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APPROVED UNITS OF COMPETENCY
AND COMPETENCY STANDARDS

Pesticides Regulation 2017
Clauses 19(8), 31(2)(b) and Schedule 2

Background

The *Pesticides Regulation 2017* (**the Regulation**) provides that certain users of pesticides must be qualified to use pesticides. A user will be qualified to use a pesticide if they have a licence issued under the *Pesticides Act 1999* or if they have achieved certain units of competency which are:

- specified in a current training package endorsed by the Australian Industry and Skills Committee established by the Council of Australian Government's Industry and Skills Council or by its predecessor bodies; and
- approved by the NSW Environment Protection Authority (**EPA**).

Revocation of Previous Approval

The Notice of Approved Units of Competency under the Regulation, published in the NSW Government Gazette No 57 of 7 June 2019 at pages 1833 to 1835, is revoked.

Approved Competency and Competency Standards (Approval)

1. Approved competencies for ground applicator work

The EPA, by this notice, approves the following units of competency as the competency standards for ground applicator work under a ground applicator licence for the purposes of the Regulation, clause 19(8):

- (a) The units of competency known as:
- (i) unit code AHCCHM307 *Prepare and apply chemicals to control pest, weeds and diseases*; and
 - (ii) unit code AHCCHM304 *Transport and store chemicals*,

as specified in the AHC Agriculture, Horticulture and Conservation and Land Management Training Package.

- (b) If obtained within 5 years prior to the initial granting of a ground applicator licence on or after 1 September 2018, the units of competency known as:

- (i) either;
 - (A) unit code AHCCHM303 *Prepare and apply chemicals*; or
 - (B) unit code AHCCH303A *Prepare and apply chemicals*; and
- (ii) unit code AHCCHM304A *Transport, handle and store chemicals*,

as specified in the AHC and AHC10 Agriculture, Horticulture and Conservation and Land Management Training Packages.

2. Approved competencies for recognised qualifications for the use of pesticides that are restricted pesticides

The EPA, by this notice, approves the following units of competency for the purposes of the definition of recognised qualification in the Regulation, clause 31(2), for the use of pesticides that are restricted pesticides:

- (a) The units of competency known as:
- (i) unit code AHCCHM307 *Prepare and apply chemicals to control pest, weeds and diseases*; and
 - (ii) unit code AHCCHM304 *Transport and store chemicals*,
- as specified in the AHC Agriculture, Horticulture and Conservation and Land Management Training Package.

3. Approved competencies for recognised qualifications for all pesticides that are not restricted pesticides

The following units of competency are approved by the EPA, for the purposes of the definition of recognised qualification in the Regulation, of clause 31(2) for all pesticides that are not restricted pesticides:

- (a) The units of competency known as:
- (i) unit code AHCCHM307 *Prepare and apply chemicals to control pest, weeds and diseases*; and
 - (ii) unit code AHCCHM304 *Transport and store chemicals*,
- as specified in the AHC Agriculture, Horticulture and Conservation and Land Management Training Package;

- (b) The unit of competency known as:
- (i) unit code AHCCHM201 *Apply chemicals under supervision*,
- as specified in the AHC Agriculture, Horticulture and Conservation and Land Management Training Package.

4. Qualifications obtained prior to 2019

For the purposes of the Regulation, of clause 31(2), if a person has achieved one of the units of competency in the table below the person does not need to be trained or assessed until 5 years after the date on which the person was issued a certificate or statement in recognition of their achievement of these units of competency.

Current at 2022	AHCCHM307	AHCCHM304	AHCCHM201
Superseded Units of Competency in the AHC and AHC10 Agriculture, Horticulture and Conservation and Land Management Training Packages	AHCCHM303	AHCCHM304A	Not applicable
	AHCCHM303A		

Commencement

The Approval takes effect on publication in the NSW Government Gazette.

Signed

KAREN MARLER

Director Environmental Solutions – Chemicals, Land and Radiation
NSW Environment Protection Authority
(by delegation)

NOTES

1. Minimum standard

All pesticide users who are required to achieve specified units of competency under clause 31(2)(b) of the Regulation, should where possible, attain the following AQF3 units of competency:

- unit code AHCCHM307 *Prepare and Apply Chemicals to control pest, weeds and diseases;*
- unit code AHCCHM304 *Transport and Store Chemicals.*

The minimum units of competency accepted under the Regulation is AQF2 unit code AHCCHM201 *Apply Chemicals under Supervision*. It is recommended that pesticide user work be under the supervision of someone who has achieved the AQF3 units of competency specified above.

