



# *Government Gazette*

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## GOVERNMENT NOTICES

# Biosecurity (White Spot Disease of crustaceans) Control Order (No. 2) 2017

under the

Biosecurity Act 2015

I, BRUCE M CHRISTIE, Deputy Director General Biosecurity and Food Safety, Department of Primary Industries, in pursuance of the authorisation granted by the Minister under section 78 of the *Biosecurity Act 2015*, and in pursuance of section 62 of the *Biosecurity Act 2015*, reasonably believing it is necessary to prevent the biosecurity risk associated with White Spot Disease of crustaceans, make the following Control Order.

Dated this                    18th day of    August 2017

**BRUCE M CHRISTIE**  
**DEPUTY DIRECTOR GENERAL, BIOSECURITY AND FOOD SAFETY**  
**Department of Primary Industries**  
**(an office within the Department of Industry)**  
**(by authorisation)**

Explanatory note

This Control Order is made under section 62 of the *Biosecurity Act 2015*. The object of this Control Order is to prevent the biosecurity risk posed or likely to be posed by the spread of White Spot Disease of crustaceans into New South Wales.

# Biosecurity (White Spot Disease of crustaceans) Control Order (No. 2) 2017

under the

Biosecurity Act 2015

## (1) Name of Order

This Control Order is the *Biosecurity (White Spot Disease of crustaceans) Control Order (No. 2) 2017*.

## (2) Commencement and Duration

(1) This Control Order commences on 18 August 2017.

(2) This Control Order has effect for a period of 5 years from the date on which it is made.

**Note:** Notice of this Control Order will be given by publishing it on the Department's website and in the *NSW Government Gazette*.

## (3) Definitions

**Certificate of Irradiation** means a Certificate that:

- (a) certifies that Gamma Irradiation Treatment was applied to the product at the Treatment Facility on the date stated in the Certificate; and
- (b) bears an individual lot number assigned by the Treatment Facility; and
- (c) describes the product that was treated including the species and total weight of the product; and
- (d) is signed by an employee of the Treatment Facility who is authorised to sign the certificate on behalf of the Treatment Facility.

**Competent Authority** means the relevant state government agency that regulates food safety.

**Commercial fisher** means a person:

- (a) who holds a current commercial fishing licence issued under Division 1 of Part 4 of the *Fisheries Management Act 1994*; or
- (b) who holds a current commercial fisher licence under the *Queensland Fisheries Act 1994*.

**Cooked product** means product that has been cooked at premises approved by and under the control of the Competent Authority to a minimum time and temperature standard where all the protein in the decapod crustaceans and polychaete worms is coagulated and no uncooked meat remains.

**Decapod crustaceans** means any crustacean of the Order Decapoda and includes, but is not limited to: school, tiger and banana prawns, yabbies or pink nippers, shrimp, slipper lobsters, crabs and hermit crabs.

**Excluded carrier** means a white spot syndrome virus carrier that is:

- (a) a blue swimmer crab (*Portunus armatus*); or
- (b) a bug (*Ibacus* spp. and *Thenus* spp.); or
- (c) a mud crab (*Scylla* spp.); or
- (d) a red champagne lobster (*Linuparus trigonus*); or
- (e) a slipper lobster (*Scyllarides* spp.); or
- (f) a spanner crab (*Ranina ranina*); or
- (g) a three-spotted crab (*Portunus sanguinolentus*); or
- (h) a tropical rocklobster (family Palinuridae).

**Gamma Irradiation Treatment** means treatment by irradiation at a gamma radiation dose of at least 50 kilo Gray (kGy).

**Polychaete worm** means any worm of the Class Polychaeta.

**Public sewer** means a sewer operated by a council or county council, a water supply authority (within the meaning of the *Water Management Act 2000*), a State owned corporation specified in Schedule 1 or 5 to the *State Owned Corporations Act 1989* (or a subsidiary of such a corporation) or any other public or local authority.

**Queensland infected area** means the area outlined in red in the map at Schedule 1 and includes:

- (a) the local government areas of Redland City Council, Moreton Bay Regional Council, Logan City Council, Brisbane City Council, Ipswich City Council, Gold Coast City Council and the following localities from Sunshine Coast Regional Council: Bells Creek, Beerburrum, Beerwah, Boorobin, Bribie Island North, Caloundra, Caloundra West, Coochin Creek, Crohamhurst, Kings Beach, Glass House Mountains, Golden Beach, Mount Mellum, Moffat Beach, Landsborough, Peachester, Pelican Waters and Shelly Beach; and
- (b) the waters of Moreton Bay Marine Park bounded by Redland City Council, Brisbane City Council, Moreton Bay Regional Council and a line running generally north westerly from Amity Point on North Stradbroke Island to the southern most point of Moreton Island and a line running generally westerly from Comboyuro Point Moreton Island to Skirmish Point on Bribie Island.

