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PESTICIDES ACT 1999

Order issued by the Environment Protection Authority
under section 115(2)(a) of the *Pesticides Act 1999*

Background

- A. Pesticide Control Orders made under section 38 of the *Pesticides Act 1999* (**the Act**) place training requirements on Authorised Control Officers that use certain high risk vertebrate pesticide products.
- B. The current COVID-19 outbreak in New South Wales began on 26 June 2021. Public health orders responding to the outbreak, including the *Public Health (COVID-19 Additional Restrictions for the Delta Outbreak) Order (No 2) 2021*, have imposed social distancing requirements and restrictions on gatherings (**COVID-19 restrictions**). These restrictions are impacting the ability of certain training facilities to deliver Vertebrate Pesticide Accreditation courses. As a result, Authorised Control Officers and prospective Authorised Control Officers are not able to access mandatory training required under certain Pesticide Control Orders.
- C. Section 115(2)(a) of the Act enables the EPA, in the event of an emergency, to issue an exemption to any person or class of persons from any specified provision or provisions of the Act or regulations. The EPA is satisfied that the current COVID-19 outbreak is an emergency for the purposes of issuing an exemption under section 115(2)(a) of the Act.
- D. The EPA is exempting Authorised Control Officers and certain prospective Authorised Control Officers who cannot access a Vertebrate Pesticide Accreditation course or the Vertebrate Pest Management course due to the COVID-19 restrictions from the relevant training requirements under certain Pesticide Control Orders as set out in this Order.

Exemption

By this Order, the EPA, in the circumstances of an emergency, being the current COVID-19 outbreak in New South Wales, exempts the following classes of persons from section 39(4) of the Act in relation to the training requirements of Pesticide Control Orders as specified below.

Terms used in this Order have the same meanings as they have in the Act or relevant Pesticides Control Order.

Class of persons to which this exemption applies

1. The class of persons to which this exemption applies are persons who, as at 1 August 2021, met the definition of an Authorised Control Officer under one or more of the following Pesticide Control Orders:
 - a. *Pesticide Control (1080 Bait Products) Order 2020*,
 - b. *Pesticide Control (1080 Ejector Capsules) Order 2015*,
 - c. *Pesticide Control (1080 Felixer Cartridge Trial) Order 2020*,
 - d. *Pesticide Control (1080 Ungulate Feeder) Order 2016*,
 - e. *Pesticide Control (PAPP) Order 2016*,
 - f. *Pesticide Control (Pindone Products) Order 2010*
 - g. *Pesticide Control (Rabbit Haemorrhagic Disease Virus) Order 2017*.

Extent of this exemption

2. The EPA exempts:
 - a. the class of persons described in paragraph 1 of this Order from section 39(4) of the Act, if they have obtained a certificate of completion for the Vertebrate Pesticide Accreditation course and cannot renew that Accreditation in accordance with the requirements of the relevant Pesticides Control Order due to the COVID-19 restrictions.
 - b. Employees of the NSW Department of Primary Industries, Local Land Services or the NSW National Parks and Wildlife Service that are required to complete the Vertebrate Pest Management course but cannot do so due to the COVID-19 restrictions (**exempted Government employees**).

Conditions of the exemption for exempted Government employees

3. The exemption in paragraph 2(b) of this Order is subject to the conditions that the exempted Government employee:
 - a. holds all the qualifications required of an Authorised Control Officer, other than the completion of the Vertebrate Pest Management course; and
 - b. has registered their intention with the NSW Department of Primary Industries, to undertake the Vertebrate Pest Management course and obtains a statement of attainment as soon as practicable; and
 - c. is under the regular supervision of a person referred to in paragraph 2(a) of this Order (**appropriate supervisor**); and
 - d. the appropriate supervisor ensures that the exempted Government employee is supervised in accordance with any relevant approved procedures of the LLS or the NPWS, respectively.

Duration of this exemption

4. This Order takes effect from 7 October 2021 and has effect until 1 March 2022. The Order may be varied, revoked or renewed by further order made and published in accordance with section 115 of the Act.



David Fowler

Executive Director Regulatory Practice and Environmental Solutions
NSW Environment Protection Authority
(by delegation)

Date: 7 October 2021