

PESTICIDES ACT 1999 – PESTICIDE CONTROL ORDER UNDER SECTION 38

Name

1. This Order is to be known as the Pesticide Control (1080 Liquid Concentrate and Bait Products) Order 2008.

Commencement

2. This Order commences on 10 October 2008.

Authority for Order

3. This Order is made by the Environment Protection Authority with the approval of the Minister for Climate Change and the Environment under Part 4 of the Pesticides Act 1999.

Revocation of Previous Orders

4. The following orders are hereby revoked:
 - (a) Pesticide Control (1080 Liquid Concentrate) Order 2007
 - (b) Pesticide Control (1080 Fox Bait within Wyong Shire Council) Order 2006
 - (c) Pesticide Control (1080 Fox Bait within Gosford City Council) Order 2004
 - (d) Pesticide Control (1080 Wild Dog Bait) Order 2002
 - (e) Pesticide Control (1080 Fox Bait) Order 2002
 - (f) Pesticide Control (1080 Rabbit Bait) Order 2002
 - (g) Pesticide Control (1080 Feral Pig Bait) Order 2002.

Objects

5. The objects of this Order are to: –
 - (a) Authorise those persons described in condition 9 to use 1080 liquid concentrate and bait products that are approved for use in NSW.
 - (b) Specify the manner in which 1080 liquid concentrate and bait products may be used in NSW.
 - (c) Revoke and replace pesticide control orders:
 - (i). Pesticide Control (1080 Liquid Concentrate) Order 2007
 - (ii). Pesticide Control (1080 Fox Bait within Wyong Shire Council) Order 2006
 - (iii). Pesticide Control (1080 Fox Bait within Gosford City Council) Order 2004
 - (iv). Pesticide Control (1080 Wild Dog Bait) Order 2002
 - (v). Pesticide Control (1080 Fox Bait) Order 2002
 - (vi). Pesticide Control (1080 Rabbit Bait) Order 2002
 - (vii). Pesticide Control (1080 Feral Pig Bait) Order 2002

Background

6. A chemical product that contains sodium fluoroacetate (1080) has been declared to be a “restricted chemical product” under Regulation 45 of the Agricultural and Veterinary Chemicals Code Regulations 1995 of the Commonwealth.

Section 94 of the Agvet Code 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”.

In NSW 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 certificate of competency or a pesticide control order.

Application

7. This Order authorises the use of 1080 liquid concentrate and bait products that are approved for use in NSW by the APVMA subject to conditions as specified in this Order.

Definitions

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

1080 bait material means any material that has been injected or treated with 1080 in accordance with the NSW directions on an approved label of the products “ACTA 1080 Concentrate” and “PAKS 1080 Concentrate” or any other 1080 liquid concentrate product that has been registered by the APVMA and approved for use in NSW and that can be used to control either wild dogs, foxes, rabbits or feral pigs.

1080 bait product means any non liquid formulation product that contains 1080 as its only active constituent and that is 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.

1080 poisoned bait is the generic name given to 1080 bait material or any 1080 bait product that is placed by Rural Lands Protection Boards in a 100 micron thick durable plastic bag. The plastic bag has a lithographed label that is specific to the 1080 baits placed in the bag and identical to attachment 1 of the relevant schedule to this Order.

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 means the Code applying because of section 5 of the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*.

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

Attacked means mauled, killed or harassed.

Authorised control officer means a person who: –

- (a) has completed the training and assessment components of the Vertebrate Pest Management course delivered by the NSW Department of Primary Industries (NSW DPI) and holds a statement of attainment issued by a Registered Training Organisation for the training competencies covered by the Vertebrate Pest Management Course; and
- (b) holds a certificate of completion for the 1080 Induction course delivered by NSW DPI; and
- (c) has completed the training and assessment components of a Chemical Accreditation training program assessed at Australian Qualifications Framework levels 3 and 4 and holds a current statement of attainment issued (in the previous 5 years) by a Registered Training Organisation for the level 4 training competencies covered by the course(s); and
- (d) is a member of staff of a Rural Lands Protection Board, NSW DPI, Wild Dog Destruction Board, Department of Environment and Climate Change NSW (DECC), or other NSW public authority currently employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* by the Government Service to enable that NSW public authority to exercise its functions.

Baiting location means:

- (a) in the case of private land, or private holdings, where the property area is less than 100 ha – the whole property;
- (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) land reserved under Part 4 of the *National Parks and Wildlife Act 1974*;

– the area of the private land or private holding, state forest, or reserved land where 1080 baits are being used.
- (c) in the case of council reserves and other public areas – the whole of the property.

Domestic Water Supply or Water Draw Point 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 water draw point and does not include the entire length of active streams.

Group means two or more.

Habitation means a dwelling house or some other accommodation that is occupied by people and is located on private, crown or public land. 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 on private, crown or public land. 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 regulated or privately operated camping and/or caravan area, or any area that is signposted as a camping area on land reserved under Part 4 of the *National Parks and Wildlife Act 1974*.

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.

Property means the area within any lot in a deposited plan (whether on private land, a private holding, state forest, land reserved under Part 4 of the *National Parks and Wildlife Act 1974*, council reserve or any other public area).

Public Authority has the same meaning as under the *Pesticides Act 1999* (NSW).

Registered Training Organisation has the same meaning as under the *Vocational Education and Training Act 2005* (NSW).

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.

Use has the same meaning as defined under the *Pesticides Act 1999* and includes possession.

Western Division is the area of western NSW that has an eastern boundary defined as follows (north to south): Barwon River from the Queensland border to Bourke Shire boundary; south along Bourke Shire eastern boundary to Cobar Shire boundary; south along Cobar Shire eastern boundary to the Lachlan River; then follows the Lachlan River; and then Murrumbidgee River to the Victorian Border (Murray River).

Persons authorised

9. (1) Only the following persons are authorised to use, subject to clause 10, 1080 liquid concentrate products:

(a) Authorised Control Officers.

- (2) Only the following persons are authorised to use, subject to clause 10, 1080 bait products:

- (a) Authorised Control Officers and persons directly supervised by Authorised Control Officers; and
- (b) Any person who has obtained 1080 bait product from an Authorised Control Officer and who is an owner, occupier, manager or authorised agent of the land, property or holding where the 1080 bait product is to be used and holds as a minimum a current AQF3¹ chemical accreditation in accordance with the competencies approved under part 3 of the Pesticides Regulation 1995 or any subsequent regulation that replaces this regulation.

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

10. A person authorised to use 1080 liquid concentrate products or 1080 bait products under clause 9 above, must only use 1080 liquid concentrate products and 1080 bait products 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.

Phase out of old stock of plastic bags used for 1080 poisoned bait

11. Notwithstanding anything contained in Schedules 1-4 to this Order, Rural Lands Protection Boards (RLPBs) may continue to supply plastic bags for 1080 poisoned baits that have a version of the lithographed label that is identical to that prescribed in the revoked pesticide control orders indicated in clause 4 of this Order until 30 June 2009 (referred to in this clause as old stock of plastic bags).

RLPBs supplying persons with old stock of plastic bags must instruct those persons receiving old stock of plastic bags that use of 1080 poisoned bait must be in accordance with clause 10 of this order, specifically attachment 1 of the relevant schedule, rather than the instructions on the old stock of plastic bags.

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.

Note for users of 1080 liquid concentrate and 1080 bait products – Approved labels of these products have incomplete instructions on the conditions that exist for use of 1080 products in NSW. All persons using 1080 liquid concentrate and 1080 bait products must follow the instructions in the relevant Schedule to this Order, especially in regards to complying with section 39(3) 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 prevail and 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 except where these instructions contradict instructions in the relevant Schedule to this Order. In such circumstances the conditions stated in the Schedules to this Order prevail.

LISA CORBYN
Director-General of the
Department of Environment and
Climate Change (on behalf of the

CARMEL TEBBUTT, MP
Minister for Climate Change and the
Environment

¹ This requirement does not affect the requirements of a person to hold prescribed qualifications in Division 2 of Part 3 of the *Pesticides Regulation 1995* or any subsequent regulation that replaces this regulation.

Schedule 1

USE OF 1080 LIQUID CONCENTRATE AND 1080 BAIT PRODUCT FOR CONTROL OF WILD DOGS

1. PRODUCTION OF 1080 WILD DOG BAIT

An Authorised Control Officer may produce 1080 wild dog bait, but only in accordance with the following conditions:

- 1.1 An Authorised Control Officer may use 1080 liquid concentrate products to produce 1080 bait material. Where an Authorised Control Officer uses material to produce 1080 bait material, the Authorised Control Officer must only use boneless red meat, offal (tongue, kidney and liver) and manufactured sausage. Any red meat bait produced must weigh approximately 250 grams prior to any drying process. Persons preparing 1080 bait material must follow wild dog bait preparation instructions on the approved label of the 1080 liquid concentrate product. When using the ACTA 1080 Concentrate product or PAKS 1080 Concentrate product all bait material, as indicated above, must be injected with 0.2ml of the product per bait.
- 1.2 An Authorised Control Officer must not freeze any 1080 wild dog bait produced as per condition 1.1.

