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GOVERNMENT NOTICES

Prohibited Dealing (Pest Animal Management) Exemption Order 2017

under the

Biosecurity Act 2015

I, **BRUCE M. CHRISTIE**, Deputy Director General, Biosecurity and Food Safety, Department of Primary Industries, with the power the Secretary has delegated to me under section 379 of the *Biosecurity Act 2015*, and pursuant to section 402 of the *Biosecurity Act 2015*, make the following Exemption Order.

Dated this 29th day of June 2017

BRUCE M. CHRISTIE
Deputy Director General, Biosecurity and Food Safety
Department of Primary Industries

Prohibited Dealing (Pest Animal Management) Exemption Order 2017

under the

Biosecurity Act 2015

1 Name of Exemption

Prohibited Dealing (Pest Animal Management) Exemption Order 2017.

2 Commencement and Duration

- 1) This Order commences on 1 July 2017.
- 2) This Order has effect until revoked or amended.

3 Interpretation

- 1) In this Order:

activities ancillary to pest animal research means conduct that assists or facilitates the carrying out of pest animal research work including, but not limited to, the catching, holding, releasing, and transporting an animal listed in Schedule 3 of the Act for the purposes of pest animal research work.

approved pest animal incursion program means activities as part of a response program organised by the NSW Department of Primary Industries or in accordance with the National Environmental Biosecurity Response Agreement (NEBRA).

pest animal research means dealings with an animal where the person keeping the animal is accredited as a research establishment, holds an animal research authority or holds an animal supplier's licence under the *Animal Research Act 1985*.

the Act means the *Biosecurity Act 2015*.

- 2) Words and expressions used in this Order have the same meaning as they have in the *Biosecurity Act 2015* unless otherwise specified in this Order.

4 Application

This Order applies to the following class of persons:

- 1) For persons whose role and responsibility in a professional capacity is pest animal research; and
- 2) For persons who, as part of their professional responsibilities carries out activities ancillary to pest animal research; and

- 3) For persons who, are involved in carrying out activities which are part of an approved pest animal incursion program.

5 Terms of Order

- 1) Specific persons identified in clause 4 of this Order are exempt from section 152 of the Act where those persons are engaged in a prohibited dealing in the following circumstances:
 - a. For a person referred to in clause 4(1), in the course of carrying out that research; and
 - b. For a person referred to in clause 4(2), in the course of carrying out those ancillary activities; and
 - c. For a person referred to in clause 4(3) in the course of carrying out those activities which are part of that program.

Prohibited Matter (Diagnostics) Exemption Order 2017

under the

Biosecurity Act 2015

I, **BRUCE M. CHRISTIE**, Deputy Director General, Biosecurity and Food Safety, Department of Primary Industries, with the power the Secretary has delegated to me under section 379 of the *Biosecurity Act 2015*, and pursuant to section 402 of the *Biosecurity Act 2015*, make the following Exemption Order.

Dated this 29th day of June 2017

BRUCE M. CHRISTIE
Deputy Director General, Biosecurity and Food Safety
Department of Primary Industries

Prohibited Matter (Diagnostics) Exemption Order 2017

under the

Biosecurity Act 2015

1 Name of Exemption

Prohibited Matter (Diagnostics) Exemption Order 2017.

2 Commencement and Duration

- 1) This Order commences on 1 July 2017.
- 2) This Order has effect until revoked or amended.

3 Interpretation

- 1) In this Order:

activities ancillary means actions or conduct that assists or facilitates the carrying out of activities for the purposes described in clause 4(1) of this Order.

prohibited matter means the prohibited matter listed in Part 1 of Schedule 2 of the Act under the following headings:

1. Pests and Diseases of Animals except for:
 - a. *Acaraspis woodi* (Acariasis tracheal mite);
 - b. *Braula coeca* (Braula fly/Bee louse);
 - c. *Tropilaelaps clareae* (Tropilaelaps mite);
 - d. *Tropilaelaps mercedesae* (Tropilaelaps mite);
 - e. *Varroa destructor* (Varroa mite); and
 - f. *Varroa jacobsoni* (Varroa mite).
2. Diseases of Aquatic Animals; and
3. Aquatic Pests.

the Act means the *Biosecurity Act 2015*.

