

PESTICIDE ACT 1999 – PESTICIDE CONTROL ORDER UNDER SECTION 38

Name

1. This Order is to be known as the Pesticide Control (1080 Ejector Capsules) Order 2015.

Commencement

2. This Order commences on publication in the NSW Government Gazette.

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*.

Revocation of Previous Order

4. Pesticide Control (1080 Ejector Capsules) Order 2011 is revoked.

Relationship to other Orders

5. When using 1080 Ejector capsules together with 1080 baits this Order is to be read in conjunction with the Order known as Pesticide Control (1080 Liquid Concentrate and Bait Products) Order 2010, gazetted on 6 August 2010 or an Order that subsequently replaces Pesticide Control (1080 Liquid Concentrate and Bait Products) Order 2010.

Objects

6. The objects of this Order are to:
 - (a) Authorise those persons described in clause 10(1) to use 1080 liquid concentrate products for the purpose of preparing 1080 ejector capsules.
 - (b) Authorise those persons described in clause 10(2) to use 1080 ejector capsules.
 - (c) Specify the manner in which 1080 ejector capsules may be used in NSW.
 - (d) Revoke and replace Pesticide Control (1080 Ejector Capsules) Order 2011.

Background

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

8. This Order applies to:
 - (a) 1080 liquid concentrate products being used to prepare 1080 ejector capsules; and
 - (b) 1080 ejector capsules being used for the control of wild dogs or foxes as in clause 11 of this Order and used in accordance with conditions stated in either schedule 1 or schedule 2 of this order.

Definitions and interpretation

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

1080 ejector means any M-44 ejector or another similar ejector device that the NSW Pest Animal Council has determined to be appropriate to use.

1080 ejector capsule means a capsule containing 3 or 6 milligrams of 1080 derived from 1080 liquid concentrate products that is either a registered product (e.g. Canid Pest Ejector 1080 Fox Capsules and Canid Pest Ejector 1080 Wild Dog Capsules) or has been allowed to be produced for use in NSW under an APVMA permit.

1080 fox baits means any material that has been injected with 1080 in accordance with the directions on an approved label of a 1080 liquid concentrate product that has been registered by the APVMA and approved for use in NSW and that can be used to control foxes. It also includes all other APVMA registered bait products that contain 1080 as their only active constituent and that have been approved for use in NSW to control foxes.

1080 fox capsule product means a capsule containing 3 milligrams of 1080 derived from 1080 liquid concentrate products that is either a registered product (e.g. Canid Pest Ejector 1080 Fox Capsules) or has been allowed to be produced for use in NSW under an APVMA permit.

1080 wild dog capsule product means a capsule containing 6 milligrams of 1080 derived from 1080 liquid concentrate products that is either a registered product (e.g. Canid Pest Ejector 1080 Wild Dog Capsules) or has been allowed to be produced for use in NSW under an APVMA permit.

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 wild dog baits means any material that has been injected with 1080 in accordance with the directions on an approved label of a 1080 liquid concentrate product that has been registered by the APVMA and approved for use in NSW and that can be used to control wild dogs. It also includes all other APVMA registered bait products that contain 1080 as their only active constituent and that have been approved for use in NSW to control wild dogs.

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*.

Apply a pesticide means apply or disperse the pesticide.

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

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

Authorised Control Officer means a person who: –

- (a) holds a current certificate of completion or statement of attainment issued by NSW DPI's Registered Training Organisation or another Registered Training Organisation on completion of the training and assessment components of the Vertebrate Pest Management course¹ delivered by NSW DPI or a Registered Training Organisation; and

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

- (b) holds a current certificate of completion or statement of attainment issued by SMARTtrain, in the previous 5 years for completion of the Vertebrate Pesticide accreditation course; and
- (c) holds a current certificate of completion or statement of attainment on completion of the training and assessment components of a Chemical Accreditation training program assessed at Australian Qualifications Framework levels 3 and 4 and that has been issued by a Registered Training Organisation in the previous 5 years in recognition of the person's satisfactory achievement of the level 3 training competencies covered by the program; and
- (d) is a person who:
 - (i) is a member of staff of an LLS, a Wild Dog Destruction Board, NSW DPI, OEH, or other NSW public authority and is currently employed under Chapter 1A of the *Government Sector Employment Act 2013* by the Government Service to enable that NSW public authority to exercise its functions; or
 - (ii) has obtained approval to operate as an Authorised Control Officer from any person who has been delegated the power of the EPA under section 38 of the *Pesticides Act 1999* to make a pesticide control order prior to completing the training requirements in (a) to (c) above.

Baiting location means:

- (a) in the case of private land, or private holdings, where the property area is less than 100 hectares – the whole of the property where 1080 ejector capsules are being applied;
- (b) in the case of:
 - (i) private land, or private holdings, where the property area is 100 hectares 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 ejector capsules are being applied;
- (c) in the case of public places within the meaning of the *Local Government Act 1993* – the whole of the property where 1080 ejector capsules are being applied.

Canid Pest Ejector 1080 Fox Capsules means the registered agricultural chemical product Canid Pest Ejector 1080 Fox Capsules (APVMA Product Registration Number 69616) that has an active constituent comprising 3 milligrams of 1080 per capsule.

Canid Pest Ejector 1080 Wild Dog Capsules means the registered agricultural chemical product Canid Pest Ejector 1080 Wild Dog Capsules (APVMA Product Registration Number 69620) that has an active constituent comprising 6 milligrams of 1080 per capsule.