2. USE OF CERTAIN 1080 WILD DOG BAIT PRODUCTS

- 2.1 A person authorised to use 1080 bait products under clause 9 of this Order may only use the 1080 bait products referred to in conditions 2.2 and 2.3.
- 2.2 A person authorised to use 1080 bait products under clause 9 of this Order may use any 1080 bait products produced by an Authorised Control Officer under condition 1.1 above for the purpose of controlling wild dogs.
- 2.3 A person authorised to use 1080 bait products under clause 9 of this Order may use 1080 products that have been specifically manufactured for the control of wild dogs, are registered by the APVMA and approved for the use of controlling wild dogs in NSW, such as Doggone Wild Dog Bait (49384) and Paks DE-K9 1080 Wild Dog Bait (60308) (and any other similar 1080 product that is produced after the commencement of this Order) for the purpose of controlling wild dogs.
- 2.4 A person must not freeze any 1080 wild dog bait produced as per condition 1.1.
- 2.5 1080 bait material prepared under condition 1.1 above and 1080 bait products referred to in condition 2.3 will henceforth be referred to as "1080 wild dog bait".

3. POSSESSION OF 1080 WILD DOG BAIT

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

- 3.1 An Authorised Control Officer may supply 1080 wild dog bait to a person authorised to possess 1080 wild dog bait. An Authorised Control Officer may conduct a risk assessment to determine if it is appropriate to supply 1080 wild dog baits to a person. Risk assessment guidelines can be found in the NSW DPI publication "Vertebrate Pest Control Manual". If the Authorised Control Officer makes a determination that it is not appropriate to supply a person with 1080 wild dog baits then the Authorised Control Officer must not give any 1080 wild dog bait to that person. The Authorised Control Officer may withhold 1080 wild dog baits, if, in the opinion of the Authorised Control Officer, they are not satisfied that the 1080 wild dog baits will be used safely or effectively by a person.
- 3.2 If an Authorised Control Officer withholds 1080 wild dog baits from a person, the officer must record in a logbook or diary, the date, time and specific reasons for refusing to supply 1080 wild dog baits to a particular person.

- 3.3 An Authorised Control Officer must only supply 1080 wild dog baits in either a plastic bag labeled in accordance with **attachment 1** or in a container supplied by the manufacturer of an APVMA registered 1080 wild dog bait product.
- 3.4 A person taking possession of 1080 wild dog baits must first complete and sign an indemnity or consent/indemnity form for each property on which 1080 wild dog bait is intended to be used. An Authorised Control Officer or an employee of an RLPB must give a copy of the indemnity or consent/indemnity form to any person taking possession of 1080 wild dog baits.
- 3.5 An Authorised Control Officer must issue 1080 wild dog baits only to the owner, manager or occupier of the land (the landholder) on which the 1080 wild dog baits are to be used, their authorised agent or a person under the direct supervision of the Authorised Control Officer.
- 3.6 An Authorised Control Officer or an employee of an RLPB issuing 1080 wild dog baits must give a copy of this pesticide control order with this schedule to any person receiving 1080 wild dog baits.
- 3.7 An Authorised Control Officer issuing 1080 wild dog baits should establish that the intended end-user for the 1080 wild dog baits holds a qualification that meets the requirements of Division 2 of Part 3 of the Pesticides Regulation 1995 before handing over 1080 wild dog baits. Where this cannot be established then it is recommended that the 1080 wild dog baits should not be supplied.
- 3.8 All persons receiving 1080 wild dog baits from an Authorised Control Officer must only temporarily possess and store 1080 wild dog baits. 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 7 days. All unopened manufactured and registered 1080 bait product (such as Doggone and DE-K9 product) must be returned to the issuing Authorised Control Officer within 1 month of completion of the baiting program. All opened manufactured and registered 1080 bait product (such as Doggone and DE-K9 product) must be destroyed within 1 month after completion of the baiting program, by burial in accordance with condition 4.8 below.
- 3.9 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.

4. DIRECTIONS FOR USE - GENERAL RESTRICTIONS

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

- 4.1 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 when transporting 1080 wild dog baits.
- 4.2 A person must not place the 1080 wild dog baits in a position accessible to children, livestock, domestic animals or pets.
- 4.3 A person must not feed 1080 wild dog baits to non target species.
- 4.4 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 baits is likely to lead to contamination of the crops.
- 4.5 A person must ensure that 1080 wild dog baits do not contaminate foodstuffs, or feed, for human or non-target animal consumption.

4.6 A person must not use containers (including plastic bags) which have been used to contain 1080 wild dog baits for any other purpose and must dispose of such containers by burial or burning as follows:

4.6.1 Burial

Containers (including plastic bags) must be buried as follows:

- (a) Containers must be triple rinsed or pressure rinsed;
- (b) Containers and rinsate must be buried in a pit and covered with at least 500mm of soil;
- (c) The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral). Break, crush or puncture and dispose of empty rinsed containers either on the property, or at a site approved by the Authorised Control Officer or in a local authority landfill.

4.6.2 Burning

Empty plastic bags must be burnt by open fire in accordance with an approval issued under the *Protection of the Environment Operations (Clean Air) Regulation 2002*. 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 100 bags without the prior written approval of the Environment Protection Authority (EPA)
- (b) The burning of plastic bags must be carried out at least 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 NSW Fire Brigades.
- (d) The open fire burning must not be carried out on a day subject to a no-burn notice declared by the EPA under provisions of the *Protection of the Environment Operations Act 1997*.
- (e) The 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.

4.7 A person must not pollute dams, rivers, streams, waterways or drains with 1080 wild dog baits or used containers (including plastic bags). Pollution of waters is an offence under s 120 of the *Protection of the Environment Operations Act 1997*.

4.8 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 baiting locations. 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 co-ordinated baiting program, on a property or location identified and agreed to by the Authorised Control Officer co-ordinating the program. All collected and unused 1080 wild dog baits must be buried in a disposal pit and must be buried under at least 500mm 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*.

4.9 At the end of any baiting program co-ordinated by an Authorised Control Officer, an Authorised Control Officer or a person under their supervision may dispose of 1080 wild dog baits on a property or location identified for disposal by burying the 1080 wild dog baits at a depth of less than 500 mm 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.

5. DIRECTIONS FOR USE - DISTANCE RESTRICTIONS

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

- 5.1. 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.
- 5.2 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. This condition applies to proposals for baiting in closely settled farming areas or areas within four (4) kilometres of a village or any street.
- 5.3 **Property Boundary:**
- 5.3.1 **Ground Baiting:** No 1080 wild dog baits shall be laid within 5 metres from any property boundary.
- 5.3.2 **Aerial Baiting:** 1080 wild dog baits must not be laid:
- (a) within 10 metres from any property boundary by helicopter, or
 - (b) within 100 metres from any property boundary when using a fixed winged aircraft. Use of fixed winged aircraft is restricted to Western Division only.
- 5.3.3 **Exemption for Group Baiting:** Conditions 5.3.1 and 5.3.2 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.
- 5.4 **Habitation:**
- 5.4.1 **Ground Baiting:** No 1080 wild dog baits shall be laid within 500 metres of a habitation except:
- (a) where a landholder uses 1080 wild dog baits on their own property, in which case the landholder may lay the 1080 wild dog baits at a distance of less than 500 metres from their own habitation. If a landholder lays 1080 wild dog baits less than 150 metres from their own habitation then the landholder must dig a shallow hole and bury the 1080 wild dog baits.
 - (b) where an Authorised Control Officer plans a baiting program, in which case the 1080 wild dog baits may be laid at less than 500 metres but down to a minimum distance of 150 metres from a habitation, subject to the following conditions:
 - (i) The Authorised Control Officer must undertake a risk assessment in accordance with the provisions of the NSW DPI Vertebrate Pest Control Manual (as in force from time to time) and determine that 1080 wild dog baits can be used at distances of less than 500 metres down to 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 wild dog baits as part of a coordinated wild dog control program at distances of less than 500 metres down to a minimum distance of 150 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 500 metres down to a minimum distance of 150 metres from any habitation on their property in writing; AND
 - (c) agree to allow implementation of a 1080 wild dog poisoning program and accept all responsibility for any problems arising from the program; AND
- (3) **ALL** the landholders of the outermost holdings of the group abide by all the distance requirements in relation to adjoining properties not covered by the group activity.

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

- (a) within 500 metres of a habitation by helicopter, or
- (b) within 1000 metres of a habitation by a fixed wing aircraft. Use of fixed winged aircraft is restricted to the Western Division only.

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

5.5.1 **Ground Baiting**: No 1080 wild dog baits shall be laid within 10 metres of a domestic water supply.

