PESTICIDE ACT 1999 – PESTICIDE CONTROL ORDER UNDER SECTION 38

Name
1. This Order is to be known as the Pesticide Control (PAPP) Order 2016.

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 under delegation of the Minister for the Environment under Part 4 of the Pesticides Act 1999.

Objects
4. The objects of this Order are to:
   (a) Authorise those persons described in clause 8 to use PAPP.
   (b) Specify the manner in which PAPP may be used in NSW.

Background
5. A chemical product that contains 4-aminopropiophenone (PAPP) 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 pesticide authorisation or a pesticide control order.

Application
6. This Order applies to PAPP being used for the control of wild dogs or foxes as in clause 9 of this Order and used in accordance with conditions stated in:
   a) Schedule 1 to this Order – in the case of the control of wild dogs
   b) Schedule 2 of this Order – in the case of the control of foxes

Definitions and interpretation
7. In this Order (including the Schedules to this Order) –

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

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 VET statement of attainment issued by NSW DPI’s Registered Training Organisation or another Registered Training Organisation on completion of the training and assessment components of the Vertebrate Pest Management course\(^1\) delivered by NSW DPI or a Registered Training Organisation; and

(b) holds a current certificate of completion or VET 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. To maintain currency of level 3 Chemical Accreditation a person must complete refresher training every 5 years but for level 4 Chemical Accreditation only initial accreditation is required for the duration of their employment, functioning as an Authorised Control Officer; and

(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 as part of the Public Service under Part 4 of the Government Sector Employment Act 2013 to enable that NSW public authority to exercise its functions; or
   (ii) has obtained approval to operate as an Authorised Control Officer from 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 PAPP baits 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 or acquired under the National Parks and Wildlife Act 1974;
   (iv) LLS managed Travelling Stock Reserves;
   – the area of the private land or private holding, State Forest, or reserved land where PAPP baits 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 PAPP baits are being applied.

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

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

**EPA** means the Environment Protection Authority (NSW).

**group** means 2 or more.

**habitation** means a dwelling house or some other accommodation that is occupied by people 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 or acquired under the National Parks and Wildlife Act 1974.

---

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.
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 NSW Department of Primary Industries.

OEH means the NSW Office of Environment and Heritage.

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

(a) PAPP baits are available continuously to wild dogs or foxes; and
(b) PAPP baits 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 or degraded PAPP baits are replaced (if necessary) each time PAPP bait stations are checked.

Notes:
- The interval between checking and replacing PAPP baits 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.
- PAPP baits 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 PAPP baits 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.

PAPP baits means PAPP fox bait or PAPP wild dog bait.

PAPP fox bait means the registered agricultural chemical product Foxecute Fox Bait (APVMA Product Registration Number 65095) that has an active constituent comprising 400 milligrams of PAPP per bait.

PAPP wild dog bait means the registered agricultural chemical product Dogabait PAPP Wild Dog Bait (APVMA Product Registration Number 65094) that has an active constituent comprising 1000 milligrams of PAPP per bait.

property means the area within any lot in a deposited plan (whether on private land, a private holding, State Forest, travelling stock reserves under the Local Land Services Act 2013, land reserved or acquired under 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 National Vocational Education and Training Regulator Act 2011 of the Commonwealth.

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

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

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

8. The following persons are authorised to use, subject to clause 9, PAPP baits:

(a) Authorised Control Officers; and
(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 Vertebrate Pesticide Training course developed for the EPA, delivered by the LLS and that requires reaccreditation every 5 years; and
   (iii) is either:
      (A) a member of staff of the OEH, NSW DPI, LLS or a Wild Dog Destruction Board, or any other person who is contracted or employed by OEH, NSW DPI or the LLS to use PAPP baits; or
      (B) a landholder of the land on which PAPP baits are to be used, or their authorised agent.\(^2\)

Conditions of use

9. A person authorised to use PAPP baits under clause 8 above must only use the PAPP baits 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 this Order have the same meaning as in the Pesticides Act 1999, unless otherwise defined in this Order.

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

This Order will remain in force until it is revoked.

Note for users of PAPP baits – Approved labels of registered products do not contain all of the conditions that exist for use of PAPP baits in NSW. All persons using PAPP baits 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 PAPP registered 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.

