—the concentration of sodium fluoroacetate in each bait does not exceed 0.04%; and
- b) the total amount of sodium fluoroacetate present in the particular quantity of capsules or baits does not exceed 50 grams; and
- c) the person—
 - i. has the written approval of the Minister to acquire and possess those capsules or baits; and
 - ii. acquires the capsules or baits from a supplier approved by the Minister.

A person is exempt from section 22 of the Act in respect of the possession of strychnine if—

- a) the person is the owner or occupier, or an agent or employee of an owner or occupier, of land that is situated outside a township and outside Metropolitan Adelaide; and
- b) the strychnine is a constituent of baits designed for destroying mice; and
- c) the quantity of baits in the person's possession does not exceed 5 kilograms; and
- d) the amount of strychnine present in any quantity of the baits does not exceed 0.5%.

(5) A person lawfully in possession of baits containing strychnine under this regulation must not use those baits except for the purpose of destroying mice in or around storage areas on land situated outside a township and outside Metropolitan Adelaide.

Exemption from section 22 of the Act may be granted to certain pest controllers:

The Minister may exempt a person who is licensed under the *Controlled Substances (Pesticides) Regulations 2017* from the requirement to hold a licence under section 22 of the Act in respect of the use of a pesticide that is a section 22 poison.

Victoria

Under the *Drugs, Poisons and Controlled Substances Regulations 2017*, a "listed regulated poison" means a SUSMP Schedule 7 poison included in Part 2 of Chapter 1 of the Poisons Code in the list of substances that are not for general sale by retail. Listed regulated poisons that are SUSMP Schedule 7 poisons (referred to as listed regulated Schedule 7 poisons) are:

- ACRYLONITRILE
- ARSENIC

- AZO DYES that are derivatives by diazotisation of any of the following substances:
 - p-aminoazobenzene (CAS No. 60-09-3)
 - o-aminoazotoluene (CAS No. 97-56-3)
 - o-anisidine (CAS No. 90-04-0)
 - p-chloroaniline (CAS No. 106-47-8)
 - 4-chloro-o-toluidine (CAS No. 95-69-2)
 - 6-methoxy-m-toluidine (p-cresidine) (CAS No. 120-71-8)
 - 2-naphthylamine (CAS No. 91-59-8)
 - 5-nitro-o-toluidine (CAS No. 99-55-8)
 - 2,4-toluenediamine (CAS No. 95-80-7)
 - o-toluidine (CAS No. 95-53-4)
 - 2,4,5-trimethylaniline (CAS No. 137-17-7)
- BENZENE
- BENZIDINE-BASED AZO DYES being:
 - 2,2'-[[[1,1'-biphenyl]-4,4'-diylbis(azo)]bis[N-(4-chlorophenyl)-3-oxobutanamide]
CAS No. 94249-03-3
 - Acid Red 85 (Acid Fast Red A)
1,3-Naphthalenedisulfonic acid, 7-hydroxy-8-[[4'-[[4-[[4-methylphenyl)sulfonyl]oxy]phenyl]azo][1,1'-biphenyl]-4-yl]azo]-, disodium salt
CAS No. 3567-65-5
 - C.I. Acid Black 29
CAS No. 12217-14-0
 - C.I. Direct Orange 1
CAS No. 54579-28-1
 - Direct Black 38
2,7-Naphthalenedisulfonic acid, 4-amino-3-[[4'-[(2,4-diaminophenyl)azo][1,1'-biphenyl]-4-yl]azo]-5-hydroxy-6-(phenylazo)-, disodium salt
CAS No. 1937-37-7
 - Direct Blue 2
2,7-Naphthalenedisulfonic acid, 5-amino-3-[[4'-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo][1,1'-biphenyl]-4-yl]azo]-4-hydroxy-, trisodium salt
CAS No. 2429-73-4
 - Direct Blue 6
2,7-Naphthalenedisulfonic acid, 3,3'-[[[1,1'-biphenyl]-4,4'-diylbis(azo)]bis[5-amino-4-hydroxy-, tetrasodium salt
CAS No. 2602-46-2
 - Direct Brown 2
5-[[4'-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo][1,1'-biphenyl]-4-yl]azo]-2-hydroxy- benzoic acid disodium salt
CAS No. 2429-82-5
 - Direct Brown 95
Cuprate(2-), [5-[[4'-[[2,6-dihydroxy-3-[(2-hydroxy-5-sulfophenyl)azo]phenyl]azo][1,1'-biphenyl]-4-yl]azo]-2-hydroxybenzoato(4-)-], disodium salt
CAS No. 16071-86-6
 - Direct Green 1
2,7-Naphthalenedisulfonic acid, 4-amino-5-hydroxy-3-[[4'-[(4-hydroxyphenyl)azo][1,1'-biphenyl]-4-yl]azo]-6-(phenylazo)-, disodium salt
CAS No. 3626-28-6
 - Direct Green 6
2,7-Naphthalenedisulfonic acid, 4-amino-5-hydroxy-6-[[4'-[(4-