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

- (a) within 20 metres of a domestic water supply by helicopter, or
- (b) within 100 metres of a domestic water supply by a fixed winged aircraft. Use of fixed winged aircraft is restricted to the Western Division only.

6. **PUBLIC NOTIFICATION**

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

- 6.1 A person shall not lay any 1080 wild dog baits on any property unless the person has first given a minimum of 3 days notice of the date on which they will use 1080 wild dog baits. This notice must be given to the occupier, manager or authorised agent of every property which has a property boundary within one kilometre of a baiting location ("notification").
- 6.2. The notification can be given by telephone, email, or in person, or, where this is not possible, by mail (including letter box drop). If neighbours cannot be contacted by telephone, email, personal contact or mail, or the number of neighbours is more than 25, then notification may be made by advertisement in a local newspaper.
- 6.3 The use of 1080 wild dog baits may be conducted for longer than 7 days but must commence within 10 days of notification otherwise further notification of intended baiting is required.
- 6.4 Where baiting programs are continuous and ongoing notification must be given every 6 months.

7. **EMERGENCY BAITING (Ground application only)**

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

- 7.1 A person whose livestock are being attacked may use 1080 wild dog baits (by way of ground baiting only) without the need to comply with condition 6.1 (3 day prior neighbour notification). A person who undertakes emergency baiting must, however, notify each landholder whose property boundary lies within one kilometre of a baiting location before laying any 1080 wild dog baits. A person who undertakes emergency baiting may lay up to fifty (50) 1080 wild dog baits but only with the prior approval of an Authorised Control Officer.

7.2 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 7.1.

8. 1080 POISONING NOTICES

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

8.1 A person who uses 1080 wild dog baits must erect notices before laying 1080 wild dog baits on a property. These notices must remain up for a minimum of 4 weeks after the last day of baiting. Notices must be placed:

- (a) at every entry to the baiting location; and
- (b) at the main entrance to a private property or holding where baiting is undertaken; and
- (c) at up to 5 kilometre intervals along all public thoroughfares which border or pass through the baiting location.

8.2 The notices must specify the following:

- (a) that 1080 wild dog baits 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; and
- (d) a warning that non-target animals may be affected.

8.3 Under the Pesticides Regulation 1995 (clauses 11J to 11P) public authorities have additional public notification obligations that must be complied with.

8.4 1080 Poison Notices may be obtained from Authorised Control Officers.

9. GROUND BAITING WITH 1080 WILD DOG BAITS

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

9.1 A person who lays 1080 wild dog baits must:

- (a) not lay more than four 1080 wild dog baits per kilometre of trail or 16 baits per 100 hectares; and
- (b) not lay more than fifty (50) 1080 wild dog baits on any property unless the baiting program is approved by an Authorised Control Officer; and
- (c) lay the 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 4.8.

9.2 1080 wild dog baits should be buried in a shallow hole and covered with earth. If practical, tether the 1080 wild dog baits to a fence and mark the burial spot.

9.3 A person who lays 1080 wild dog baits on a property of less than 100ha must check the 1080 wild dog baits within 5 days of laying the 1080 wild dog baits and must collect any untaken 1080 wild dog baits within 7 days of laying the 1080 wild dog bait. All untaken 1080 wild dog baits must be disposed of in accordance with condition 4.8. This condition does not prevent a person from replacing 1080 wild dog baits that are taken for a period of longer than 7 days where 1080 wild dog baits continue to be taken.

10. AERIAL BAITING WITH 1080 WILD DOG BAITS

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

10.1 Aerial baiting should be restricted to areas where ground control is impractical or where livestock losses are continuing. Approval for every aerial baiting program must be obtained from the Director-General for the NSW Department of Primary Industries (NSW DPI) or his or her delegate. Aerial baiting must be organised through either Wild Dog Control Associations, the Wild Dog Destruction Board, Rural Lands Protection Boards, DECC or other NSW public authorities. All programs involving aerial application of 1080 wild dog baits must comply with the guidelines contained in the NSW DPI humane pest animal control codes of practice and

standard operating procedures and NSW DPI Vertebrate Pest Control Manual and require careful planning and consultation. Your local Rural Lands Protection Board has full details.

- 10.2 Notwithstanding any other condition contained in this Schedule, a person who undertakes aerial baiting must only use red meat, manufactured sausage baits, Doggone Wild Dog Bait (49384) or Paks DE-K9 1080 Wild Dog Bait (60308) for aerial baiting.
- 10.3 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.
- 10.4 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 and drop point data for each 1080 wild dog bait aerially applied. The record must be kept for a period of at least 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.
- 10.5 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 10.3 and 10.4.
- 10.6 A person co-ordinating 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.
- 10.7 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.
- 10.8 A person who drops 1080 wild dog baits from an aircraft which is used to aerially apply 1080 wild dog baits must hold the minimum of an AQF3 training qualification in respect to all AQF3 competencies that are approved under Part 3 of the Pesticides Regulation 1995 or any subsequent regulation that replaces this regulation.
- 10.9 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 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.

11. RISK TO DOMESTIC ANIMALS

- 11.1 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 advise neighbours to tie up dogs and ensure they do not enter the baiting location during poisoning operations or to muzzle dogs if paddocks have to be mustered after poisoning. In the event of accidental poisoning seek immediate veterinary assistance.

12. RISK TO ENVIRONMENT AND WILDLIFE

- 12.1 A person who uses 1080 wild dog baits must not pollute streams, rivers or waterways with 1080 wild dog baits or plastic bags and containers that have held 1080 wild dog baits.
- 12.2 1080 wild dog baits may be toxic to some native wildlife. To the extent where possible, the person using the 1080 wild dog baits should time baiting programs when non-target species are least active or least susceptible.
- 12.3 To the extent where possible, a person who uses 1080 wild dog baits should recover carcasses of animals poisoned by 1080 wild dog baits and bury in accordance with the disposal instructions for 1080 wild dog baits in condition 4.8. Any incidents where there are reasonable grounds to suspect that non-target animals may have been poisoned by 1080 wild dog baits should be reported to the EPA.

ATTACHMENT 1

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 on schedule 1 of Pesticide Control (1080 Liquid Concentrate and Bait Products) Order 2008. When using this product to control foxes you must follow the conditions for use on schedule 2 of Pesticide Control (1080 Liquid Concentrate and Bait Products) Order 2008.

SAFETY DIRECTIONS:

Very dangerous. Poisonous if swallowed. When opening the bag and handling the bait wear elbow-length PVC or nitrile 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 PVC 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 can 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 which have held bait must not be used for any other purpose. Triple or pressure rinse, break, crush or puncture this plastic bag before disposal. Dispose of rinsate and this plastic bag along with any unused baits in a disposal pit and cover with at least 500mm 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 Pesticide Control (1080 Liquid Concentrate and Bait Products) Order 2008.

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

RURAL LANDS PROTECTION BOARDS

KG NET

Schedule 2

USE OF 1080 LIQUID CONCENTRATE AND 1080 BAIT PRODUCT FOR CONTROL OF FOXES

1. PRODUCTION OF 1080 FOX BAIT

An Authorised Control Officer may produce 1080 fox bait, but only in accordance with the following conditions:

- 1.1 An Authorised Control Officer may use 1080 liquid concentrate products to produce 1080 bait material. Where an Authorised Control Officer uses material to produce 1080 bait material, the Authorised Control Officer must only use fowl heads, chicken wingettes, boneless red meat, offal (tongue, kidney and liver), bird eggs, and manufactured sausage baits. Each bait except fowl heads, bird eggs and chicken wingettes must weigh approximately 100 grams prior to any drying process. Persons preparing 1080 bait material must follow fox bait preparation instructions on the approved label of the 1080 liquid concentrate product. When using the ACTA 1080 Concentrate product or PAKS 1080 Concentrate product all bait material, as indicated above, must be injected with 0.1ml of the product per bait.
- 1.2 An Authorised Control Officer must not freeze any 1080 fox bait produced as per condition 1.1.

2. USE OF CERTAIN 1080 FOX BAIT PRODUCTS

- 2.1 A person authorised to use 1080 bait products under clause 9 of this Order may only use the 1080 bait products referred to in conditions 2.2 and 2.3.
- 2.2 A person authorised to use 1080 bait products under clause 9 of this Order may use any 1080 bait products produced by an Authorised Control Officer under condition 1.1 above for the purpose of controlling foxes.
- 2.3 A person authorised to use 1080 bait products under clause 9 of this Order may use 1080 products that have been specifically manufactured for the control of foxes, are registered by the APVMA and approved for use of controlling foxes in NSW, such as Foxoff Fox Bait (40573); Foxoff Econobait (46434) and Paks DE-FOX 1080 Fox Bait (58999) (and any other similar 1080 product that is produced after the commencement of this Order) for the purpose of controlling foxes.
- 2.4 A person must not freeze any 1080 fox bait produced as per condition 1.1.
- 2.5 1080 bait material prepared under condition 1.1 above and 1080 bait products referred to in condition 2.3 will henceforth be referred to as "1080 fox bait".