MARK GIFFORD PSM
A/Chair and CEO
Environment Protection Authority

\(^2\) OEH or LLS staff who are involved in supplying PAPP baits must determine in all instances whether it is appropriate for the landholder or agent to use PAPP baits on their land. A landholder or agent must have completed specific training in the use of PAPP baits or been personally instructed in how to use PAPP baits in accordance with the appropriate schedule.
Schedule 1

USE OF PAPP BAITS FOR CONTROL OF WILD DOGS

1. USE OF PAPP BAITS ON WILD DOGS
A person authorised to use PAPP baits under clause 8 of this Order must, when using PAPP baits for the purpose of controlling wild dogs, only do so in accordance with the following conditions:

1.1 A person must only use PAPP baits supplied by an Authorised Control Officer.

1.2 PAPP baits for the control of wild dog must only be used in accordance with the conditions on use specified in this schedule.

PAPP baits will be referred to in the rest of this Schedule as “PAPP wild dog bait”.

2. POSSESSION OF PAPP WILD DOG BAIT
A person authorised to possess PAPP wild dog bait under clause 8 of this Order must only do so in accordance with the following conditions:

2.1 An Authorised Control Officer may supply PAPP wild dog bait to a person authorised to possess PAPP wild dog bait. An Authorised Control Officer must complete a risk assessment to determine if it is appropriate to supply PAPP wild dog bait to a person for use on the proposed baiting location. 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 use baits on the proposed baiting location or supply a person with PAPP wild dog bait then the Authorised Control Officer must not give or supply any PAPP wild dog bait to that person. The Authorised Control Officer must withhold PAPP wild dog bait, if, in the opinion of the Authorised Control Officer, they are not satisfied that the PAPP wild dog bait will be used safely or effectively by a person.

2.2 If an Authorised Control Officer withholds PAPP wild dog bait from a person, the officer must record in a logbook or diary, the date, time and specific reasons for refusing to supply PAPP wild dog bait to a particular person.

2.3 An Authorised Control Officer must only supply PAPP wild dog bait in a plastic bag or container that complies with the requirements of clause 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 PAPP wild dog bait product.

2.4 Authorised Control Officers are required to determine the appropriate number of PAPP wild dog baits that can be used on a property.

2.5 A person taking possession of PAPP wild dog bait must first complete and sign an indemnity form for each property or NPWS RPMS program on which PAPP wild dog bait 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 PAPP wild dog bait.

2.6 A person taking possession of PAPP wild dog bait and laying PAPP wild dog bait 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 PAPP wild dog bait. The consent must not cover a period of time greater than 12 months.

2.7 An Authorised Control Officer must issue PAPP wild dog bait only to the landholder of the land on which the PAPP wild dog bait are to be used, their authorised agent or a member of staff of OEH, Wild Dog Destruction Board, NSW DPI or the LLS or any other person whose services OEH, NSW DPI or the LLS makes use of.

2.8 An Authorised Control Officer or an employee of an LLS issuing PAPP wild dog bait must give a copy of this pesticide control order with this Schedule to any person receiving PAPP wild dog bait from them unless a current copy of this pesticide control order with this schedule has been provided to them electronically for the current program.
2.9 An Authorised Control Officer issuing PAPP wild dog bait must establish that the intended end-user for the PAPP wild dog bait holds a qualification that meets the requirements of this Order before handing over PAPP wild dog bait. Where this cannot be established then PAPP wild dog bait must not be supplied.

2.10 All persons receiving PAPP wild dog bait from an Authorised Control Officer must only temporarily possess and store PAPP wild dog bait. All PAPP wild dog bait must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. All unopened PAPP wild dog bait must be returned to an Authorised Control Officer within two (2) months of completion of the baiting program. Destruction of opened, unused and used PAPP wild dog bait must be done in accordance with condition 3.11 below.

2.11 Where NSW public authorities are coordinating baiting programs they must ensure that all persons involved in the baiting program return all remaining PAPP wild dog bait to an Authorised Control Officer or dispose of PAPP wild dog baits in accordance with condition 3.11, within two (2) months of completion of the baiting program.

2.12 All persons receiving PAPP wild dog bait from an Authorised Control Officer must store PAPP wild dog bait 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 PAPP wild dog bait product.