Pesticide users who have language or literacy difficulties and are unable to fulfil the requirements of the AQF3 units of competency can be deemed competent at AQF2 units of competency, so long as the users have successfully demonstrated competence at the AQF2 level. Major providers of chemical training have been advised to provide training on this basis.

2. Minimum units of competency for use of restricted pesticides

Pesticide Control Orders (**PCOs**) mandate that specific units of competency are required to be achieved so that restricted pesticides may be used. PCOs and restricted pesticides have the same meaning as in the Act. If a user intends to use restricted pesticides without supervision, the user must achieve a minimum units of competency at AQF3 or an alternate, accepted qualification specified in a PCO must be held. As prescribed by the Act, section 33, failure to do so may result in a maximum penalty of 200 penalty units.

3. Exceptions

A person can use a pesticide without being qualified to use the pesticide, in the circumstances detailed in the Regulation, clause 32(2).

4. Copies of Approval

Copies of this Approval for public inspection is available without charge and during ordinary business hours at the offices of the EPA. A copy is also posted on the EPA's website.

5. Further information

Further information is available at <http://www.epa.nsw.gov.au/your-environment/pesticides/compulsory-training-pesticides>, by contacting the Environment Line on 131555, or by emailing info@environment.nsw.gov.au.

Pesticides Act 1999

Order granting exemption under section 115

Background

- A. The NSW Environment Protection Authority (**EPA**) may exempt any person or class of persons from any specified provision or provisions of the *Pesticides Act 1999* (**Act**) or regulations in the circumstances referred to in section 115 of the Act.
- B. In December 2020, Lot 1 / DP 447543, comprising approximately 559 hectares in Shanes Park, was transferred to the National Parks and Wildlife Service (**NPWS**).
- C. The NPWS is proposing to establish a feral predator-free area in Shanes Park called the Shanes Park Feral Free Area (**Shanes Park FFA**) for the purposes of reintroducing locally extinct native species.
- D. Prior to the reintroduction of native species, the resident feral predators (foxes) in Shanes Park FFA must be eradicated.
- E. To eradicate foxes from the Shanes Park FFA, the NPWS propose to conduct a baiting program using the restricted pesticide sodium fluoroacetate (**1080**) in baits and ejector capsules.
- F. The possession and use of 1080 baits and ejector capsules are regulated by the instructions on the approved label of those pesticides, the conditions of the Pesticide Control (1080 Bait Products) Order 2020 (**1080 Bait Order**) and the Pesticide Control (1080 Ejector Capsules) Order 2015 (**1080 Capsule Order**).
- G. It is a condition of the 1080 Bait Order, 1080 Capsule Order and the approved labels of those pesticides that a 1080 bait or ejector capsule must not be laid within 150 metres of a habitation.
- H. Key baiting locations within the Shanes Park FFA are within 150 metres of a habitation.
- I. Section 15(1) of the Act requires a person to not use a registered pesticide in contravention of any instruction on an approved label for the pesticide.
- J. Section 39(4) of the Act provides that a person must not contravene a pesticide control order.
- K. NPWS has made an application to the EPA for an exemption for NPWS Officers from the requirements of sections 15(1) and 39(4) of the Act in relation to the use of 1080 baits and ejector capsules in the Shanes Park FFA.
- L. NPWS Authorised Control Officers have prepared a risk assessment for the baiting program in the Shanes Park FFA in accordance with the NSW DPI Vertebrate Pesticide Manual.
- M. 1080 baiting will only take place in area/s fully enclosed by a predator proof exclusion fence within the Shanes Park FFA.

1. Order

By this Order, the EPA, in circumstances where:

- (i) it is satisfied that it is not practicable to comply with the relevant provisions, and
- (ii) it is satisfied that non-compliance with the provisions will not have any significant adverse effect on public health, property, the environment or trade, and
- (iii) the Board of the EPA has approved the granting of the exemption,

grants the persons referred to in clause 2 of this Order an exemption under section 115 of the Act from complying with the provisions of the Act specified in Table 1 of this Order, subject to the conditions in clause 3 of this Order.

Table 1

Section	Provisions subject to exemption under this Order
Section 15 Using pesticide contrary to approved label	(1) A person must not use a registered pesticide in contravention of any instruction on an approved label for the pesticide unless the person— (a) is authorised to do so by a permit, and (b) complies with the permit.
Section 39 Operation of pesticide control order	(4) A person must not contravene a pesticide control order.

2. Classes of persons to whom this Order applies

The class of person to whom this Order applies are:

- (i) members of staff of the NPWS as defined in section 6 of the *National Parks and Wildlife Act 1974* who are currently employed as part of the Public Service under Part 4 of the *Government Sector Employment Act 2013* and who are exercising functions under national parks legislation in the Shanes Park FFA as identified in Schedule 1 of this Order.