3. POSSESSION OF 1080 FOX BAIT

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

- 3.1 An Authorised Control Officer may supply 1080 fox bait to a person authorised to possess 1080 fox bait. An Authorised Control Officer may conduct a risk assessment to determine if it is appropriate to supply 1080 fox baits to a person. Risk assessment guidelines can be found in the NSW DPI publication "Vertebrate Pest Control Manual". If the Authorised Control Officer makes a determination that it is not appropriate to supply a person with 1080 fox baits then the Authorised Control Officer must not give any 1080 fox bait to that person. The Authorised Control Officer may withhold 1080 fox baits, if, in the opinion of the Authorised Control Officer, they are not satisfied that the 1080 fox baits will be used safely or effectively by a person.
- 3.2 If an Authorised Control Officer withholds 1080 fox baits from a person, the officer must record in a logbook or diary the date, time and specific reasons for refusing to supply 1080 fox baits to a particular person.

- 3.3 An Authorised Control Officer must only supply 1080 fox baits in either a plastic bag labelled in accordance with **attachment 1** or in a container supplied by the manufacturer of an APVMA registered 1080 fox bait product.
- 3.4 A person taking possession of 1080 fox baits must first complete and sign an indemnity or consent/indemnity form for each property on which 1080 fox bait is intended to be used. An Authorised Control Officer or an employee of an RLPB must give a copy of the indemnity or consent/indemnity form to any person taking possession of 1080 fox baits.
- 3.5 An Authorised Control Officer must issue 1080 fox baits only to the owner, manager or occupier of the land (the landholder) on which the 1080 fox baits are to be used, their authorised agent or a person under the direct supervision of the Authorised Control Officer.
- 3.6 An Authorised Control Officer or an employee of an RLPB issuing 1080 fox baits must give a copy of this pesticide control order with this schedule to any person receiving 1080 fox baits.
- 3.7 An Authorised Control Officer issuing 1080 fox baits should establish that the intended end-user for the 1080 fox baits holds a qualification that meets the requirements of Division 2 of Part 3 of the Pesticides Regulation 1995 before handing over 1080 fox baits. Where this cannot be established then it is recommended that the 1080 fox baits should not be supplied.
- 3.8 All persons receiving 1080 fox baits from an Authorised Control Officer must only temporarily possess and store 1080 fox baits. 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 7 days. All unopened manufactured and registered 1080 bait product (such as Foxoff (both products) and DE-FOX product) must be returned to the issuing Authorised Control Officer within 1 month of completion of the baiting program. All opened manufactured and registered 1080 bait product (such as Foxoff (both products) and DE-FOX product) must be destroyed within 1 month of completion of the baiting program, by burial in accordance with condition 4.8 below.
- 3.9 Where NSW public authorities are coordinating baiting programs they must ensure that all persons involved in the baiting program return all unopened manufactured and registered 1080 bait products, such as Foxoff (both products) and DE-FOX product to an Authorised Control Officer within 2 months of completion of the baiting program.
- 3.10 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 a container supplied by the manufacturer of an APVMA registered 1080 fox bait product.

4. DIRECTIONS FOR USE - GENERAL RESTRICTIONS

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

- 4.1 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 when transporting 1080 fox baits.
- 4.2 A person must not place the 1080 fox baits in a position accessible to children, livestock, or domestic animals or pets.
- 4.3 A person must not feed 1080 fox baits to non target species.
- 4.4 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 baits is likely to lead to contamination of the crops.

- 4.5 A person must ensure that 1080 fox baits do not contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 4.6 A person must not use containers (including plastic bags) which have been used to contain 1080 fox baits for any other purpose and must dispose of such containers by burial or burning as follows:
- 4.6.1 Burial
- Containers (including plastic bags) must be buried as follows:
- (a) Containers must be triple rinsed or pressure rinsed;
 - (b) Containers and rinsate must be buried in a pit and covered with at least 500mm of soil;
 - (c) The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral). Break, crush or puncture and dispose of empty rinsed containers either on the property, or at a site approved by the Authorised Control Officer or in a local authority landfill.
- 4.6.2 Burning
- Empty plastic bags must be burnt by open fire in accordance with an approval issued under the *Protection of the Environment Operations (Clean Air) Regulation 2002*. 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 100 bags without the prior written approval of the Environment Protection Authority (EPA)
 - (b) The burning of plastic bags must be carried out at least 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 NSW Fire Brigades.
 - (d) The open fire burning must not be carried out on a day subject to a no-burn notice declared by the EPA under provisions of the *Protection of the Environment Operations Act 1997*.
 - (e) The 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.
- 4.7 A person must not pollute dams, rivers, streams, waterways or drains with 1080 fox baits or used containers (including plastic bags). Pollution of waters is an offence under s 120 of the *Protection of the Environment Operations Act 1997*.
- 4.8 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 baiting locations. 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 co-ordinated baiting program, on a property or location identified and agreed to by the Authorised Control Officer co-ordinating the program. All collected and unused 1080 fox baits must be buried in a disposal pit and must be buried under at least 500mm 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*.
- 4.9 At the end of any baiting program co-ordinated by an Authorised Control Officer, an Authorised Control Officer or a person under their supervision may dispose of 1080 fox baits on a property or location identified for disposal by burying the 1080 fox baits at a depth of less than 500 mm 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.
- 4.10 Continuous and 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 11.0 Risk to Domestic Animals and 12.0 Risk to Environment and Wildlife).

5. DIRECTIONS FOR USE - DISTANCE RESTRICTIONS

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

5.1 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.

5.2 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 an Authorised Control Officer. A program approved under this condition must include strategies for minimising risk to non-target animals. This condition applies to proposals for baiting in closely settled farming areas or areas within four (4) kilometres of a village or any street.

5.3 **Property Boundary:**

5.3.1 **Ground Baiting:** No 1080 fox baits shall be laid within 5 metres from any property boundary.

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

- (a) within 10 metres from any property boundary by helicopter, or
- (b) within 100 metres from any property boundary when using a fixed winged aircraft. Use of fixed winged aircraft is restricted to Western Division only.

5.3.3 **Exemption for Group Baiting:** Conditions 5.3.1 and 5.3.2 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.

5.4 **Habitation:**

5.4.1 **Ground Baiting:** No 1080 fox baits shall be laid within 150 metres of a habitation except:

- (a) where a landholder uses 1080 fox baits on their own property, in which case the landholder may lay the 1080 fox baits at a distance of less than 150 metres from their own habitation provided they dig a shallow hole and bury the 1080 fox baits.
- (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 from a habitation, subject to the following conditions:
 - (i) The Authorised Control Officer must undertake a risk assessment in accordance with the provisions of the NSW DPI Vertebrate Pest Control Manual (as in force from time to time) and determine that 1080 fox baits can be used at distances of less 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 fox baits as part of a coordinated fox control program at distances of less than 150 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 from any habitation on their property in writing; AND
 - (c) agree to dig a shallow hole and bury any 1080 fox baits laid on their property at a distance of less than 150 metres from a habitation; AND
 - (d) agree to allow implementation of a 1080 fox poisoning program and accept all responsibility for any problems arising from the program; AND
- (3) **ALL** the landholders of the outermost holdings of the group abide by all the distance requirements in relation to adjoining properties not covered by the group activity.

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

- (a) within 500 metres of a habitation by helicopter, or
- (b) within 1000 metres of a habitation by a fixed wing aircraft. Use of fixed winged aircraft is restricted to the Western Division only.

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

5.5.1 **Ground Baiting:** No 1080 fox baits shall be laid within 10 metres of a domestic water supply.

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

- (a) within 20 metres of a domestic water supply by helicopter, or
- (b) within 100 metres of a domestic water supply by a fixed winged aircraft. Use of fixed winged aircraft is restricted to the Western Division only.

6. **PUBLIC NOTIFICATION**

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

- 6.1 A person shall not lay any 1080 fox baits on any property unless the person has first given a minimum of 3 days notice of the date on which they will use 1080 fox baits. This notice must be given to the occupier, manager or authorised agent of every property which has a property boundary within one kilometre of a baiting location ("notification").
- 6.2. The notification can be given by telephone, email or in person, or, where this is not possible, by mail (including letter box drop). If neighbours cannot be contacted by telephone, email, personal contact or mail, or the number of neighbours is more than 25, then notification may be made by advertisement in a local newspaper.
- 6.3 The use of 1080 fox baits may be conducted for longer than 7 days but must commence within 10 days of this notification otherwise further notification of intended baiting is required.
- 6.4 Where baiting programs are continuous and ongoing notification must be given every 6 months.