3. DIRECTIONS FOR USE – GENERAL RESTRICTIONS

A person authorised to use PAPP wild dog bait under clause 8 of this Order must only do so in accordance with the following general conditions:

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

3.2 A person must not place the PAPP wild dog bait in a position accessible to children, domestic animals or pets.

3.3 A person who uses PAPP wild dog bait should avoid poisoning of domestic pets. As PAPP is particularly lethal to domestic dogs, the person using the baits should advise neighbours to restrain their pets and working 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.

3.4 A person must not intentionally feed PAPP wild dog bait to non-target species.

3.5 PAPP wild dog bait may be toxic to some native wildlife. In particular it is toxic to marsupial carnivores, bandicoots, goanna or monitor lizards and some birds. To minimise the risk to susceptible wildlife species PAPP wild dog baiting programs should be done when such species are least active or least susceptible. All PAPP wild dog baits must be buried in accordance with condition 8.2 to minimise this risk.

3.6 A person must not apply PAPP wild dog bait to, or in, crops which are in mid to late developmental stages. A person must not apply PAPP wild dog bait to, or in, crops if application of PAPP wild dog bait is likely to lead to contamination of the crops.

3.7 A person must ensure that PAPP wild dog bait does not contaminate foodstuffs, or feed, for human or non-target animal consumption.

3.8 A person must not use plastic bags or containers which have been used to contain PAPP wild dog bait for any other purpose and must dispose of such plastic bags or containers by burial or burning as follows:

3.8.1 Burial

Plastic bags or containers must be buried as follows:
(a) Plastic bags or containers must be triple rinsed or pressure rinsed;
(b) Empty rinsed plastic bags or containers must be broken, crushed or punctured, and disposed of either at the property where the PAPP wild dog bait 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).

3.8.2 Burning

Empty plastic bags that have contained PAPP can only be burnt by open fire if an approval has been issued by the EPA under the Protection of the Environment Operations (Clean Air) Regulation 2010. A person that disposes of plastic bags by way of burning must comply with all conditions of the EPA approval.

3.9 A person must not pollute dams, rivers, streams, waterways or drains with PAPP wild dog bait or plastic bags or containers that have contained them. Pollution of waters is an offence under section 120 of the Protection of the Environment Operations Act 1997.

3.10 A person must not place PAPP wild dog baits on a property without the written consent of the occupier, manager or authorised agent of the land unless the baiting has been determined necessary under the provisions of the Local Land Services Act 2013 and is carried out by an employee or contractor of the LLS or another public authority.

3.11 At the end of any ground baiting program conducted in accordance with this Schedule, a person using PAPP wild dog bait must ensure that all untaken PAPP wild dog baits are collected and removed from baiting locations. All collected and unused PAPP wild dog bait must be disposed of as soon as possible at the property where the PAPP wild dog baits were used or in the case of a coordinated baiting program, on a property or location identified and agreed to by the Authorised Control Officer coordinating the program. All collected and unused PAPP wild dog bait needs to 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.

3.12 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 PAPP wild dog bait on a property or location identified for disposal by burying the PAPP wild dog bait at a depth of less than 500mm of soil but only if the Authorised Control Officer has done a risk assessment and implements control measures that are appropriate to minimise the risk to non-target animals and the environment.

3.13 It is recommended best practice that a person who uses PAPP wild dog bait should recover carcasses of animals poisoned by PAPP wild dog bait and bury them in accordance with the disposal instructions for PAPP wild dog bait in condition 3.11. Any incidents where there are reasonable grounds to suspect that non-target animals may have been poisoned by PAPP wild dog bait should be reported to the EPA.

3.14 Ongoing baiting may be necessary in some instances to reduce the impacts of wild dogs on native fauna and domestic livestock. Such programs may be undertaken only if the risk to non-target species is low (see also conditions 3.3, 3.5, 3.9 and 3.12).

4. DIRECTIONS FOR USE – DISTANCE RESTRICTIONS

A person authorised to use PAPP wild dog bait under clause 8 of this Order must only do so in accordance with the following distance restrictions:

4.1 The minimum distances for the laying of PAPP wild dog bait have been set to minimise the risk to people and to non-target animals. A person authorised to use PAPP wild dog bait
must not place PAPP wild dog baits where they can be washed into or contaminate surface water or groundwater. PAPP wild dog bait must not be laid in areas where distance restrictions cannot be met. Other wild dog control methods must be used in those areas.