3. Conditions

The exemption under this Order is subject to the following conditions. The class of persons referred to in clause 2 of this Order must:

Pesticide possession and use conditions

- (i) comply with all conditions of the 1080 Bait Order, except clause 4.4.1 of Schedule 2; with specific regard to laying 1080 baits within 150m from a habitation but no closer than 20m;
- (ii) comply with all conditions of the 1080 Capsule Order, except clause 5.4.1 of Schedule 2;
- (iii) comply with all instructions on an approved label for a restricted pesticide containing 1080, except for any conditions imposing restrictions on the placement of baits within a certain distance of dwellings or public buildings;

Management conditions

- (iv) maintain the predator proof fencing in good condition and immediately repair any damage or breaches to the fencing;
- (v) inspect the integrity of the predator proof fencing on a daily basis;
- (vi) maintain a map of the locations of bait sites and 1080 poisoning notices/poison notices;
- (vii) maintain accurate pesticide application records when monitoring and applying baits or ejector capsules containing 1080;

- (viii) replace any 1080 poisoning notice/1080 poison notice that becomes damaged or illegible or that has been removed or vandalised;

Baiting conditions – baiting sites

- (ix) not lay any bait containing 1080 within 20 metres of a habitation;
- (x) not lay any ejector capsule containing 1080 within 20 metres of a habitation;
- (xi) only lay baits or ejector capsules containing 1080 within areas that are fully enclosed by predator proof fencing that is fully intact;
- (xii) not lay any baits or ejector capsules containing 1080 within 10 meters of an Aboriginal object or Aboriginal place within the meaning of the *National Parks and Wildlife Act 1974*;
- (xiii) take all reasonable steps to prevent bait stations from being damaged or disturbed by equipment, plant, activities or vandalism. This includes moving bait stations if activities such as track widening or maintenance are planned

Baiting conditions – preparing and laying baits

- (xiv) effectively tether surface baits that contain 1080 to prevent corvids or other scavengers from removing baits to outside of the fenced area;
- (xv) lay baits prepared from fresh meat so that they are buried, unless they are being used as surface baits;
- (xvi) lay manufactured baits containing 1080 so that they are buried;
- (xvii) only lay a single bait containing 1080 at each bait station;
- (xviii) not exceed a combined total of 80 laid baits and ejector capsules containing 1080 at any one time;
- (xix) take all practicable measures to prevent native animals from consuming or disturbing baits or ejector capsules that contain 1080. This includes moving or temporarily closing bait stations where there is evidence of disturbance by native animals and varying 1080 delivery methods such as using different meat types or ejector capsules instead of baits;

Post-baiting conditions

- (xx) bait stations and 1080 ejectors must be inspected at least weekly, subject to adverse weather conditions. Adverse weather conditions include weather conditions that prevent safe access to the bait stations and 1080 ejectors or that would render inspection of the bait sites or 1080 ejectors ineffective or impracticable. In the event that bait stations and 1080 ejectors cannot be inspected because of adverse weather conditions, the obligation to conduct at least weekly inspections is deemed to be discharged until the next calendar week;

- (xxi) collect and dispose of all untaken baits when required having regard to the duration of the baiting program and the condition of the baits;
- (xxii) transport the carcass of an animal suspected of having been poisoned by 1080 securely so that it is not accessible to people or animals and cannot be dislodged during transport.

4. Duration of exemption

This Order takes effect from the date that the Order is published in the NSW Government Gazette until 31 October 2024 unless otherwise varied or revoked. The Order may be revoked, varied or renewed under section 115(7) of the Act.