7. **EMERGENCY BAITING (Ground application only)**

- 7.1 A person whose livestock are being attacked may use 1080 fox baits (by way of ground baiting only) without the need to comply with condition 6.1 (3 day prior neighbour notification). A person who undertakes emergency baiting must, however, notify each landholder whose property boundary lies within one kilometre of a baiting location before laying any 1080 fox baits. A person who undertakes emergency baiting may lay up to fifty (50) 1080 fox baits but only with the prior approval of an Authorised Control Officer.

7.2 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 7.1.

8. 1080 POISONING NOTICES

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

8.1 A person who uses 1080 fox baits must erect notices before laying 1080 fox baits on a property. These notices must remain up for a minimum of 4 weeks after the last day of baiting. Notices must be placed:

- (a) at every entry to the baiting location; and
- (b) at the main entrance to a private property or holding where baiting is undertaken; and
- (c) at up to 5 kilometre intervals along all public thoroughfares which border or pass through the baiting location.

8.2 The notices must specify the following:

- (a) that 1080 fox baits 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; and
- (d) a warning that non-target animals may be affected.

8.3 Under the Pesticides Regulation 1995 (clauses 11J to 11P) public authorities have additional public notification obligations that must be complied with.

8.4 1080 Poison Notices may be obtained from Authorised Control Officers.

9. GROUND BAITING WITH 1080 FOX BAITS

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

9.1 A person who lays 1080 fox baits must:

- (i) not lay more than four 1080 fox baits per kilometre of trail or one bait per five hectares; and
- (ii) not lay more than fifty (50) 1080 fox baits on any one property or holding unless the baiting program is approved by an Authorised Control Officer; and
- (iii) lay the 1080 fox baits in such a way that any untaken 1080 fox baits can be found readily and destroyed in accordance with condition 4.8.

9.2 1080 fox baits should be buried in a shallow hole and covered with earth. If practical, tether the 1080 fox baits to a fence and mark the burial spot. In National Parks and Reserves (includes council reserves) it is not necessary to mark the burial spot for 1080 fox baits.

9.3 A person who lays 1080 fox baits on a property of less than 100ha must check the 1080 fox baits within 5 days of laying the 1080 fox baits and must collect any untaken 1080 fox baits within 7 days of laying the 1080 fox bait. All untaken 1080 fox baits must be disposed of in accordance with condition 4.8. This condition does not prevent a person from replacing 1080 fox baits that are taken for a period of longer than 7 days where 1080 fox baits continue to be taken.

10. AERIAL BAITING

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

10.1 Aerial baiting for fox control should be restricted to areas where ground control is impractical or where it is necessary for the protection of threatened species. Approval for every aerial baiting program must be obtained from the Director-General for the NSW Department of Primary Industries (NSW DPI) or his or her delegate. Aerial baiting must be organised through either Rural Lands Protection Boards, DECC or other NSW public authorities. All programs involving aerial application of 1080 fox baits must comply with the guidelines contained in the NSW DPI humane pest control codes of practice and standard operating procedures and NSW DPI

Vertebrate Pest Control Manual and require careful planning and consultation. Your local Rural Lands Protection Board has full details.

- 10.2 Notwithstanding any other condition contained in this Schedule, a person who undertakes aerial baiting must only use red meat or manufactured sausage baits for aerial baiting.
- 10.3 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.
- 10.4 A pilot who operates an aircraft which is used to aerially apply 1080 fox baits must make a record of the GPS flight path and drop point data for each 1080 fox bait aerially applied. The record must be kept for a period of at least 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.
- 10.5 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 10.3 and 10.4.
- 10.6 A person co-ordinating 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.
- 10.7 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.
- 10.8 A person who drops 1080 fox baits from an aircraft which is used to aerially apply 1080 fox baits must hold the minimum of an AQF3 training qualification in respect to all AQF3 competencies that are approved under Part 3 of the Pesticides Regulation 1995 or any subsequent regulation that replaces this regulation.
- 10.9 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 1080 fox baits per kilometre of agreed flight path on any land in NSW.

11. RISK TO DOMESTIC ANIMALS

- 11.1 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 advise neighbours to tie up dogs and ensure they do not enter the baiting location during poisoning operations or to muzzle dogs if paddocks have to be mustered after poisoning. In the event of accidental poisoning seek immediate veterinary assistance.

12. RISK TO ENVIRONMENT AND WILDLIFE

- 12.1 A person who uses 1080 fox baits must not pollute streams, rivers or waterways with 1080 fox baits or plastic bags and containers that have held 1080 fox baits.
- 12.2 1080 fox baits may be toxic to some native wildlife. To the extent where possible, the person using the 1080 fox baits should time baiting programs when non-target species are least active or least susceptible.
- 12.3 To the extent where possible, a person who uses 1080 fox baits should recover carcasses of animals poisoned by 1080 fox baits and bury in accordance with the disposal instructions for 1080 fox baits in condition 4.8. Any incidents where there are reasonable grounds to suspect that non-target animals may have been poisoned by 1080 fox baits should be reported to the EPA.

ATTACHMENT 1

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 on schedule 1 of Pesticide Control (1080 Liquid Concentrate and Bait Products) Order 2008. When using this product to control foxes you must follow the conditions for use on schedule 2 of Pesticide Control (1080 Liquid Concentrate and Bait Products) Order 2008.

SAFETY DIRECTIONS:

Very dangerous. Poisonous if swallowed. When opening the bag and handling the bait wear elbow-length PVC or nitrile 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 PVC 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 can 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 which have held bait must not be used for any other purpose. Triple or pressure rinse, break, crush or puncture this plastic bag before disposal. Dispose of rinsate and this plastic bag along with any unused baits in a disposal pit and cover with at least 500mm 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 Pesticide Control (1080 Liquid Concentrate and Bait Products) Order 2008.

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

Schedule 3

USE OF 1080 LIQUID CONCENTRATE AND 1080 BAIT PRODUCT FOR CONTROL OF FERAL PIGS

1. PRODUCTION OF 1080 FERAL PIG BAIT

An Authorised Control Officer may produce 1080 feral pig bait, but only in accordance with the following conditions:

- 1.1 An Authorised Control Officers may use 1080 liquid concentrate products to produce 1080 bait material. Where an Authorised Control Officer uses material to produce 1080 bait material, the Authorised Control Officer must only use grain and manufactured pellets. Persons preparing 1080 bait material must follow feral pig bait preparation instructions on the approved label of the 1080 liquid concentrate product. When using the ACTA 1080 Concentrate product or PAKS 1080 Concentrate product, grain bait material must be mixed at the rate of 15ml of product per kilogram of grain and manufactured pellets must be mixed at the rate of 16ml of product per kilogram of pellets.
- 1.2 An Authorised Control Officer must use a blue coloured 1080 liquid concentrate in the preparation of 1080 bait material except in habitats occupied by the Satin Bower Bird. In these situations 1080 bait material must be produced using a green coloured 1080 liquid concentrate.

2. USE OF CERTAIN 1080 FERAL PIG BAIT PRODUCTS

- 2.1 A person authorised to use 1080 bait products under clause 9 of this Order may only use the 1080 bait products referred to in conditions 2.2 and 2.3.
- 2.2 A person authorised to use 1080 bait products under clause 9 of this Order may use any 1080 bait products produced by an Authorised Control Officer under condition 1.1 above for the purpose of controlling feral pigs.
- 2.3 A person authorised to use 1080 bait products under clause 9 of this Order may use 1080 products that have been specifically manufactured for the control of feral pigs, are registered by the APVMA and approved for the use of controlling feral pigs in NSW, such as Pigout Feral Pig Bait (61293) (and any other similar 1080 product that is produced after the commencement of this Order) for the purpose of controlling feral pigs.
- 2.4 1080 bait material prepared under condition 1.1 above and 1080 bait products referred to in condition 2.3 will henceforth be referred to as "1080 feral pig bait".

3. POSSESSION OF 1080 FERAL PIG BAIT

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

- 3.1 An Authorised Control Officer may supply 1080 feral pig bait to a person authorised to possess 1080 feral pig bait. An Authorised Control Officer may conduct a risk assessment to determine if it is appropriate to supply 1080 feral pig baits to a person. Risk assessment guidelines can be found in the NSW DPI publication "Vertebrate Pest Control Manual". If the Authorised Control Officer makes a determination that it is not appropriate to supply a person with 1080 feral pig baits then the Authorised Control Officer must not give any 1080 feral pig bait to that person. The Authorised Control Officer may withhold 1080 feral pig baits, if, in the opinion of the Authorised Control Officer, they are not satisfied that the 1080 feral pig baits will be used safely or effectively by a person.
- 3.2 If an Authorised Control Officer withholds 1080 feral pig baits from a person, the officer must record in a logbook or diary, the date, time and specific reasons for refusing to supply 1080 feral pig baits to a particular person.