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.

Ejector training course means the OEH 1080 Ejector training course or Ejector training that has been approved by the EPA and delivered to landholders by specially trained ACO staff from the LLS and/or OEH.

EPA means the Environment Protection Authority (NSW).

Group means 2 or more.

Habitation means a dwelling house or some other accommodation that is occupied by people 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*.

Landholder means an owner, occupier or manager of land.

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

NPWS RPMS program means a Regional Pest Management Strategy of the National Parks and Wildlife Service of OEH.

NSW DPI means the Department of Primary Industries (NSW).

NSW Pest Animal Council means this group as stated in the NSW DPI publication - Vertebrate Pest Control Manual.

OEH means the Office of Environment and Heritage (NSW).

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

- (a) 1080 ejector capsules are available continuously to wild dogs or foxes; and
- (b) 1080 ejectors are checked at intervals of no more than 2 months where vehicle access is available or at intervals of no more than 4 months in remote areas where vehicle access is not available; and
- (c) taken 1080 ejector capsules are replaced (if necessary) each time 1080 ejectors are checked.

Notes:

- The interval between checking and replacing 1080 ejector capsules may vary according to the anticipated rate of wild dog or fox immigration into the target area (e.g. daily, weekly, monthly) provided that it is no longer than 2 months where vehicle access is available or 4 months in remote areas where vehicle access is not available.
- 1080 ejector capsules may be removed during periods of high risk (e.g. school holidays) or periods of high non-target interference (e.g. from goannas), provided the 1080 ejector capsules are not removed for longer than 2 months where vehicle access is available or 4 months in remote areas where vehicle access is not available.

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* or public places within the meaning of the *Local Government Act 1993*).

Public authority has the same meaning as in the *Pesticides Act 1999*.

Registered Training Organisation has the same meaning as in the *Vocational Education and Training Act 2005*.

Statement of attainment has the same meaning as in the *Vocational Education and Training Act 2005*.

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.

Unused 1080 capsule is a 1080 ejector capsule that has been safely stored and has at no time been placed in a set 1080 ejector in the environment for any period to control wild dogs or foxes.

Use of a pesticide means “use” and “possession” as each of those terms is defined in the *Pesticides Act 1999*.

Persons authorised

10. (1) The following persons are authorised to use, subject to clause 11, 1080 liquid concentrate products for the purpose of preparing 1080 ejector capsules:

- (a) Authorised Control Officers.
- (2) Only the following persons are authorised to use, subject to clause 11, 1080 ejector capsules:
- (a) Authorised Control Officers who hold a statement of attendance, issued by OEH or LLS, on completion of training in the use of 1080 Ejectors; or
 - (b) Any person who holds as a minimum:
 - (i) a current certificate of completion or statement of attainment on completion of the training and assessment components of a Chemical Accreditation training program assessed at Australian Qualifications Framework level 3 and that has been issued by a Registered Training Organisation in the previous 5 years in recognition of the person's satisfactory achievement of the level 3 training competencies covered by the program; or
 - (ii) a current certificate of completion issued by the LLS for the 1080 and pindone course developed for the EPA, delivered by the LLS and that requires reaccreditation every 5 years; and
 - (iii) holds a statement of attendance issued by LLS or OEH, on completion of an approved Ejector training course; and
 - (iv) is either:
 - (A) a member of staff of the OEH, NSW DPI or the LLS, or any other person who is contracted or employed by OEH, NSW DPI or the LLS to use 1080 ejector capsules; or
 - (B) a landholder of the land on which the 1080 ejector capsules are to be used, or their authorised agent.²

Conditions of use

11. A person authorised to use 1080 liquid concentrate products and 1080 ejector capsules under clause 10 above must only use the 1080 ejector capsules for the control of wild dogs or foxes in accordance with the conditions stated in:
- (a) Schedule 1 to this Order – in the case of the control of wild dogs.
 - (b) Schedule 2 to this Order – in the case of the control of foxes.

Notes

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

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

This pesticide control order will remain in force until it is revoked.

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

BARRY BUFFIER AM
 Chair and CEO
Environment Protection Authority

MARK SPEAKMAN MP
Minister for the Environment

² OEH or LLS staff who are involved in delivering 1080 Ejector training will determine in all instances whether a landholder or agent will be given approval to undertake and complete that training course. In making this determination, they will consider (among other things) whether it is appropriate for the landholder or agent to use 1080 ejector capsules on their land.

Schedule 1

USE OF 1080 LIQUID CONCENTRATE AND 1080 EJECTOR CAPSULES FOR CONTROL OF WILD DOGS

1. PRODUCTION OF 1080 EJECTOR CAPSULES FOR WILD DOGS

An Authorised Control Officer may prepare 1080 ejector capsules for the purpose of controlling wild dogs, but only in accordance with the following conditions:

- 1.1 An Authorised Control Officer may use 1080 liquid concentrate products to prepare 1080 ejector capsules. Where an Authorised Control Officer uses material to prepare 1080 ejector capsules, the Authorised Control Officer must only use capsules filled with 0.5ml of inert carrier. When using the ACTA 1080 Concentrate product or PAKS 1080 Concentrate product all capsules must be injected with 0.2ml of the product per capsule.