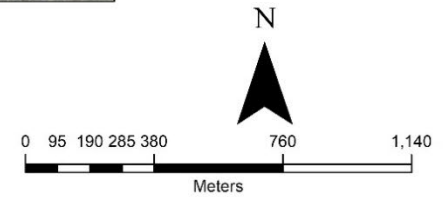
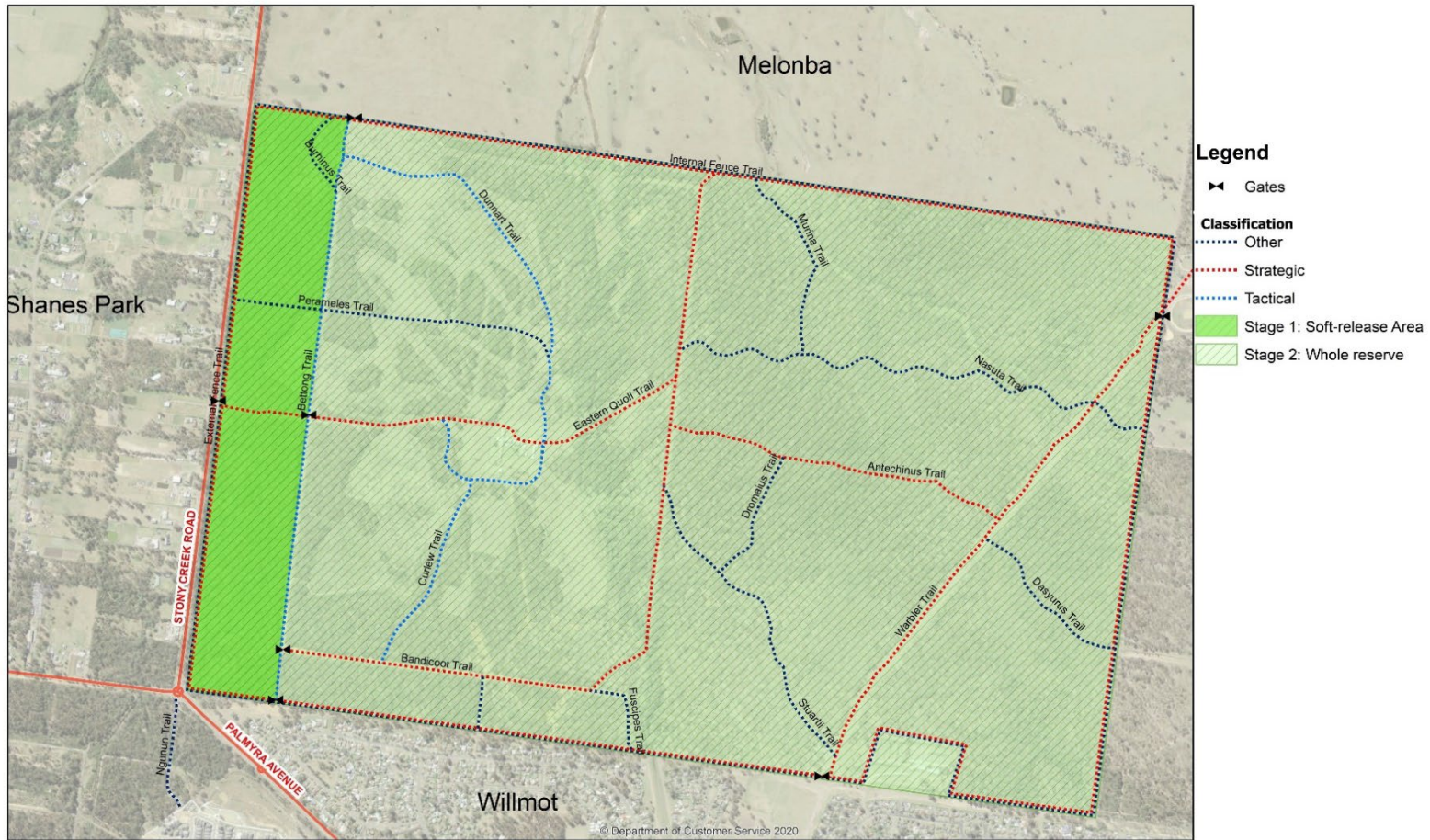
5. Interpretation

- (i) To the extent of any inconsistency, a condition in this Order prevails over a condition of the 1080 Bait Order, 1080 Capsule Order or an instruction on an approved label for a pesticide containing 1080.
- (ii) With respect to a bait containing 1080 - the following terms have the same meaning as in the 1080 Bait Order:
 - (a) **bait site;**
 - (b) **habitation;**
 - (c) **1080 poisoning notice.**
- (iii) With respect to an ejector capsule containing 1080 – the following terms have the same meaning as in the 1080 Capsule Order:
 - (a) **habitation;**
 - (b) **1080 ejector;**
 - (c) **1080 poison notice.**
- (iv) **national parks legislation** has the same meaning as in the *National Parks and Wildlife Act 1974*.

Note: Under section 115(8) of the Act, an exemption may not be granted or renewed so as to have effect for a total period exceeding 5 years. A further exemption granted within 5 years after the expiry of an earlier exemption (being a further exemption that is the same in substance as the earlier exemption) is to be treated as a renewed exemption for the purposes of section 115(8).