- 3.3 An Authorised Control Officer must only supply 1080 feral pig baits in either a plastic bag labeled in accordance with **attachment 1** or in a container supplied by the manufacturer of an APVMA registered 1080 feral pig bait product.
- 3.4 A person taking possession of 1080 feral pig baits must first complete and sign an indemnity or consent/indemnity form for each property on which 1080 feral pig bait is intended to be used. An Authorised Control Officer or an employee of an RLPB must give a copy of the indemnity or consent/indemnity form to any person taking possession of 1080 feral pig baits.
- 3.5 An Authorised Control Officer must issue 1080 feral pig baits only to the owner, manager or occupier of the land (the landholder) on which the 1080 feral pig baits are to be used, their authorised agent or a person under the direct supervision of the Authorised Control Officer.
- 3.6 An Authorised Control Officer or an employee of an RLPB issuing 1080 feral pig baits must give a copy of this pesticide control order with this schedule to any person receiving 1080 feral pig baits.
- 3.7 An Authorised Control Officer issuing 1080 feral pig baits should establish that the intended end-user for the 1080 feral pig baits holds a qualification that meets the requirements of Division 2 of Part 3 of the Pesticides Regulation 1995 before handing over 1080 feral pig baits. Where this cannot be established then it is recommended that the 1080 feral pig baits should not be supplied.
- 3.8 All persons receiving 1080 feral pig baits from an Authorised Control Officer must only temporarily possess and store 1080 feral pig baits. 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 7 days. All unopened manufactured and registered 1080 bait product (such as Pigout Feral Pig Bait product) must be returned to the issuing Authorised Control Officer within 2 months (3 months in the Western Division) of completion of the baiting program. All opened manufactured and registered 1080 bait product (such as Pigout Feral Pig Bait product) must be destroyed within 2 months (3 months in Western Division) after completion of the baiting program, by burial in accordance with condition 4.8 below.
- 3.9 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.

4. DIRECTIONS FOR USE - GENERAL RESTRICTIONS

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

- 4.1 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 when transporting 1080 feral pig baits.
- 4.2 A person must not place the 1080 feral pig baits in a position accessible to children, livestock, domestic animals or pets.
- 4.3 A person must not feed 1080 feral pig baits to non target species.
- 4.4 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 baits is likely to lead to contamination of the crops.
- 4.5 A person must ensure that 1080 feral pig baits do not contaminate foodstuffs, or feed, for human or non-target animal consumption.

4.6 A person must not use containers (including plastic bags) which have been used to contain 1080 feral pig baits for any other purpose and must dispose of such containers by burial or burning as follows:

4.6.1 Burial

Containers (including plastic bags) must be buried as follows:

- (a) Containers must be triple rinsed or pressure rinsed;
- (b) Containers and rinsate must be buried in a pit and covered with at least 500mm of soil;
- (c) The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral). Break, crush or puncture and dispose of empty rinsed containers either on the property, or at a site approved by the Authorised Control Officer or in a local authority landfill.

4.6.2 Burning

Empty plastic bags must be burnt by open fire in accordance with an approval issued under the *Protection of the Environment Operations (Clean Air) Regulation 2002*. 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 100 bags without the prior written approval of the Environment Protection Authority (EPA)
- (b) The burning of plastic bags must be carried out at least 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 NSW Fire Brigades.
- (d) The open fire burning must not be carried out on a day subject to a no-burn notice declared by the EPA under provisions of the *Protection of the Environment Operations Act 1997*.
- (e) The 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.

4.7 A person must not pollute dams, rivers, streams, waterways or drains with 1080 feral pig baits or used containers (including plastic bags). Pollution of waters is an offence under s 120 of the *Protection of the Environment Operations Act 1997*.

4.8 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 baiting locations. 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 co-ordinated baiting program, on a property or location identified and agreed to by the Authorised Control Officer co-ordinating the program. All collected and unused 1080 feral pig baits must be buried in a disposal pit and must be buried under at least 500mm 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*

4.9 Continuous and 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 11.0 Risk to Domestic Animals and 12.0 Risk to Environment and Wildlife).

5. DIRECTIONS FOR USE - DISTANCE RESTRICTIONS

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

5.1. 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.

- 5.2 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. This condition applies to proposals for baiting in closely settled farming areas or areas within four (4) kilometres of a village or any street.

5.3 **Property Boundary:**

5.3.1 **Ground Baiting:** No 1080 feral pig baits shall be laid within 5 metres from any property boundary.

5.3.2 **Aerial Baiting:** No 1080 feral pig baits shall be laid within 100 metres from any property boundary by helicopter. A fixed winged aircraft cannot be used to aerially apply 1080 feral pig baits.

5.3.3 **Exemption for Group Baiting:** Conditions 5.3.1 and 5.3.2 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.

5.4 **Habitation:**

5.4.1 **Ground Baiting:** No 1080 feral pig baits shall be laid within 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 500 metres but down to a minimum distance of 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 down to a minimum distance of 150 metres from a habitation, subject to the following conditions:
 - (i) The Authorised Control Officer must undertake a risk assessment in accordance with the provisions of the NSW DPI Vertebrate Pest Control Manual (as in force from time to time) and determine that 1080 feral pig baits can be used at distances of less than 500 metres down to 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 as part of a coordinated feral pig control program at distances of less than 500 metres down to a minimum distance of 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 down to a minimum distance of 150 metres from any habitation on their property in writing; AND

- (c) agree to allow implementation of a 1080 feral pig poisoning program and accept all responsibility for any problems arising from the program; AND
- (3) **ALL** the landholders of the outermost holdings of the group abide by all the distance requirements in relation to adjoining properties not covered by the group activity.

5.4.2 **Aerial Baiting**: No 1080 feral pig baits shall be laid within 500 metres from any habitation by helicopter 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 500 metres but down to a minimum distance of 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 down to a minimum distance of 150 metres from a habitation, subject to the following conditions:
 - (i) The Authorised Control Officer must undertake a risk assessment in accordance with the provisions of the NSW DPI Vertebrate Pest Control Manual (as in force from time to time) and determine that 1080 feral pig baits can be used at distances of less than 500 metres down to 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 as part of a coordinated feral pig control program at distances of less than 500 metres down to a minimum distance of 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 down to a minimum distance of 150 metres from any habitation on their property in writing; AND
 - (c) agree to allow implementation of a 1080 feral pig poisoning program and accept all responsibility for any problems arising from the program; AND
 - (3) **ALL** the landholders of the outermost holdings 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.

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

5.5.1 **Ground Baiting**: No 1080 feral pig baits shall be laid within 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 10 metres of the waterline.

5.5.2 **Aerial Baiting**: No 1080 feral pig baits shall be laid within 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.

5.6 ***Public Roads:***

5.6.1 **Ground Baiting:** No 1080 feral pig baits shall be laid within 20 metres of a public road.

5.6.2 **Aerial Baiting:** No 1080 feral pig baits shall be laid within 200 metres of a public road by helicopter. A fixed winged aircraft cannot be used to aerially apply 1080 feral pig baits.

6. PUBLIC NOTIFICATION

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

6.1 A person shall not lay any 1080 feral pig baits on any property unless the person has first given a minimum of 3 days notice of the date on which they will use 1080 feral pig baits. This notice must be given to the occupier, manager or authorised agent of every property which has a property boundary within one kilometre of a baiting location ("notification").

6.2. The notification can be given by telephone, email, or in person, or, where this is not possible, by mail (including letter box drop). If neighbours cannot be contacted by telephone, email, personal contact or mail, or the number of neighbours is more than 25, then notification may be made by advertisement in a local newspaper.

6.3 A person must begin using 1080 feral pig bait within 10 days of notification and must complete use within 14 days of notification. Further notification is required for use of 1080 feral pig baits beyond this 14 day period.

6.4 A person must not lay 1080 feral pig baits on more than 3 consecutive days. Adequate free feeding should minimise the number of pigs that remain after this 3 day baiting period. Further free feeding in accordance with condition 8.2 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 3 consecutive days. The total number of days on which 1080 feral pig baits are laid must not exceed 6 days during any 14 day notification period.

7. 1080 POISONING NOTICES

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

7.1 A person who uses 1080 feral pig baits must erect notices before laying 1080 feral pig baits on a property. These notices must remain up for a minimum of 4 weeks after the last day of baiting. Notices must be placed:

- (a) at every entry to the baiting location; and
- (b) at the main entrance to a private property or holding where baiting is undertaken; and
- (c) at up to 5 kilometre intervals along all public thoroughfares which border or pass through the baiting location.

7.2 The notices must specify the following:

- (a) that 1080 feral pig baits are 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; and
- (d) a warning that non-target animals may be affected.

7.3 Under the Pesticides Regulation 1995 (clauses 11J to 11P) public authorities have additional public notification obligations that must be complied with.

7.4 1080 Poison Notices may be obtained from Authorised Control Officers.

