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Pesticides Act 1999

Pesticide Control Order issued under section 38

1. Name

This Order is to be known as the **Pesticide Control (1080 Bait Products) Order 2020**

2. Authority for Order

This Order is made by the Environment Protection Authority with the approval of the Chairperson of the Environment Protection Authority as delegate for the Minister for Energy and Environment, under Part 4 of the *Pesticides Act 1999*.

3. Commencement

This Order commences on the date of publication in the NSW Government Gazette.

4. Revocation of Previous Order

Pesticide Control (1080 Bait Products) Order 2019 is revoked.

5. Objects

The objects of this Order are to: –

- (a) Authorise those persons described in clause 9 to use 1080 bait products that are approved by the APVMA for use in NSW.
- (b) Specify the manner in which 1080 bait products may be used in NSW.
- (c) Revoke and replace Pesticide Control (1080 Bait Products) Order 2019.
- (d) Authorise those persons described in clause 9 to use 1080 liquid concentrate products and require them to do certain things in regards use of 1080 liquid concentrate products and 1080 bait products.

6. Background

A chemical product that contains sodium monofluoroacetate (1080) has been declared to be a “restricted chemical product” as set out in Regulation 45 of the *Agricultural and Veterinary Chemicals Code Regulations 1995* (Cth).

Section 94 of the Agvet Code which is applied as a law of New South Wales by the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*, provides that a person must not, without reasonable excuse, supply a restricted chemical product, or cause or permit a restricted chemical product to be supplied, to a person who is not authorised to use the product under another law of this jurisdiction.

Section 4 of the *Pesticides Act 1999* provides that a “restricted pesticide” means a pesticide that is a restricted chemical product within the meaning of the Agvet Code. Section 17 of the *Pesticides Act 1999* provides that a person must not use or possess a restricted pesticide unless authorised to do so by a restricted pesticide authorisation or a pesticide control order.

7. Application

This Order authorises the possession and use of 1080 liquid concentrate products and 1080 bait products subject to the conditions specified in this Order, including the Schedules to this Order.

8. Definitions and interpretation

In this Order (including the Schedules to this Order) –

1080 bait material means any material that has been approved for use as a 1080 bait material in the NSW DPI Vertebrate Pesticide Manual (VPM) to control wild dogs, foxes, rabbits or feral pigs and which has been injected or treated with 1080 by an Authorised Control Officer, in accordance with the NSW directions on an approved label of a 1080 liquid concentrate product such as “ACTA 1080 Concentrate” and “PAKS 1080 Concentrate” or where there are no instructions on the approved label of a 1080 liquid concentrate product then in accordance with 1080 bait preparation instructions in the VPM.

1080 bait product means any non-liquid formulation product that contains 1080 as its only active constituent and that has been registered by the APVMA and approved for use in NSW. It also includes 1080 bait material. It does not include the 1080 liquid concentrate products “ACTA 1080 Concentrate” or “PAKS 1080 Concentrate” or any other 1080 liquid concentrate product.

1080 liquid concentrate product means any liquid concentrate product that contains 1080 as its only active constituent, has been registered by the APVMA and approved, by way of label instruction, for use in NSW. It specifically includes the “ACTA 1080 Concentrate” and “PAKS 1080 Concentrate” products.

ACTA 1080 Concentrate means the registered agricultural chemical product ACTA 1080 Concentrate (APVMA Product Registration Number 57956) that has an active constituent comprising 30 grams of 1080 per litre of product.

Agvet Code has the same meaning as in the *Pesticides Act 1999*.

Air Observer means a person trained by the NPWS and approved as qualified by the NSW Rural Fire Service as a specialist able to plan, navigate and gather intelligence from an aircraft including mapping images and data on incident specific information or aerial operations, as an Air Observer.

apply a pesticide means apply or disperse the pesticide.

APVMA means the Australian Pesticides and Veterinary Medicines Authority established by the *Agricultural and Veterinary Chemicals (Administration) Act 1992 (Cth)*.

attacked means mauled, killed or harassed.

Australian Qualifications Framework has the same meaning as in section 7 of the *Higher Education Act 2001*.

authorised agent is a person taking possession of 1080 bait products on behalf of a landholder and who will be using 1080 bait products on the property of that landholder.

Authorised Control Officer means a person who: –

- (a) holds a current certificate of completion or VET statement of attainment issued by NSW DPI’s Registered Training Organisation or another Registered Training Organisation on completion of the training and assessment components of the Vertebrate Pest Management course¹ delivered by NSW DPI or a Registered Training Organisation; or
- (b) is employed by a public authority that has an EPA approved system for evaluating and establishing recognised prior learning that would, at least, be equivalent to obtaining accreditation for the successful completion of the training and assessment components of the Vertebrate Pest Management course; and
- (c) holds a current certificate of completion or VET statement of attainment for completion of the Vertebrate Pesticide accreditation course; and
- (d) holds a current certificate of completion or VET statement of attainment on completion of the training and assessment components of a Chemical Accreditation training program assessed at Australian Qualifications Framework levels 3 and 4 and that has been issued by a Registered

¹ This includes completion of the NSW Agriculture/ NSW DPI Vertebrate Pest Management course prior to the establishment of nationally recognised competencies.

Training Organisation. To maintain currency of level 3 Chemical Accreditation a person must complete refresher training every 5 years but for level 4 Chemical Accreditation only initial accreditation is required for the duration of their employment, functioning as an Authorised Control Officer; and

- (e) is a person who:
- (i) is a member of staff of an LLS, a Wild Dog Destruction Board, NSW DPI, NPWS, or other NSW public authority, and is currently employed as part of the Public Service under Part 4 of the *Government Sector Employment Act 2013* to enable that NSW public authority to exercise its functions; or
 - (ii) has obtained approval to operate as an Authorised Control Officer from the CEO of the EPA or his/her delegate prior to completing the training requirements in (c) above.

baiting location means:

- (a) in the case of private land, or private holdings, where the property area is less than 100 ha – the whole of the property where 1080 bait products are being applied; or
- (b) in the case of:
 - (i) private land, or private holdings where the property area is 100 ha or more; or
 - (ii) State Forests; or
 - (iii) LLS managed Travelling Stock Reserves
 - the area, delimited by peripheral roads, formed tracks and/or property boundaries, rivers, internal fences of the private land or private holding, State Forest, Travelling Stock Reserve, where 1080 bait products are being applied; or
- (c) in the case of land reserved or acquired under the National Parks and Wildlife Act 1974
 - the area defined by a map in the Authorised Control Officer risk assessment for the program; or
- (d) in the case of public places within the meaning of the Local Government Act 1993 – the whole of the property where 1080 bait products are being applied.

bait site means the actual position of the bait within the baiting location.

Current trained Air Observer means an Air Observer who has maintained their qualification as an Air Observer and has:

- performed the role of Air Observer in operations or simulated operations within a 14-month period (recorded in a logbook and signed off by a pilot); and
- completed an annual light task based assessment.

direct supervision means the supervisor must instruct a person in how to use the 1080 bait product and be in attendance to supervise use of the 1080 bait product.

domestic water supply means the point where farm water supply originates and includes tanks, bores, dams and waterholes with structures and infrastructure such as pumps that supply domestic water. It only includes the point at which water is drawn and does not include the entire length of active streams.

EPA means the Environment Protection Authority (NSW).

group means 2 or more.

habitation means a dwelling house or some other accommodation that is occupied by people. It includes but is not limited to domestic dwelling houses, hospitals, shops, schools, pre-schools, kindergartens, childcare and community health care centres, factories, nursing homes, public halls, caravan parks and designated camping areas. It does not include any caravan, mobile home, vehicle, tent or other structure that is used for the purpose of camping outside a designated camping area. A designated camping area means any council operated or privately-operated camping and/or caravan area, or any area that is signposted as a camping area on land reserved or acquired under the *National Parks and Wildlife Act 1974*.

HDPE means high-density polyethylene or polypropylene category 5.

landholder means an owner, occupier or manager of land.

LLS means the Local Land Services as constituted under the *Local Land Services Act 2013*.

nominated person is a person, greater than 18 years of age that has approval to pick up baits on behalf of a person authorised to use 1080 products.

NPWS means the National Parks and Wildlife Service as defined under the *National Parks and Wildlife Act 1974*.

NPWS RPMS program means a program listed in a Regional Pest Management Strategy or an equivalent pest management strategy of the NPWS.

NSW DPI means the NSW Department of Primary Industries.

ongoing baiting means a baiting program that is planned to continue indefinitely and as part of which:

- (a) 1080 bait product is available continuously to wild dogs, foxes or feral pigs; and
- (b) bait stations are checked at intervals of no more than 3 months; and
- (c) taken and degraded 1080 bait product is replaced (if necessary) each time bait stations are checked.

Notes:

- The interval between checking and replacing 1080 bait product may vary according to the anticipated rate of wild dog, fox or pig immigration into the target area (e.g. daily, weekly, monthly) provided that it is no longer than 3 months.
- 1080 bait product may be removed during periods of high risk (e.g. school holidays) or periods of high non-target interference (e.g. from goannas), provided the baits are not removed for longer than 3 months.

PAKS 1080 Concentrate means the registered agricultural chemical product PAKS 1080 Concentrate (APVMA Product Registration Number 61299) that has an active constituent comprising 30 grams of 1080 per litre of product.

possession of a pesticide has the same meaning as under the *Pesticides Act 1999*

property means an area of land whether privately owned land, a holding (as defined in the *Local Land Services Act 2013* and as identified in the LLS database), a Travelling Stock Reserve, State Forest, land reserved or acquired under the *National Parks and Wildlife Act 1974*, or a council reserve or public place within the meaning of the *Local Government Act 1993*.

public authority has the same meaning as under the *Pesticides Act 1999*.

Public land manager means a public authority or any other person that owns or manages public land.

Registered Training Organisation has the same meaning as under the *National Vocational Education and Training Act 2011* of the Commonwealth.

thoroughfare means a road or track maintained for lawful public use for travel to or transportation through private, crown or public land. It excludes formed tracks, trails and similar access routes on public lands (e.g. national parks, State Forests) which are not intended for lawful use by the general public e.g. formed fire trails used for fighting fires.

threatened species means "threatened species, populations and ecological communities" as defined under the *Threatened Species Conservation Act 1995* and "listed threatened species" and "listed threatened ecological communities" as defined under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth.

use of a pesticide has the same meaning as under the *Pesticides Act 1999*.

VET statement of attainment has the same meaning as in the *National Vocational Education and Training Regulator Act 2011* (Commonwealth).

VPM means the current version of the NSW DPI Vertebrate Pesticide Manual.

Western Division is the area limited by the boundaries defined by borders with Queensland, South Australia and Victoria in the north, west and south respectively. The eastern boundary follows the Barwon River, Marra Creek, a line south to Euabalong and then the Lachlan and Murrumbidgee Rivers.

9. Persons authorised

- (1) Only the following persons are authorised to use or possess, subject to clause 10 of this Order, 1080 bait products:
 - (a) Authorised Control Officers;
 - (b) Any person who:
 - (i) has obtained 1080 bait product from an Authorised Control Officer; and
 - (ii) is a landholder of the land on which the 1080 bait product is to be used, or their authorised agent; and
 - (iii) holds as a minimum:
 - (A) a current certificate of completion or statement of attainment on completion of the training and assessment components of a Chemical Accreditation training program assessed at Australian Qualifications Framework level 3 and that has been issued by a Registered Training Organisation in the previous 5 years in recognition of the person's satisfactory achievement of level 3 training competencies covered by the program; or
 - (B) a current certificate of completion issued by the LLS for the Vertebrate Pesticide training course developed for the EPA, delivered by the LLS and that requires reaccreditation every 5 years.
- (2) Only Authorised Control Officers are authorised to use or possess, subject to clause 10 of this Order, 1080 liquid concentrate products.
- (3) A person appointed as an authorised officer by the Environment Protection Authority is authorised to use or possess, subject to clause 10(2) of this Order, 1080 bait products and 1080 liquid concentrate products.

10. Conditions on the use of 1080 Bait Products and 1080 Liquid Concentrate Products

- (1) A person authorised to use or possess 1080 bait products or 1080 liquid concentrate products under clause 9 above, must only use or possess 1080 bait products and 1080 liquid concentrate products for the control of wild dogs, foxes, feral pigs or rabbits. That use or possession must be in accordance with the relevant Schedule to this Order. The Schedules are as follows:
 - (a) for control of wild dogs persons must comply with Schedule 1;
 - (b) for control of foxes persons must comply with Schedule 2;
 - (c) for control of feral pigs persons must comply with Schedule 3;
 - (d) for control of rabbits persons must comply with Schedule 4;
 - (e) for use of 1080 Liquid Concentrate Products and 1080 Bait products Authorised Control Officers must comply with Schedule 5
- (2) A person authorised to use or possess 1080 bait products or 1080 liquid concentrate products under clause 9(3) must only use or possess 1080 bait products and 1080 liquid concentrate products for the purposes of storing or possessing a sample of the 1080 bait products and 1080 liquid concentrate products collected in the exercise of powers under section 198 of the *Protection of the Environment Operations Act 1997*.

Notes

Words used in this Order have the same meaning as in the *Pesticides Act 1999*, unless otherwise defined in this Order.

A person must not contravene this Order – maximum penalty \$120 000 in the case of a corporation and \$60 000 in the case of an individual.

This Order will remain in force until it is revoked

Note for users of 1080 bait products – Approved labels of 1080 bait products and APVMA permits do not contain all of the conditions that exist for use of 1080 products in NSW. All persons using 1080 bait products must also follow the instructions in the relevant Schedule to this Order, in order to comply with section 39 of the *Pesticides Act 1999*. Where a Schedule to this Order gives no instruction on information that is required under the Agvet Code to be placed on the label of a 1080 product, then the instructions on the label must be complied with. This is specifically in relation to label instructions in sections that deal with Safety Directions, First Aid, Storage and Disposal and Protection statements. Where **any** instructions on the approved label or an APVMA permit are inconsistent with instructions in the relevant Schedule to this Order, the conditions in the Schedule to this Order prevail to the extent of the inconsistency.

Richard Bean
Chief Executive Officer
Environment Protection Authority
(by delegation)

Carolyn Walsh
Acting Chairperson
Environment Protection Authority
(by delegation)

Schedule 1

USE OF 1080 BAIT PRODUCT FOR CONTROL OF WILD DOGS

1. WHAT 1080 BAIT PRODUCTS CAN BE USED ON WILD DOGS

A person authorised to use 1080 bait products under clause 9 of this Order must, when using 1080 bait products for the purpose of controlling wild dogs, only do so in accordance with the following conditions:

- 1.1 A person must only use 1080 bait material which has been produced and supplied by an Authorised Control Officer for the purpose of controlling wild dogs; or
- 1.2 A person must only use 1080 bait products that are specifically manufactured for the control of wild dogs, registered by the APVMA and approved for the use in controlling wild dogs in NSW. These products are Doggone Wild Dog Bait (APVMA Product Registration Number 49384) and Paks DE-K9 1080 Wild Dog Bait (APVMA Product Registration Number 60308) and any other similar 1080 bait product that is registered by the APVMA after the commencement of this Order and approved for the control of wild dogs in NSW.
- 1.3 A person must not freeze 1080 bait material.