- 2) Words and expressions used in this Order have the same meaning as they have in the *Biosecurity Act 2015* unless otherwise specified in this Order.

4 Application

This Order applies to the following class of persons:

- 1) A person in their professional capacity possessing prohibited matter for the purposes of undertaking the diagnosis of disease in humans or animals.
- 2) A person who, in the course of their professional duties, carries out activities ancillary to the purposes outlined in clause 4(1) and is in possession of a prohibited matter.

5 Terms of Order

- 1) Specific persons identified in clause 4 of this Order are exempt from section 28 only to the extent that they :
 - a. have possession, care, custody or control of biosecurity matter or a carrier that is or contains prohibited matter; or
 - b. move biosecurity matter or a carrier that is or contains prohibited matter.

in the following circumstances:

- c. For a person referred to in clause 4(1), in the course of undertaking any activity outlined in clause 4(1); and
 - d. For a person referred to in clause 4(2), in the course of carrying out activities ancillary to the purposes outlined in clause 4(1).
- 2) This does not exempt any person from the requirements in clause 8 of the *Biosecurity Regulation 2017*.

Superseded Instruments Order 2017

under the

Biosecurity Act 2015

I, DIANNA WATKINS, Group Director, Policy, Legislation, Performance and Consultation, Biosecurity and Food Safety, in exercise of delegated authority and in pursuance of clause 3(4) of Schedule 7 of the *Biosecurity Act 2015*, make the following Superseded Instruments Order.

Dated this 29th day of June 2017.

DIANNA WATKINS
Biosecurity and Food Safety
Department of Industry

Explanatory note

This Instrument is made under clause 3(4) of Schedule 7 of the *Biosecurity Act 2015*. The object of this Order is to declare that the instruments listed in this Order as superseded instruments. A relevant instrument that is declared to be a superseded instrument ceases to have effect when the order takes effect.

Superseded Instruments Order 2017

under the

Biosecurity Act 2015

1 Name of the Order

This Order is the *Superseded Instruments Order 2017*.

2 Commencement

This Order commences on 1 July 2017.

3 Revocations

Pursuant to clause 3(4) of Schedule 7 of the *Biosecurity Act 2015*, the following instruments specified in Schedule 1 are superseded, as is any instrument or document revived as a result of this Order.

Schedule 1 – Superseded instruments

Name of instrument

Animal Disease (Abalone) Importation Order 2015 dated 12 November 2015 and published in NSW Government Gazette No 97 on 16 November 2015 at pages 3730-3732.

Further Extension of Importation Order - Animal Disease (Abalone) Importation Order 2015 dated 20 December 2016 and published in NSW Government Gazette No 120 on 23 December 2016 at page 3798.

Certification of Emergency Animal Disease Outbreak (Avian Influenza) Order 2013 dated 15 October 2013 and published in NSW Government Gazette No 134 on 16 October 2013 at page 4501.

Certification of Emergency Animal Disease Outbreak (Hendra Virus) Order 2016 dated 23 December 2016 and published in NSW Government Gazette No 121 on 23 December 2016 at page 3868.

Certification of Emergency Animal Pest Outbreak (African Big-Headed Ant) Order 2013 dated 6 November 2013 and published in NSW Government Gazette No 151 on 8 November 2013 at page 5128.

Animal Diseases and Animal Pests (Emergency Outbreaks) Instrument of appointment of Chief Veterinary Officer 2016 dated 12 July 2016 and published in NSW Government Gazette No 59 on 15 July 2016 at page 2004.

Declaration of Compensable Diseases dated 22 December 2008 and published in NSW Government Gazette No 2 on 2 January 2009 at pages 17-18.

Emergency Animal Diseases and Emergency Animal Pests Order 2014 dated 4 March 2014 and published in NSW Government Gazette No 25 on 7 March 2014 at page 894.