8. GROUND BAITING WITH 1080 FERAL PIG BAITS

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

- 8.1 **Free feeding: Free feeding is compulsory.** A person must free feed 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. A person must free feed by laying unpoisoned bait for at least 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 condition 8.2 and 8.3.
- 8.2 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 NSW DPI humane pest animal control codes of practice and standard operating procedures and the NSW Vertebrate Pest Control Manual as in force from time to time); 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 4.8.
- 8.3 **Bait selection and placement:** All 1080 feral pig bait must be placed in bait stations and must not be used in trails except:
- (a) where a property does not have any livestock or has removed the livestock from the baiting location, in which case a person may place Pigout 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 4.8.

In this condition, a bait station means a fenced enclosure or enclosure that excludes livestock and contains a shallow hole to hold bait material.

- 8.4 1080 feral pig baits must not be used for more than three consecutive days. Any bait still left on the ground after 3 days must be collected and buried in a disposal pit in accordance with condition 4.8. If necessary, free feeding may be started again to determine if any pigs remain.

9 AERIAL BAITING

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

- 9.1 Aerial baiting should be restricted to areas where ground control is impractical or where impacts are significant or potentially significant. Approval for every aerial baiting program must be obtained from the Director-General for the NSW Department of Primary Industries (NSW DPI) or his or her delegate. Aerial baiting must be organised through either Rural Lands Protection Boards, DECC or other NSW public authorities. All programs involving aerial application of 1080 feral pig baits must comply with the guidelines contained in the NSW DPI humane pest animal control codes of practice and standard operating procedures and NSW Vertebrate Pest Control Manual and require careful planning and consultation. Your local Rural Lands Protection Board has full details.
- 9.2 Notwithstanding any other condition contained in this Schedule, a person who undertakes aerial baiting must only use Pigout Feral Pig Bait for aerial baiting and only by helicopter.
- 9.3 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.
- 9.4 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 and drop point data for each 1080 feral pig bait aerially applied. The record must be kept for a period of at least 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.

- 9.5 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 9.3 and 9.4.
- 9.6 A person co-ordinating 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.
- 9.7 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.
- 9.8 A person who drops 1080 feral pig baits from an aircraft which is used to aerially apply 1080 feral pig baits must hold the minimum of an AQF3 training qualification in respect to all AQF3 competencies that are approved under Part 3 of the Pesticides Regulation 1995 or any subsequent regulation that replaces this regulation.

10. RISK TO DOMESTIC ANIMALS

- 10.1 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 advise neighbours to tie up dogs and ensure they do not enter the baiting location during poisoning operations or to muzzle dogs if paddocks have to be mustered 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 4.8.

11. RISK TO ENVIRONMENT AND WILDLIFE

- 11.1 A person who uses 1080 feral pig baits must not pollute streams, rivers or waterways with 1080 feral pig baits or plastic bags and containers that have held 1080 feral pig baits.
- 11.2 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 where possible, the person using the 1080 feral pig baits should time baiting programs when non-target species are least active or least susceptible.
- 11.3 To the extent where possible, a person who uses 1080 feral pig baits should recover carcasses of animals poisoned by 1080 feral pig baits and bury in accordance with the disposal instructions for 1080 feral pig baits in condition 4.8. Any incidents where there are reasonable grounds to suspect that non-target animals may have been poisoned by 1080 feral pig baits should be reported to the EPA.

Schedule 4

USE OF 1080 LIQUID CONCENTRATE AND 1080 BAIT PRODUCT FOR CONTROL OF RABBITS

1. PRODUCTION OF 1080 RABBIT BAIT

An Authorised Control Officer may produce 1080 rabbit bait, but only in accordance with the following conditions:

- 1.1 An Authorised Control Officers may use 1080 liquid concentrate products to produce 1080 bait material. Where an Authorised Control Officer uses material to produce 1080 bait material, the Authorised Control Officer must only use oats, manufactured pellets and carrots. An Authorised Control Officer must dice carrots into pieces approximately 2 centimetres by 2 centimetres in size or 5 grams in weight. Persons preparing 1080 bait material must follow rabbit bait preparation instructions on the approved label of the 1080 liquid concentrate. When using the ACTA 1080 Concentrate product or PAKS 1080 Concentrate product, oat bait material must be mixed at the rate of 12ml of product per kilogram of oats, manufactured pellets must be mixed at the rate of 15ml of product per kilogram of pellets, and carrot bait material must be mixed at the rate of 6ml of product per kilogram of carrots.
- 1.2 An Authorised Control Officer must use a blue coloured 1080 liquid concentrate in the preparation of 1080 bait material except in habitats occupied by the Satin Bower Bird. In these situations 1080 bait material must be produced using a green coloured 1080 liquid concentrate.

2. USE OF CERTAIN 1080 RABBIT BAIT PRODUCTS

- 2.1 A person authorised to use 1080 bait products under clause 9 of this Order may only use the 1080 bait products referred to in conditions 2.2 and 2.3.
- 2.2 A person authorised to use 1080 bait products under clause 9 of this Order may use any 1080 bait products produced by an Authorised Control Officer under condition 1.1 above for the purpose of controlling rabbits.
- 2.3 A person authorised to use 1080 bait products under clause 9 of this Order may use 1080 products that have been specifically manufactured for the control of rabbits, are registered by the APVMA and approved for the use of controlling rabbits in NSW, such as Rabbait 1080 Oat Bait (50304) and 1080 Ready-to-lay Rabbit Oat Bait (52954) (and any other similar 1080 product that is produced after the commencement of this Order) for the purpose of controlling rabbits.
- 2.4 1080 bait material prepared under condition 1.1 above and 1080 bait products referred to in condition 2.3 will henceforth be referred to as "1080 rabbit bait".

3. POSSESSION OF 1080 RABBIT BAIT

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

- 3.1 An Authorised Control Officer may supply 1080 rabbit bait to a person authorised to possess 1080 rabbit bait. An Authorised Control Officer may conduct a risk assessment to determine if it is appropriate to supply 1080 rabbit baits to a person. Risk assessment guidelines can be found in the NSW DPI publication "Vertebrate Pest Control Manual". If the Authorised Control Officer makes a determination that it is not appropriate to supply a person with 1080 rabbit baits then the Authorised Control Officer must not give any 1080 rabbit baits to that person. The Authorised Control Officer may withhold 1080 rabbit baits, if, in the opinion of the Authorised Control Officer, they are not satisfied that the 1080 rabbit baits will be used safely or effectively by a person.
- 3.2 If an Authorised Control Officer withholds 1080 rabbit baits from a person, the officer must record in a logbook or diary, the date, time and specific reasons for refusing to supply 1080 rabbit baits to a particular person.

- 3.3 An Authorised Control Officer must only supply 1080 rabbit baits in either a plastic bag labeled in accordance with **attachment 1** or in a container supplied by the manufacturer of an APVMA registered 1080 rabbit bait product.
- 3.4 A person taking possession of 1080 rabbit baits must first complete and sign an indemnity or consent/indemnity form for each property on which 1080 rabbit bait is intended to be used. An Authorised Control Officer or an employee of an RLPB must give a copy of the indemnity or consent/indemnity form to any person taking possession of 1080 rabbit baits.
- 3.5 An Authorised Control Officer must issue 1080 rabbit baits only to the owner, manager or occupier of the land (the landholder) on which the 1080 rabbit baits are to be used, their authorised agent or a person under the direct supervision of the Authorised Control Officer.
- 3.6 An Authorised Control Officer or an employee of an RLPB issuing 1080 rabbit baits must give a copy of this pesticide control order with this schedule to any person receiving 1080 rabbit baits.
- 3.7 An Authorised Control Officer issuing 1080 rabbit baits should establish that the intended end-user for the 1080 rabbit baits holds a qualification that meets the requirements of Division 2 of Part 3 of the Pesticides Regulation 1995 before handing over 1080 rabbit baits. Where this cannot be established then it is recommended that the 1080 rabbit baits should not be supplied.
- 3.8 All persons receiving 1080 rabbit baits from an Authorised Control Officer must only temporarily possess and store 1080 rabbit baits. 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 2 days. All 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 returned to the issuing Authorised Control Officer within 1 month of completion of the baiting program. All opened 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 1 month after completion of the baiting program, by burial in accordance with condition 4.8 below.
- 3.9 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.

4. DIRECTIONS FOR USE - GENERAL RESTRICTIONS

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

- 4.1 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 when transporting 1080 rabbit baits.
- 4.2 A person must not place the 1080 rabbit baits in a position accessible to children, livestock, domestic animals or pets.
- 4.3 A person must not feed 1080 rabbit baits to non target species.
- 4.4 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 baits is likely to lead to contamination of the crops.
- 4.5 A person must ensure that 1080 rabbit baits do not contaminate foodstuffs, or feed, for human or non-target animal consumption.

- 4.6 A person must not use containers (including plastic bags) which have been used to contain 1080 rabbit baits for any other purpose and must dispose of such containers by burial or burning as follows:

4.6.1 Burial

Containers (including plastic bags) must be buried as follows:

- (a) Containers must be triple rinsed or pressure rinsed;
- (b) Containers and rinsate must be buried in a pit and covered with at least 500mm of soil;
- (c) The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral). Break, crush or puncture and dispose of empty rinsed containers either on the property, or at a site approved by the Authorised Control Officer or in a local authority landfill.