4.2 **Property Boundary:**

4.2.1 **Ground Baiting:** PAPP wild dog bait must not be laid within five (5) metres from any property boundary.

4.3 **Habitation:**

4.3.1 **Ground Baiting:** PAPP wild dog bait must not be laid within one hundred and fifty (150) metres of a habitation except:

(a) where a landholder uses PAPP wild dog bait on their own property, in which case the landholder may lay the PAPP wild dog bait 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 PAPP wild dog bait may be laid at less than 150 metres but no closer than 50 metres from a habitation, subject to the following conditions:

(i) The risk assessment conducted by the Authorised Control Officer includes strategies for minimising risk to non-target animals;

(ii) Any adjoining landholders must agree in writing to use or allow the use of PAPP wild dog bait 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;

(iii) 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 PAPP wild dog bait 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 PAPP wild dog bait in closely settled areas; AND

(B) agree to allow PAPP wild dog bait 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 PAPP wild dog bait used on their land within the program; AND

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

4.4 **Domestic Water Supply:**

4.4.1 **Ground Baiting:** PAPP wild dog bait must not be laid within ten (10) metres of a domestic water supply.

5. **PUBLIC NOTIFICATION**

A person authorised to use PAPP wild dog bait under clause 8 of this Order must notify certain persons of the use of PAPP wild dog bait in accordance with the following conditions:

5.1 A person must not lay any PAPP wild dog bait on any land unless the person has first given a minimum of three (3) days’ notice of the dates on which they will lay PAPP wild dog bait. 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”).
5.2. The notification may be given by telephone, text message, email, or in person, or where this is not possible, by mail (including letter box drop). If notification cannot be made by telephone, text message, email, personal contact or mail, or the number of persons to be notified is more than twenty five (25), then 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 or on a government website where baiting is done under a NPWS RPMS program.

5.3 The use of PAPP wild dog bait 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.

5.4 Where replacement baiting is planned the notification must include the time period baiting is planned to be maintained.

5.5 Where baiting programs are ongoing notification must be given every six (6) months.

6. EMERGENCY BAITING (Ground application only)
A person authorised to use PAPP wild dog bait under clause 8 of this Order may undertake emergency baiting, but only in accordance with the following conditions:

6.1 A person whose livestock are being attacked or can provide evidence that their livestock are under imminent threat of attack, may lay PAPP wild dog bait without the need to comply with condition 5.1 (3-day prior neighbour notification) only with Authorised Control Officer approval. 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 PAPP wild dog bait. A person who undertakes emergency baiting must not lay more than the number of PAPP wild dog baits approved by an Authorised Control Officer and specified on the indemnity form.

6.2 A person who undertakes emergency baiting must comply with all requirements in relation to the use of PAPP wild dog bait, except as provided for in condition 6.1.

7. PAPP POISON NOTICES
A person authorised to use PAPP wild dog bait under clause 8 of this Order must erect notices in accordance with the following conditions:

7.1 A person who uses PAPP wild dog bait must erect notices before laying PAPP wild dog bait on any land. These notices must remain up for the period of time that PAPP wild dog bait is being used on the property and 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.

7.2 The notices must specify the following:
(a) PAPP wild dog baits are being laid on this property; and
(b) the dates on which PAPP wild dog bait are first laid or the dates between which PAPP wild dog baits will be laid; and
(c) contact details of the person who will lay the PAPP wild dog bait or in the case of a public authority a person whom can be contacted for information about PAPP wild dog bait being used on the property; and
(d) warning that non-target animals may be affected.

7.3 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.

7.4 PAPP poison notices may be obtained from Authorised Control Officers.
8. **GROUND BAITING WITH PAPP WILD DOG BAIT**

A person authorised to use PAPP wild dog bait under clause 8 of this Order must only undertake ground baiting in accordance with the following conditions:

8.1 A person who lays PAPP wild dog bait must:
   
   (a) not lay more than four (4) PAPP wild dog baits per kilometre of trail or sixteen (16) PAPP wild dog baits per hundred (100) hectares; and
   
   (b) lay PAPP wild dog baits in such a way that all untaken PAPP wild dog baits can be readily retrieved and destroyed in accordance with condition 3.11.