Approved Form of Identity Card dated 1 December 2011 and published in NSW Government Gazette No 122 on 9 December 2011 at page 7106.

Appointment of Inspectors dated 1 December 2011 and published in NSW Government Gazette No 122 on 9 December 2011 at page 7106.

Order No 2001/01 Order pursuant to Section 3A Substances Excluded from the Definition of Fertiliser dated 12 December 2001 and published in NSW Government Gazette No 196 on 21 December 2001 at page 10663.

Order No 2001/02 Order pursuant to Section 18 Composition standards for soil improving agents: Cadmium, Lead and Mercury dated 12 December 2001 and published in NSW Government Gazette No 196 on 21 December 2001 at page 10664.

Order No 2001/03 Order pursuant to Section 16 Particulars to be marked on parcels of soil improving agents that are fertilisers dated 12 December 2001 and published in NSW Government Gazette No 196 on 21 December 2001 at pages 10665- 10667.

Order No 2001/04 Order pursuant to Section 16 Particulars to be marked on parcels of soil improving agents that are liming materials dated 12 December 2001 and published in NSW Government Gazette No 196 on 21 December 2001 at pages 10668-10669.

Order No 2001/05 Order pursuant to Section 16 Particulars to be marked on parcels of gypsum dated 12 December 2001 and published in NSW Government Gazette No 196 on 21 December 2001 at page 10670.

Order No 2001/06 Order pursuant to Section 21 Particulars to be marked on parcels of trace element products dated 12 December 2001 and published in NSW Government Gazette No 196 on 21 December 2001 at page 10671.

Order No 2001/07 Order pursuant to Section 22B(1) Particulars to be marked on parcels of trace element products dated 12 December 2001 and published in NSW Government Gazette No 196 on 21 December 2001 at page 10672.

Ostreid herpesvirus 1 microvariant (Hawkesbury River and Botany Bay/Georges River) Quarantine Order 2017 dated 24 January 2017.

Ostreid herpesvirus 1 microvariant (Brisbane Water) Quarantine Order 2017 dated 24 January 2017.

Plant Diseases (Fruit Fly Management Areas) Notification 2013 dated 17 July 2013 and published in NSW Government Gazette No 93 on 19 July 2013 at page 3539.

Plant Diseases (Citrus Red Mite) Notification 2016 dated 29 January 2016 and published in NSW Government Gazette No 7 on 5 February 2016 at pages 125-127.

Plant Diseases (Potato Processing Waste) Order 2015 dated 11 August 2015 and published in NSW Government Gazette No 71 on 21 August 2015 at pages 2657-2661.

Plant Diseases (Orange Stem Pitting Strains of Tristeza Virus) Order 2015 dated 9 April 2015 and published in NSW Government Gazette No 32 on 17 April 2015 at pages 997-999.

Proclamation P199 dated 1 July 2009 and published in NSW Government Gazette No 99 on 3 July 2009 at pages 3891-3892.

Proclamation P202 dated 1 July 2009 and published in NSW Government Gazette No 99 on 3 July 2009 at pages 3889-3890.

Proclamation P203 dated 16 September 2009 and published in NSW Government Gazette No 136 on 25 September 2009 at pages 5224-5225.

Plant Diseases (Red Imported Fire Ant) Order 2012 dated 15 June 2012 and published in NSW Government Gazette No 49 on 11 May 2012 at pages 1352-1356.

Plant Diseases (European House Borer) Order (No. 2) 2012 dated 19 July 2012 and published in NSW Government Gazette No 78 on 27 July 2012 at pages 3560-3561.

Plant Diseases (Lupin Anthracnose) Order 2012 dated 26 October 2012 and published in NSW Government Gazette No 117 on 2 November 2012 at pages 4613-4614.

Plant Diseases (Potato Pests and Diseases and Seed Potato Protected Areas) Order 2013 dated 18 November 2013 and published in NSW Government Gazette No 159 on 22 December 2013 at pages 5317-5322.