4.6.2 Burning

Empty plastic bags must be burnt by open fire in accordance with an approval issued under the *Protection of the Environment Operations (Clean Air) Regulation 2002*. 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 100 bags without the prior written approval of the Environment Protection Authority (EPA)
- (b) The burning of plastic bags must be carried out at least 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 NSW Fire Brigades.
- (d) The open fire burning must not be carried out on a day subject to a no-burn notice declared by the EPA under provisions of the *Protection of the Environment Operations Act 1997*.
- (e) The 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.

- 4.7 A person must not pollute dams, rivers, streams, waterways or drains with 1080 rabbit baits or used containers (including plastic bags). Pollution of waters is an offence under s 120 of the *Protection of the Environment Operations Act 1997*.

- 4.8 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 baiting locations. 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 co-ordinated baiting program, on a property or location identified and agreed to by the Authorised Control Officer co-ordinating the program. All collected and unused 1080 rabbit baits must be buried in a disposal pit and must be buried under at least 500mm 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.

5. DIRECTIONS FOR USE - DISTANCE RESTRICTIONS

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

- 5.1. 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.

5.2 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. This condition applies to proposals for baiting in closely settled farming areas or areas within four (4) kilometres of a village or any street.

5.3 **Property Boundary:**

5.3.1 **Ground Baiting:** No 1080 rabbit baits shall be laid within 5 metres from any property boundary.

5.3.2 **Aerial Baiting:** No 1080 rabbit baits shall be laid within 100 metres from any property boundary by helicopter or fixed winged aircraft.

5.3.3 **Exemption for Group Baiting:** Conditions 5.3.1 and 5.3.2 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.

5.4 **Habitation:**

5.4.1 **Ground Baiting:** No 1080 rabbit baits shall be laid within 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 500 metres but down to a minimum distance of 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 down to a minimum distance of 150 metres from a habitation, subject to the following conditions:
 - (i) The Authorised Control Officer must undertake a risk assessment in accordance with the provisions of the NSW DPI Vertebrate Pest Control Manual (as in force from time to time) and determine that 1080 rabbit baits can be used at distances of less than 500 metres down to 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 down to a minimum distance of 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 down to a minimum distance of 150 metres from any habitation on their property in writing; AND
 - (c) agree to allow implementation of a 1080 rabbit poisoning program and accept all responsibility for any problems arising from the program; AND
 - (3) **ALL** the landholders of the outermost holdings of the group abide by all the distance requirements in relation to adjoining properties not covered by the group activity.

5.4.2 **Aerial Baiting:** No 1080 rabbit baits shall be laid within 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 500 metres but down to a minimum distance of 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 down to a minimum distance of 150 metres from a habitation, subject to the following conditions:
 - (i) The Authorised Control Officer must undertake a risk assessment in accordance with the provisions of the NSW DPI Vertebrate Pest Control Manual (as in force from time to time) and determine that 1080 rabbit baits can be used at distances of less than 500 metres down to 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 down to a minimum distance of 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 down to a minimum distance of 150 metres from any habitation on their property in writing; AND
 - (c) agree to allow implementation of a 1080 rabbit poisoning program and accept all responsibility for any problems arising from the program; AND
 - (3) **ALL** the landholders of the outermost holdings of the group abide by all the distance requirements in relation to adjoining properties not covered by the group activity.

A fixed winged aircraft can only be used in the Western Division to aeri ally apply 1080 rabbit baits.

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

5.5.1 **Ground Baiting:** No 1080 rabbit baits shall be laid within 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 10 metres of the waterline.

5.5.2 **Aerial Baiting:** No 1080 rabbit baits shall be laid within 200 metres of a domestic water supply or water draw point by helicopter or a fixed winged aircraft.

5.6 **Public Roads:**

5.6.1 **Ground Baiting:** No 1080 rabbit baits shall be laid within 5 metres of a public road.

5.6.2 **Aerial Baiting:** No 1080 rabbit baits shall be laid within 200 metres of a public road by helicopter or a fixed winged aircraft.

6. **PUBLIC NOTIFICATION**

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

- 6.1 A person shall not lay any 1080 rabbit baits on any property unless the person has first given a minimum of 3 days notice of the date on which they will use 1080 rabbit baits. This notice must be given to the occupier, manager or authorised agent of every property which has a property boundary within one kilometre of a baiting location (“notification”).
- 6.2. The notification can be given by telephone, email, or in person, or, where this is not possible, by mail (including letter box drop). If neighbours cannot be contacted by telephone, email, personal contact or mail, or the number of neighbours is more than 25, then notification may be made by advertisement in a local newspaper.
- 6.3 The use of 1080 rabbit baits may be conducted for longer than 7 days but must commence within 10 days of notification otherwise further notification of intended baiting is required.

7. 1080 POISONING NOTICES

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

- 7.1 A person who uses 1080 rabbit baits must erect notices before laying 1080 rabbit baits on a property. These notices must remain up for a minimum of 4 weeks after the last day of baiting. Notices must be placed:
 - (a) at every entry to the baiting location; and
 - (b) at the main entrance to a private property or holding where baiting is undertaken; and
 - (c) at up to 5 kilometre intervals along all public thoroughfares which border or pass through the baiting location.
- 7.2 The notices must specify the following:
 - (a) that 1080 rabbit baits are 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; and
 - (d) a warning that non-target animals may be affected.
- 7.3 Under the Pesticides Regulation 1995 (clauses 11J to 11P) public authorities have additional public notification obligations that must be complied with.
- 7.4 1080 Poison Notices may be obtained from Authorised Control Officers.

8. GROUND BAITING WITH 1080 RABBIT BAITS

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

- 8.1 **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 occasions, except where an Authorised Control Officer recommends that a person free feeds by laying unpoisoned bait on two occasions. Each free feed must be laid at intervals of not less than two 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 8.2 and 8.3.
- 8.2 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 NSW DPI humane pest animal control codes of practice and standard operating procedures and the NSW DPI Vertebrate Pest Control Manual as in force from time to time); 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 4.8. This does not apply in the case of 1080 rabbit baits being applied by aircraft or broad scale broadcasting.

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

8.4 1080 rabbit baits must be laid at an interval of 3 to 5 days after the last free feed.

9. AERIAL BAITING

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

9.1 Aerial baiting should be restricted to areas where ground control is impractical or where impacts are significant or potentially significant. Approval for every aerial baiting program must be obtained from the Director-General for the NSW Department of Primary Industries (NSW DPI) or his or her delegate. Aerial baiting must be organised through either Rural Lands Protection Boards, DECC or other NSW public authorities. All programs involving aerial application of 1080 rabbit baits must comply with the guidelines contained in the NSW DPI humane pest animal control codes of practice and standard operating procedures and NSW Vertebrate Pest Control Manual and require careful planning and consultation. Your local Rural Lands Protection Board has full details.

9.2 Notwithstanding any other condition contained in this Schedule, a person who undertakes aerial baiting must only use carrot for aerial baiting.

9.3 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.

9.4 A pilot who operates an aircraft which is used to aerially apply 1080 rabbit baits must make a record of the GPS flight path and drop point data for each 1080 rabbit bait aerially applied. The record must be kept for a period of at least 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.

9.5 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 9.3 and 9.4.

9.6 A person co-ordinating 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.

9.7 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.

9.8 A person who drops 1080 rabbit baits from an aircraft which is used to aerially apply 1080 rabbit baits must hold the minimum of an AQF3 training qualification in respect to all AQF3 competencies that are approved under Part 3 of the Pesticides Regulation 1995 or any subsequent regulation that replaces this regulation.

10. RISK TO DOMESTIC ANIMALS

10.1 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 advise neighbours to tie up dogs and ensure they do not enter the baiting location during poisoning operations or to muzzle dogs if paddocks have to be mustered 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 4.8.

- 10.2 **A person should remove all livestock from baited areas until 1080 rabbit baits are collected, inactivated by rainfall or destroyed.**

11. RISK TO ENVIRONMENT AND WILDLIFE

- 11.1 A person who uses 1080 rabbit baits must not pollute streams, rivers or waterways with 1080 rabbit baits or plastic bags and containers that have held 1080 rabbit baits.

- 11.2 1080 rabbit baits may be toxic to some birds and other native wildlife. To the extent where possible, the person using the 1080 rabbit baits should time baiting programs when non-target species are least active or least susceptible.

- 11.3 To the extent where possible, a person who uses 1080 rabbit baits should recover carcasses of animals poisoned by 1080 rabbit baits and bury in accordance with the disposal instructions for 1080 rabbit baits in condition 4.8. Any incidents where there are reasonable grounds to suspect that non-target animals may have been poisoned by 1080 rabbit baits should be reported to the EPA.