- hydroxyphenyl)azo][1,1'-biphenyl]-4-yl]azo]-3-[(4-nitrophenyl)azo]-, disodium salt
CAS No. 4335-09-5
 - Direct Red 28 (Congo Red)
1-Naphthalenesulfonic acid, 3,3'-[[1,1'-biphenyl]-4,4'-diylbis(azo)]bis[4-amino-, disodium salt
CAS No. 573-58-0
 - Direct Red 37
1,3-Naphthalenedisulfonic acid, 8-[[4'-[(4-ethoxyphenyl)azo][1,1'-biphenyl]-4-yl]azo]-7-hydroxy-, disodium salt
CAS No. 3530-19-6
 - BENZIDINE-CONGENER (3,3'-DISUBSTITUTED) AZO DYES
 - CACODYLIC ACID
 - CYANIDES, METALLIC
 - 1,2-DIBROMO-3-CHLOROPROPANE.
 - 4-DIMETHYLAMINOAZOBENZENE.
 - FLUOROACETAMIDE
 - FLUOROACETIC ACID except when included as sodium monofluoroacetate or sodium fluoroacetate (commonly known as "1080" or "ten-eighty") in ready-to-use bait products that are:
 - a) registered by the Australian Pesticides and Veterinary Medicines Authority ("the Authority") under Part 2 of the Agvet Code; or
 - b) permitted to be possessed or supplied under a 'permit for supplying a perishable bait treated with a registered chemical product' issued by the Authority under Part 7 of the Agvet Code.
 - HYDROCYANIC ACID
 - 4,4'-METHYLENEBIS[2-CHLOROANILINE]
 - NICOTINE for human use when it is a Schedule 7 poison
 - 2-NITROTOLUENE for cosmetic use when it is included in Schedule 7
 - SPECIAL SCHEDULE 7 SUBSTANCES, the following
 - the substances listed in Schedule 10 of Part 4 of the Poisons Standard as in force from time to time.
 - STRYCHNINE
 - THALLIUM
 - VINYL CHLORIDE
- Changes to this list may occur at any time. See '[Drugs, Poisons and Controlled Substances Act 1981 Section 12 and 12E](#)' on the Victorian Drugs and Poisons website for more information.

New South Wales

Highly dangerous substances include:

- arsenic
- cyanides
- fluoroacetamide
- fluoroacetic acid
- hydrocyanic acid
- strychnine
- thallium

Refer clause 20 of the *NSW Poisons and Therapeutic Goods Regulation 2008*.

Enquiries

Enquiries are to be directed to the relevant [State or Territory Drugs and Poisons Unit](#).

Table

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Large table warning

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Table of states and territory controls

State or Territory	Permit, licence, authority required for person, business, institution to:			Licence Premises	Domestic can:		Charges	Exemptions	Appendix J - Implementation	notes
	Obtain	Use	Sell	Storage	Obtain	Use				
QLD	Yes, Appendix 7 of the Health (Drugs and Poisons) Regulation 1996	Yes, Appendix 7 of the Health (Drugs and Poisons) Regulation 1996	Yes	Secured or specified by Chief Executive	Yes, provided not listed in Appendix 7 of the Health (Drugs and Poisons) Regulation 1996	Authorised only	Yes, except strychnine and cyanide permits	Certain exemptions for industrial, manufacturing uses and use in research	Not by reference, however Appendix J provisions are largely mirrored in Appendix 7 of the Health (Drugs and Poisons) Regulation 1996	Intent of Queensland legislation is not to impose restrictions on the use of Schedule 7 poisons in the industrial, manufacturing or research areas
NSW	Yes	Yes	Yes	In a room or enclosure to	No	No	No	Registered pesticides;	No	

Table of states and territory controls

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	Obtain	Use	Sell	Storage	Obtain	Use				
				which the public does not have access.				scientific research; use for non-domestic purposes (other than highly dangerous substances)		
VIC	Yes for listed regulated Schedule 7 poisons	Yes for listed regulated Schedule 7 poison	Wholesale for all Schedule 7 poisons		Could for Schedule 7 poisons, but not for listed	Could for Schedule 7 poisons, but not for listed	Yes	Non listed regulated Schedule 7 products may have controls under AgVet	No	

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	Obtain	Use	Sell	Storage	Obtain	Use				
					regulated Schedule 7 poisons	regulated Schedule 7 poisons		control of use legislation and dangerous goods legislation.		
TAS	Yes (Appendix J)	Yes (Appendix J)	Yes (Appendix J)	Yes (Appendix J)	No	No	Yes (Appendix J)	If Dangerous Goods or pesticides permit issued	Yes	Restrictions only apply to Appendix J substances. Non Appendix J Schedule 7 not for domestic use.

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	Obtain	Use	Sell	Storage	Obtain	Use				
ACT	Yes	Yes	Yes	Yes	No	No	No	Registered Pesticides	No	N/A
NT	Yes	Yes	Yes	Yes	No	No	Yes	No	Yes	
SA	No*	No*	Yes	Supervised access in accordance with Part 2 Section 3.1 of the SUSMP	No	No	Yes	Yes**	Not by reference, however Appendix J provisions are largely mirrored in section 22 of the <i>Controlled Substances Act 1984</i> .	The intent of SA legislation is not to impose restrictions on the use of Schedule 7 poisons in the industrial and manufacturing areas

Table of states and territory controls

State or Territory	Permit, licence, authority required for person, business, institution to:			Licence Premises	Domestic can:		Charges	Exemptions	Appendix J - Implementation	notes
	Obtain	Use	Sell	Storage	Obtain	Use				
										in which the poison is consumed by the process or is converted to a product not classified as a poison
WA	Yes	Yes	Yes		No	No	Yes	Specified groups eg primary producers	Implemented where appropriate	