Plant Diseases (Potato spindle tuber viroid) Order 2016 dated 2 March 2016 and published in NSW Government Gazette No 17 on 4 March 2016 at pages 366-367.

Plant Diseases (Banana Freckle Disease) Order (No 2) 2015 dated 19 October 2015 and published in NSW Government Gazette No 91 on 23 October 2015 at pages 3372-3375.

Plant Diseases (Panama Disease Tropical Race 4) Order (No 2) 2015 dated 19 October 2015 and published in NSW Government Gazette No 121 on 23 October 2015 at pages 3376-3379.

Plant Diseases (Mediterranean Fruit Fly) Order 2015 dated 29 October 2015 and published in NSW Government Gazette No 93 of 30 October 2015 at pages 3493-3500.

Plant Diseases (Cucumber Green Mottle Mosaic Virus) Order 2016 dated 21 April 2016 and published in NSW Government Gazette No 32 on 29 April 2016 at pages 987-989.

Plant Diseases (Tomato Yellow Leaf Curl Virus) Order 2016 dated 12 October 2016 and published in NSW Government Gazette No 82 on 14 October 2016 at pages 2778-2780.

Plant Diseases (Spiraling Whitefly) Order 2016 dated 7 July 2016 and published in NSW Government Gazette No 57 on 8 July 2016 at pages 1969-1971.

Plant Diseases (Pyriform Scale) Order (No 2) 2016 dated 3 June 2016 and published in NSW Government Gazette No 46 on 7 June 2016 at pages 1315-1316.

Plant Diseases (Grapevine Phylloxera) Order 2016 dated 21 December 2016 and published in NSW Government Gazette No 120 on 24 March 2017 at pages 3808-3824.

Plant Diseases (Rice Biosecurity Zone) Order (No. 2) 2017 dated 21 April 2017 and published in NSW Government Gazette No 51 on 21 April 2017 at pages 1396-1399.

Plant Diseases (Declaration of Pests, Emergency Diseases and Emergency Pests) Order 2016 dated 16 September 2016 and published in NSW Government Gazette No 78 on 23 September 2016 at pages 2650-2654.

Proclamation [P64] Proclamation to declare Banana Aphid a pest dated 28 January 1998 and published in NSW Government Gazette No 22 on 6 February 1998 at page 568.

Proclamation [P80] Proclamation to declare Queensland Fruit Fly to be a pest for the purposes of the Plant Diseases Act 1924 dated 3 February 1999 and published in NSW Government Gazette No 15 on 5 February 1999 at page 458.

Plant Diseases (Notifiable Diseases and Pests) Proclamation 2013 under the Plant Diseases Act 1924 dated 12 April 2013 and published in NSW Government Gazette No 54 on 3 May 2013 at pages 1621-1623.

Noxious Weeds (Weed Control) Order 2014 dated 26 February 2014 and published in NSW Government Gazette No 23 on 28 February 2014 at pages 734-845.

Noxious Weeds (Exemptions) Order 2015 dated 19 January 2015 and published in NSW Government Gazette No 6 on 23 January 2015 at page 73.

Stock Diseases (Declaration of Diseases in Stock) Proclamation 2014 dated 10 February 2014 and published in NSW Government Gazette No 19 on 29 January 2014 at pages 511-514.

Stock Diseases (Bee Louse) Proclamation 2012 dated 25 October 2012 and published in NSW Government Gazette No 116 on 2 November 2012 at pages 4583-4584.

Proclamation to restrict the importation and introduction into the State of certain stock on account of footrot dated 6 September 2000 and published in NSW Government Gazette No 121 on 15 September 2000 at pages 10465-10466.

Proclamation 540 – Cattle Tick Proclamation dated 24 September 2003 and published in NSW Government Gazette No 161 on 15 December 2014 at pages 9922-9923.

Stock Diseases (Porcine Brucellosis) Proclamation 2013 dated 13 October 2013 and published in NSW Government Gazette No 151 on 8 November 2013 at pages 5120-5124.