1080 bait material and 1080 bait products referred to in conditions 1.1 and 1.2 will henceforth be referred to as "1080 wild dog bait".

2. POSSESSION OF 1080 WILD DOG BAIT

A person authorised to possess 1080 wild dog bait under clause 9 of this Order must only do so in accordance with the following conditions:

- 2.1 A person must only possess 1080 wild dog bait if it has been supplied to them or their authorised agent or nominated person, by an Authorised Control Officer or by a trained staff member of the LLS or NPWS (i.e. met the training requirements of clause 9(c) (iii) of this order) under the direction of the Authorised Control Officer.
- 2.2 A person taking possession of 1080 wild dog baits must first complete and sign an indemnity form for each property or NPWS RPMS program on which 1080 wild dog bait is intended to be used. An Authorised Control Officer or an employee of an LLS must give them a copy of each indemnity form that they complete and sign.
- 2.3 A person taking possession of 1080 wild dog baits and laying 1080 wild dog baits on behalf of another landholder as their authorised agent, must provide evidence to the Authorised Control Officer of the consent given by the landholder whose property will use 1080 wild dog baits. The consent must not cover a period of time greater than 12 months.
- 2.4 All persons receiving 1080 wild dog baits from an Authorised Control Officer must only temporarily possess and store 1080 wild dog baits. All 1080 wild dog baits must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. Where 1080 wild dog bait is required to be placed in a refrigerator, the refrigerator must not be concurrently used to store food and must be located in a lockable storage area. All 1080 bait material for wild dog control must be used within seven (7) days. All opened and unopened manufactured and registered 1080 bait product (such as Doggone and DE-K9 product) must be destroyed within one (1) month after completion of the baiting program, by burial in accordance with condition 3.11 or where possible, returned to an Authorised Control Officer.
- 2.5 All persons receiving 1080 wild dog baits from an Authorised Control Officer must store 1080 wild dog baits in either the labelled plastic bag supplied by the Authorised Control Officer (labelled in accordance with **attachment 1**) or in a container supplied by the manufacturer of an APVMA registered 1080 wild dog bait product or in a structurally sound, impervious HDPE plastic bucket with sealing lid and labelled in accordance with **attachment 1**.

3. DIRECTIONS FOR USE – GENERAL RESTRICTIONS

A person authorised to use or possess 1080 wild dog bait under clause 9 of this Order must only do so in accordance with the following general conditions:

- 3.1 A person in possession of 1080 wild dog baits must transport and store the 1080 wild dog baits in such a way that other persons cannot access the 1080 wild dog baits. A person transporting 1080 wild dog baits must store the 1080 wild dog baits in a secure location of their vehicle.

- 3.2 A person must not place the 1080 wild dog baits in a position accessible to children, domestic animals or pets.
- 3.3 A person who uses 1080 wild dog baits should avoid poisoning of domestic pets. As 1080 is particularly lethal to domestic dogs, the person using the baits should recommend to neighbours requiring notification (see condition 5.1) to restrain their pets and working dogs and ensure they do not enter the baiting location during poisoning operations or to muzzle dogs if they are required to work the baiting location during and after poisoning. In the event of accidental poisoning seek immediate veterinary assistance.
- 3.4 A person must not feed 1080 wild dog baits to non-target species.
- 3.5 1080 wild dog baits may be toxic to some native wildlife. To the extent possible, the person using the 1080 wild dog baits should time baiting programs for when non-target species are least active or least susceptible.
- 3.6 A person must not apply 1080 wild dog baits to, or in, crops which are in mid to late developmental stages. A person must not apply 1080 wild dog baits to, or in, crops if application of 1080 wild dog baits is likely to lead to contamination of the crops.
- 3.7 A person must ensure that 1080 wild dog baits do not contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 3.8 (a) A person must not use plastic bags which have been used to contain 1080 wild dog baits for any other purpose.
- (b) HDPE containers may be reused for issuing 1080 wild dog baits if:
- (i) they are labelled in accordance with **attachment 1**
 - (ii) are structurally sound
 - (iii) are triple rinsed after 1080 wild dog bait use and the rinsate disposed of as per condition 3.8.1(e), or triple rinsed in the 1080 preparation facility through the 1080 wastewater holding tank.
- (c) Disposal of plastic bags or HDPE containers must be by burial or burning as follows:

3.8.1 Burial

Plastic bags or containers must be buried as follows:

- (a) Plastic bags or containers must be triple rinsed or pressure rinsed; and
- (b) Empty rinsed plastic bags or containers must be broken, crushed or punctured; and
- (c) Disposed of either on the property where the 1080 wild dog baits were used, or at a site approved by the Authorised Control Officer, buried in a disposal pit and covered with at least five hundred (500) mm of soil; or
- (d) In a local authority landfill; and
- (e) Rinsate must be buried on the property where the 1080 wild dog baits were used, or at a site approved by the Authorised Control Officer in a disposal pit covered with at least five hundred (500) mm of soil; and
- (f) The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral).

3.8.2 Burning

Empty plastic bags that have contained 1080 must be burnt by open fire in accordance with an approval issued under the *Protection of the Environment Operations (Clean Air) Regulation 2010*. A person that disposes of plastic bags by way of burning must also comply with the following conditions:

- (a) The amount of plastic bags burnt at any premises on any single day must not exceed one hundred (100) bags without the prior written approval of the EPA.
- (b) The burning of plastic bags must be carried out at least five hundred (500) metres from any habitation.
- (c) The burning of plastic bags must be carried out in accordance with any requirement of the *Rural Fires Act 1997* and the *Fire Brigades Act 1989*, as administered by the relevant local authority and Fire and Rescue NSW.
- (d) The open fire burning must not be carried out on a day subject to an order prohibiting the burning of fires in the open published by the EPA pursuant to section 133(2) of the *Protection of the Environment Operations Act 1997*.
- (e) The open fire burning must only be carried out in dry weather using such practicable means as may be necessary to minimise visible smoke emissions causing air pollution.

- 3.9 A person who uses 1080 wild dog baits must not pollute dams, drains, streams, rivers or waterways with 1080 wild dog baits or plastic bags and containers that have held 1080 wild dog baits. Pollution of waters is an offence under section 120 of the *Protection of the Environment Operations Act 1997*.
- 3.10 A person must not place 1080 wild dog baits on a property without the written consent of the occupier, manager or authorised agent of the land unless the baiting has been determined necessary under the provisions of the *Biosecurity Act 2015*.
- 3.11 At the end of any ground baiting program conducted in accordance with this Schedule, a person using 1080 wild dog baits must make a reasonable effort to ensure that all untaken baits are collected and removed from a baiting location unless the risk assessment for their baiting location determines otherwise. All collected and unused 1080 wild dog baits must be disposed of as soon as possible at the property where the 1080 wild dog baits were used, or in the case of a coordinated baiting program, on a property or location identified and agreed to by the Authorised Control Officer coordinating the program. All collected and unused 1080 wild dog baits must be buried in a disposal pit and must be buried under at least five hundred (500) mm of soil. The disposal pit must be clear of waterways (permanent or ephemeral) so as to not cause pollution of water in accordance with Part 5.3 of the *Protection of the Environment Operations Act 1997*.
- 3.12 To the extent possible, a person who uses 1080 wild dog baits should recover carcasses of animals poisoned by 1080 wild dog baits and bury them in accordance with the disposal instructions for 1080 wild dog baits in condition 3.11. Any incidents where there are reasonable grounds to suspect that non-target animals (excluding other pest animals) may have been poisoned by 1080 wild dog baits should be reported to the EPA.
- 3.13 Ongoing baiting may be necessary in some instances to reduce the impacts of wild dogs on native fauna and domestic livestock. Such programs may be undertaken only if the risk to non-target species is low (see also conditions 3.3, 3.5, 3.9 and 3.12).

4. DIRECTIONS FOR USE – DISTANCE RESTRICTIONS

A person authorised to use 1080 wild dog bait under clause 9 of this Order must only do so in accordance with the following distance restrictions:

- 4.1. The minimum distances for the laying of 1080 wild dog baits have been set to minimise the risk to people and to non-target animals. A person authorised to use 1080 wild dog baits must not place 1080 wild dog baits where they can be washed into or contaminate surface or ground waters. 1080 wild dog baits must not be laid in areas where distance restrictions cannot be met. Other wild dog control methods must be used in those areas.
- 4.2 1080 wild dog baits must not be laid within close proximity to urban areas unless the baiting program is planned in conjunction with, and has been approved by, an Authorised Control Officer. A program approved under this condition must include strategies for minimising risk to non-target animals.
- 4.3 **Property Boundary:**
- 4.3.1 **Ground Baiting:** 1080 wild dog baits must not be laid within five (5) metres from any property boundary.
- 4.3.2 **Aerial Baiting:** 1080 wild dog baits must not be laid:
- (a) within ten (10) metres from any property boundary by helicopter, or
 - (b) within one hundred (100) metres from any property boundary when using a fixed winged aircraft. The use of fixed wing aircraft in the Eastern Division is permitted subject to the following conditions:
 - (i) the navigating must be done by a current trained Air Observer; AND
 - (ii) two separate systems of navigating must be used, one system for the pilot and one system for the current trained Air Observer; AND
 - (iii) all navigating will be done with the aid of aerial bait lines that have been digitised on to a tablet/laptop that is GPS enabled (or an actual GPS) and has a topographic map background. The devices being used must not have any lag-time in relation to their position; AND
 - (iv) predetermined and approved aerial bait lines must be uploaded onto both the pilot's and current trained Air Observer's navigating equipment prior to the program to enable effective and efficient navigation.

- (c) Conditions in 4.3.2(b)(i)-(iv) above do not apply to the use of fixed wing aircraft in the Western Division.

4.3.3 **Exemption for Group Baiting:** Conditions 4.3.1 and 4.3.2 do not apply to the laying of 1080 wild dog baits as part of a group baiting program that has been planned by an Authorised Control Officer and where that Officer has obtained written consent from the landholders involved in the baiting program for the laying of the 1080 wild dog baits. This exemption does not apply to property boundaries of landholders not involved in the baiting program.

4.4 **Habitation:**

4.4.1 **Ground Baiting:** 1080 wild dog baits must not be laid within one hundred and fifty (150) metres of a habitation except:

- (a) where a landholder or their authorised agent uses 1080 wild dog baits on their own property, in which case the landholder or their authorised agent may lay the 1080 wild dog baits at a distance of no less than fifty (50) metres from their own habitation.
- (b) where an Authorised Control Officer plans a baiting program, in which case the 1080 wild dog baits may be laid at less than 150 metres but no closer than 50 metres from a habitation, subject to the following conditions:
 - (i) The Authorised Control Officer has undertaken a risk assessment in accordance with the provisions of the VPM (as in force at the time) and determined that 1080 wild dog baits can be laid at distances of less than 150 metres but no closer than 50 metres from a habitation;
 - (ii) Any baiting program planned by an Authorised Control Officer must include strategies for minimising risk to non-target animals;
 - (iii) Any adjoining landholders must agree in writing to use or allow the use of 1080 wild dog baits as part of a coordinated wild dog control program at distances of less than 150 metres but no closer than 50 metres from a habitation on the landholder's property;
 - (iv) Where an Authorised Control Officer implements a coordinated wild dog control program, they must not implement the program **UNLESS**:
 - (1) **ALL** the landholders in the group are made aware of the hazardous nature of 1080 wild dog baits in closely settled areas; AND
 - (2) **EVERY** landholder in the group signs an agreement that they:
 - (A) understand the hazards associated with the use of 1080 wild dog baits in closely settled areas; AND
 - (B) agree to allow 1080 wild dog baits to be laid on adjoining properties at distances of less than 150 metres but no closer than 50 metres from any habitation on their property in writing; AND
 - (C) agree to accept all responsibility for any problems arising from 1080 wild dog baits used on their land within the program; AND
 - (3) **ALL** the landholders of the outermost properties of the group abide by all the distance requirements in relation to adjoining properties not covered by the group activity.

4.4.2 **Aerial Baiting:** 1080 wild dog baits must not be laid:

- (a) within five hundred (500) metres of a habitation by helicopter, or
- (b) within one thousand (1000) metres of a habitation when using a fixed wing aircraft. The use of fixed wing aircraft in the Eastern Division is permitted subject to following all the requirements of condition 4.3.2(b)(i)-(iv). In the Western Division conditions 4.3.2(b) (i) to (iv) do not apply to fixed wing aircraft use.

4.5 **Domestic Water Supply or Water Draw Point:**

4.5.1 **Ground Baiting:** 1080 wild dog baits must not be laid within ten (10) metres of a domestic water supply.

4.5.2 **Aerial Baiting:** 1080 wild dog baits must not be laid:

- (a) within twenty (20) metres of a domestic water supply by helicopter, or
- (b) within one hundred (100) metres of a domestic water supply when using a fixed wing aircraft. The use of fixed wing aircraft in the Eastern Division is permitted subject to following all the

requirements of conditions 4.3.2(b)(i)-(iv). In the Western Division conditions 4.3.2(b) (i) to (iv) do not apply to fixed wing aircraft use.

5. PUBLIC NOTIFICATION

A person authorised to use 1080 wild dog bait under clause 9 of this Order must notify certain persons of the use of 1080 wild dog baits in accordance with the following conditions:

- 5.1 A person must not lay any 1080 wild dog baits on any land unless the person has first given a minimum of three (3) days' notice of the date on which they will lay 1080 wild dog baits – henceforth referred to as 'notification'. The notification must be given to the landholder or authorised agent of every property which has a property boundary within one (1) kilometre of a **baiting location**. The notification must contain the following information:
- (a) pest being controlled with 1080 baits;
 - (b) dates when 1080 baits will be used;
 - (c) property on which 1080 baits will be used;
 - (d) contact details of the person who will lay the 1080 baits or in the case of a public authority a person or office that can be contacted for information about 1080 baits being used on the property; and
 - (e) a warning that pets and working dogs may be affected and recommend actions to be taken as specified in condition 3.3.
- 5.2. The notification may be given by telephone, text message, email, in person, or by mail (including letter box drop).
If notification cannot be made by telephone, text message, email, personal contact or mail, or the number of persons to be notified is more than twenty-five (25), then:
- (i) notification may be made by advertisement in a local newspaper; or
 - (ii) where baiting is done under a NPWS RPMS program or equivalent Forestry Corporation program notification may be made by advertisement in a local newspaper or on a government website.
- In the case of large group baiting programs comprising more than 25 participants, and organised or approved by an Authorised Control Officer, then:
- (i) notification may be made by advertisement in a local newspaper; or
 - (ii) where baiting is done under a NPWS RPMS program or equivalent Forestry Corporation program notification may be made by advertisement in a local newspaper or on a government website
- 5.3 The use of 1080 wild dog baits for ground baiting may be conducted for longer than seven (7) days but must commence within 21 days of notification otherwise further notification of intended baiting is required. In the case of aerial baiting, a date range of up to 14 days can be given but must commence within 21 days of notification, otherwise further notification is required.
- 5.4 Where replacement baiting is planned the notification must include the time period baiting is planned to be maintained.
- 5.5 Where baiting programs are ongoing notification must be given every six (6) months and condition 5.3 does not apply.