Schedule 1 – Map of Shanes Park FFA



Pesticides Act 1999

Pesticide Control Order issued under section 38

1. Name

This Order is to be known as the **Pesticide Control (1080 Felixer Cartridge) Order 2022**

2. Authority for Order

This Order is made by the Environment Protection Authority (**EPA**) under Part 4 of the *Pesticides Act 1999* (the **Act**).

3. Commencement

This Order commences on date of publication in the NSW Government Gazette.

4. Revocation of Previous Order

This Order revokes and replaces the Pesticide Control (1080 Felixer Cartridge Trial) Order 2020 made by the EPA and published in the NSW Government Gazette No 116 (n2020-1589) of 5 June 2020.

5. Objects

The objects of this Order are to:

- (a) authorise those persons described in clause 9 of this Order to possess or use 1080 Felixer cartridges, being a restricted pesticide under the Act;
- (b) specify the manner in which 1080 Felixer cartridges must be used in NSW; and
- (c) revoke and replace the Pesticides Control (1080 Felixer Cartridge Trial) Order 2020.

6. Background

This Order is made under section 38 of the Act in light of the declaration of chemical products that contain sodium monofluoroacetate (1080) as “restricted chemical products” under clause 45 and Schedule 4 of the *Agricultural and Veterinary Chemicals Code Regulations 1995* (Cth). This Order is also made to implement additional requirements for 1080 use in NSW in order to protect public health, property and the environment.

Section 94 of the Agvet Code, which is applied as law of New South Wales by the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*, 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.

Section 4 of the Act provides that a “restricted pesticide” means a pesticide that is a restricted chemical product within the meaning of the Agvet Code. Section 17 of the Act provides that a person must not possess or use a restricted pesticide unless authorised to do so by a restricted pesticide authorisation or a pesticide control order.

7. Application

This Order authorises the possession and use of 1080 Felixer cartridges subject to the conditions specified in this Order, including the Schedule to this Order.

8. Definitions and interpretation

In this Order (including the Schedule to this Order) –

1080 means the chemical sodium monofluoroacetate (also known as sodium fluoroacetate).

1080 Felixer cartridge means a cartridge that:

- (a) is applied using a Felixer
- (b) contains 1080 as its only active constituent, and
- (c) is either:
 - (i) an APVMA registered chemical product; or
 - (ii) a product allowed for use under an APVMA permit.

Act means the *Pesticides Act 1999*.

Agvet Code has the same meaning as in the Act.

application site means the position of a Felixer containing 1080 Felixer cartridges within a location.

apply a pesticide includes, but is not limited to, drop, lay, place or otherwise apply the pesticide by any means.

approved label has the same meaning as in the Act.

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 agent means a person who is engaged by a landholder to take possession of 1080 Felixer cartridges on the landholder's behalf and use 1080 Felixer cartridges on the property of that landholder.

Authorised Control Officer means a person who:

- (a) either:
 - (i) holds a 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; or
 - (ii) is employed by a public authority that has an EPA-approved system for evaluating and establishing recognised prior learning that is, at minimum, equivalent to obtaining accreditation for the successful completion of the training and assessment components of the Vertebrate Pest Management course; and
- (b) holds a certificate of completion issued by the NSW DPI within the previous five (5) years for completion of the training and assessment components of the Vertebrate Pesticide Accreditation course; and
- (c) holds a VET 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) either:

- (i) is a member of staff of NPWS, LLS, NSW DPI, or another public service agency and is currently employed as part of the Public Service under Part 4 of the *Government Sector Employment Act 2013* to enable that public service agency to exercise its functions; or
- (ii) has obtained approval to operate as an Authorised Control Officer from an EPA employee appointed from time to time (in an ongoing, temporary, casual or acting capability) to the position of Senior Executive Band 1 and above within the EPA, prior to completing the training requirements in (c) above, for the purposes of this Order.

end user means a person who is authorised to use 1080 Felixer cartridges in accordance with clause 9(2) of this Order.

EPA means the Environment Protection Authority (NSW).

EPA authorised officer means an authorised officer as defined in the *Protection of the Environment Operations Act 1997*.

Felixer means the grooming trap device that has been developed by Ecological Horizons Pty Ltd and supplied by Thylation Operations Pty Ltd.

Felixer program means the use of 1080 Felixer cartridges at a location, for the control of vertebrate pests.

Felixer training course means the training course delivered by Thylation Operations Pty Ltd (or one of its employees, agents or contractors) that provides certification for the use of 1080 Felixer cartridges to control vertebrate pests which covers:

- (a) setting up, using and maintaining a Felixer;
- (b) handling, loading and disposing of 1080 Felixer cartridges; and
- (c) minimising risks to users, bystanders, the environment, and non-target animals.

formed entry point means a particular place that has been constructed to allow a person to enter a location. It excludes permanently closed or unauthorised entry points.

landholder means an owner, occupier or manager of land.

