

## **PESTICIDES ACT 1999 – PESTICIDE CONTROL ORDER UNDER SECTION 38**

### **Name**

1. This Order is to be known as the Pesticide Control (Rabbit Haemorrhagic Disease) Order 2006.

### **Commencement**

2. This Order commences on 14 April 2006.

### **Authority for Order**

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

### **Background**

#### *Restricted chemical products/restricted pesticides*

4. Rabbit Calicivirus Injection was registered as a pesticide in Australia in 1996. This product had its registration cancelled in February 2006 as this product was replaced by an equivalent product, Rabbit Haemorrhagic Disease Virus Suspension, in August 2005. Rabbit Calicivirus Disease and Rabbit Haemorrhagic Disease are the same disease that is used to control European rabbit.

Chemical products containing rabbit haemorrhagic disease virus have been declared to be a “restricted chemical product” under Regulation 45 of the Agricultural and Veterinary Chemicals Code Regulations 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 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.

### **Objects**

5. The objects of this Order are to: –
  - (a) Authorise those persons described in condition 8 to use Rabbit Haemorrhagic Disease Virus Suspension or Rabbit Calicivirus Injection.
  - (b) Specify the manner in which Rabbit Haemorrhagic Disease Virus Suspension or Rabbit Calicivirus Injection may be used in NSW.

### **Application**

6. This Order authorises the use of Rabbit Haemorrhagic Disease Virus Suspension and Rabbit Calicivirus Injection, subject to conditions as specified in this Order.

## Definitions

7. In this Order -

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

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

**Authorised control officer** means a person who: –

- (a) holds a current:
  - (i) certificate of completion issued by NSW Department of Primary Industries (NSW DPI) for the vertebrate pest management course consistent with the current edition of the Vertebrate Pest Control Manual (published by NSW DPI); or
  - (ii) statement of attainment issued by a Registered Training Provider certifying competency at Australian Qualifications Framework level 4 with respect to the chemical, vertebrate pest and OH&S national units of competency; and
- (b) is currently employed by a Rural Lands Protection Board, NSW DPI, Wild Dog Destruction Board, Department of Environment and Conservation (NSW), or other NSW public authority.

**Bait material** means carrots diced into pieces approximately 2 centimetres cubed or oats.

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

**Rabbit Calicivirus Injection** means a previously registered pesticide (Product Registration Number 48628) that can only be used in accordance with the instructions on APVMA permit PER8909.

**Rabbit Haemorrhagic Disease** is a caliciviral disease affecting European rabbit. Also known as Rabbit Calicivirus, Rabbit Calicivirus Disease, RHD or RHDV.

**Rabbit Haemorrhagic Disease Virus Suspension** means the registered pesticide (Product Registration Number 50675) that contains 3000 ID50 units per mL Rabbit Haemorrhagic Disease Virus as its only active constituent.

**Registered training provider** means a training provider registered under the Vocational Education and Training Accreditation Act 1990.

Note: It is expected that registered training providers will also be registered training organisations for the purposes of the Australian Qualifications Framework.

**Use** includes possess.

## Persons authorised

8. (1) Only the following persons are authorised to use, subject to condition 9, the product Rabbit Haemorrhagic Disease Virus Suspension or Rabbit Calicivirus Injection: –
- (a) Authorised Control Officers or other persons in the presence of an Authorised Control Officer;
- (2) Only the following persons are authorised to use, subject to condition 9, the product Rabbit Haemorrhagic Disease Virus Suspension or Rabbit Calicivirus Injection mixed with bait material: –
- (a) Authorised Control Officers and persons supervised by Authorised Control Officers; and

- (b) Any person who has obtained the product Rabbit Haemorrhagic Disease Virus Suspension or Rabbit Calicivirus Injection mixed with bait material from a Rural Lands Protection Board and who is an owner, occupier, manager or authorised agent of the land, property or holding where the Rabbit Haemorrhagic Disease Virus Suspension or Rabbit Calicivirus Injection mixed with bait material is to be used; and
- (c) An employee of a NSW public authority (including contractors and sub-contractors) who has been trained in the use of pesticides.

**Conditions on the use of Rabbit Haemorrhagic Disease and bait material**

9. A person must only use Rabbit Haemorrhagic Disease Virus Suspension, Rabbit Calicivirus Injection, Rabbit Haemorrhagic Disease Virus Suspension mixed with bait material and Rabbit Calicivirus Injection mixed with bait material in accordance with:
- (a) directions of an APVMA permit issued for the use of Rabbit Haemorrhagic Disease or
  - (b) the Rabbit Haemorrhagic Disease Virus Suspension label approved by the APVMA on the 8 February 2006 ((50675/L/0206) or any APVMA label approved for this product, post this date and as in force from time to time.

**Notes**

*Words used in this Order have the same meaning as in the Pesticides Act 1999.*

*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.*

LISA CORBYN  
Director-General  
Environment Protection Authority

BOB DEBUS MP  
Minister for the Environment