6. EMERGENCY BAITING (Ground application only)

A person authorised to use or possess 1080 wild dog bait under clause 9 of this Order may undertake emergency baiting but only in accordance with the following conditions:

- 6.1(a) A person whose livestock are being attacked or can provide evidence that their livestock are under imminent threat of attack may lay 1080 wild dog baits (by way of ground baiting only) without the need to comply with condition 5.1 (3-day prior neighbour notification). A person who undertakes emergency baiting must, however, notify each landholder whose property boundary lies within one (1) kilometre of a baiting location before laying any 1080 wild dog baits.
- 6.1(b) A person who undertakes emergency baiting must comply with all requirements in relation to the use of 1080 wild dog baits, except as provided for in condition 6.1(a).
- 6.2 A person whose land is adjoining (or nearby) to land where livestock are being attacked (or under the imminent threat of attack) and whose land is part of a coordinated baiting program may also lay 1080 wild dog baits. The laying of baits in these circumstances must be done in accordance with conditions 6.1(a) and 6.1(b).

- 6.3 Emergency baiting may be undertaken by public land managers who do not have control of stock but where stock on adjoining (or nearby land) are being attacked. The laying of baits in these circumstances must be done in accordance with conditions 6.1(a) and 6.1(b).

7. 1080 POISONING NOTICES

A person authorised to use 1080 wild dog bait under clause 9 of this Order must erect notices in accordance with the following conditions:

- 7.1 A person who uses 1080 wild dog baits must erect notices before laying 1080 wild dog baits on any land. These notices must remain up for a minimum of four (4) weeks after the last day of baiting and must remain intact and legible for the duration. Notices must be placed at:
- (a) every formed and/or used entry point into the baiting location that is authorised by the landholder and provides access to the bait site. For example, a gateway, road, or trail, including designated walking tracks. This does not include unformed or permanently closed access points, formed or used entry points that are not authorised (including but not limited to an access point created by falling trees or unauthorised alterations to fencing or vegetation) or gates or intersections within the baiting location for which someone would have already passed a notice; and
 - (b) the main entrance to a private property where baiting is undertaken or in the case of a National Park the main entrance to the area being baited; and
 - (c) at the extremities of and up to five (5) kilometre intervals along all public thoroughfares which border or pass through the baiting location.
- 7.2 The notices must specify the following:
- (a) 1080 baits for wild dogs are being laid on this property; and
 - (b) the dates on which 1080 wild dog baits are first laid or the dates between which baits will be laid; and
 - (c) contact details of the person who will lay the 1080 wild dog baits or in the case of a public authority a person or office that can be contacted for information about 1080 wild dog baits being used on the property; and
 - (d) warning that domestic animals may be affected.
- 7.3 Under the *Pesticides Regulation 2017* public authorities have additional public notification obligations (clauses 40 to 44), that must also be complied with.
- 7.4 1080 Poison Notices may be obtained from Authorised Control Officers.

8. GROUND BAITING WITH 1080 WILD DOG BAIT

A person authorised to use 1080 wild dog bait under clause 9 of this Order must only undertake ground baiting in accordance with the following conditions:

- 8.1 A person who lays 1080 wild dog baits must:
- (a) not lay more than ten (10) 1080 wild dog baits per kilometre of trail or more than twenty (20) 1080 wild dog baits per hundred (100) hectares and be done in accordance with bait station placement requirements stated in the VPM. 1080 wild dog baits may be concentrated to a localised area of wild dog activity but not at rates above the maximum limit in respect to the size of the baiting location within the property being baited; and
 - (b) not lay more 1080 wild dog baits on any one (1) property than approved by an Authorised Control Officer; and
 - (c) lay 1080 wild dog baits in such a way that any untaken 1080 wild dog baits can be found readily and destroyed in accordance with condition 3.11.
- 8.2 1080 wild dog baits should be buried in a shallow hole and covered with soil or organic material. If practical, tether the 1080 wild dog baits. The Authorised Control Officer risk assessment will determine if such techniques are not required. All bait station must be identifiable to the user.
- 8.3 In land reserved or acquired under the *National Parks and Wildlife Act 1974* and public reserves within the meaning of the *Local Government Act 1993* it is not necessary to mark the location for 1080 wild dog baits but GPS coordinates must be recorded.
- 8.4 A person who lays 1080 wild dog baits on a property of less than one hundred (100) ha must check the 1080 wild dog baits within five (5) days of laying the 1080 wild dog baits and must collect any untaken 1080 wild dog baits within seven (7) days of laying the 1080 wild dog bait. All untaken 1080 wild dog baits must be disposed of in accordance with condition 3.11. This condition does not prevent a person from replacing 1080 wild dog baits that are taken for a period of longer than seven (7) days where 1080 wild dog baits continue to be taken.

8.5 Condition 8.4 does not apply if the baiting is part of a critical NPWS Regional Pest Management Strategy and wild dogs are known to occur in the area. Use of 1080 wild dog baits in this instance must be subject to an Authorised Control Officer doing a risk assessment in relation to the use of the 1080 wild dog baits and following documented evidence of wild dog activity in the area.

9. AERIAL BAITING WITH 1080 WILD DOG BAIT

A person authorised to use 1080 wild dog bait under clause 9 of this Order must only undertake aerial baiting in accordance with the following conditions:

- 9.1 Aerial baiting is restricted to areas and situations that meet the restrictions stated in LLS and NPWS approved guidelines/procedures for Wild Dog Aerial Baiting. Approval for every aerial baiting program on land reserved under Part 4 of the *National Parks and Wildlife Act 1974* must be obtained from the relevant NPWS Branch Director. For all other land, approval for every aerial baiting program must be obtained from the LLS Chief Executive or their delegate. Aerial baiting must be organised through either LLS or NPWS or another NSW public authority that the EPA has given approval to undertake such an activity.
- 9.2 Notwithstanding any other condition contained in this Schedule, a person who undertakes aerial baiting must only use 1080 wild dog baits that are specified in the VPM and approved for aerial baiting.
- 9.3 A pilot who operates an aircraft which is used to aerially apply 1080 wild dog baits must use onboard GPS navigation equipment mounted in the pilot's line of sight to navigate along agreed flight paths. The GPS navigation equipment must be of the type that has a moving map display with topographic features which provide accurate guidance to the pilot. The GPS equipment must have full data logging capabilities and all flight paths must be pre-programmed into the GPS navigation equipment before commencement of 1080 wild dog aerial baiting.
- 9.4 A pilot who operates an aircraft which is used to aerially apply 1080 wild dog baits must make a record of the GPS flight path which includes the start and finish drop point data, for 1080 wild dog bait, for each aerial run. The record must be kept for a period of at least three (3) years after the date on which the 1080 wild dog bait was aerially applied. A pilot must make any records available to the EPA on request.
- 9.5 The employer or contractor of a pilot must ensure that a pilot of any aircraft used to aerially apply 1080 wild dog baits complies with conditions 9.3 and 9.4.
- 9.6 A person coordinating or organising aerial baiting programs must ensure that pilots are given digitised flight paths for all areas where 1080 wild dog baits are to be dropped from an aircraft which is used to aerially apply 1080 wild dog baits.
- 9.7 A person on the aircraft that is responsible for dropping 1080 wild dog baits must not be given the task of navigating the aircraft. A pilot is responsible for navigation and must ensure that 1080 wild dog baits are dropped along the agreed flight path.
- 9.8 A person who drops 1080 wild dog baits from an aircraft which is used to aerially apply 1080 wild dog baits must hold as a minimum the qualification specified in clause 9(1)(b)(iii) of this Order.
- 9.9 A person who drops 1080 wild dog baits from an aircraft which is used to aerially apply 1080 wild dog baits must not drop more than ten (10) 1080 wild dog baits per kilometre of agreed flight path on any land in NSW unless the person is permitted to do otherwise under an APVMA permit, and then must be compliant with the conditions on use in the APVMA permit.

DANGEROUS POISON
KEEP OUT OF REACH OF CHILDREN
READ SAFETY DIRECTIONS BEFORE OPENING OR USING

1080 POISONED BAIT

ACTIVE CONSTITUENT: mg* of SODIUM FLUOROACETATE (1080) per bait

FOR THE CONTROL OF WILD DOGS OR FOXES

RESTRICTED CHEMICAL PRODUCT – ONLY TO BE SUPPLIED TO OR USED BY AN AUTHORISED PERSON

NOT TO BE USED FOR ANY PURPOSE OR IN ANY MANNER CONTRARY TO THIS LABEL UNLESS AUTHORISED UNDER APPROPRIATE LEGISLATION.

DIRECTIONS FOR USE: When using this product to control wild dogs you must follow the conditions for use in Schedule 1 of the current NSW 1080 Baits Pesticide Control Order. When using this product to control foxes you must follow the conditions for use in Schedule 2 of the current NSW 1080 Baits Pesticide Control Order

SAFETY DIRECTIONS:

Very dangerous. Poisonous if swallowed. When opening the bag and handling the bait wear non-permeable gloves. If product on skin immediately wash area with soap and water. After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap and water. After each day's use wash gloves and contaminated clothing.

FIRST AID:

If poisoning occurs, contact a doctor or Poisons Information Centre on 131126. Urgent hospital treatment is likely to be needed. If skin contact occurs, remove contaminated clothing and wash skin thoroughly. Remove person from contaminated area. Apply artificial respiration if not breathing. If in eyes, hold eyes open, flood with water for at least 15 minutes and see a doctor.

PROTECTION OF LIVESTOCK, DOMESTIC AND FARM DOGS:

Dogs are highly susceptible to the bait. Ensure all domestic and farm dogs are restrained during the baiting program.

PROTECTION OF WILDLIFE, FISH, CRUSTACEANS AND ENVIRONMENT:

Do not contaminate dams, streams, rivers or waterways with bait or this plastic bag.

TRANSPORT, STORAGE AND DISPOSAL:

This bait must be kept inside a secure location, away from food, children and domestic animals after procuring bait from an Authorised Control Officer. Store bait only in this approved plastic bag. Bait may only be placed in a refrigerator that is not used to store food. This bait should be used immediately but where this is not possible baits must be used within 7 days of acquiring it from an Authorised Control Officer. Do not allow bait to contaminate foodstuff or feed intended for human or animal consumption. Plastic bags or HDPE plastic buckets which have held bait must not be used for any other purpose. Triple or pressure rinse, break, crush or puncture this plastic bag or HDPE plastic bucket before disposal. Dispose of rinsate and this plastic bag or HDPE plastic bucket along with any unused baits in a disposal pit and cover with at least 500 mm of soil. The disposal pit must be specifically marked and set up for this purpose and be clear of waterways (permanent or ephemeral). This plastic bag may be disposed of in a disposal pit on the property where the baits were used, or at a site approved by the Authorised Control Officer or in a local authority landfill. Burning of this plastic bag is permitted but only in accordance with provisions stated in the Schedules of the 1080 Bait Products Pesticide Control Order.

MANUFACTURER'S WARRANTY; EXCLUSION OF LIABILITY:

No responsibility is accepted in respect of this product save those not excludable conditions implied by any Federal and State Legislation.

* Wild dog baits contain 6mg of 1080 per bait. Fox baits contain 3mg of 1080 per bait

LOCAL LAND SERVICES

KG NET

or

NAME OF PUBLIC AUTHORITY

Schedule 2

USE OF 1080 BAIT PRODUCT FOR CONTROL OF FOXES

1. WHAT 1080 BAIT PRODUCTS CAN BE USED ON FOXES

A person authorised to use 1080 bait products under clause 9 of this Order must, when using 1080 bait products for the purpose of controlling foxes, only do so in accordance with the following conditions:

- 1.1 A person must only use 1080 bait material which has been produced and supplied by an Authorised Control Officer:
 - (a) for the purpose of controlling foxes; or
 - (b) where the baiting is undertaken in an area where wild dogs and foxes coexist, for the purpose of controlling foxes or for the purpose of controlling wild dogs.
- 1.2 A person must only use 1080 bait products that are specifically manufactured for the control of foxes, registered by the APVMA and approved for use in controlling foxes in NSW. These products are Foxoff Fox Bait (APVMA Product Registration Number 40573); Foxoff Econobait (APVMA Product Registration Number 46434) Paks DE-FOX 1080 Fox Bait (APVMA Product Registration Number 58999) and Foxshield Fox Bait (APVMA Product Registration Number 64962) and any other similar 1080 bait product that is registered by the APVMA after the commencement of this Order and approved for the control of foxes in NSW.
- 1.3 A person must not freeze 1080 bait material.
- 1.4 A person who, under condition 1.1(b) of this Schedule, uses 1080 bait material produced and supplied by an Authorised Control Officer for the purpose of controlling wild dogs, must comply with conditions 2 to 9 of Schedule 1.

1080 bait material and 1080 bait products referred to in conditions 1.1(a) and 1.2, and 1080 bait material referred to in condition 1.1(b) that is produced and supplied for the purpose of controlling foxes, will henceforth be referred to as "1080 fox bait".

2. POSSESSION OF 1080 FOX BAIT

A person authorised to possess 1080 fox bait under clause 9 of this Order must only do so in accordance with the following conditions:

- 2.1 A person must only possess 1080 fox bait if it has been supplied to them or their authorised agent or nominated person, by an Authorised Control Officer or by a trained staff member of the LLS or NPWS (i.e. met the training requirements of clause 9(c) (iii) of this order) under the direction of the Authorised Control Officer.
- 2.2 A person taking possession of 1080 fox baits must first complete and sign an indemnity form for each property or NPWS RPMS program on which 1080 fox bait is intended to be used. An Authorised Control Officer or an employee of an LLS must give them a copy of each indemnity form that they complete and sign.
- 2.3 A person taking possession of 1080 fox baits and laying 1080 fox baits on behalf of another landholder as their authorised agent, must provide evidence to the Authorised Control Officer of the consent given by the landholder whose property will use 1080 fox baits. The consent must not cover a period of time greater than 12 months.
- 2.4 All persons receiving 1080 fox baits from an Authorised Control Officer must only temporarily possess and store 1080 fox baits. All 1080 fox baits must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. Where 1080 fox bait is required to be placed in a refrigerator, the refrigerator must not be concurrently used to store food and must be located in a lockable storage area. All 1080 bait material for fox control must be used within seven (7) days. All opened and unopened manufactured and registered 1080 bait product (such as Foxoff (both products) and DE-FOX product) must be destroyed within one (1) month of completion of the baiting program, by burial in accordance with condition 3.11 or where possible, returned to an Authorised Control Officer.
- 2.5 All persons receiving 1080 fox baits from an Authorised Control Officer must store 1080 fox baits in either the labelled plastic bag supplied by the Authorised Control Officer (labelled in accordance with **attachment 1**) or

in the container supplied by the manufacturer of an APVMA registered 1080 fox bait product or in a structurally sound, impervious HDPE plastic bucket with sealing lid and labelled in accordance with **attachment 1**.