2. USE OF 1080 EJECTOR CAPSULES ON WILD DOGS

A person authorised to use 1080 ejector capsules under clause 10 of this Order must, when using 1080 ejector capsules for the purpose of controlling wild dogs, only do so in accordance with the following conditions:

- 2.1 A person must only use 1080 ejector capsules supplied by an Authorised Control Officer.
- 2.2 1080 ejector capsules must be placed in the hollow head of a 1080 ejector, except when they are being transported, prepared or stored.

1080 ejector capsules will be referred to in the rest of this Schedule as “1080 wild dog capsules”.

3. POSSESSION OF 1080 WILD DOG CAPSULES

A person authorised to possess 1080 wild dog capsules under clause 10 of this Order must only do so in accordance with the following conditions:

- 3.1 An Authorised Control Officer may supply 1080 wild dog capsules to a person authorised to possess 1080 wild dog capsules. An Authorised Control Officer may conduct a risk assessment to determine if it is appropriate to supply 1080 wild dog capsules 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 capsules then the Authorised Control Officer must not give any 1080 wild dog capsules to that person. The Authorised Control Officer may withhold 1080 wild dog capsules, if, in the opinion of the Authorised Control Officer, they are not satisfied that the 1080 wild dog capsules will be used safely or effectively by a person.
- 3.2 If an Authorised Control Officer withholds 1080 wild dog capsules 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 capsules to a particular person.
- 3.3 An Authorised Control Officer must only supply 1080 wild dog capsules in a plastic bag or container that complies with the requirements of section 18(1) of the Agricultural and Veterinary Chemicals Code Regulations and has a label which is identical in content and format to the label in **Attachment 1 of this Schedule or an APVMA approved label of a registered 1080 wild dog capsule product.**
- 3.4 Authorised Control Officers are required to determine the appropriate number of 1080 wild dog capsules that can be used on a property.
- 3.5 A person taking possession of 1080 wild dog capsules must first complete and sign an indemnity form for each property or NPWS RPMS program on which 1080 wild dog capsules are intended to be used. An Authorised Control Officer or an employee of an LLS must give a copy of the indemnity form to any person taking possession of 1080 wild dog capsules.
- 3.6 A person taking possession of 1080 wild dog capsules and laying 1080 wild dog capsules on behalf of another landholder as their authorised agent, must provide evidence to the

Authorised Control Officer of the consent given by the landholder whose property will use 1080 wild dog capsules. The consent must not cover a period of time greater than 12 months.

- 3.7 An Authorised Control Officer must issue 1080 wild dog capsules only to the landholder of the land on which the 1080 wild dog capsules are to be used, their authorised agent or a member of staff of OEH, NSW DPI or the LLS or any other person whose services OEH, NSW DPI or the LLS makes use of.
- 3.8 An Authorised Control Officer or an employee of an LLS issuing 1080 wild dog capsules must give a copy of this pesticide control order with this Schedule to any person receiving 1080 wild dog capsules from them unless a current copy of this pesticide control order with this schedule has been provided to them electronically.
- 3.9 An Authorised Control Officer issuing 1080 wild dog capsules must establish that the intended end-user for the 1080 wild dog capsules holds a qualification that meets the requirements of this Order before handing over 1080 wild dog capsules. Where this cannot be established then 1080 wild dog capsules must not be supplied.
- 3.10 All persons receiving 1080 wild dog capsules from an Authorised Control Officer must only temporarily possess and store 1080 wild dog capsules. All 1080 wild dog capsules must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. All unused 1080 wild dog capsules must be returned to the issuing Authorised Control Officer within two (2) months of completion of the baiting program. Destruction of used 1080 wild dog capsules must be done in accordance with condition 4.8 below.
- 3.11 Where NSW public authorities are coordinating baiting programs they must ensure that all persons involved in the baiting program return all remaining 1080 wild dog capsules to an Authorised Control Officer within two (2) months of completion of the baiting program.
- 3.12 All persons receiving 1080 wild dog capsules from an Authorised Control Officer must store 1080 wild dog capsules in either the labelled plastic bag or container supplied by the Authorised Control Officer (labelled in accordance with **Attachment 1 of this Schedule or an APVMA approved label of a registered 1080 wild dog capsule product**).

4. DIRECTIONS FOR USE – GENERAL RESTRICTIONS

A person authorised to use 1080 wild dog capsules under clause 10 of this Order must only do so in accordance with the following general conditions:

- 4.1 A person in possession of 1080 wild dog capsules must transport and store the 1080 wild dog capsules in such a way that other persons cannot access the 1080 wild dog capsules. A person transporting 1080 wild dog capsules must store the 1080 wild dog capsules in a secure location of their vehicle when transporting 1080 wild dog capsules.
- 4.2 A person must not place the 1080 wild dog capsules in a position accessible to children, livestock, domestic animals or pets.
- 4.3 A person must not feed 1080 wild dog capsules to non-target species.
- 4.4 A person must not apply 1080 wild dog capsules to, or in, crops which are in mid to late developmental stages. A person must not apply 1080 wild dog capsules to, or in, crops if application of 1080 wild dog capsules is likely to lead to contamination of the crops.
- 4.5 A person must ensure that 1080 wild dog capsules do not contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 4.6 A person must not use plastic bags or containers which have been used to contain 1080 wild dog capsules for any other purpose and must dispose of such plastic bags or containers by burial or burning as follows:

4.6.1 Burial

Plastic bags or containers must be buried as follows:

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

4.6.2 Burning

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

- (a) The amount of plastic bags burnt at any premises on any single day must not exceed one hundred (100) bags or equivalent without the prior written approval of the EPA.
- (b) The burning of plastic bags must be carried out at least five hundred (500) metres from any habitation.
- (c) The burning of 1080 packaging must be carried out in accordance with any requirement of the *Rural Fires Act 1997* and the *Fire Brigades Act 1989*, as administered by the relevant local authority and Fire and Rescue NSW.
- (d) The open fire burning must not be carried out on a day subject to an order prohibiting the burning of fires in the open published by the EPA pursuant to section 133(2) of the *Protection of the Environment Operations Act 1997*.
- (e) The open fire burning must only be carried out in dry weather using such practicable means as may be necessary to minimise visible smoke emissions causing air pollution.