Proclamation No.561 dated 18 October 2006 and published in NSW Government Gazette No 121 on 27 October 2006 at page 9120.

Proclamation 541A dated 10 July 2002 and published in NSW Government Gazette No 119 on 19 July 2002 at page 5476.

Proclamation 573-OJD dated 26 June 2013 and published in NSW Government Gazette No 83 on 1 July 2013 at page 3276.

Stock Diseases Notification No.1429 dated 5 March 1988 and published in NSW Government Gazette No 52 on 11 March 1988 at page 3381.

Stock Diseases Notification No.1430 dated 5 March 1988 and published in NSW Government Gazette No 52 on 11 March 1988 at page 3382.

Notification No.1548 dated 17 December 1999 and published in NSW Government Gazette No 141 on 17 December 1999 at page 11995.

Notification No.1771 dated 27 August 2003 and published in NSW Government Gazette No 132 on 29 August 2003 at page 8961.

Notification No.1772 dated 27 August 2003 and published in NSW Government Gazette No 132 on 29 August 2008 at page 8961.

Notification No.1815 Footrot Protected and Protected (Control) Areas – Goats dated 20 August 2008 and published in NSW Government Gazette No 106 on 29 August 2003 at pages 9066-9067.

Notification No.1816 dated 10 August 2009 and published in NSW Government Gazette No 114 on 21 August 2009 at page 4833.

Stock Diseases Notification No. 1822 dated 23 March 2009 and published in NSW Government Gazette No 58 on 3 April 2009 at page 1578.

Stock Diseases Notification No. 1823 dated 23 March 2009 and published in NSW Government Gazette No 58 on 3 April 2009 at page 1578.

Declaration of Protected Area as Regards Johne's Disease in Cattle (Commonly Known as Bovine Johne's Disease) dated 18 July 2012 and published in NSW Government Gazette No 77 on 24 July 2012 at page 3416.

Order pursuant to Clause 16(2) Forms to be Used to Provide Information to Persons other than the Authorised Administrator dated 9 September 2009 and published in NSW Government Gazette No 131 on 18 September 2009 at page 5140.

Order pursuant to Clause 14 – Cattle, Exemptions from the requirement for cattle to be identified or for information to be provided to the authorised administrator of the permanent identification register dated 9 September 2009 and published in NSW Government Gazette No 131 on 18 September 2009 at pages 5140-5142.

Order pursuant to Clause 14 – Pigs, Exemption from pig branding for Rivalea (Australia) Pty Ltd dated 9 September 2009 and published in NSW Government Gazette No 131 on 18 September 2009 at pages 5144-5145.

Order Pursuant to Clauses 18, 19 and 46, Approval and Use of Approved Identifiers for Pigs dated 9 September 2009 and published in NSW Government Gazette No 131 on 18 September 2009 at pages 5147-5148.

Order Pursuant to Clauses 18, 19 and 46, Approval and Use of Approved Identifiers for Cattle dated 9 September 2009 and published in NSW Government Gazette No 131 on 18 September 2009 at pages 5145-5147.

Order Pursuant to Clauses 18, 19 and 46 Approval and Use of Approved Identifiers for Sheep and Goats dated 9 September 2009 and published in NSW Government Gazette No 131 on 18 September 2009 at pages 5148-5150.

Order pursuant to Clause 14 – Sheep Exemptions from the requirement for sheep to be identified dated 9 September 2009 and published in NSW Government Gazette No 131 on 18 September 2009 at pages 5142-5143.

Order pursuant to Clause 14 – Goats Exemptions from the requirement for goats to be identified dated 9 September 2009 and published in NSW Government Gazette No 131 on 18 September 2009 at pages 5143-5144.

Clause 28 Determination of Identification Codes dated 30 March 2009 and published in NSW Government Gazette No 58 on 3 April 2009 at pages 1579-1587.

Clause 42 Provision of Information Recorded in the District Register dated 9 September 2009 and published in NSW Government Gazette No 131 on 18 September 2009 at page 5150.