3. DIRECTIONS FOR USE – GENERAL RESTRICTIONS

A person authorised to use or possess 1080 fox bait under clause 9 of this Order must only do so in accordance with the following general conditions:

- 3.1 A person in possession of 1080 fox baits must transport and store the 1080 fox baits in such a way that other persons cannot access the 1080 fox baits. A person transporting 1080 fox baits must store the 1080 fox baits in a secure location of their vehicle.
- 3.2 A person must not place the 1080 fox baits in a position accessible to children, domestic animals or pets.
- 3.3 A person who uses 1080 fox baits should avoid poisoning of domestic pets. As 1080 is particularly lethal to domestic dogs, the person using the baits should recommend to neighbours requiring notification (see condition 5.1) to restrain their pets and working dogs and ensure they do not enter the baiting location during poisoning operations or to muzzle dogs if they are required to work the baiting location during and after poisoning. In the event of accidental poisoning seek immediate veterinary assistance.
- 3.4 A person must not feed 1080 fox baits to non-target species.
- 3.5 1080 fox baits may be toxic to some native wildlife. To the extent possible, the person using the 1080 fox baits should time baiting programs for when non-target species are least active or least susceptible.
- 3.6 A person must not apply 1080 fox baits to, or in, crops which are in mid to late developmental stages. A person must not apply 1080 fox baits to, or in, crops if application of 1080 fox baits is likely to lead to contamination of the crops.
- 3.7 A person must ensure that 1080 fox baits do not contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 3.8 (a) A person must not use plastic bags which have been used to contain 1080 fox baits for any other purpose.
(b) HDPE containers may be reused for issuing 1080 fox baits if:
 - (i) they are labelled in accordance with **attachment 1**
 - (ii) are structurally sound
 - (iii) are triple rinsed after 1080 fox bait use and the rinsate disposed of as per condition 3.8.1(e), or triple rinsed in the 1080 preparation facility through the 1080 wastewater holding tank.
(c) Disposal of plastic bags or HDPE containers must be by burial or burning as follows:

3.8.1 Burial

Plastic bags or containers must be buried as follows:

- (a) Plastic bags or containers must be triple rinsed or pressure rinsed; and
- (b) Empty rinsed plastic bags or containers must be broken, crushed or punctured; and
- (c) Disposed of either on the property where the 1080 fox baits were used, or at a site approved by the Authorised Control Officer, buried in a disposal pit and covered with at least five hundred (500) mm of soil; or
- (d) In a local authority landfill; and
- (e) Rinsate must be buried on the property where the 1080 fox baits were used, or at a site approved by the Authorised Control Officer in a disposal pit covered with at least five hundred (500) mm of soil; and
- (f) The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral).

3.8.2 Burning

Empty plastic bags that have contained 1080 must be burnt by open fire in accordance with an approval issued under the *Protection of the Environment Operations (Clean Air) Regulation 2010*. A person that disposes of plastic bags by way of burning must also comply with the following conditions:

- (a) The amount of plastic bags burnt at any premises on any single day must not exceed one hundred (100) bags without the prior written approval of the EPA.
- (b) The burning of plastic bags must be carried out at least five hundred (500) metres from any habitation.

- (c) The burning of plastic bags must be carried out in accordance with any requirement of the *Rural Fires Act 1997* and the *Fire Brigades Act 1989*, as administered by the relevant local authority and Fire and Rescue NSW.
 - (d) The open fire burning must not be carried out on a day subject to an order prohibiting the burning of fires in the open published by the EPA pursuant to section 133(2) of the *Protection of the Environment Operations Act 1997*.
 - (e) The open fire burning of plastic bags must only be carried out in dry weather using such practicable means as may be necessary to minimise visible smoke emissions causing air pollution.
- 3.9 A person who uses 1080 fox baits must not pollute dams, drains, streams, rivers or waterways with 1080 fox baits or plastic bags and containers that have held 1080 fox baits. Pollution of waters is an offence under section 120 of the *Protection of the Environment Operations Act 1997*.
- 3.10 A person must not place 1080 fox baits on a property without the written consent of the occupier, manager or authorised agent of the land unless the baiting has been determined necessary under the provisions of the *Biosecurity Act 2015*.
- 3.11 At the end of any ground baiting program conducted in accordance with this Schedule, a person using 1080 fox baits must make a reasonable effort to ensure that all untaken baits are collected and removed from a baiting location unless the risk assessment for their baiting location determines otherwise. All collected and unused 1080 fox baits must be disposed of as soon as possible at the property where the 1080 fox baits were used, or in the case of a coordinated baiting program, on a property or location identified and agreed to by the Authorised Control Officer coordinating the program. All collected and unused 1080 fox baits must be buried in a disposal pit and must be buried under at least five hundred (500) mm of soil. The disposal pit must be clear of waterways (permanent or ephemeral) so as to not cause pollution of water in accordance with Part 5.3 of the *Protection of the Environment Operations Act 1997*.
- 3.12 To the extent possible, a person who uses 1080 fox baits should recover carcasses of animals poisoned by 1080 fox baits and bury them in accordance with the disposal instructions for 1080 fox baits in condition 3.11. Any incidents where there are reasonable grounds to suspect that non-target animals (excluding other pest animals) may have been poisoned by 1080 fox baits should be reported to the EPA.
- 3.13 Ongoing baiting may be necessary in some instances to reduce the impacts of fox predation on native fauna. Such programs may be undertaken only if the risk to non-target species is low (see also conditions 3.3, 3.5, 3.9 and 3.12).

4. DIRECTIONS FOR USE – DISTANCE RESTRICTIONS

A person authorised to use 1080 fox bait under clause 9 of this Order must only do so in accordance with the following distance restrictions:

- 4.1 The minimum distances for the laying of 1080 fox baits have been set to minimise the risk to people and to non-target animals. A person authorised to use 1080 fox baits must not place 1080 fox baits where they can be washed into or contaminate surface or groundwater. 1080 fox baits must not be laid in areas where distance restrictions cannot be met. Other fox control methods must be used in those areas.
- 4.2 1080 fox baits must not be laid within close proximity to urban areas unless the baiting program is planned in conjunction with, and has been approved by, an Authorised Control Officer. A program approved under this condition must include strategies for minimising risk to non-target animals.

4.3 Property Boundary:

4.3.1 **Ground Baiting:** 1080 fox baits must not be laid within five (5) metres from any property boundary.

4.3.2 **Aerial Baiting:** 1080 fox baits must not be laid:

- (a) within ten (10) metres from any property boundary by helicopter, or
- (b) within one hundred (100) metres from any property boundary when using a fixed winged aircraft. The use of fixed wing aircraft in the Eastern Division is permitted subject to the following conditions:
 - (i) the navigating must be done by a current trained Air Observer; AND
 - (ii) two separate systems of navigating must be used, one system for the pilot and one system for the current trained Air Observer; AND
 - (iii) all navigating will be done with the aid of aerial bait lines that have been digitised on to a tablet/laptop that is GPS enabled (or an actual GPS) and has a topographic map

- background. The devices being used must not have any lag-time in relation to their position; AND
- (iv) predetermined and approved aerial bait lines must be uploaded onto both the pilot's and current trained Air Observer's navigating equipment prior to the program to enable effective and efficient navigation.
 - (c) Conditions in 4.3.2(b)(i)-(iv) above do not apply to the use of fixed wing aircraft in the Western Division.

4.3.3 **Exemption for Group Baiting:** Conditions 4.3.1 and 4.3.2 do not apply to the laying of 1080 fox baits as part of a group baiting program that has been planned by an Authorised Control Officer and where that Officer has obtained written consent from the landholders involved in the baiting program for the laying of the 1080 fox baits. This exemption does not apply to property boundaries of landholders not involved in the baiting program.

4.4 **Habitation:**

4.4.1 **Ground Baiting:** 1080 fox baits must not be laid within one hundred and fifty (150) metres of a habitation except:

- (a) where a landholder or their authorised agent uses 1080 fox baits on their own property, in which case the landholder or their authorised agent may lay the 1080 fox baits at a distance of no less than 20 metres from their own habitation.
- (b) where an Authorised Control Officer plans a baiting program, in which case the 1080 fox baits may be laid at less than 150 metres but no closer than 20 metres from a habitation, subject to the following conditions:
 - (i) The Authorised Control Officer has undertaken a risk assessment in accordance with the provisions of the VPM (as in force at the time) and determined that 1080 fox baits can be laid at distances of less than 150 metres but no closer than 20 metres from a habitation;
 - (ii) Any baiting program planned by an Authorised Control Officer must include strategies for minimising risk to non-target animals;
 - (iii) Any adjoining landholders must agree in writing to use or allow the use of 1080 fox baits as part of a coordinated fox control program at distances of less than 150 metres but no closer than 20 metres from a habitation on the landholder's property;
 - (iv) Where an Authorised Control Officer implements a coordinated fox control program, they must not implement the program **UNLESS**:
 - (1) **ALL** the landholders in the group are made aware of the hazardous nature of 1080 fox baits in closely settled areas; AND
 - (2) **EVERY** landholder in the group signs an agreement that they:
 - (A) understand the hazards associated with the use of 1080 fox baits in closely settled areas; AND
 - (B) agree to allow 1080 fox baits to be laid on adjoining properties at distances of less than 150 metres but no closer than 20 metres from any habitation on their property in writing; AND
 - (C) agree to accept all responsibility for any problems arising from 1080 fox baits used on their land within the program; AND
 - (3) **ALL** the landholders of the outermost properties of the group abide by all the distance requirements in relation to adjoining properties not covered by the group activity.

4.4.2 **Aerial Baiting:** 1080 fox baits must not be laid:

- (a) within five hundred (500) metres of a habitation by helicopter, or
- (b) within one thousand (1000) metres of a habitation when using a fixed wing aircraft. The use of fixed wing aircraft in the Eastern Division is permitted subject to following all the requirements of condition 4.3.2(b)(i)-(iv). In the Western Division conditions 4.3.2(b) (i) to (iv) do not apply to fixed wing aircraft use.

4.5 **Domestic Water Supply or Water Draw Point:**

4.5.1 **Ground Baiting:** 1080 fox baits must not be laid within ten (10) metres of a domestic water supply.

4.5.2 **Aerial Baiting:** 1080 fox baits must not be laid:

- (a) within twenty (20) metres of a domestic water supply by helicopter, or
- (b) within one hundred (100) metres of a domestic water supply when using a fixed wing aircraft. The use of fixed wing aircraft in the Eastern Division is permitted subject to following all the requirements of conditions 4.3.2(b)(i)-(iv). In the Western Division conditions 4.3.2(b) (i) to (iv) do not apply to fixed wing aircraft use.

5. PUBLIC NOTIFICATION

A person authorised to use 1080 fox bait under clause 9 of this Order must notify certain persons of the use of 1080 fox baits in accordance with the following conditions:

- 5.1 A person must not lay any 1080 fox baits on any land unless the person has first given a minimum of three (3) days' notice of the date on which they will lay 1080 fox baits – henceforth referred to as 'notification'. The notification must be given to the landholder or authorised agent of every property which has a property boundary within one (1) kilometre of **a baiting location**. The notification must contain the following information:
- (a) pest being controlled with 1080 baits;
 - (b) dates when 1080 baits will be used;
 - (c) property on which 1080 baits will be used;
 - (d) contact details of the person who will lay the 1080 baits or in the case of a public authority a person or office that can be contacted for information about 1080 baits being used on the property; and
 - (e) a warning that pets and working dogs may be affected and recommend actions to be taken as specified in condition 3.3.
- 5.2. The notification may be given by telephone, text message, email, in person, or by mail (including letter box drop).
If notification cannot be made by telephone, text message, email, personal contact or mail, or the number of persons to be notified is more than twenty-five (25), then:
- (i) notification may be made by advertisement in a local newspaper; or
 - (ii) where baiting is done under a NPWS RPMS program or equivalent Forestry Corporation program notification may be made by advertisement in a local newspaper or on a government website.
- In the case of large group baiting programs comprising more than 25 participants, and organised or approved by an Authorised Control Officer, then:
- (i) notification may be made by advertisement in a local newspaper; or
 - (ii) where baiting is done under a NPWS RPMS program or equivalent Forestry Corporation program notification may be made by advertisement in a local newspaper or on a government website
- 5.3 The use of 1080 fox baits for ground baiting may be conducted for longer than seven (7) days but must commence within 21 days of notification otherwise further notification of intended baiting is required. In the case of aerial baiting, a date range of up to 14 days can be given but must commence within 21 days of notification, otherwise further notification is required.
- 5.4 Where replacement baiting is planned the notification must include the time period baiting is planned to be maintained.
- 5.5 Where baiting programs are ongoing notification must be given every six (6) months and condition 5.3 does not apply.

6. EMERGENCY BAITING (Ground application only)

A person authorised to use or possess 1080 fox bait under clause 9 of this Order may undertake emergency baiting, but only in accordance with the following conditions:

- 6.1(a) A person whose livestock are being attacked or can provide evidence that their livestock are under imminent threat of attack may lay 1080 fox baits (by way of ground baiting only) without the need to comply with condition 5.1 (3-day prior neighbour notification). A person who undertakes emergency baiting must, however, notify each landholder whose property boundary lies within one (1) kilometre of a baiting location before laying any 1080 fox baits.
- 6.1(b) A person who undertakes emergency baiting must comply with all requirements in relation to the use of 1080 fox baits, except as provided for in condition 6.1(a).

- 6.2 A person whose land is adjoining (or nearby) to land where livestock are being attacked (or under the imminent threat of attack) and whose land is part of a coordinated baiting program may also lay 1080 fox baits. The laying of baits in these circumstances must be done in accordance with conditions 6.1(a) and 6.1(b).
- 6.3 Emergency baiting may be undertaken by public land managers who do not have control of stock but where stock on adjoining (or nearby land) are being attacked. The laying of baits in these circumstances must be done in accordance with conditions 6.1(a) and 6.1(b).

7. 1080 POISONING NOTICES

A person authorised to use 1080 fox bait under clause 9 of this Order must erect notices in accordance with the following conditions:

- 7.1 A person who uses 1080 fox baits must erect notices before laying 1080 fox baits on any land. These notices must remain up for a minimum of four (4) weeks after the last day of baiting and must remain intact and legible for the duration. Notices must be placed at:
- (a) every formed and/or used entry point into the baiting location that is authorised by the landholder and provides access to the bait site. For example, a gateway, road, or trail, including designated walking tracks. This does not include unformed or permanently closed access points, formed or used entry points that are not authorised (including but not limited to an access point created by falling trees or unauthorised alterations to fencing or vegetation) or gates or intersections within the baiting location for which someone would have already passed a notice; and
 - (b) the main entrance to a private property where baiting is undertaken or in the case of a National Park the main entrance to the area being baited; and
 - (c) at the extremities of and up to five (5) kilometre intervals along all public thoroughfares which border or pass through the baiting location.
- 7.2 The notices must specify the following:
- (a) 1080 baits for foxes are being laid on this property; and
 - (b) the dates on which 1080 fox baits are first laid or the dates between which baits will be laid; and
 - (c) contact details of the person who will lay the 1080 fox baits or in the case of a public authority a person or office that can be contacted for information about 1080 fox baits being used on the property; and
 - (d) warning that domestic animals may be affected.
- 7.3 Under the *Pesticides Regulation 2017* public authorities have additional public notification obligations (clauses 40 to 44), that must also be complied with.
- 7.4 1080 Poison Notices may be obtained from Authorised Control Officers.