4.7 A person must not pollute dams, rivers, streams, waterways or drains with 1080 wild dog capsules or plastic bags or containers that have contained them. 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 capsules must ensure that all untaken 1080 wild dog capsules are collected and removed from baiting locations. All collected used 1080 wild dog capsules may be disposed of in a landfill that can lawfully dispose of them if the capsules are punctured and triple rinsed. All used 1080 wild dog capsules need to be punctured and triple rinsed and along with collected rinsate must be buried in a disposal pit under at least five hundred (500) mm of soil on the property where they were used or another location identified and agreed to by the Authorised Control Officer coordinating the program. The disposal pit must be clear of waterways (permanent or ephemeral) so as to not cause pollution of water under Part 5.3 of the *Protection of the Environment Operations Act 1997*.

4.9 At the end of any baiting program coordinated by an Authorised Control Officer, an Authorised Control Officer or a person under their supervision may dispose of 1080 wild dog capsules on a property or location identified for disposal by burying the 1080 wild dog capsules at a depth of less than 500mm of soil but only if the Authorised Control Officer has done a risk assessment and implements control measures that are appropriate to minimise the risk to non-target animals and the environment.

4.10 Ongoing baiting may be necessary in some instances to reduce the impacts of wild dogs on native fauna and domestic livestock. Such programs may be undertaken only if the risk to non-target species is low (see also condition 10 Risk to Domestic Animals and condition 11 Risk to Environment and Wildlife).

5. DIRECTIONS FOR USE – DISTANCE RESTRICTIONS

A person authorised to use 1080 wild dog capsules under clause 10 of this Order must only do so in accordance with the following distance restrictions:

- 5.1. The minimum distances for the laying of 1080 wild dog capsules have been set to minimise the risk to people and to non-target animals. A person authorised to use 1080 wild dog capsules must not place 1080 wild dog capsules where they can be washed into or contaminate surface water or groundwater. 1080 wild dog capsules 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 capsules must not be laid within close proximity to urban areas unless the baiting program has had a risk assessment 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 (properties less than 100ha) or areas within four (4) kilometres of a village or any street.
- 5.3 **Property Boundary:**
- 5.3.1 **Ground Baiting:** 1080 wild dog capsules must not be laid within five (5) metres from any property boundary.
- 5.3.2 **Exemption for Group Baiting:** Condition 5.3.1 does not apply to the laying of 1080 wild dog capsules if 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 capsules. This exemption does not apply to property boundaries of landholders not involved in the baiting program.
- 5.4 **Habitation:**
- 5.4.1 **Ground Baiting:** 1080 wild dog capsules must not be laid within one hundred and fifty (150) metres of a habitation except:
- (a) where a landholder uses 1080 wild dog capsules on their own property, in which case the landholder may lay the 1080 wild dog capsules at a distance of no less than fifty (50) metres from their own habitation.
 - (b) where an Authorised Control Officer plans a baiting program, in which case the 1080 wild dog capsules may be laid at less than 150 metres but no closer than 50 metres from a habitation, subject to the following conditions:
 - (i) The Authorised Control Officer 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 capsules can be laid at distances of less than 150 metres but no closer than 50 metres from a habitation;
 - (ii) Any baiting program planned by an Authorised Control Officer must include strategies for minimising risk to non-target animals;
 - (iii) Any adjoining landholders must agree in writing to use or allow the use of 1080 wild dog capsules as part of a coordinated wild dog control program at distances of less than 150 metres but no closer than 50 metres from a habitation on the landholder's property;
 - (iv) Where an Authorised Control Officer implements a coordinated wild dog control program, they must not implement the program **UNLESS:**
 - (1) **ALL** the landholders in the group are made aware of the hazardous nature of 1080 wild dog capsules 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 capsules in closely settled areas; AND
 - (B) agree to allow 1080 wild dog capsules to be laid on adjoining properties at distances of less than 150 metres but no closer than 50 metres from any habitation on their property in writing; AND

- (C) agree to accept all responsibility for any problems arising from 1080 wild dog capsules used on their land within the program; AND
- (3) **ALL** the landholders of the outermost properties of the group abide by all the distance requirements in relation to adjoining properties not covered by the group activity.