**The Act** means the *Biosecurity Act 2015*.

**Treatment Facility** means a treatment facility that applies Gamma Irradiation Treatment to the decapod crustaceans.

**Waste Depot** means a place at which waste may be treated or stored in accordance with an approval under the *Local Government Act 1993* or a place approved as a waste depot or waste facility under any other Act.

*Waters to which the NSW Fisheries Management Act 1994 applies* has the same meaning as in section 7 of the *Fisheries Management Act 1994*.

*White Spot Disease of crustaceans* means the disease that is caused by the virus Whispovirus (Family Nimaviridae). (Also known as infection with white spot syndrome virus).

Note: *authorised officer, Chief Veterinary Officer, control measures, deal and fitting* all have the same meaning as in the Act.

#### **(4) Revocation of Biosecurity (White Spot Disease of crustaceans) Control Order 2017**

Pursuant to section 77(1) of the Act, the *Biosecurity (White Spot Disease of crustaceans) Control Order 2017* published in NSW Government Gazette No. 72 on 30 June 2017 at pages 3440 to 3445 is revoked, as is any Control Order revived as a result of this revocation.

#### **(5) Biosecurity Matter, Carrier and Biosecurity Risk**

- (1) The biosecurity matter to which this Control Order relates is White Spot Disease of crustaceans.
- (2) The Biosecurity carrier to which this Control Order relates is uncooked decapod crustaceans and polychaete worms
- (3) The biosecurity risk to which this Control Order relates is the risk of an adverse effect on the economy, the environment and the community posed by the spread of the disease White Spot Disease of crustaceans into New South Wales.

#### **(6) Control Zone**

- (1) Pursuant to sections 62(1)(a) and 67 of the Act, this Control Order is limited in its application to the Control Zone.
- (2) The Control Zone is the whole of the State of New South Wales.
- (3) The Control Zone is called the White Spot Disease Control Zone.

#### **(7) The persons or class of persons to whom the control measures apply**

This Control Order applies to a person dealing with, including having possession of, live or dead decapod crustaceans and polychaete worms, or fittings previously used in connection with live or dead decapod crustaceans and polychaete worms.

#### **(8) Control measures**

Pursuant to section 62(1)(b) and 68(5) of the Act, the following control measures apply:

- (1) Except as provided in subclauses (2), (3), (4) and (5) below, a person is prohibited from importing into or possessing within the White Spot Disease Control Zone the following:
  - a) Live or dead decapod crustaceans and polychaete worms:
    - i. originating from any of the waters within the Queensland infected area; or
    - ii. originating from any commercial aquaculture prawn farm within the Queensland infected area.
  - b) Fittings used in connection with cultivation or commercial catch of live or dead decapod crustaceans or polychaete worms described in subclause (1) a) unless such fittings have been cleaned and disinfected to remove all traces of decapod crustaceans or polychaete worms or decapod crustaceans or polychaete worms product prior to entry into NSW, in accordance with the Queensland *Biosecurity Act 2014*, the Queensland *Biosecurity Regulation 2016* and any guidelines or requirements imposed by the Queensland Department of Agriculture and Fisheries regarding the White Spot Disease of crustaceans;
  - c) Live or dead decapod crustaceans or polychaete worms that have been in contact with either of the following:
    - i. water that has held live or dead decapod crustaceans or polychaete worms described in subclause (1) a); or
    - ii. fittings that have previously been used in connection with live or dead decapod crustaceans or polychaete worms described in subclause (1) a) unless such fittings have been cleaned and disinfected to remove all traces of decapod crustaceans or polychaete worms or decapod crustaceans or polychaete worms product in accordance with the Queensland *Biosecurity Act 2014*, the Queensland *Biosecurity Regulation 2016* and any guidelines or requirements imposed by the Queensland Department of Agriculture and Fisheries regarding the White Spot Disease of crustaceans .
- (2) Despite subclause (1) above, decapod crustaceans taken from the Queensland infected area may be imported into the White Spot Disease Control Zone if subclauses a), b) and c) below are satisfied:
  - a) they first have been processed for human consumption as cooked product; and
  - b) they are securely packaged; and
  - c) they are transported directly to a point of sale in New South Wales for human consumption.
- (3) Despite subclause (1) above, uncooked decapod crustaceans which have moved through (into, within and out of, including the loading and unloading of product into or from vehicles whilst in transit) the Queensland infected area may enter or be imported into the