8. GROUND BAITING WITH 1080 FOX BAIT

A person authorised to use 1080 fox bait under clause 9 of this Order must only undertake ground baiting in accordance with the following conditions:

- 8.1 A person who lays 1080 fox baits must:
- (a) not lay more than ten (10) 1080 fox baits per kilometre of trail or more than twenty (20) 1080 fox baits per 100 hectares and be done in accordance with bait station placement requirements stated in the VPM; and
 - (b) not lay more 1080 fox baits on any one (1) property than approved by an Authorised Control Officer; and
 - (c) lay 1080 fox baits in such a way that any untaken 1080 fox baits can be found readily and destroyed in accordance with condition 3.11.
- 8.2 1080 fox baits should be buried in a shallow hole and covered with soil or organic material. If practical, tether the 1080 fox baits. The Authorised Control Officer risk assessment will determine if such techniques are not required. All bait stations must be identifiable to the user.
- 8.3 In land reserved or acquired under the *National Parks and Wildlife Act 1974* and public reserves within the meaning of the *Local Government Act 1993* it is not necessary to mark the location for 1080 fox baits but GPS coordinates must be recorded.
- 8.4 A person who lays 1080 fox baits on a property of less than one hundred (100) ha must check the 1080 fox baits within five (5) days of laying the 1080 fox baits and must collect any untaken 1080 fox baits within seven (7) days of laying the 1080 fox bait. All untaken 1080 fox baits must be disposed of in accordance with condition 3.11. This condition does not prevent a person from replacing 1080 fox baits that are taken for a

period of longer than seven (7) days where 1080 fox baits continue to be taken. Baiting undertaken as part of a NPWS RPMS Program is exempt from this condition.

9. AERIAL BAITING WITH 1080 FOX BAIT

A person authorised to use 1080 fox bait under clause 9 of this Order must only undertake aerial baiting in accordance with the following conditions:

- 9.1 Aerial baiting is restricted to areas and situations that meet the restrictions stated in LLS and NPWS approved guidelines/procedures for Fox Aerial Baiting. Approval for every aerial baiting program on land reserved under Part 4 of the *National Parks and Wildlife Act 1974* must be obtained from the relevant NPWS Branch Director. For all other land, approval for every aerial baiting program must be obtained from the LLS Chief Executive or their delegate. Aerial baiting must be organised through either LLS or NPWS or another NSW public authority that the EPA has given approval to undertake aerial baiting.
- 9.2 Notwithstanding any other condition contained in this Schedule, a person who undertakes aerial baiting must only use 1080 fox baits that are specified in the VPM and approved for aerial baiting.
- 9.3 A pilot who operates an aircraft which is used to aerially apply 1080 fox baits must use onboard GPS navigation equipment mounted in the pilot's line of sight to navigate along agreed flight paths. The GPS navigation equipment must be of the type that has a moving map display with topographic features which provide accurate guidance to the pilot. The GPS equipment must have full data logging capabilities and all flight paths must be pre-programmed into the GPS navigation equipment before commencement of 1080 fox aerial baiting.
- 9.4 A pilot who operates an aircraft which is used to aerially apply 1080 fox baits must make a record of the GPS flight path which includes the start and finish drop point data, for 1080 fox bait, for each aerial run. The record must be kept for a period of at least three (3) years after the date on which the 1080 fox bait was aerially applied. A pilot must make any records available to the EPA on request.
- 9.5 The employer or contractor of a pilot must ensure that a pilot of any aircraft used to aerially apply 1080 fox baits complies with conditions 9.3 and 9.4.
- 9.6 A person coordinating or organising aerial baiting programs must ensure that pilots are given digitised flight paths for all areas where 1080 fox baits are to be dropped from an aircraft which is used to aerially apply 1080 fox baits.
- 9.7 A person on the aircraft that is responsible for dropping 1080 fox baits must not be given the task of navigating the aircraft. A pilot is responsible for navigation and must ensure that 1080 fox baits are dropped along the agreed flight path.
- 9.8 A person who drops 1080 fox baits from an aircraft which is used to aerially apply 1080 fox baits must hold as a minimum the qualification specified in clause 9(1)(b)(iii) of this Order.
- 9.9 A person who drops 1080 fox baits from an aircraft which is used to aerially apply 1080 fox baits must not drop more than ten (10) 1080 fox baits per kilometre of agreed flight path on any land in NSW.

DANGEROUS POISON
KEEP OUT OF REACH OF CHILDREN
READ SAFETY DIRECTIONS BEFORE OPENING OR USING

1080 POISONED BAIT

ACTIVE CONSTITUENT: mg* of SODIUM FLUOROACETATE (1080) per bait

FOR THE CONTROL OF WILD DOGS OR FOXES

RESTRICTED CHEMICAL PRODUCT – ONLY TO BE SUPPLIED TO OR USED BY AN AUTHORISED PERSON

NOT TO BE USED FOR ANY PURPOSE OR IN ANY MANNER CONTRARY TO THIS LABEL UNLESS AUTHORISED UNDER APPROPRIATE LEGISLATION.

DIRECTIONS FOR USE: When using this product to control wild dogs you must follow the conditions for use in Schedule 1 of the current NSW 1080 Baits Pesticide Control Order. When using this product to control foxes you must follow the conditions for use in Schedule 2 of the current NSW 1080 Baits Pesticide Control Order

SAFETY DIRECTIONS:

Very dangerous. Poisonous if swallowed. When opening the bag and handling the bait wear non-permeable gloves. If product on skin immediately wash area with soap and water. After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap and water. After each day's use wash gloves and contaminated clothing.

FIRST AID:

If poisoning occurs, contact a doctor or Poisons Information Centre on 131126. Urgent hospital treatment is likely to be needed. If skin contact occurs, remove contaminated clothing and wash skin thoroughly. Remove person from contaminated area. Apply artificial respiration if not breathing. If in eyes, hold eyes open, flood with water for at least 15 minutes and see a doctor.

PROTECTION OF LIVESTOCK, DOMESTIC AND FARM DOGS:

Dogs are highly susceptible to the bait. Ensure all domestic and farm dogs are restrained during the baiting program.

PROTECTION OF WILDLIFE, FISH, CRUSTACEANS AND ENVIRONMENT:

Do not contaminate dams, streams, rivers or waterways with bait or this plastic bag.

TRANSPORT, STORAGE AND DISPOSAL:

This bait must be kept inside a secure location, away from food, children and domestic animals after procuring bait from an Authorised Control Officer. Store bait only in this approved plastic bag. Bait may only be placed in a refrigerator that is not used to store food. This bait should be used immediately but where this is not possible baits must be used within 7 days of acquiring it from an Authorised Control Officer. Do not allow bait to contaminate foodstuff or feed intended for human or animal consumption. Plastic bags or HDPE plastic buckets which have held bait must not be used for any other purpose. Triple or pressure rinse, break, crush or puncture this plastic bag or HDPE plastic bucket before disposal. Dispose of rinsate and this plastic bag or HDPE plastic bucket along with any unused baits in a disposal pit and cover with at least 500 mm of soil. The disposal pit must be specifically marked and set up for this purpose and be clear of waterways (permanent or ephemeral). This plastic bag may be disposed of in a disposal pit on the property where the baits were used, or at a site approved by the Authorised Control Officer or in a local authority landfill. Burning of this plastic bag is permitted but only in accordance with provisions stated in the Schedules of the 1080 Bait Products Pesticide Control Order.

MANUFACTURER'S WARRANTY; EXCLUSION OF LIABILITY:

No responsibility is accepted in respect of this product save those not excludable conditions implied by any Federal and State Legislation.

* Wild dog baits contain 6mg of 1080 per bait. Fox baits contain 3mg of 1080 per bait

LOCAL LAND SERVICES

KG NET

or

NAME OF PUBLIC AUTHORITY

Schedule 3

USE OF 1080 BAIT PRODUCT FOR CONTROL OF FERAL PIGS

1. WHAT 1080 BAIT PRODUCTS CAN BE USED ON FERAL PIGS

A person authorised to use 1080 bait products under clause 9 of this Order must, when using 1080 bait products for the purpose of controlling feral pigs, only do so in accordance with the following conditions:

- 1.1 A person must only use 1080 bait material which has been produced and supplied by an Authorised Control Officer for the purpose of controlling feral pigs; or
- 1.2 A person must only use 1080 bait products that are specifically manufactured for the control of feral pigs, are registered by the APVMA and approved for the use in controlling feral pigs in NSW. These products are Pigout Feral Pig Bait (APVMA Product Registration Number 61293) and any other similar 1080 bait product that is registered by the APVMA, after the commencement of this Order, and approved for the control of feral pigs.

1080 bait material and 1080 bait products referred to under conditions 1.1 and 1.2 will henceforth be referred to as "1080 feral pig bait".

2. POSSESSION OF 1080 FERAL PIG BAIT

A person authorised to possess 1080 feral pig bait under clause 9 of this Order must only do so in accordance with the following conditions:

- 2.1 A person must only possess 1080 feral pig bait if it has been supplied to them or their authorised agent or nominated person, by an Authorised Control Officer or by a trained staff member of the LLS or NPWS (i.e. met the training requirements of clause 9(c) (iii) of this order) under the direction of the Authorised Control Officer.
- 2.2 A person taking possession of 1080 feral pig baits must first complete and sign an indemnity form for each property or NPWS RPMS program on which 1080 feral pig bait is intended to be used. An Authorised Control Officer or an employee of an LLS must give them a copy of each indemnity form that they complete and sign.
- 2.3 A person taking possession of 1080 feral pig baits and laying 1080 feral pig baits on behalf of another landholder as their authorised agent, must provide evidence to the Authorised Control Officer of the consent given by the landholder whose property will use 1080 feral pig baits. The consent must not cover a period of time greater than 12 months.
- 2.4 All persons receiving 1080 feral pig baits from an Authorised Control Officer must only temporarily possess and store 1080 feral pig baits. All 1080 feral pig baits must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. Where 1080 feral pig bait is required to be placed in a refrigerator, the refrigerator must not be concurrently used to store food and must be located in a lockable storage area. All 1080 bait material for feral pig control must be used within fourteen (14) days. All opened and unopened manufactured and registered 1080 bait product (such as Pigout Feral Pig Bait product) must be destroyed within two (2) months (three (3) months in Western Division) after completion of the baiting program, by burial in accordance with condition 3.12 or where possible, returned to an Authorised Control Officer.
- 2.5 All persons receiving 1080 feral pig baits from an Authorised Control Officer must store 1080 feral pig baits in either the labelled plastic bag supplied by the Authorised Control Officer (labelled in accordance with **attachment 1**) or in a container supplied by the manufacturer of an APVMA registered 1080 feral pig bait product or in a structurally sound, impervious HDPE plastic bucket with sealing lid and labelled in accordance with **attachment 1**.

3. DIRECTIONS FOR USE – GENERAL RESTRICTIONS

A person authorised to use or possess 1080 feral pig bait under clause 9 of this Order must only do so in accordance with the following general conditions:

- 3.1 A person in possession of 1080 feral pig baits must transport and store the 1080 feral pig baits in such a way that other persons cannot access the 1080 feral pig baits. A person transporting 1080 feral pig baits must store the 1080 feral pig baits in a secure location of their vehicle.

- 3.2 A person must not place the 1080 feral pig baits in a position accessible to children, livestock, domestic animals or pets.
- 3.3 A person who uses 1080 feral pig baits should avoid poisoning of domestic pets. As 1080 is particularly lethal to domestic dogs, the person using the baits should recommend to neighbours requiring notification (see condition 5.1) to restrain their pets and working dogs and ensure they do not enter the baiting location during poisoning operations or to muzzle dogs if they are required to work the baiting location during and after poisoning. In the event of accidental poisoning seek immediate veterinary assistance. Where practicable, remove feral pig carcasses from the control area and dispose of carcasses by burial as specified in condition 3.12.
- 3.4 A person must not feed 1080 feral pig baits to non-target species.
- 3.5 1080 feral pig baits may be toxic to some birds and other native wildlife. Bait placement and/or bait station design should be such that non-target access is minimised. To the extent possible, the person using the 1080 feral pig baits should time baiting programs for when non-target species are least active or least susceptible
- 3.6 A person must not apply 1080 feral pig baits to, or in, crops which are in mid to late developmental stages. A person must not apply 1080 feral pig baits to, or in, crops if application of 1080 feral pig baits is likely to lead to contamination of the crops.
- 3.7 A person must not lay 1080 feral pig baits on more than three (3) consecutive days at one bait site except when using a HogHopper or a feral pig bait delivery device. Adequate free feeding will minimise the number of pigs that remain after this 3-day baiting period. Further free feeding in accordance with condition 7.2 can be undertaken to determine the amount of bait material required to control any remaining pigs. This amount of 1080 feral pig baits may then be laid for no more than three (3) consecutive days. The total number of days on which 1080 feral pig baits are laid must not exceed nine (9) days during any 14-day notification period.
- 3.8 A person must ensure that 1080 feral pig baits do not contaminate food stuffs, or feed, for human or non-target animal consumption.
- 3.9 (a) A person must not use plastic bags which have been used to contain 1080 feral pig baits for any other purpose.
- (b) HDPE containers may be reused for issuing 1080 feral pig baits if:
- (i) they are labelled in accordance with **attachment 1**
 - (ii) are structurally sound
 - (iii) are triple rinsed after 1080 feral pig bait use and the rinsate disposed of as per condition 3.8.1(e), or triple rinsed in the 1080 preparation facility through the 1080 wastewater holding tank.
- (c) Disposal of plastic bags or HDPE containers must be by burial or burning as follows:

3.9.1 Burial

Plastic bags or containers must be buried as follows:

- (a) Plastic bags or containers must be triple rinsed or pressure rinsed; and
- (b) Empty rinsed plastic bags or containers must be broken, crushed or punctured; and
- (c) Disposed of either on the property where the 1080 feral pig baits were used, or at a site approved by the Authorised Control Officer, buried in a disposal pit and covered with at least five hundred (500) mm of soil; or
- (d) In a local authority landfill; and
- (e) Rinsate must be buried on the property where the 1080 feral pig baits were used, or at a site approved by the Authorised Control Officer in a disposal pit covered with at least five hundred (500) mm of soil; and
- (f) The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral).

3.9.2 Burning

Empty plastic bags that have contained 1080 must be burnt by open fire in accordance with an approval issued under the *Protection of the Environment Operations (Clean Air) Regulation 2010*. A person that disposes of plastic bags by way of burning must also comply with the following conditions:

- (a) The amount of plastic bags burnt at any premises on any single day must not exceed one hundred (100) bags without the prior written approval of the EPA.
- (b) The burning of plastic bags must be carried out at least five hundred (500) metres from any habitation.