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

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

6. **PUBLIC NOTIFICATION**

A person authorised to use 1080 wild dog capsules under clause 10 of this Order must notify certain persons of the use of 1080 wild dog capsules in accordance with the following conditions:

- 6.1 A person must not lay any 1080 wild dog capsules on any land unless the person has first given a minimum of three (3) days notice of the date on which they will lay 1080 wild dog capsules. This notice must be given to the occupier, manager or authorised agent of every property which has a property boundary within one (1) kilometre of a baiting location ("notification").
- 6.2. The notification may be given by telephone, email, or in person, or, where this is not possible, by mail (including letter box drop). If notification cannot be made by telephone, email, personal contact or mail, or the number of persons to be notified is more than twenty five (25), then notification may be made by advertisement in a local newspaper. Likewise for large group baiting programs (more than 25 participants) organised or approved by an Authorised Control Officer, notification may be via advertisement in a local newspaper.
- 6.3 The use of 1080 wild dog capsules may be conducted for longer than seven (7) days but must commence within ten (10) days of notification otherwise further notification of intended baiting is required.
- 6.4 Where replacement baiting is planned the notification must include the time period baiting is planned to be maintained.
- 6.5 Where baiting programs are ongoing notification must be given every six (6) months.

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

A person authorised to use 1080 wild dog capsules under clause 10 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 lay 1080 wild dog capsules 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 (1) kilometre of a baiting location before laying any 1080 wild dog capsules. A person who undertakes emergency baiting must not lay more than the number of 1080 wild dog capsules approved by an Authorised Control Officer and specified on the indemnity form.
- 7.2 A person who undertakes emergency baiting must comply with all requirements in relation to the use of 1080 wild dog capsules, except as provided for in condition 7.1.

8. **1080 POISON NOTICES**

A person authorised to use 1080 wild dog capsules under clause 10 of this Order must erect notices in accordance with the following conditions:

- 8.1 A person who uses 1080 wild dog capsules must erect notices before laying 1080 wild dog capsules on any land. These notices must remain up for the period of time that 1080 wild dog capsules are being used on the property. Where 1080 wild dog capsules are being used in conjunction with 1080 wild dog baits these notices must remain up for a minimum of four (4) weeks after the last day of baiting.
Notices must be placed at:

- (a) every entry to the baiting location; and
- (b) main entrance to a private property or holding where baiting is undertaken; and
- (c) up to five (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 ejector capsules are being laid on this property; and
- (b) the dates on which 1080 ejector capsules are first laid or the dates between which 1080 ejector capsules will be laid; and
- (c) contact details of the person who will lay the 1080 ejector capsules or in the case of a public authority a person whom can be contacted for information about 1080 ejector capsules being used on the property; and
- (d) a warning that non-target animals may be affected.

8.3 Under the *Pesticides Regulation 2009* (clauses 19 to 23) public authorities have additional public notification obligations that must be complied with. There are also other notification requirements in the Regulation.

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

9. GROUND BAITING WITH 1080 WILD DOG CAPSULES

A person authorised to use 1080 wild dog capsules under clause 10 of this Order must only undertake ground baiting in accordance with the following conditions:

9.1 A person who sets 1080 ejectors using 1080 wild dog capsules must:

- (a) not set more than four (4) 1080 ejectors per kilometre of trail or sixteen (16) 1080 ejectors per hundred (100) hectares. Ejectors may be concentrated to a localised area of wild dog activity but not at rates above the maximum limit in respect to the size of the property being baited; and
- (b) not set more than fifty (50) 1080 ejectors on any one (1) property or holding unless the baiting program is approved by an Authorised Control Officer; and
- (c) set 1080 ejectors in such a way that ejectors can be found readily retrieved and used 1080 wild dog capsules destroyed in accordance with condition 4.8.
- (d) remove all ejector devices, heads and 1080 wild dog capsules from each site at the end of baiting program.

9.2 In land reserved under Part 4 of the National Parks and Wildlife Act 1974 and public reserves within the meaning of the Local Government Act 1993 it is not necessary to mark the location for 1080 ejector capsules but GPS coordinates must be recorded.

10. RISK TO DOMESTIC ANIMALS

10.1 A person who uses 1080 wild dog capsules should avoid poisoning of domestic pets. As 1080 is particularly lethal to domestic dogs, the person using the baits should advise neighbours to restrain their pets 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.

11. RISK TO ENVIRONMENT AND WILDLIFE

11.1 1080 wild dog capsules may be toxic to some native wildlife. To the extent possible, the person using the 1080 wild dog capsules should time baiting programs for when non-target species are least active or least susceptible.

11.2 To the extent possible, a person who uses 1080 wild dog capsules should recover carcasses of animals poisoned by 1080 wild dog capsules and bury them in accordance with the disposal instructions for 1080 wild dog capsules 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 capsules should be reported to the EPA.

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

1080 EJECTOR CAPSULES

ACTIVE CONSTITUENT: mg OF SODIUM FLUOROACETATE (1080) PER CAPSULE

For the control of wild dogs or foxes when used with a mechanical ejector device as per the directions for use

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

THIS PACKAGE CONTAINS (insert No,) PLASTIC CAPSULES FOR USE IN THE MECHANICAL CANID PEST EJECTOR DEVICE FOR THE CONTROL OF WILD DOGS OR FOXES

DIRECTIONS FOR USE: Use only in accordance with the relevant conditions for use in the NSW 1080 Ejector Pesticide Control Order.

SAFETY DIRECTIONS: Very dangerous. Poisonous if swallowed. May irritate eyes, nose and throat and skin. Do not touch or rub eyes, nose or mouth with hand. Avoid contact with eyes and skin. When opening container and using capsules wear non-permeable gloves. When setting ejectors eye protection must be worn. If product gets 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 days use, wash gloves and contaminated clothing.