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

location means:

- (a) in the case of public places:
 - (i) subject to sub-paragraphs (a)(ii) and (a)(iii) of this definition, the whole of the property;
 - (ii) in the case of State forests, and LLS-managed travelling stock reserves – the area, bordered by peripheral roads, formed tracks, property boundaries, rivers or internal fences, of the State forest or LLS-managed travelling stock reserve where 1080 Felixer cartridges are being applied; and
 - (iii) in the case of NPWS land or property included under a NPWS BPMS program – the area defined by a map in the Authorised Control Officer risk assessment for the Felixer program; and
- (b) in any other case:
 - (i) where the property is less than 100 ha – the whole of the property; and
 - (ii) where the property is 100 ha or more – the area, bordered by peripheral roads, formed tracks, property boundaries, rivers or internal fences, of the property where 1080 Felixer cartridges are being applied.

NPWS means the National Parks and Wildlife Service as defined under the *National Parks and*

Wildlife Act 1974, and also includes any person involved in the administration of that Act.

NPWS BPMS program means a program listed in a Branch Pest Management Strategy or an equivalent pest management strategy, of the NPWS.

NPWS estate means the land reserved or acquired under Part 4 of the *National Parks and Wildlife Act 1974*.

NPWS land means NPWS estate, or land otherwise managed or leased by NPWS under the *Crown Land Management Act 2016* or the *Forestry Act 2012*.

NSW DPI means the NSW Department of Primary Industries.

permit has the same meaning as in the Act.

possession has the same meaning as in the Act.

property means an area of land, including privately owned land, a holding (as defined in the *Local Land Services Act 2013*), a travelling stock reserve, a State forest, NPWS land, or a public place.

public authority has the same meaning as in the Act and clause 39 of the *Pesticide Regulation 2017* (in circumstances where that clause applies).

public place has the same meaning as in the *Protection of the Environment Operations Act 1997*.

public service agency has the same meaning as in the *Government Sector Employment Act 2013*, and also includes a statutory body representing the Crown.

Registered Training Organisation has the same meaning as under the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

restricted pesticide has the same meaning as in the Act.

State forest has the same meaning as under the *Forestry Act 2012*.

thoroughfare means a road or track maintained for public use for travel or transportation, including through a property. It excludes tracks, trails and similar access routes on public land such as NPWS land or State forest, which are not intended for use by the general public (for example, formed fire trails used for fighting fires).

travelling stock reserve has the same meaning as under the *Local Land Services Act 2013*.

unused in relation to 1080 Felixer cartridges, means a 1080 Felixer cartridge that has been safely stored and has at no time been placed in the environment for any period of time to control vertebrate pests.

use of a pesticide has the same meaning as in the Act.

vertebrate pest means the target pest species:

- (a) listed on an approved label for 1080 Felixer cartridges; or
- (b) identified in an APVMA permit that allows the use of 1080 Felixer cartridges.

Vertebrate Pest Management course means the Vertebrate Pest Management course delivered by NSW DPI, or a Registered Training Organisation; and includes the Vertebrate Pest Management course delivered by NSW Agriculture or NSW DPI prior to the establishment of nationally recognised competencies.

Vertebrate Pesticide Accreditation course means the Vertebrate Pesticide Accreditation course delivered by NSW DPI or LLS or by NPWS staff who have been endorsed by the NSW Vertebrate Pesticide Training Committee.

Vertebrate Pesticide Induction Training course means the Vertebrate Pesticides Induction Training course delivered by LLS for end users of vertebrate pesticides.

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

9. Persons authorised

- (1) An Authorised Control Officer is authorised to possess and use 1080 Felixer cartridges, subject to clause 10(1) of this Order.
- (2) A person, other than a person authorised to possess and use 1080 Felixer cartridges under clauses 9(1), 9(3), or 9(4) of this Order, is authorised to possess and use 1080 Felixer cartridges, subject to clause 10(1) of this Order, provided that the person:
 - (a) has obtained 1080 Felixer cartridges from an Authorised Control Officer; and
 - (b) is either:
 - (i) a person who is qualified within the meaning of clause 31(1)(a), (b), or (c) of the *Pesticides Regulation 2017*; or
 - (ii) a person who holds a qualification under clause 31(1)(d) of the *Pesticides Regulation 2017*, which for the purposes of this Order is the Vertebrate Pesticide Induction Training course; and
 - (c) holds a certificate of completion for the Felixer training course; and
 - (d) is one of the following:
 - (i) a person that is contracted or employed by the NPWS, the Wild Dog Destruction Board, NSW DPI or the LLS to use 1080 Felixer cartridges; or
 - (ii) a landholder of the land on which 1080 Felixer cartridges are to be used; or
 - (iii) an authorised agent of the landholder of the land on which 1080 Felixer cartridges are to be used.
- (3) A person who conducts a business of selling or supplying 1080 Felixer cartridges, whether as an employee, contractor or self-employed person, is authorised to possess and use 1080 Felixer cartridges, but only in accordance with clause 10(2) of this Order.
- (4) An authorised officer of the EPA is authorised to possess and use 1080 Felixer cartridges but only in accordance with clause 10(3) of this Order.