- (c) The burning of plastic bags must be carried out in accordance with any requirement of the *Rural Fires Act 1997* and the *Fire Brigades Act 1989*, as administered by the relevant local authority and the Fire and Rescue NSW.
 - (d) The open fire burning must not be carried out on a day subject to an order prohibiting the burning of fires in the open published by the EPA pursuant to section 133(2) of the *Protection of the Environment Operations Act 1997*.
 - (e) The open fire burning of plastic bags must only be carried out in dry weather using such practicable means as may be necessary to minimise visible smoke emissions causing air pollution.
- 3.10 A person who uses 1080 feral pig baits must not pollute dams, drains, streams, rivers or waterways with 1080 feral pig baits or plastic bags and containers that have held 1080 feral pig baits. Pollution of waters is an offence under section 120 of the *Protection of the Environment Operations Act 1997*.
- 3.11 A person must not place 1080 feral pig baits on a property without the written consent of the occupier, manager or authorised agent of the land unless the baiting has been determined necessary under the provisions of the *Biosecurity Act 2015*.
- 3.12 At the end of any ground baiting program conducted in accordance with this Schedule, a person using 1080 feral pig baits must make a reasonable effort to ensure that all untaken baits are collected and removed from a baiting location unless the risk assessment for their baiting location determines otherwise. All collected and unused 1080 feral pig baits must be disposed of as soon as possible at the property where the 1080 feral pig baits were used, or in the case of a coordinated baiting program, on a property or location identified and agreed to by the Authorised Control Officer coordinating the program. All collected and unused 1080 feral pig baits must be buried in a disposal pit and must be buried under at least five hundred (500) mm of soil. The disposal pit must be clear of waterways (permanent or ephemeral) so as to not cause pollution of water in accordance with Part 5.3 of the *Protection of the Environment Operations Act 1997*.
- 3.13 To the extent possible, a person who uses 1080 feral pig baits should recover carcasses of animals poisoned by 1080 feral pig baits and bury them in accordance with the disposal instructions for 1080 feral pig baits in condition 3.12. Any incidents where there are reasonable grounds to suspect that non-target animals (excluding other pest animals) may have been poisoned by 1080 feral pig baits should be reported to the EPA.
- 3.14 Ongoing baiting may be necessary in some instances to reduce the impact of feral pigs in environmentally sensitive areas. Such programs may be undertaken only if the risk to non-target species is low (see also conditions 3.3, 3.5, 3.10 and 3.13).

4. DIRECTIONS FOR USE – DISTANCE RESTRICTIONS

A person authorised to use 1080 feral pig bait under clause 9 of this Order must only do so in accordance with the following distance restrictions:

- 4.1. The minimum distances for the laying of 1080 feral pig baits have been set to minimise the risk to people and to non-target animals. A person authorised to use 1080 feral pig baits must not place 1080 feral pig baits where they can be washed into or contaminate surface or ground waters. 1080 feral pig baits must not be laid in areas where distance restrictions cannot be met. Other feral pig control methods must be used in those areas.
- 4.2 1080 feral pig baits must not be laid within close proximity to urban areas unless the baiting program is planned in conjunction with, and has been approved by, an Authorised Control Officer. A program approved under this condition must include strategies for minimising risk to non-target animals.
- 4.3 **Property Boundary:**
- 4.3.1 **Ground Baiting:** 1080 feral pig baits must not be laid within five (5) metres from any property boundary.
 - 4.3.2 **Aerial Baiting:** 1080 feral pig baits must not be laid within one hundred (100) metres from any property boundary by helicopter. A fixed winged aircraft cannot be used to aurally apply 1080 feral pig baits unless a person is permitted to do so under an APVMA permit and then aerial application must be done in accordance with the conditions in the APVMA permit.
 - 4.3.3 **Exemption for Group Baiting:** Conditions 4.3.1 and 4.3.2 do not apply to the laying of 1080 feral pig baits as part of a group baiting program that has been planned by an Authorised Control Officer and where that Officer has obtained written consent from the landholders involved in the baiting

program for the laying of the 1080 feral pig baits. This exemption does not apply to property boundaries of landholders not involved in the baiting program.

4.4 **Habitation:**

4.4.1 **Ground Baiting:** 1080 feral pig baits must not be laid within five hundred (500) metres of a habitation except:

- (a) where a landholder uses 1080 feral pig baits on their own property, in which case the landholder may lay the 1080 feral pig baits at a distance of less than five hundred (500) metres but no closer than one hundred and fifty (150) metres from their own habitation.
- (b) where an Authorised Control Officer plans a baiting program, in which case the 1080 feral pig baits may be laid at less than 500 metres but no closer than 150 metres from a habitation, subject to the following conditions:
 - (i) The Authorised Control Officer has undertaken a risk assessment in accordance with the provisions of the VPM (as in force at the time) and determine that 1080 feral pig baits can be laid at distances of less than 500 metres but no closer than 150 metres from a habitation;
 - (ii) Any baiting program planned by an Authorised Control Officer must include strategies for minimising risk to non-target animals;
 - (iii) Any adjoining landholders must agree in writing to use or allow the use of 1080 feral pig baits at distances of less than 500 metres but no closer than 150 metres from a habitation on the landholder's property;
 - (iv) Where an Authorised Control Officer implements a coordinated feral pig control program, they must not implement the program **UNLESS**:
 - (1) **ALL** the landholders in the group are made aware of the hazardous nature of 1080 feral pig baits in closely settled areas; AND
 - (2) **EVERY** landholder in the group signs an agreement that they:
 - (A) understand the hazards associated with the use of 1080 feral pig baits in closely settled areas; AND
 - (B) agree to allow 1080 feral pig baits to be laid on adjoining properties at distances of less than 500 metres but no closer than 150 metres from any habitation on their property in writing; AND
 - (C) agree to accept all responsibility for any problems arising from 1080 feral pig baits used on their land within the program; AND
 - (3) **ALL** the landholders of the outermost properties of the group abide by all the distance requirements in relation to adjoining properties not covered by the group activity.

4.4.2 **Aerial Baiting:** 1080 feral pig baits must not be laid within five hundred (500) metres from any habitation by helicopter except:

- (a) where an Authorised Control Officer plans a baiting program, in which case the 1080 feral pig baits may be laid at less than 500 metres but no closer than 150 metres from a habitation, subject to the following conditions:
 - (i) The Authorised Control Officer has undertaken a risk assessment in accordance with the provisions of the VPM (as in force from time to time) and determined that 1080 feral pig baits can be laid at distances of less than 500 metres but no closer than 150 metres from a habitation;
 - (ii) Any baiting program planned by an Authorised Control Officer must include strategies for minimising risk to non-target animals including all domestic animals;
 - (iii) Any adjoining landholders must agree in writing to use or allow the use of 1080 feral pig baits as part of a coordinated feral pig control program at distances of less than 500 metres but no closer than 150 metres from a habitation on the landholder's property;
 - (iv) Where an Authorised Control Officer implements a coordinated feral pig control program, they must not implement the program **UNLESS**:
 - (1) **ALL** the landholders in the group are made aware of the hazardous nature of 1080 feral pig baits in closely settled areas; AND
 - (2) **EVERY** landholder in the group signs an agreement that they:
 - (A) understand the hazards associated with the use of 1080 feral pig baits in closely settled areas; AND

- (B) agree to allow 1080 feral pig baits to be laid on adjoining properties at distances of less than 500 metres but no closer than 150 metres from any habitation on their property in writing; AND
 - (C) agree to accept all responsibility for any problems arising from 1080 feral pig baits used on their land within the program; AND
- (3) **ALL** the landholders of the outermost properties of the group abide by all the distance requirements in relation to adjoining properties not covered by the group activity.

A fixed winged aircraft cannot be used to aerially apply 1080 feral pig baits unless a person is permitted to do so under an APVMA permit and then aerial application must be done in accordance with the conditions in the APVMA permit.

4.5 **Domestic Water Supply or Water Draw Point:**

4.5.1 **Ground Baiting:** 1080 feral pig baits must not be laid within twenty (20) metres of a domestic water supply. Large water storage facilities such as Eucumbene, Wyangala and Chaffey dams must not be ground baited with 1080 feral pig baits to a distance of less than ten (10) metres of the waterline.

4.5.2 **Aerial Baiting:** 1080 feral pig baits must not be laid within two hundred (200) metres of a domestic water supply or water draw point by helicopter. A fixed winged aircraft cannot be used to aerially apply 1080 feral pig baits unless a person is permitted to do so under an APVMA permit and then aerial application must be done in accordance with the conditions in the APVMA permit.

4.6 **Public Roads:**

4.6.1 **Ground Baiting:** 1080 feral pig baits must not be laid within twenty (20) metres of a public road.

4.6.2 **Aerial Baiting:** 1080 feral pig baits must not be laid within two hundred (200) metres of a public road by helicopter. A fixed winged aircraft cannot be used to aerially apply 1080 feral pig baits unless a person is permitted to do so under an APVMA permit and then aerial application must be done in accordance with the conditions in the APVMA permit.

5. **PUBLIC NOTIFICATION**

A person authorised to use 1080 feral pig bait under clause 9 of this Order must notify certain persons of the use of 1080 feral pig baits in accordance with the following conditions:

5.1 A person must not lay any 1080 feral pig baits on any land unless the person has first given a minimum of three (3) days' notice of the date on which they will lay 1080 feral pig baits – henceforth referred to as 'notification'. The notification must be given to the landholder or authorised agent of every property which has a property boundary within one (1) kilometre of a **baiting location**. The notification must contain the following information:

- (a) pest being controlled with 1080 baits;
- (b) dates when 1080 baits will be used;
- (c) property on which 1080 baits will be used;
- (d) contact details of the person who will lay the 1080 baits or in the case of a public authority a person or office that can be contacted for information about 1080 baits being used on the property; and
- (e) a warning that pets and working dogs may be affected and recommend actions to be taken as specified in condition 3.3.

5.2. The notification may be given by telephone, text message, email, in person, or by mail (including letter box drop).

If notification cannot be made by telephone, text message, email, personal contact or mail, or the number of persons to be notified is more than twenty-five (25), then:

- (i) notification may be made by advertisement in a local newspaper; or
- (ii) where baiting is done under a NPWS RPMS program or equivalent Forestry Corporation program notification may be made by advertisement in a local newspaper or on a government website.

In the case of large group baiting programs comprising more than 25 participants, and organised or approved by an Authorised Control Officer, then:

- (i) notification may be made by advertisement in a local newspaper; or
- (ii) where baiting is done under a NPWS RPMS program or equivalent Forestry Corporation program notification may be made by advertisement in a local newspaper or on a government website

- 5.3 A person must begin using 1080 feral pig bait within ten (10) days of notification and must complete use within fourteen (14) days of notification. Further notification is required for use of 1080 feral pig baits beyond this 14-day period.
- 5.4 Where baiting programs are ongoing (manufactured baits only) notification must be given every six (6) months and condition 5.3 does not apply.

6. 1080 POISONING NOTICES

A person authorised to use 1080 feral pig bait under clause 9 of this Order must erect notices in accordance with the following conditions:

- 6.1 A person who uses 1080 feral pig baits must erect notices before laying 1080 feral pig baits on any land. These notices must remain up for a minimum of four (4) weeks after the last day of baiting. Notices must be placed at:
- (a) every formed and/or used entry point into the baiting location that is authorised by the landholder and provides access to the bait site. For example, a gateway, road, or trail, including designated walking tracks. This does not include unformed or permanently closed access points, formed or used entry points that are not authorised (including but not limited to an access point created by falling trees or unauthorised alterations to fencing or vegetation) or gates or intersections within the baiting location for which someone would have already passed a notice; and
 - (b) the main entrance to a private property where baiting is undertaken or in the case of a National Park the main entrance to the area being baited; and
 - (c) at the extremities of and up to five (5) kilometre intervals along all public thoroughfares which border or pass through the baiting location.
- 6.2 The notices must specify the following:
- (a) 1080 bait for feral pigs is being laid on this property; and
 - (b) the dates on which 1080 feral pig baits are first laid or the dates between which baits will be laid; and
 - (c) contact details of the person who will lay the 1080 feral pig baits or in the case of a public authority a person or office that can be contacted for information about 1080 feral pig baits being used on the property; and
 - (d) warning that domestic animals may be affected.
- 6.3 Under the *Pesticides Regulation 2017* public authorities have additional public notification obligations (clauses 40 to 44), that must also be complied with.
- 6.4 1080 Poison Notices may be obtained from Authorised Control Officers.

7. GROUND BAITING WITH 1080 FERAL PIG BAIT

A person authorised to use 1080 feral pig bait under clause 9 of this Order must only undertake ground baiting in accordance with the following conditions:

- 7.1 Free feeding: **Free feeding is compulsory.** A person must free feed (unless an APVMA permit allows them to do otherwise) to determine the appropriate amount of 1080 feral pig bait to use before undertaking any ground baiting using 1080 feral pig baits. A person may use any feedstuff except meat, offal and swill as a free feed unless a permit has been granted for the use of meat, offal or swill under section 333 and 336 of the *Biosecurity Act 2015*, and clause 37 of the *Biosecurity Regulation 2017*. A person must free feed by laying unpoisoned bait for at least three (3) nights before undertaking any ground baiting using 1080 feral pig baits. This period may need to be extended to ensure all feral pigs in the area are feeding on the bait. A person must adjust the amount of free feed on each occasion so that only a small amount is left on the final free feed ("final consumption") before undertaking ground baiting using 1080 feral pig baits under conditions 7.2 and 7.3.
- 7.2 A person who lays 1080 feral pig baits must:
- (a) only apply an amount of 1080 feral pig bait as determined by the final consumption of free feed (see VPM for more information); and
 - (b) lay the 1080 feral pig baits in such a way that any uneaten 1080 feral pig baits can be readily found and destroyed in accordance with condition 3.12.
- 7.3 **Bait selection and placement:** All 1080 feral pig bait must be placed in bait stations except where a property does not have any livestock or has removed the livestock from the baiting location, in which case a person may place 1080 feral pig bait in a bait station that is not fenced. In such cases, a person must mark the location

of the bait station so that any untaken baits can be easily located and disposed of in accordance with condition 3.12.

A bait station means a fenced enclosure or enclosure that excludes livestock. It also includes use of a commercial device such as a HogHopper or other bait delivery device.

- 7.4 1080 feral pig baits must not be used for more than three (3) consecutive days. Any bait still left on the ground after three (3) days must be collected and buried in a disposal pit in accordance with condition 3.12. If necessary, free feeding may be started again to determine if any pigs remain.
- 7.5 When using HogHoppers or another approved delivery device 1080 feral pig baits can be used for a period of up to 14 days after notifying the occupier, manager or authorised agent of every property which has a property boundary within one (1) kilometre of the baiting location. Free feeding when using such devices is compulsory (see condition 7.1). The amount of 1080 feral pig bait that can be used in such devices is not constrained by the final consumption of free feed but rather by what can be contained in the device.