White Spot Disease Control Zone if all of the following requirements in a) to d) are satisfied:

- a) the uncooked decapod crustaceans originated from outside of Queensland infected area; and
- b) any bins or packaging or coverings containing uncooked decapod crustaceans remained intact and secured throughout the period of transit and are still intact and secured; and
- c) the name, address, postcode and the State or Territory of the grower and/or the commercial fisher and the packer is clearly displayed on the outer covering of any bins or packaging; and
- d) the uncooked decapod crustaceans are transported directly to a point of sale in New South Wales for human consumption.

Note: For example, uncooked decapod crustaceans originating from outside of the area defined in subclause (1) a) may be, while transiting through that area, unloaded from a vehicle and then loaded onto a secondary vehicle.

(4) Despite subclause (1) above, uncooked decapod crustaceans that have been subject to Gamma Irradiation Treatment within the Queensland infected area may be moved to a destination in NSW for the purpose of processing and on-selling if all of the following requirements in a) to b) are satisfied:

- a) a NSW inspector is notified no less than 48 business hours prior to the planned time of arrival of the product at the destination in NSW of:
  - i. the address of the destination of the product; and
  - ii. the description of the product including species, weight, type of packaging and number of packages; and
  - iii. the estimated date and time of arrival of the product. The date and time of arrival of the product must be on a business day during business hours; and
- b) the product is moved into NSW:
  - i. in refrigerated transport; and
  - ii. in the same sealed insulated containers in which the Gamma Irradiation Treatment was applied; and
  - iii. accompanied by a copy of the relevant Certificate of Irradiation; and
  - iv. in one journey on the same day (they must not be off loaded until they reach their destination); and

- v. subject to a permit from the Queensland Department of Agriculture and Fisheries; and
  - vi. the NSW Chief Veterinary Officer is informed in writing via email by the person receiving the product of the date and time of the arrival of the product at its destination, as soon as possible after it arrives (email details of NSW Chief Veterinary Officer: [aquatic.imports@dpi.nsw.gov.au](mailto:aquatic.imports@dpi.nsw.gov.au)).
- (5) Despite subclause (1) above, uncooked decapod crustaceans taken from the Queensland infected area that are defined as an Excluded Carrier Excluded **Crustaceans**) in this Control Order may be imported into the White Spot Disease Control Zone if all of the following requirements in a) to d) are satisfied:
- a) The Excluded Crustaceans are intended to be cooked for human consumption; and
  - b) any of the Excluded Crustaceans that are alive (**live Crustaceans**) must not be returned to waters to which the NSW *Fisheries Management Act 1994* applies; and
  - c) any water used from holding or transporting of the live Crustaceans must be disposed of through the public sewer; and
  - d) any waste from holding, transporting and processing the Excluded Crustaceans (excluding any water used from holding or transporting of the live Crustaceans) is disposed of to a Waste Depot.
- (6) The decapod crustaceans (the product) may be unloaded at the destination from the sealed insulated containers, and processed as required. It may then be further transported to a point of sale in New South Wales if all of the following conditions are met with respect to the product:
- a) it is stored in a separate part of the processing facility to other products being processed; and
  - b) it remains identifiable with appropriate marks on containers and boxes with the lot number allocated to the product by the Treatment Facility and with the name of the Treatment Facility; and
  - c) a copy of the “Certificate of Irradiation” is kept with the product at all times prior to it being processed into final packaging; and
  - d) each individual container into which the processed product is finally packaged is clearly labelled with:
    - i. the name of the Treatment Facility; and
    - ii. the relevant lot number; and
    - iii. the details of the volume of product that was irradiated in that lot; and



- iv. the symbols “50Kgy” to indicate that the product was irradiated with this dose; and
- e) any waste product produced during processing (for example, water or organic matter) is disposed of to either the public sewer (for water) or to a Waste Depot for waste other than water.

**SCHEDULE 1 - Map indicating area described in clause 7(1) a) of this Order**