8.2 PAPP wild dog baits must be buried in a hole of no less than 80mm depth and covered with soil or used in accordance with any risk mitigating measures identified in the risk assessment. Only one (1) PAPP wild dog bait must be used per bait site. If practical, tether the PAPP wild dog bait. All bait sites must be marked or identifiable to the user.

8.3 In land reserved or acquired under the National Parks and Wildlife Act 1974 and public reserves within the meaning of the Local Government Act 1993 it is not necessary to mark the location for PAPP wild dog bait but GPS coordinates must be recorded.

8.4 A person who lays PAPP wild dog baits on a property of less than one hundred (100) hectares must check the PAPP wild dog baits within five (5) days of laying the PAPP wild dog baits and must collect any untaken PAPP wild dog bait within seven (7) days of laying the PAPP wild dog bait. All untaken PAPP wild dog baits must be disposed of in accordance with condition 3.11. This condition does not prevent a person from replacing PAPP wild dog baits that are taken for a period of longer than seven (7) days where PAPP wild dog baits continue to be taken for up to 6 months.
ATTACHMENT 1

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

PAPP BAIR

ACTIVE CONSTITUENT: PARA-AMINOPROPIONE (PAPP)
1000mg per wild dog bait
400mg per fox bait

For the control of wild dogs or foxes

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

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

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

SAFETY DIRECTIONS: Harmful if swallowed. Do not touch or rub eyes, nose or mouth with hand. Avoid contact with eyes and skin. If product on skin and after each baiting, immediately wash area with soap and water. When opening container and using PAPP baits wear non-permeable gloves. 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: If poisoning occurs, contact a doctor or Poisons Information Centre. Phone Australia 131126. If skin contact occurs wash skin thoroughly. Remove from the contaminated area. Apply artificial respiration if not breathing. If poisoning occurs get to a doctor or hospital quickly.

STORAGE AND DISPOSAL: Store product in this plastic bag or the approved container of this product in a lockable room or cupboard away from children, animals, food, foodstuffs, seeds and fertilisers. Empty plastic bags should be triple rinsed and should be disposed of in a local authority landfill. If no landfill is available, bury plastic bag 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 plastic bags that have contained PAPP can only be burnt by open fire if done in accordance with an approval granted by the EPA under the Protection of the Environment Operations (Clean Air) Regulation 2010.

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

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

THIS PACKAGE CONTAINS (insert No,) BAITS FOR THE CONTROL OF WILD DOGS OR FFoxes

For additional information 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 PAPP BAITS FOR CONTROL OF FOXES

1. USE OF PAPP BAITS ON FOXES
   A person authorised to use PAPP baits under clause 8 of this Order must, when using PAPP baits for the purpose of controlling foxes, only do so in accordance with the following conditions:
   
   1.1 A person must only use PAPP baits supplied by an Authorised Control Officer.
   
   1.2 PAPP baits for the control of foxes must only be used in accordance with the conditions on use specified in this schedule.

   PAPP baits will be referred to in the rest of this Schedule as “PAPP fox bait”.

2. POSSESSION OF PAPP FOX BAIT
   A person authorised to possess PAPP fox bait under clause 8 of this Order must only do so in accordance with the following conditions:
   
   2.1 An Authorised Control Officer may supply PAPP fox bait to a person authorised to possess PAPP fox bait. An Authorised Control Officer must complete a risk assessment to determine if it is appropriate to supply PAPP fox bait to a person for use on the proposed baiting location. 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 use baits on the proposed baiting location or supply a person with PAPP fox bait then the Authorised Control Officer must not give or supply any PAPP fox bait to that person. The Authorised Control Officer must withhold PAPP fox bait, if, in the opinion of the Authorised Control Officer, they are not satisfied that the PAPP fox bait will be used safely or effectively by a person.
   
   2.2 If an Authorised Control Officer withholds PAPP fox bait from a person, the officer must record in a logbook or diary the date, time and specific reasons for refusing to supply PAPP fox bait to a particular person.
   
   2.3 An Authorised Control Officer must only supply PAPP fox bait in a plastic bag or container that complies with the requirements of clause 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 PAPP fox bait product.
   