FIRST AID: Speed in treatment is essential. If poisoning occurs, contact a doctor or Poisons Information Centre. Phone Australia 13 11 26. If skin contact occurs, remove contaminated clothing and wash skin thoroughly. Remove from the 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.

STORAGE AND DISPOSAL: Store capsules in their original container in a lockable room or cupboard away from children, animals, food, foodstuffs, seeds and fertilisers. Empty capsules should be triple rinsed and buried along with rinsate in a local authority landfill. If no landfill is available, bury capsules and rinsate below 500mm in a disposal pit specifically marked and set up for this purpose clear of waterways, desirable vegetation and tree roots. Empty capsules must not be burnt.

PROTECTION OF LIVESTOCK, DOMESTIC AND FARM DOGS: Dogs are highly susceptible to 1080. Ensure all domestic and farm dogs are restrained when using 1080 ejector capsules.

PROTECTION OF WILDLIFE, FISH, CRUSTACEA AND ENVIRONMENT: DO NOT contaminate dams, waterways or drains with 1080 ejector capsules or this plastic bag.

Enquires: Contact an Authorised Control Officer at your local office of the Local Land Services or Office of Environment and Heritage - NPWS.

Schedule 2

USE OF 1080 LIQUID CONCENTRATE AND 1080 EJECTOR CAPSULES FOR CONTROL OF FOXES

1. PREPARATION OF 1080 EJECTOR CAPSULES FOR FOXES

An Authorised Control Officer may prepare 1080 ejector capsules for the purpose of controlling foxes, but only in accordance with the following conditions:

- 1.1 An Authorised Control Officer may use 1080 liquid concentrate products to prepare 1080 ejector capsules. Where an Authorised Control Officer uses material to prepare 1080 ejector capsules, the Authorised Control Officer must only use capsules filled with 0.5ml of inert carrier. When using the ACTA 1080 Concentrate product or PAKS 1080 Concentrate product all capsules must be injected with 0.1ml of the product per capsule.

2. USE OF 1080 EJECTOR CAPSULES ON FOXES

A person authorised to use 1080 ejector capsules under clause 10 of this Order must, when using 1080 ejector capsules for the purpose of controlling foxes, only do so in accordance with the following conditions:

- 2.1 A person must only use 1080 ejector capsules supplied by an Authorised Control Officer.
- 2.2 1080 ejector capsules must be placed in the hollow head of a 1080 ejector, except when they are being transported, prepared or stored.

1080 ejector capsules will be referred to in the rest of this Schedule as “1080 fox capsules”.

3. POSSESSION OF 1080 FOX CAPSULES

A person authorised to possess 1080 fox capsules under clause 10 of this Order must only do so in accordance with the following conditions:

- 3.1 An Authorised Control Officer may supply 1080 fox capsules to a person authorised to possess 1080 fox capsules. An Authorised Control Officer may conduct a risk assessment to determine if it is appropriate to supply 1080 fox capsules 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 capsules then the Authorised Control Officer must not give any 1080 fox capsules to that person. The Authorised Control Officer may withhold 1080 fox capsules, if, in the opinion of the Authorised Control Officer, they are not satisfied that the 1080 fox capsules will be used safely or effectively by a person.
- 3.2 If an Authorised Control Officer withholds 1080 fox capsules from a person, the officer must record in a logbook or diary the date, time and specific reasons for refusing to supply 1080 fox capsules to a particular person.
- 3.3 An Authorised Control Officer must only supply 1080 fox capsules in a plastic bag or container that complies with the requirements of section 18(1) of the Agricultural and Veterinary Chemicals Code Regulations and has a label which is identical in content and format to the label in **Attachment 1 of this Schedule** or an **APVMA approved label** of a registered 1080 fox capsule product.
- 3.4 Authorised Control Officers are required to determine the appropriate number of 1080 fox capsules that can be used on a property.
- 3.5 A person taking possession of 1080 fox capsules must first complete and sign an indemnity form for each property or NPWS RPMS program on which 1080 fox capsules are intended to be used. An Authorised Control Officer or an employee of an LLS must give a copy of the indemnity form to any person taking possession of 1080 fox capsules.
- 3.6 A person taking possession of 1080 fox capsules and laying 1080 fox capsules on behalf of another landholder as their authorised agent, must provide evidence to the Authorised

Control Officer of the consent given by the landholder whose property will use 1080 fox capsules. The consent must not cover a period of time greater than 12 months.

- 3.7 An Authorised Control Officer must issue 1080 fox capsules only to the landholder of the land on which the 1080 fox capsules are to be used, their authorised agent or a member of staff of OEH, NSW DPI or the LLS, or any other person whose services OEH, NSW DPI or the LLS makes use of.
- 3.8 An Authorised Control Officer or an employee of an LLS issuing 1080 fox capsules must give a copy of this pesticide control order with this Schedule to any person receiving 1080 fox capsules from them unless a current copy of this pesticide control order with this schedule has been provided to them electronically.
- 3.9 An Authorised Control Officer issuing 1080 fox capsules must establish that the intended end-user for the 1080 fox capsules holds a qualification that meets the requirements of this Order before handing over 1080 fox capsules. Where this cannot be established then 1080 fox capsules must not be supplied.
- 3.10 All persons receiving 1080 fox capsules from an Authorised Control Officer must only temporarily possess and store 1080 fox capsules. All 1080 fox capsules must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. All unused 1080 fox capsules must be returned to the issuing Authorised Control Officer within two (2) months of completion of the baiting program. Destruction of used 1080 fox capsules must be done in accordance with condition 4.8 below.
- 3.11 Where NSW public authorities are coordinating baiting programs they must ensure that all persons involved in the baiting program return all remaining 1080 fox capsules to an Authorised Control Officer within two (2) months of completion of the baiting program.
- 3.12 All persons receiving 1080 fox capsules from an Authorised Control Officer must store 1080 fox capsules in the labelled plastic bag or container supplied by the Authorised Control Officer (labelled in accordance with **Attachment 1 of this Schedule or an APVMA approved label of a registered 1080 fox capsule product**).