Clause 45 Approval of Authorised Administrator dated 9 September 2009 and published in NSW Government Gazette No 131 on 18 September 2009 at page 5150.

Determination Pursuant To Clause 46, Determination of the Records of Special Identifiers dated 9 September 2009 and published in NSW Government Gazette No 131 on 18 September 2009 at pages 5150-5151.

Order Pursuant to Clause 48(3)(c) Circumstances in which an Approved Identifier can be Removed dated 9 September 2009 and published in NSW Government Gazette No 131 on 18 September 2009 at pages 5151.

Order Pursuant to Clauses 50 and 51, Reuse of Approved Identifiers dated 9 September 2009 and published in NSW Government Gazette No 131 on 18 September 2009 at pages 5151-5152.

Order Pursuant to Clause 52, Manner of Dealing with Approved Identifiers Attached to Slaughtered Stock dated 9 September 2009 and published in NSW Government Gazette No 131 on 18 September 2009 at page 5152.

Approval Pursuant to Clause 56(2), Manner of Disposal of Approved Identifiers Seized by Inspectors Pursuant to Clause 56 dated 9 September 2009 and published in NSW Government Gazette No 131 on 18 September 2009 at page 5151.

Order pursuant to Clause 14, Exemption for persons selling or supplying identifiers that relate to district codes dated 9 September 2009 and published in NSW Government Gazette No 131 on 18 September 2009 at page 5145.

Order pursuant to Clause 14, Exemption from the requirement to provide information on whether sheep or goats were bred by the owner of the stock when sheep or goats are moved to a property dated 9 September 2009 and published in NSW Government Gazette No 131 on 18 September 2009 at page 5145.

Order Pursuant to Clause 14, Exemption from Requirement to have a Property Identification Code dated 29 August 2012 and published in NSW Government Gazette No 88 on 31 August 2012 at pages 3877-3878.

Order pursuant to Clause 14 - Pigs dated 9 September 2009 and published in NSW Government Gazette No 131 on 18 September 2009 at page 5142.

Notification Directing the Treatment of Domestic Chickens by Prophylactic or Curative Methods for Newcastle Disease No. 1772 dated 29 August 2003 and published in NSW Government Gazette No 132 on 29 August 2003 at page 8961.

Approved Treatment for Cattle Tick, Proclamation No 540 (Cattle Tick) under the Stock Diseases Act 1923 dated 1 July 2016 and published in NSW Government Gazette No 161 on 3 October 2003 at pages 9922-9923.

Stock (Chemical Residues)(Manner of Attaching Permanent Identifiers to Detained Stock) Order 2012 dated 8 March 2012 and published in NSW Government Gazette No 28 on 16 March 2012 at page 712.

Declaration of Maximum Residue Concentrations in Stock dated 24 December 2002 and published in NSW Government Gazette No 5 on 30 December 2002 at pages 17-18.

Declaration of Chemically Affected Stock dated 2 May 2001 and published in NSW Government Gazette No 81 on 11 May 2001 at page 2330.

Declaration of Domestic Poultry as Stock dated 20 August 1987 and published in NSW Government Gazette No 140 on 4 September 1987 at page 5072.

Declaring Certain Species to be Stock dated 4 August 1989 and published in NSW Government Gazette No 88 on 11 August 1989 at page 5389.

Proclamation 541A dated 10 July 2002 and Published in the NSW Government Gazette No. 119 on 19 July 2002 at page 5476.

Certification of Emergency Animal Disease Outbreak (Pacific Oyster Mortality Syndrome) Order 2016 dated 4 February 2016 and published in the NSW Government Gazette No 8 on 5 February 2016 at page 153.

Declaration of Emergency Animal Diseases (Aquatic Animal Diseases) Order 2016 dated 4 February 2016 and published in the NSW Government Gazette No 8 on 5 February 2016 at page 153.

Importation (Pacific Oyster Mortality Syndrome) dated 4 February 2016 and published in the NSW Government Gazette No 8 on 5 February 2016 at pages 154-155.