8 AERIAL BAITING WITH 1080 FERAL PIG BAIT

A person authorised to use 1080 feral pig bait under clause 9 of this Order must only undertake aerial baiting in accordance with the following conditions:

- 8.1 Aerial baiting should be restricted to areas where ground control is impractical and where impacts by feral pigs are likely to be significant. Approval for every aerial baiting program on land reserved under Part 4 of the *National Parks and Wildlife Act 1974* must be obtained from the relevant NPWS Branch Director. For all other land, approval for every aerial baiting program must be obtained from the LLS Chief Executive or their delegate. Aerial baiting must be organised through either LLS or NPWS or another NSW public authority that the EPA has given approval to undertake such an activity. All programs involving aerial application of 1080 feral pig baits must follow the guidelines contained in the VPM. Your local LLS has full details.
- 8.2 Notwithstanding any other condition contained in this Schedule, a person who undertakes aerial baiting must only use 1080 Feral Pig Baits that are specified in the VPM and approved for aerial baiting and only by helicopter.
- 8.3 A pilot who operates an aircraft which is used to aerially apply 1080 feral pig baits must use onboard GPS navigation equipment mounted in the pilot's line of sight to navigate along agreed flight paths. The GPS navigation equipment must be of the type that has a moving map display with topographic features which provide accurate guidance to the pilot. The GPS equipment must have full data logging capabilities and all flight paths must be pre-programmed into the GPS navigation equipment before commencement of 1080 feral pig aerial baiting.
- 8.4 A pilot who operates an aircraft which is used to aerially apply 1080 feral pig baits must make a record of the GPS flight path which includes the start and finish drop point data, for 1080 feral pig bait, for each aerial run. The record must be kept for a period of at least three (3) years after the date on which the 1080 feral pig bait was aerially applied. A pilot must make any records available to the EPA on request.
- 8.5 The employer or contractor of a pilot must ensure that a pilot of any aircraft used to aerially apply 1080 feral pig baits complies with conditions 8.3 and 8.4.
- 8.6 A person coordinating or organising aerial baiting programs must ensure that pilots are given digitised flight paths for all areas where 1080 feral pig baits are to be dropped from an aircraft which is used to aerially apply 1080 feral pig baits.
- 8.7 A person on the aircraft that is responsible for dropping 1080 feral pig baits must not be given the task of navigating the aircraft. A pilot is responsible for navigation and must ensure that 1080 feral pig baits are dropped along the agreed flight path.
- 8.8 A person who drops 1080 feral pig baits from an aircraft which is used to aerially apply 1080 feral pig baits must hold as a minimum the qualification specified in clause 9(1)(b)(iii) of this Order.

Schedule 4

USE OF 1080 BAIT PRODUCT FOR CONTROL OF RABBITS

1. WHAT 1080 BAIT PRODUCTS CAN BE USED ON RABBITS

A person authorised to use 1080 bait products under clause 9 of this Order must, when using 1080 bait products for the purpose of controlling rabbits, only do so in accordance with the following conditions:

- 1.1 A person must only use 1080 bait material which has been produced and supplied by an Authorised Control Officer for the purpose of controlling rabbits; or
- 1.2 A person must only use 1080 bait products that are specifically manufactured for the control of rabbits, are registered by the APVMA and approved for the use in controlling rabbits in NSW. These products are Rabbait 1080 Oat Bait (APVMA Product Registration Number 50304) and 1080 Ready-to-lay Rabbit Oat Bait (APVMA Product Registration Number 52954) and any other similar 1080 bait product that is registered by the APVMA after the commencement of this Order and approved for control of rabbits in NSW.

1080 bait material and 1080 bait products referred to under conditions 1.1 and 1.2 will henceforth be referred to as "1080 rabbit bait".

2. POSSESSION OF 1080 RABBIT BAIT

A person authorised to possess 1080 rabbit bait under clause 9 of this Order must only do so in accordance with the following conditions:

- 2.1 A person must only possess 1080 rabbit bait if it has been supplied to them or their authorised agent or nominated person, by an Authorised Control Officer or by a trained staff member of the LLS or NPWS (i.e. met the training requirements of clause 9(c) (iii) of this order) under the direction of the Authorised Control Officer.
- 2.2 A person taking possession of 1080 rabbit baits must first complete and sign an indemnity form for each property or NPWS RPMS program on which 1080 rabbit bait is intended to be used. An Authorised Control Officer or an employee of an LLS must give them a copy of each indemnity form that they complete and sign.
- 2.3 A person taking possession of 1080 rabbit baits and laying 1080 rabbit baits on behalf of another landholder as their authorised agent, must provide evidence to the Authorised Control Officer of the consent given by the landholder whose property will use 1080 rabbit baits. The consent must not cover a period of time greater than 12 months.
- 2.4 All persons receiving 1080 rabbit baits from an Authorised Control Officer must only temporarily possess and store 1080 rabbit baits. All 1080 rabbit baits must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. Where 1080 rabbit bait is required to be placed in a refrigerator, the refrigerator must not be concurrently used to store food and must be located in a lockable storage area. All 1080 bait material for rabbit control must be used within two (2) days. All opened and unopened manufactured and registered 1080 bait product (such as Rabbait 1080 Oat Bait product and 1080 Ready-to-lay Rabbit Oat Bait product) must be destroyed within one (1) month after completion of the baiting program, by burial in accordance with condition 3.11 or where possible, returned to an Authorised Control Officer.
- 2.5 All persons receiving 1080 rabbit baits from an Authorised Control Officer must store 1080 rabbit baits in either the labelled plastic bag supplied by the Authorised Control Officer (labelled in accordance with **attachment 1**) or in a container supplied by the manufacturer of an APVMA registered 1080 rabbit bait product or in a structurally sound, impervious HDPE plastic bucket with sealing lid and labelled in accordance with **attachment 1**.

3. DIRECTIONS FOR USE – GENERAL RESTRICTIONS

A person authorised to use or possess 1080 rabbit bait under clause 9 of this Order must only do so in accordance with the following general conditions:

- 3.1 A person in possession of 1080 rabbit baits must transport and store the 1080 rabbit baits in such a way that other persons cannot access the 1080 rabbit baits. A person transporting 1080 rabbit baits must store the 1080 rabbit baits in a secure location of their vehicle.

- 3.2 A person must not place the 1080 rabbit baits in a position accessible to children, livestock, domestic animals or pets.
- 3.3 A person who uses 1080 rabbit baits should avoid poisoning of domestic pets. As 1080 is particularly lethal to domestic dogs, the person using the baits should recommend to neighbours requiring notification (see condition 5.1) to restrain their pets and working dogs and ensure they do not enter the baiting location during poisoning operations or to muzzle dogs if they are required to work the baiting location during and after poisoning. In the event of accidental poisoning seek immediate veterinary assistance. Carcasses of poisoned rabbits can constitute a serious risk to dogs and where practicable, remove carcasses from the control area and dispose of carcasses by burial as specified in condition 3.11.
- 3.4 A person must not feed 1080 rabbit baits to non-target species.
- 3.5 1080 rabbit baits may be toxic to some birds and other native wildlife. To the extent possible, the person using the 1080 rabbit baits should time baiting programs for when non-target species are least active or least susceptible.
- 3.6 A person must not apply 1080 rabbit baits to, or in, crops which are in mid to late developmental stages. A person must not apply 1080 rabbit baits to, or in, crops if application of 1080 rabbit baits is likely to lead to contamination of the crops.
- 3.7 A person must ensure that 1080 rabbit baits do not contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 3.8 (a) A person must not use plastic bags which have been used to contain 1080 rabbit baits for any other purpose.
- (b) HDPE containers may be reused for issuing 1080 rabbit baits if:
- (i) they are labelled in accordance with **attachment 1**
 - (ii) are structurally sound
 - (iii) are triple rinsed after 1080 rabbit bait use and the rinsate disposed of as per condition 3.8.1(e), or triple rinsed in the 1080 preparation facility through the 1080 wastewater holding tank.
- (c) Disposal of plastic bags or HDPE containers must be by burial or burning as follows:

3.8.1 Burial

Plastic bags or containers must be buried as follows:

- (a) Plastic bags or containers must be triple rinsed or pressure rinsed; and
- (b) Empty rinsed plastic bags or containers must be broken, crushed or punctured; and
- (c) Disposed of either on the property where the 1080 rabbit baits were used, or at a site approved by the Authorised Control Officer, buried in a disposal pit and covered with at least five hundred (500) mm of soil; or
- (d) In a local authority landfill; and
- (e) Rinsate must be buried on the property where the 1080 rabbit baits were used, or at a site approved by the Authorised Control Officer in a disposal pit covered with at least five hundred (500) mm of soil; and
- (f) The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral).

3.8.2 Burning

Empty plastic bags that have contained 1080 must be burnt by open fire in accordance with an approval issued under the *Protection of the Environment Operations (Clean Air) Regulation 2010*. A person that disposes of plastic bags by way of burning must also comply with the following conditions:

- (a) The amount of plastic bags burnt at any premises on any single day must not exceed one hundred (100) bags without the prior written approval of the EPA.
- (b) The burning of plastic bags must be carried out at least five hundred (500) metres from any habitation.
- (c) The burning of plastic bags must be carried out in accordance with any requirement of the *Rural Fires Act 1997* and the *Fire Brigades Act 1989*, as administered by the relevant local authority and the Fire and Rescue NSW.
- (d) The open fire burning must not be carried out on a day subject to an order prohibiting the burning of fires in the open published by the EPA pursuant to section 133(2) of the *Protection of the Environment Operations Act 1997*.
- (e) The open fire burning must only be carried out in dry weather using such practicable means as may be necessary to minimise visible smoke emissions causing air pollution.

- 3.9 A person who uses 1080 rabbit bait must not pollute dams, drains, streams, rivers or waterways with 1080 rabbit baits or plastic bags and containers that have held 1080 rabbit baits. Pollution of waters is an offence under section 120 of the *Protection of the Environment Operations Act 1997*.
- 3.10 A person must not place 1080 rabbit baits on a property without the written consent of the occupier, manager or authorised agent of the land unless the baiting has been determined necessary under the provisions of the *Biosecurity Act 2015*.
- 3.11 At the end of any ground baiting program conducted in accordance with this Schedule, a person using 1080 rabbit baits should ensure that, to the extent which is practical, that all untaken baits are collected and removed from a baiting location unless the risk assessment for their baiting location determines otherwise. All collected and unused 1080 rabbit baits must be disposed of as soon as possible at the property where the 1080 rabbit baits were used, or in the case of a coordinated baiting program, on a property or location identified and agreed to by the Authorised Control Officer coordinating the program. All collected and unused 1080 rabbit baits must be buried in a disposal pit and must be buried under at least five hundred (500) mm of soil. The disposal pit must be clear of waterways (permanent or ephemeral) so as to not cause pollution of water in accordance with Part 5.3 of the *Protection of the Environment Operations Act 1997*. This condition does not apply in the case of 1080 rabbit baits being applied by aircraft or broad scale broadcasting.
- 3.12 To the extent possible, a person who uses 1080 rabbit baits should recover carcasses of animals poisoned by 1080 rabbit baits and bury them in accordance with the disposal instructions for 1080 rabbit baits in condition 3.11. Any incidents where there are reasonable grounds to suspect that non-target animals (excluding other pest animals) may have been poisoned by 1080 rabbit baits should be reported to the EPA.
- 3.13 A person should remove all livestock and ensure fences prevent livestock access to baited areas until 1080 rabbit baits are collected, inactivated by rainfall or destroyed.

4. DIRECTIONS FOR USE – DISTANCE RESTRICTIONS

A person authorised to use 1080 rabbit bait under clause 9 of this Order must only do so in accordance with the following distance restrictions:

- 4.1. The minimum distances for the laying of 1080 rabbit baits have been set to minimise the risk to people and to non-target animals. A person authorised to use 1080 rabbit baits must not place 1080 rabbit baits where they can be washed into or contaminate surface or ground waters. 1080 rabbit baits must not be laid in areas where distance restrictions cannot be met. Other rabbit control methods must be used in those areas.
- 4.2 1080 rabbit baits must not be laid within close proximity to urban areas unless the baiting program is planned in conjunction with, and has been approved by, an Authorised Control Officer. A program approved under this condition must include strategies for minimising risk to non-target animals.
- 4.3 **Property Boundary:**
- 4.3.1 **Ground Baiting:** 1080 rabbit baits must not be laid within five (5) metres from any property boundary.
- 4.3.2 **Aerial Baiting:** 1080 rabbit baits must not be laid within one hundred (100) metres from any property boundary by helicopter or fixed winged aircraft.
- 4.3.3 **Exemption for Group Baiting:** Conditions 4.3.1 and 4.3.2 do not apply to the laying of 1080 rabbit baits as part of a group baiting program that has been planned by an Authorised Control Officer and where that Officer has obtained written consent from the landholders involved in the baiting program for the laying of the 1080 rabbit baits. This exemption does not apply to property boundaries of landholders not involved in the baiting program.
- 4.4 **Habitation:**
- 4.4.1 **Ground Baiting:** 1080 rabbit baits must not be laid within five hundred (500) metres of a habitation except:
- (a) where a landholder uses 1080 rabbit baits on their own property, in which case the landholder may lay the 1080 rabbit baits at a distance of less than five hundred (500) metres from their own habitation.

- (b) where an Authorised Control Officer plans a baiting program, in which case the 1080 rabbit baits may be laid at less than 500 metres from a habitation, subject to the following conditions:
 - (i) The Authorised Control Officer must have undertaken a risk assessment in accordance with the provisions of the VPM (as in force at the time) and determined that 1080 rabbit baits can be laid at distances of less than 500 metres but no closer than 150 metres from a habitation;
 - (ii) Any baiting program planned by an Authorised Control Officer must include strategies for minimising risk to non-target animals;
 - (iii) Any adjoining landholders must agree in writing to use or allow the use of 1080 rabbit baits at distances of less than 500 metres but no closer than 150 metres from a habitation on the landholder's property;
 - (iv) Where an Authorised Control Officer implements a coordinated rabbit control program, they must not implement the program **UNLESS**:
 - (1) **ALL** the landholders in the group are made aware of the hazardous nature of 1080 rabbit baits in closely settled areas; AND
 - (2) **EVERY** landholder in the group signs an agreement that they:
 - (A) understand the hazards associated with the use of 1080 rabbit baits in closely settled areas; AND
 - (B) agree to allow 1080 rabbit baits to be laid on adjoining properties at distances of less than 500 metres but no closer than 150 metres from any habitation on their property in writing; AND
 - (C) agree to accept all responsibility for any problems arising from 1080 rabbit baits used on their land within the program; AND
 - (3) **ALL** the landholders of the outermost properties of the group abide by all the distance requirements in relation to adjoining properties not covered by the group activity.