   2.4 Authorised Control Officers are required to determine the appropriate number of PAPP fox baits that can be used on a property.
   
   2.5 A person taking possession of PAPP fox bait must first complete and sign an indemnity form for each property or NPWS RPMS program on which PAPP fox bait 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 PAPP fox bait.
   
   2.6 A person taking possession of PAPP fox bait and laying PAPP fox bait 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 PAPP fox bait. The consent must not cover a period of time greater than 12 months.
   
   2.7 An Authorised Control Officer must issue PAPP fox bait only to the landholder of the land on which the PAPP fox bait are to be used, their authorised agent or a member of staff of OEH, Wild Dog Destruction Board, NSW DPI or the LLS, or any other person whose services OEH, NSW DPI or the LLS makes use of.
   
   2.8 An Authorised Control Officer or an employee of an LLS issuing PAPP fox bait must give a copy of this pesticide control order with this Schedule to any person receiving PAPP fox bait from them unless a current copy of this pesticide control order with this schedule has been provided to them electronically for the current program.
2.9 An Authorised Control Officer issuing PAPP fox bait must establish that the intended end-user for the PAPP fox bait holds a qualification that meets the requirements of this Order before handing over PAPP fox bait. Where this cannot be established then PAPP fox bait must not be supplied.

2.10 All persons receiving PAPP fox bait from an Authorised Control Officer must only temporarily possess and store PAPP fox bait. All PAPP fox bait must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. All unopened PAPP fox bait must be returned to an Authorised Control Officer within two (2) months of completion of the baiting program. Destruction of opened, unused and used PAPP fox bait must be done in accordance with condition 3.11 below.

2.11 Where NSW public authorities are coordinating baiting programs they must ensure that all persons involved in the baiting program return all remaining PAPP fox bait to an Authorised Control Officer or dispose of PAPP fox baits in accordance with condition 3.11, within two (2) months of completion of the baiting program.

2.12 All persons receiving PAPP fox bait from an Authorised Control Officer must store PAPP fox bait 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 PAPP fox bait product.

3. DIRECTIONS FOR USE – GENERAL RESTRICTIONS
A person authorised to use PAPP fox baits under clause 8 of this Order must only do so in accordance with the following general conditions:

3.1 A person in possession of PAPP fox bait must transport and store PAPP fox bait in such a way that other persons cannot access the PAPP fox bait. A person transporting PAPP fox bait must store the PAPP fox bait in a secure location of their vehicle.

3.2 A person must not place the PAPP fox bait in a position accessible to children, domestic animals or pets.

3.3 A person who uses PAPP fox bait should avoid poisoning of domestic pets. As PAPP is particularly lethal to domestic dogs, the person using the baits should advise neighbours to restrain their pets and working 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.

3.4 A person must not intentionally feed PAPP fox bait to non-target species.

3.5 PAPP fox bait may be toxic to some native wildlife. In particular it is toxic to marsupial carnivores, bandicoots, goanna or monitor lizards and some birds. To minimise the risk to susceptible wildlife species PAPP fox baiting programs should be done when such species are least active or least susceptible. All PAPP fox baits must be buried in accordance with condition 8.2 to minimise this risk.

3.6 A person must not apply PAPP fox bait to, or in, crops which are in mid to late developmental stages. A person must not apply PAPP fox bait to, or in, crops if application of PAPP fox bait is likely to lead to contamination of the crops.

3.7 A person must ensure that PAPP fox bait do not contaminate foodstuffs, or feed, for human or non-target animal consumption.

3.8 A person must not use plastic bags or containers which have been used to contain PAPP fox bait for any other purpose and must dispose of such plastic bags or containers by burial or burning as follows:

3.8.1 Burial

Plastic bags or containers must be buried as follows:
(a) Plastic bags or containers must be triple rinsed or pressure rinsed;
(b) Empty rinsed plastic bags or containers must be broken, crushed or punctured, and disposed of either at the property where the PAPP fox bait 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).

3.8.2 Burning

Empty plastic bags that have contained PAPP can only be burnt by open fire if an approval has been issued by the EPA under the Protection of the Environment Operations (Clean Air) Regulation 2010. A person that disposes of plastic bags by way of burning must comply with all conditions of the EPA approval.