10. Conditions on the use of 1080 Felixer cartridges

- (1) A person authorised to possess and use 1080 Felixer cartridges under clause 9(1) or 9(2) of this Order must only possess and use the 1080 Felixer cartridges in accordance with the conditions stated in the Schedule to this Order.
- (2) A person authorised to possess and use 1080 Felixer cartridges under clause 9(3) of this Order may only possess or store the 1080 Felixer cartridges for the purposes of selling or supplying the 1080 Felixer cartridges, and must not prepare the 1080 Felixer cartridges for use, or apply, spray, spread or disperse the 1080 Felixer cartridges by any means.
- (3) A person authorised to possess or use 1080 Felixer cartridges under clause 9(4) of this Order must only possess or use 1080 Felixer cartridges by possessing or storing samples of 1080 Felixer cartridges that have been collected in the exercise of powers under section 4 of the Act and Chapter 7 of the *Protection of the Environment Operations Act 1997*.

Notes

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

A person must not contravene this Order – maximum penalty \$120,000 for a corporation or \$60,000

for an individual.

This Order will remain in force until it is revoked.

This Order imposes additional controls for the use of 1080 Felixer cartridges in NSW in accordance with section 39(1) of the Act, including additional requirements to those appearing on an approved label or specified in a permit in accordance with section 39(3) of the Act. All persons using 1080 Felixer cartridges in NSW must follow the conditions in this Order, to comply with section 39 of the *Pesticides Act 1999*. This Order does not displace any requirements that may apply to a person under other relevant legislation, including the Act and Regulations made under the Act. Where the this Order does not address a matter that is required by other legislation, then the requirements on that matter in other legislation must be complied with. Where requirements on an approved label or specified in a permit are inconsistent with conditions in this Order, the conditions in this Order prevail to the extent of the inconsistency.

In regard to clause 9(2)(b)(i) of this Order, clause 31 of the *Pesticides Regulation 2017* provides a definition of “recognised qualification”. For the purposes of that definition, the EPA approves units of competency under Schedule 2 of the *Pesticides Regulation 2017*. Approvals of units of competencies are published in the NSW Government Gazette. Links to the approvals published in the NSW Government Gazette are found on the EPA website.

Karen Marler
Director – Environmental Solutions (Chemicals, Land & Radiation)
Environment Protection Authority
(as delegate of the EPA)

Schedule 1

CONDITIONS ON THE POSSESSION AND USE OF 1080 FELIXER CARTRIDGES FOR CONTROL OF VERTEBRATE PESTS

1. POSSESSION AND USE OF 1080 FELIXER CARTRIDGES BY AUTHORISED CONTROL OFFICERS

A person authorised to possess and use 1080 Felixer cartridges under clause 9(1) of this Order must do so in accordance with the following conditions:

- 1.1 An Authorised Control Officer must not allow a person to take possession of 1080 Felixer cartridges unless that person is authorised to use 1080 Felixer cartridges under clause 9 of this order.
- 1.2 An Authorised Control Officer must not allow an authorised agent to take possession of 1080 Felixer cartridges unless the authorised agent has provided evidence of a current authorisation, given by the relevant landholder, for each property on which the 1080 Felixer cartridges are intended to be used. The authorisation must not cover a period of time greater than 12 months.
- 1.3 Before allowing a person to take possession of 1080 Felixer cartridges, an Authorised Control Officer must conduct a risk assessment to determine if it is appropriate for that person to use 1080 Felixer cartridges, and for the end user to use the 1080 Felixer cartridges at a location. If the Authorised Control Officer determines from the risk assessment that it is not appropriate to permit a person to take possession of 1080 Felixer cartridges, then the Authorised Control Officer must not allow that person to take possession of any 1080 Felixer cartridges from the Authorised Control Officer.
- 1.4 An Authorised Control Officer must ensure that a copy of the risk assessment (see condition 1.3 of this Schedule) is provided to the end user for each Felixer program.
- 1.5 An Authorised Control Officer must ensure that a copy of this Pesticide Control Order is provided to the end user for each Felixer program.