4.4.2 **Aerial Baiting:** 1080 rabbit baits must not be laid within five hundred (500) metres from any habitation by helicopter or a fixed winged aircraft except:

- (a) where a landholder uses 1080 rabbit baits on their own property, in which case the landholder may lay the 1080 rabbit baits at a distance of less than five hundred (500) metres but no closer than one hundred and fifty (150) metres from their own habitation.
- (b) where an Authorised Control Officer plans a baiting program, in which case the 1080 rabbit baits may be laid at less than 500 metres but no closer than 150 metres from a habitation, subject to the following conditions:
 - (i) The Authorised Control Officer must have undertaken a risk assessment in accordance with the provisions of the VPM (as in force from time to time) and determined that 1080 rabbit baits can be laid at distances of less than 500 metres but no closer than 150 metres from a habitation;
 - (ii) Any baiting program planned by an Authorised Control Officer must include strategies for minimising risk to non-target animals;
 - (iii) Any adjoining landholders must agree in writing to use or allow the use of 1080 rabbit baits as part of a coordinated rabbit control program at distances of less than 500 metres but no closer than 150 metres from a habitation on the landholder's property;
 - (iv) Where an Authorised Control Officer implements a coordinated rabbit control program, they must not implement the program **UNLESS**:
 - (1) **ALL** the landholders in the group are made aware of the hazardous nature of 1080 rabbit baits in closely settled areas; AND
 - (2) **EVERY** landholder in the group signs an agreement that they:
 - (A) understand the hazards associated with the use of 1080 rabbit baits in closely settled areas; AND
 - (B) agree to allow 1080 rabbit baits to be laid on adjoining properties at distances of less than 500 metres but no closer than 150 metres from any habitation on their property in writing; AND
 - (C) agree to accept all responsibility for any problems arising from 1080 rabbit baits used on their land within the program; AND
 - (3) **ALL** the landholders of the outermost properties of the group abide by all the distance requirements in relation to adjoining properties not covered by the group activity.

A fixed winged aircraft may only be used in the Western Division to aurally apply 1080 rabbit baits.

4.5 **Domestic Water Supply or Water Draw Point:**

- 4.5.1 **Ground Baiting:** 1080 rabbit baits must not be laid within twenty (20) metres of a domestic water supply. Large water storage facilities such as Eucumbene, Wyangala and Chaffey dams must not be ground baited with 1080 rabbit baits to a distance of less than ten (10) metres of the waterline.
- 4.5.2 **Aerial Baiting:** 1080 rabbit baits must not be laid within two hundred (200) metres of a domestic water supply or water draw point by helicopter or a fixed winged aircraft.

4.6 **Public Roads:**

- 4.6.1 **Ground Baiting:** 1080 rabbit baits must not be laid within five (5) metres of a public road.
- 4.6.2 **Aerial Baiting:** 1080 rabbit baits must not be laid within two hundred (200) metres of a public road by helicopter or a fixed winged aircraft.

5. **PUBLIC NOTIFICATION**

A person authorised to use 1080 rabbit bait under clause 9 of this Order must notify certain persons of the use of 1080 rabbit baits in accordance with the following conditions:

- 5.1 A person must not lay any 1080 rabbit baits on any land unless the person has first given a minimum of three (3) days' notice of the date on which they will lay 1080 rabbit baits – henceforth referred to as 'notification'. The notification must be given to the landholder or authorised agent of every property which has a property boundary within one (1) kilometre of a **baiting location**. The notification must contain the following information:
- (a) pest being controlled with 1080 baits;
 - (b) dates when 1080 baits will be used;
 - (c) property on which 1080 baits will be used;
 - (d) contact details of the person who will lay the 1080 baits or in the case of a public authority a person or office that can be contacted for information about 1080 baits being used on the property; and
 - (e) a warning that pets and working dogs may be affected and recommend actions to be taken as specified in condition 3.3.
- 5.2 The notification may be given by telephone, text message, email, in person, or by mail (including letter box drop). If notification cannot be made by telephone, text message, email, personal contact or mail, or the number of persons to be notified is more than twenty-five (25), then:
- (i) notification may be made by advertisement in a local newspaper; or
 - (ii) where baiting is done under a NPWS RPMS program or equivalent Forestry Corporation program notification may be made by advertisement in a local newspaper or on a government website.
- In the case of large group baiting programs comprising more than 25 participants, and organised or approved by an Authorised Control Officer, then:
- (i) notification may be made by advertisement in a local newspaper; or
 - (ii) where baiting is done under a NPWS RPMS program or equivalent Forestry Corporation program notification may be made by advertisement in a local newspaper or on a government website
- 5.3 The use of 1080 rabbit baits may be conducted for longer than seven (7) days but must commence within ten (10) days of notification otherwise further notification of intended baiting is required.

6. **1080 POISONING NOTICES**

A person authorised to use 1080 rabbit bait under clause 9 of this Order must erect notices in accordance with the following conditions:

- 6.1 A person who uses 1080 rabbit baits must erect notices before laying 1080 rabbit baits on any land. These notices must remain up for a minimum of four (4) weeks after the last day of baiting. Notices must be placed at:
- (a) every formed and/or used entry point into the baiting location that is authorised by the landholder and provides access to the bait site. For example, a gateway, road, or trail, including designated walking tracks. This does not include unformed or permanently closed access points, formed or used entry points that are not authorised (including but not limited to an access point created by falling trees or

- unauthorised alterations to fencing or vegetation) or gates or intersections within the baiting location for which someone would have already passed a notice; and
- (b) the main entrance to a private property where baiting is undertaken or in the case of a National Park the main entrance to the area being baited; and
- (c) at the extremities of and up to five (5) kilometre intervals along all public thoroughfares which border or pass through the baiting location.

6.2 The notices must specify the following:

- (a) 1080 bait for rabbits is being laid on this property; and
- (b) the dates on which 1080 rabbit baits are first laid or the dates between which baits will be laid; and
- (c) contact details of the person who will lay the 1080 rabbit baits or in the case of a public authority a person or office that can be contacted for information about 1080 rabbit baits being used on the property; and
- (d) warning that domestic animals may be affected.

6.3 Under the *Pesticides Regulation 2017* public authorities have additional public notification obligations (clauses 40 to 44), that must also be complied with.

6.4 1080 Poison Notices may be obtained from Authorised Control Officers.

7. GROUND BAITING WITH 1080 RABBIT BAIT

A person authorised to use 1080 rabbit bait under clause 9 of this Order must only undertake ground baiting in accordance with the following conditions:

7.1 **Free feeding: Free feeding is compulsory.** A person must free feed to determine the appropriate amount of 1080 rabbit bait to use before undertaking any ground baiting using 1080 rabbit baits. For maximum control and to reduce the risk to non-target species avoid using an excessive amount of 1080 rabbit bait. It is essential to attract rabbits with a number of free feeds of unpoisoned bait. A person must free feed by laying unpoisoned bait on three (3) occasions, except where an Authorised Control Officer recommends that a person free feeds by laying unpoisoned bait on two (2) occasions. Each free feed must be laid at intervals of not less than two (2) days. A person must adjust the amount of free feed on each occasion so that so that only a small amount of feed is left on the final free feed ("final consumption") before undertaking ground baiting using 1080 rabbit bait under conditions 7.2 and 7.3.

7.2 A person who lays 1080 rabbit baits must:

- (a) Not use disproportionate amounts of 1080 rabbit baits. The amount of bait applied must be consistent with two thirds of the final consumption of free feed (see VPM for more information); and
- (b) Lay the baits in such a way, where practical, that any uneaten 1080 rabbit baits can be readily found and destroyed in accordance with condition 3.11. This does not apply in the case of 1080 rabbit baits being applied by aircraft or broad scale broadcasting.

7.3 **Bait selection and placement:** Poisoned oats and poisoned pellets (1080 rabbit bait) must only be placed in trails. Poisoned carrot (1080 rabbit bait) may be broadcast or used in trails.

7.4 1080 rabbit baits must be laid at an interval of three (3) to five (5) days after the last free feed.

8. AERIAL BAITING WITH 1080 RABBIT BAIT

A person authorised to use 1080 rabbit bait under clause 9 of this Order must only undertake aerial baiting in accordance with the following conditions:

8.1 Aerial baiting should be restricted to areas where ground control is impractical and where impacts by rabbits are likely to be significant. Approval for every aerial baiting program on land reserved under Part 4 of the *National Parks and Wildlife Act 1974* must be obtained from the relevant NPWS Branch Director. For all other land, approval for every aerial baiting program must be obtained from the LLS Chief Executive or their delegate. Aerial baiting must be organised through either LLS or NPWS or another NSW public authority that the EPA has given approval to undertake such an activity. All programs involving aerial application of 1080 rabbit baits must follow the guidelines contained in the VPM. Your local LLS has full details.

8.2 Notwithstanding any other condition contained in this Schedule, a person who undertakes aerial baiting must only use 1080 rabbit baits that are specified in the VPM and approved for aerial baiting.

8.3 A pilot who operates an aircraft which is used to aerially apply 1080 rabbit baits must use onboard GPS navigation equipment mounted in the pilot's line of sight to navigate along agreed flight paths. The GPS navigation equipment must be of the type that has a moving map display with topographic features which

provide accurate guidance to the pilot. The GPS equipment must have full data logging capabilities and all flight paths must be pre-programmed into the GPS navigation equipment before commencement of 1080 rabbit aerial baiting.

- 8.4 A pilot who operates an aircraft which is used to aerially apply 1080 rabbit baits must make a record of the GPS flight path which includes the start and finish drop point data, for 1080 rabbit bait, for each aerial run. The record must be kept for a period of at least three (3) years after the date on which the 1080 rabbit bait was aerially applied. A pilot must make any records available to the EPA on request.
- 8.5 The employer or contractor of a pilot must ensure that a pilot of any aircraft used to aerially apply 1080 rabbit baits complies with conditions 8.3 and 8.4.
- 8.6 A person coordinating or organising aerial baiting programs must ensure that pilots are given digitised flight paths for all areas where 1080 rabbit baits are to be dropped from an aircraft which is used to aerially apply 1080 rabbit baits.
- 8.7 A person on the aircraft that is responsible for dropping 1080 rabbit baits must not be given the task of navigating the aircraft. A pilot is responsible for navigation and must ensure that 1080 rabbit baits are dropped along the agreed flight path.
- 8.8 A person who drops 1080 rabbit baits from an aircraft which is used to aerially apply 1080 rabbit baits must hold as a minimum the qualification specified in clause 9(1)(b)(iii) of this Order.

Schedule 5

REQUIREMENTS FOR AUTHORISED CONTROL OFFICERS

Authorised Control Officers must comply with the following conditions in Schedule 5 and any additional conditions that are relevant in schedules 1 to 4.

1. PRODUCTION OF 1080 BAIT MATERIAL

- 1.1 Only a person who is an Authorised Control Officer can use a registered 1080 liquid concentrate product to produce 1080 bait material for control of wild dogs, foxes, feral pigs and rabbits and any other species that an APVMA permit allows 1080 to be used on.
- 1.2 An Authorised Control Officer can only use bait material that is specified in the current VPM for each pest species and must comply with all constraints that apply in regards to bait selection and preparation e.g. type of meat, offal or other bait material, size, weight, drying or mixing requirements.
- 1.3 An Authorised Control Officer must only use the amount of 1080 specified on the approved label of the 1080 liquid concentrate product for the production of bait material for each pest species. Where the 1080 liquid concentrate product label does not include instructions for preparation of a bait type mentioned in the current VPM, then the Authorised Control Officer must comply with the bait preparation instructions in the VPM.
- 1.4 An Authorised Control Officer must comply with 1080 use, possession and disposal instructions in the current VPM and their agency operational guidelines/policy/procedures for the use of 1080.
- 1.5 All 1080 bait material must be placed by an Authorised Control Officer in a 100 micron (minimum) thick durable plastic bag or HDPE plastic bucket with a lithographed label that is identical to attachment 1 of the relevant Schedule to this Order or in the same labelled plastic bag within an approved container of a registered 1080 bait product.

In the remaining part of this schedule “1080 bait material” will be considered as a “1080 bait product” which is consistent with the definitions in clause 7 of this Order.

2. POSSESSION, SUPPLY AND DISPOSAL OF 1080 BAIT PRODUCTS

- 2.1 An Authorised Control Officer may supply 1080 bait products to a person authorised to possess 1080 bait products. Before doing so an Authorised Control Officer must conduct a risk assessment to determine if it is appropriate to supply 1080 bait products to a person. The risk assessment policy and procedures can be found in the VPM and in internal LLS guidelines/policies/procedures and NPWS standard operating procedures and must be followed. If the Authorised Control Officer makes a determination that it is not appropriate to supply a person with 1080 bait products then the Authorised Control Officer must not give any 1080 bait product to that person. The Authorised Control Officer may withhold 1080 bait products, if, in the opinion of the Authorised Control Officer, they are not satisfied that the 1080 bait products will be used safely or effectively by a person.
- 2.2 If an Authorised Control Officer withholds 1080 bait products from a person, the officer must retain a copy of the risk assessment and record in a logbook or diary, the date, time and specific reasons for refusing to supply 1080 bait products to a particular person and notify the 1080 supervisor in writing.
- 2.3 An Authorised Control Officer must only supply 1080 bait products in a plastic bag or container that complies with the requirements of section 18(1) of the Agricultural and Veterinary Chemicals Code Regulations and has a label which is identical in content and format to the label in **Attachment 1** of the relevant Schedule to this Order or an APVMA approved label of a registered 1080 bait product for the pest animal they are controlling.
- 2.4 An Authorised Control Officer must issue 1080 bait products only to the landholder of the land on which the 1080 bait products are to be used, their authorised agent or a member of staff of NPWS, NSW DPI or the LLS or any other person whose services NPWS, NSW DPI or the LLS makes use of.
- 2.6 An Authorised Control Officer or an employee of an LLS issuing 1080 bait products must give a copy of this pesticide control order with the relevant Schedule to any person receiving 1080 bait products from them unless a current copy of this pesticide control order with the relevant Schedule has been provided to them electronically – in the current calendar year.

- 2.7 An Authorised Control Officer issuing 1080 bait product must establish that the intended end-user for the 1080 bait products holds a qualification that meets the requirements of this Order before handing over any 1080 bait product. Where this cannot be established then 1080 bait product must not be supplied to that person.
- 2.8 Where an Authorised Control Officer produces 1080 bait product for their own use, an indemnity form is not required.
- 2.9 An Authorised Control Officer is required to determine the appropriate quantity of 1080 bait product that can be supplied for use on a property, considering relevant organisational policies and procedures.
- 2.10 At the end of any NPWS RPMS baiting program coordinated by an Authorised Control Officer, an Authorised Control Officer or a person under their supervision may dispose of 1080 bait products on a property or location identified for disposal by burying the 1080 bait products at a depth of less than 500mm of soil but only if the Authorised Control Officer has done a risk assessment and implements control measures that are appropriate to minimise the risk to non-target animals and the environment.

3. INTERSTATE BORDER SUPPLY OF 1080 BAIT PRODUCTS

- 3.1 An Authorised Control Officer may provide 1080 bait products to a landholder in another state but only if there is a current memorandum of understanding (MOU) between the NSW public authority whose staff are supplying 1080 bait products to non NSW landholders and the public authority that regulates the use of 1080 in the state in which the 1080 bait products will be used.
- 3.2 An Authorised Control Officer must comply with all the requirements of the MOU before issuing 1080 bait products to a person where the use of the 1080 bait products will not be in NSW.
- 3.3 Where an MOU for cross border supply of 1080 bait products is being proposed, public authorities involved in such an agreement must liaise with the EPA to determine compliance requirements under NSW pesticide legislation.