3.9 A person must not pollute dams, rivers, streams, waterways or drains with PAPP fox bait 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.

3.10 A person must not place PAPP fox baits on a property without the written consent of the occupier, manager or authorised agent of the land unless the baiting has been determined necessary under the provisions of the Local Land Services Act 2013 and is carried out by an employee or contractor of the LLS or another public authority.

3.11 At the end of any ground baiting program conducted in accordance with this Schedule, a person using PAPP fox bait must ensure that all untaken PAPP fox baits are collected and removed from baiting locations. All collected and unused PAPP fox baits must be disposed of as soon as possible at the property where the PAPP fox bait were used or in the case of a coordinated baiting program, on a property or location identified and agreed to by the Authorised Control Officer coordinating the program. All collected and unused PAPP fox bait needs to 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.

3.12 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 PAPP fox bait on a property or location identified for disposal by burying the PAPP fox bait 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.

3.13 It is recommended best practice that a person who uses PAPP fox bait should recover carcasses of animals poisoned by PAPP fox bait and bury them in accordance with the disposal instructions for PAPP fox bait in condition 3.11. Any incidents where there are reasonable grounds to suspect that non-target animals may have been poisoned by PAPP fox bait should be reported to the EPA.

3.14 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 conditions 3.3, 3.5, 3.9 and 3.12).

4. DIRECTIONS FOR USE – DISTANCE RESTRICTIONS

A person authorised to use PAPP fox baits under clause 8 of this Order must only do so in accordance with the following distance restrictions:

4.1 The minimum distances for the laying of PAPP fox bait have been set to minimise the risk to people and to non-target animals. A person authorised to use PAPP fox bait must not place PAPP fox baits where they can be washed into or contaminate surface water or groundwater.
PAPP fox bait must not be laid in areas where distance restrictions cannot be met. Other fox control methods must be used in those areas.

4.2 **Property Boundary:**

4.2.1 **Ground Baiting:** PAPP fox bait must not be laid within five (5) metres from any property boundary.

4.3 **Habitation:**

4.3.1 **Ground Baiting:** PAPP fox bait must not be laid within one hundred and fifty (150) metres of a habitation except:

(a) where a landholder uses PAPP fox bait on their own property, in which case the landholder may lay the PAPP fox bait 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 PAPP fox bait may be laid at less than 150 metres but no closer than 20 metres from a habitation, subject to the following conditions:

(i) The risk assessment conducted by the Authorised Control Officer includes strategies for minimising risk to non-target animals;

(ii) Any adjoining landholders must agree in writing to use or allow the use of PAPP fox bait 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;

(iii) 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 PAPP fox bait 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 PAPP fox bait in closely settled areas; AND

   (B) agree to allow PAPP fox bait 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 PAPP fox bait used on their land within the program; AND

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

4.4 **Domestic Water Supply:**

4.4.1 **Ground Baiting:** PAPP fox bait must not be laid within ten (10) metres of a domestic water supply.

5. **PUBLIC NOTIFICATION**
A person authorised to use PAPP fox bait under clause 8 of this Order must notify certain persons of the use of PAPP fox bait in accordance with the following conditions:

5.1 A person must not lay any PAPP fox bait on any land unless the person has first given a minimum of three (3) days’ notice of the dates on which they will lay PAPP fox bait. 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”).

5.2. The notification may be given by telephone, text message, email or in person, or where this is not possible, by mail (including letter box drop). If notification cannot be made by telephone, text message, email, personal contact or mail, or the number of persons to be notified is more than twenty five (25), then notification may be made by advertisement in a
The use of PAPP fox bait 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.

Where replacement baiting is planned the notification must include the time period baiting is planned to be maintained.

Where baiting programs are ongoing notification must be given every six (6) months.

6. **EMERGENCY BAITING (Ground application only)**
   A person authorised to use PAPP fox bait under clause 8 of this Order may undertake emergency baiting, but only in accordance with the following conditions:

   6.1 A person whose livestock are being attacked or can provide evidence that their livestock are under imminent threat of attack, may lay PAPP fox bait without the need to comply with condition 5.1 (3-day prior neighbour notification) only with Authorised Control Officer approval. 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 PAPP fox bait. A person who undertakes emergency baiting must not lay more than the number of PAPP fox baits approved by an Authorised Control Officer and specified on the indemnity form.