4. DIRECTIONS FOR USE – GENERAL RESTRICTIONS

A person authorised to use 1080 fox capsules under clause 10 of this Order must only do so in accordance with the following general conditions:

- 4.1 A person in possession of 1080 fox capsules must transport and store the 1080 fox capsules in such a way that other persons cannot access the 1080 fox capsules. A person transporting 1080 fox capsules must store the 1080 fox capsules in a secure location of their vehicle when transporting 1080 fox capsules.
- 4.2 A person must not place the 1080 fox capsules in a position accessible to children, livestock, or domestic animals or pets.
- 4.3 A person must not feed 1080 fox capsules to non-target species.
- 4.4 A person must not apply 1080 fox capsules to, or in, crops which are in mid to late developmental stages. A person must not apply 1080 fox capsules to, or in, crops if application of 1080 fox capsules is likely to lead to contamination of the crops.
- 4.5 A person must ensure that 1080 fox capsules do not contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 4.6 A person must not use plastic bags or containers which have been used to contain 1080 fox capsules for any other purpose and must dispose of such plastic bags or containers by burial or burning as follows:

4.6.1 Burial

Plastic bags or containers must be buried as follows:

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

4.6.2 Burning

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

- (a) The amount of plastic bags burnt at any premises on any single day must not exceed one hundred (100) bags or equivalent without the prior written approval of the EPA.
- (b) The burning of plastic bags must be carried out at least five hundred (500) metres from any habitation.
- (c) The burning of 1080 packaging must be carried out in accordance with any requirement of the *Rural Fires Act 1997* and the *Fire Brigades Act 1989*, as administered by the relevant local authority and Fire and Rescue NSW.
- (d) The open fire burning must not be carried out on a day subject to an order prohibiting the burning of fires in the open published by the EPA pursuant to section 133(2) of the *Protection of the Environment Operations Act 1997*.
- (e) The open fire burning must only be carried out in dry weather using such practicable means as may be necessary to minimise visible smoke emissions causing air pollution.

4.7 A person must not pollute dams, rivers, streams, waterways or drains with 1080 fox capsules or plastic bags or containers that have contained them. 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 capsules must ensure that all untaken 1080 fox capsules are collected and removed from baiting locations. All collected used 1080 fox capsules may be disposed of in a landfill that can lawfully dispose of them only if the capsules are punctured and triple rinsed. All used 1080 fox capsules need to be punctured and triple rinsed and along with collected rinsate must be buried in a disposal pit under at least five hundred (500) mm of soil on the property where they were used or another location identified and agreed to by the Authorised Control Officer coordinating the program. The disposal pit must be clear of waterways (permanent or ephemeral) so as to not cause pollution of water under Part 5.3 of the *Protection of the Environment Operations Act 1997*.

4.9 At the end of any baiting program coordinated by an Authorised Control Officer, an Authorised Control Officer or a person under their supervision may dispose of 1080 fox capsules on a property or location identified for disposal by burying the 1080 fox capsules at a depth of less than five hundred (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 Ongoing baiting may be necessary in some instances to reduce the impacts of fox predation on native fauna and domestic livestock. Such programs may be undertaken only if the risk to non-target species is low (see also condition 10 Risk to Domestic Animals and condition 11 Risk to Environment and Wildlife).

5. DIRECTIONS FOR USE – DISTANCE RESTRICTIONS

A person authorised to use 1080 fox capsules under clause 10 of this Order must only do so in accordance with the following distance restrictions:

- 5.1 The minimum distances for the laying of 1080 fox capsules have been set to minimise the risk to people and to non-target animals. A person authorised to use 1080 fox capsules must not place 1080 fox capsules where they can be washed into or contaminate surface water or groundwater. 1080 fox capsules 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 capsules must not be laid within close proximity to urban areas unless the baiting program has had a risk assessment 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 (properties less than 100ha) or areas within four (4) kilometres of a village or any street.
- 5.3 **Property Boundary:**
- 5.3.1 **Ground Baiting:** 1080 fox capsules must not be laid within five (5) metres from any property boundary.
- 5.3.2 **Exemption for Group Baiting:** Condition 5.3.1 does not apply to the laying of 1080 fox capsules if 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 capsules. This exemption does not apply to property boundaries of landholders not involved in the baiting program.
- 5.4 **Habitation:**
- 5.4.1 **Ground Baiting:** 1080 fox capsules must not be laid within one hundred and fifty (150) metres of a habitation except:
- (a) where a landholder uses 1080 fox capsules on their own property, in which case the landholder may lay the 1080 fox capsules at a distance of no less than twenty (20) metres from their own habitation.
 - (b) where an Authorised Control Officer plans a baiting program, in which case the 1080 fox capsules may be laid at less than 150 metres but no closer than 20 metres from a habitation, subject to the following conditions:
 - (i) The Authorised Control Officer 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 capsules can be laid at distances of less than 150 metres but no closer than 20 metres from a habitation;
 - (ii) Any baiting program planned by an Authorised Control Officer must include strategies for minimising risk to non-target animals;
 - (iii) Any adjoining landholders must agree in writing to use or allow the use of 1080 fox capsules as part of a coordinated fox control program at distances of less than 150 metres but no closer than 20 metres from a habitation on the landholder's property;
 - (iv) Where an Authorised Control Officer implements a coordinated fox control program, they must not implement the program **UNLESS**:
 - (1) **ALL** the landholders in the group are made aware of the hazardous nature of 1080 fox capsules 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 capsules in closely settled areas; AND
 - (B) agree to allow 1080 fox capsules to be laid on adjoining properties at distances of less than 150 metres but no closer than 20 metres from any habitation on their property in writing; AND
 - (C) agree to accept all responsibility for any problems arising from 1080 fox capsules used on their land within the program; AND