2. POSSESSION AND USE BY END USERS OF 1080 FELIXER CARTRIDGES

A person authorised to possess and use 1080 Felixer cartridges under clause 9(2) of this Order must do so in accordance with the following conditions:

- 2.1 A person must not apply 1080 Felixer cartridges on a property without the written consent of the property's landholder.
- 2.2 An authorised agent must provide, to the Authorised Control Officer from whom they take possession of 1080 Felixer cartridges, evidence of a current authorisation given by the landholder on whose property the 1080 Felixer cartridges will be used. The authorisation must clearly set out the dates or date range to which it applies and must not cover a period of time greater than 12 months.

3. USE, APPLICATION, STORAGE AND DISPOSAL OF 1080 FELIXER CARTRIDGES

A person authorised to possess and use 1080 Felixer cartridges under clause 9(2) of this Order may only do so in accordance with the following conditions:

- 3.1 If transporting or storing 1080 Felixer cartridges, the person must ensure that the 1080 Felixer cartridges cannot be accessed by any persons who are not authorised to use 1080 Felixer cartridges under clause 9 of this Order.
- 3.2 When using 1080 Felixer cartridges, the person must ensure that the 1080 Felixer cartridges

are used in accordance with any risk mitigating measures identified in the risk assessment prepared by the relevant Authorised Control Officer in accordance with condition 1.3 of this Schedule.

- 3.3 The person using the 1080 Felixer cartridges must ensure that all application sites are recorded.
- 3.4 The person must ensure that all 1080 Felixer cartridges are removed from each application site at the end of the relevant Felixer program.
- 3.5 The person must ensure that all 1080 Felixer cartridges, rinsate and packaging are disposed of at the end of the Felixer program in accordance with the following:
 - (a) in a waste management facility that can lawfully accept the 1080 Felixer cartridges, rinsate or packaging; or
 - (b) by burial, in a disposal pit at a disposal site identified and approved by the Authorised Control Officer in the risk assessment (see condition 1.3).

4. PUBLIC NOTIFICATION

A person authorised to use 1080 Felixer cartridges under clause 9(2) of this Order must notify certain persons of the use of 1080 Felixer cartridges in accordance with the following conditions:

- 4.1 The person must not apply 1080 Felixer cartridges on any land unless a minimum of 72 hours' notice has been given before the date on which they intend to use the 1080 Felixer cartridges ("**the notification**").
- 4.2 The notification required under condition 4.1 of this Schedule must be given to the landholder of every property that has a property boundary within one kilometre of a location where the 1080 Felixer cartridges are to be used.
- 4.3 The notification required under condition 4.1 must contain the following information:
 - (a) the type of pest(s) being controlled with the 1080 Felixer cartridges;
 - (b) the property on which the 1080 Felixer cartridges will be used;
 - (c) dates on which the 1080 Felixer cartridges will be initially deployed and the range of dates during which the 1080 Felixer cartridges will be used;
 - (d) contact details of the person who will use the 1080 Felixer cartridges or their office; or in the case of a public authority, contact details of the person who can be contacted for more information about 1080 Felixer cartridges being used on the property, or their office;
 - (e) a warning that pets and working dogs may be affected by exposure to 1080 Felixer cartridges;
 - (f) advice to restrain, or otherwise prevent dogs and other pets that may activate the Felixer from entering the location during Felixer programs; and
 - (g) how to obtain advice on prevention of accidental poisoning, symptoms of 1080 poisoning and on measures that should be taken in the event that the Felixer releases 1080 onto a non-target animal, including advice to seek immediate veterinary assistance in the event of accidental poisoning.
- 4.4 The notification required under condition 4.1 must be given every six (6) months.

5. SIGNAGE

A person authorised to use 1080 Felixer cartridges under clause 9(2) of this Order must ensure that notices ("1080 Poison Notices") are erected in accordance with the following conditions:

- 5.1 A person must not use 1080 Felixer cartridges on a property unless 1080 Poison Notices are erected at that property. These notices must remain erect, intact, legible and clearly visible for the duration of the Felixer program.

5.2 A person must place 1080 Poison Notices at:

- (a) all vehicle entry points to a location, commonly used entry points to a location, and every formed entry point into a location;
- (b) the main entrance to a location where 1080 Felixer cartridges are being used; and
- (c) every five kilometres along all thoroughfares which border or pass through a location.