   6.2 A person who undertakes emergency baiting must comply with all requirements in relation to the use of PAPP fox bait, except as provided for in condition 6.1.

7. **PAPP POISON NOTICES**
   A person authorised to use PAPP fox baits under clause 8 of this Order must erect notices in accordance with the following conditions:

   7.1 A person who uses PAPP fox bait must erect notices before laying PAPP fox bait on any land. These notices must remain up for the period of time that PAPP fox bait is being used on the property and 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.

   7.2 The notices must specify the following:
   (a) PAPP fox baits are being laid on this property; and
   (b) the dates on which PAPP fox bait are first laid or the dates between which PAPP fox baits will be laid; and
   (c) contact details of the person who will lay the PAPP fox bait or in the case of a public authority a person whom can be contacted for information about PAPP fox bait being used on the property; and
   (d) warning that non-target animals may be affected.

   7.3 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.

   7.4 PAPP poison notices may be obtained from Authorised Control Officers.

8. **GROUND BAITING WITH PAPP FOX BAIT**
   A person authorised to use PAPP fox bait under clause 8 of this Order must only undertake ground baiting in accordance with the following conditions:
8.1 A person who lays PAPP fox bait must:
(a) not lay more than four (4) PAPP fox baits per kilometre of trail or twenty (20) PAPP fox baits per 100 hectares; and
(b) lay PAPP fox baits in such a way that all untaken PAPP fox baits can be readily retrieved and destroyed in accordance with condition 3.11.

8.2 PAPP fox baits must be buried in a hole of no less than 80mm depth and covered with soil or used in accordance with any risk mitigating measures identified in a risk assessment. Only one (1) PAPP fox bait must be used per bait site. If practical, tether the PAPP fox bait. All bait sites must be marked or identifiable to the user.

8.3 In land reserved or acquired under the National Parks and Wildlife Act 1974 and public reserves within the meaning of the Local Government Act 1993 it is not necessary to mark the location for PAPP fox bait but GPS coordinates must be recorded.

8.4 A person who lays PAPP fox baits on a property of less than one hundred (100) hectares must check the PAPP fox baits within five (5) days of laying the PAPP fox baits and must collect any untaken PAPP fox bait within seven (7) days of laying the PAPP fox bait. All untaken PAPP fox baits must be disposed of in accordance with condition 3.11. This condition does not prevent a person from replacing PAPP fox baits that are taken for a period of longer than seven (7) days where PAPP fox baits continue to be taken for up to 6 months.
ATTACHMENT 1

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

PAPP BAIT

ACTIVE CONSTITUENT: PARA-AMINOPROPIOPHENONE (PAPP)
1000mg per wild dog bait
400mg per fox 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: Use only in accordance with the relevant conditions for use in the NSW PAPP Pesticide Control Order.

SAFETY DIRECTIONS: Harmful if swallowed. Do not touch or rub eyes, nose or mouth with hand. Avoid contact with eyes and skin. If product on skin and after each baiting, immediately wash area with soap and water. When opening container and using PAPP baits wear non-permeable gloves. 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: If poisoning occurs, contact a doctor or Poisons Information Centre. Phone Australia 13 11 26. If skin contact occurs wash skin thoroughly. Remove from the contaminated area. Apply artificial respiration if not breathing. If poisoning occurs get to a doctor or hospital quickly.

STORAGE AND DISPOSAL: Store product in this plastic bag or the approved container of this product in a lockable room or cupboard away from children, animals, food, foodstuffs, seeds and fertilisers. Empty plastic bags should be triple rinsed and should be disposed of in a local authority landfill. If no landfill is available, bury plastic bag and rinseate below 500mm in a disposal pit specifically marked and set up for this purpose clear of waterways, desirable vegetation and tree roots. Empty plastic bags that have contained PAPP can only be burnt by open fire if done in accordance with an approval granted by the EPA under the Protection of the Environment Operations (Clean Air) Regulation 2010.

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

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

THIS PACKAGE CONTAINS (insert No,) BAITS FOR THE CONTROL OF WILD DOGS OR FOXES

For additional information contact an Authorised Control Officer at your local office of the Local Land Services or Office of Environment and Heritage - NPWS.