- (3) **ALL** the landholders of the outermost properties of the group abide by all the distance requirements in relation to adjoining properties not covered by the group activity.

5.5 Domestic Water Supply or Water Draw Point:

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

6. PUBLIC NOTIFICATION

A person authorised to use 1080 fox capsules under clause 10 of this Order must notify certain persons of the use of 1080 fox capsules in accordance with the following conditions:

- 6.1 A person must not lay any 1080 fox capsules on any land unless the person has first given a minimum of three (3) days notice of the date on which they will lay 1080 fox capsules. This notice must be given to the occupier, manager or authorised agent of every property which has a property boundary within one (1) kilometre of a baiting location (“notification”).
- 6.2. The notification may be given by telephone, email or in person, or, where this is not possible, by mail (including letter box drop). If notification cannot be made by telephone, email, personal contact or mail, or the number of persons to be notified is more than twenty five (25), then notification may be made by advertisement in a local newspaper. Likewise for large group baiting programs (more than 25 participants) organised or approved by an Authorised Control Officer, notification may be via advertisement in a local newspaper.
- 6.3 The use of 1080 fox capsules may be conducted for longer than seven (7) days but must commence within ten (10) days of this notification otherwise further notification of intended baiting is required.
- 6.4 Where replacement baiting is planned the notification must include the time period baiting is planned to be maintained.
- 6.5 Where baiting programs are ongoing notification must be given every six (6) months.

7. EMERGENCY BAITING (Ground application only)

A person authorised to use 1080 fox capsules under clause 10 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 lay 1080 fox capsules 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 (1) kilometre of a baiting location before laying any 1080 fox capsules. A person who undertakes emergency baiting must not lay more than the number of 1080 fox capsules approved by an Authorised Control Officer and specified on the indemnity form.
- 7.2 A person who undertakes emergency baiting must comply with all requirements in relation to the use of 1080 fox capsules, except as provided for in condition 7.1.

8. 1080 POISON NOTICES

A person authorised to use 1080 fox capsules under clause 10 of this Order must erect notices in accordance with the following conditions:

- 8.1 A person who uses 1080 fox capsules must erect notices before laying 1080 fox capsules on any land. These notices must remain up for the period of time that 1080 fox capsules are being used on the property. Where 1080 fox capsules are being used in conjunction with 1080 fox baits these notices must remain up for a minimum of four (4) weeks after the last day of baiting.
- Notices must be placed at:
- (a) every entry to the baiting location; and
 - (b) main entrance to a private property or holding where baiting is undertaken; and
 - (c) up to five (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 ejector capsules are being laid on this property; and
 - (b) the dates on which 1080 ejector capsules are first laid or the dates between which 1080 ejector capsules will be laid; and
 - (c) contact details of the person who will lay the 1080 ejector capsules or in the case of a public authority a person whom can be contacted for information about 1080 ejector capsules being used on the property; and
 - (d) a warning that non-target animals may be affected.
- 8.3 Under the *Pesticides Regulation 2009* (clauses 19 to 23) public authorities have additional public notification obligations that must be complied with. There are also other notification requirements in the Regulation.
- 8.4 1080 Poison Notices may be obtained from Authorised Control Officers.

9. GROUND BAITING WITH 1080 FOX CAPSULES

A person authorised to use 1080 fox capsules under clause 10 of this Order must only undertake ground baiting in accordance with the following conditions:

- 9.1 A person who sets 1080 ejectors using 1080 fox capsules must:
- (a) not set more than four (4) 1080 ejectors per kilometre of trail or one (1) ejector per five (5) hectares or 20 ejectors per 100 hectares. Ejectors may be concentrated to a localised area of fox activity but not at rates above the maximum limit in respect to the size of the property being baited; and
 - (b) not set more than fifty (50) 1080 ejectors on any one (1) property or holding unless the baiting program is approved by an Authorised Control Officer; and
 - (c) set 1080 ejectors in such a way that ejectors can be readily retrieved and used 1080 fox capsules destroyed in accordance with condition 4.8.
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- 9.2 In land reserved under Part 4 of the *National Parks and Wildlife Act 1974* and public reserves within the meaning of the *Local Government Act 1993* it is not necessary to mark the location for 1080 ejector capsules but GPS coordinates must be recorded.

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- 10.1 A person who uses 1080 fox capsules should avoid poisoning of domestic pets. As 1080 is particularly lethal to domestic dogs, the person using the capsules should advise neighbours to restrain their pets 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.

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

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