



Government Gazette

of the State of

New South Wales

Number 533–Environment
Tuesday, 15 November 2022

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of the notice and can be used as a reference for that notice (for example, (n2019-14)).

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website (www.legislation.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal, see the Gazette page.

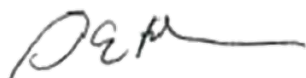
Biosecurity (white spot disease) Control Order 2022

under the

Biosecurity Act 2015

I, SARAH BRITTON, Group Director Animal Biosecurity, with the authorisation of the Minister administering the *Biosecurity Act 2015* and under section 62 of that Act make the following Control Order.

Dated 15 November 2022



SARAH BRITTON
Group Director Animal Biosecurity
Department of Regional NSW

Part 1 Preliminary

1 Name of Control Order

This Control Order is the *Biosecurity (white spot disease) Control Order 2022*.

2 Commencement and duration

This Control Order commences on 16 November 2022 and 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 in the Gazette and on the Department of Primary Industries' website.

3 Definitions

In this Control Order:

certificate of irradiation means a certificate that:

- (a) certifies that gamma irradiation treatment was applied to a product at a treatment facility on the date stated in the certificate,
- (b) bears an individual lot number assigned to the product by the treatment facility,
- (c) describes the product 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.

commercial fisher means a person who holds a commercial fishing licence under the *Fisheries Management Act 1994* or *Fisheries Act 1994* (Qld).

competent authority means the relevant government agency of another jurisdiction that regulates food safety.

contaminated fittings means fittings that have or may have had contact with decapod crustaceans or polychaete worms from the Queensland infected area but does not include fittings that have been decontaminated by removing all traces of decapod crustaceans, polychaete worms and other organic matter.

cooked means cooked at premises approved by or under the control of a competent authority so that all protein is coagulated and no uncooked protein remains.

decapod crustacean means a crustacean of the Order Decapoda, including school, tiger and banana prawns, yabbies and pink nippers, shrimp, slipper lobsters, crabs and hermit crabs.

excluded carrier means any of the following carriers of white spot disease:

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

gamma irradiation treatment means treatment by irradiation at a gamma irradiation dose of at least 50 kilo Gray (kGy).

polychaete worm means a worm of the Class Polychaeta.

public sewer means a sewer operated by a council, 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 of a State or Territory.

Queensland infected area means the area in the map in Schedule 1 not covered by Biosecurity Area 1 where movement restrictions (regulation 94C) apply and the area also includes any waters and commercial aquaculture prawn farms within the area.

Note. The area in Schedule 1 is the same as the White spot disease movement restriction area established by the Notice of Establishment of Biosecurity Areas (QLD) dated 5 July 2017 and in force at the time this Control Order commences.

the Act means the *Biosecurity Act 2015*.

treated product means decapod crustaceans or polychaete worms sourced from the Queensland infected area that have received gamma irradiation treatment.

treatment facility means a facility that applies gamma irradiation treatment to decapod crustaceans or polychaete worms.

uncooked, in relation to decapod crustaceans and polychaete worms, means that it has not been cooked.

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.

white spot disease means the disease caused by the virus Whispovirus (Family Nimaviridae) and which is also known as white spot disease of crustaceans or infection with white spot syndrome virus.

Note. Pursuant to section 11 of the *Interpretation Act 1987* words or expressions used in this Control Order have the same meaning as in the Act.

4 Grounds for order and biosecurity impact

The basis for concluding that it is necessary to make this Control Order is as follows:

- (a) white spot disease is a highly contagious viral disease that affects, and can cause mass mortalities in, crustaceans,
- (b) the introduction and spread of white spot disease (the **biosecurity matter**) has the potential to have an adverse effect on the economy, the environment, and the community of New South Wales (the **biosecurity impact**),
- (c) in 2016, white spot disease was detected in Queensland. In August 2022, it was detected at a commercial prawn-farming facility in New South Wales,
- (d) the wild crustacean population of New South Wales remains free of white spot disease,
- (e) control measures are required to prevent the introduction and spread of white spot disease in the wild crustacean population of New South Wales, as well as to other commercial crustacean farming facilities.

5 Control zone

The control zone in which control measures are required to be implemented under this Control Order is the whole of New South Wales (***White Spot Disease Control Zone***).

6 Persons to whom control measures apply

The control measures in Part 2 of this Control Order apply to any person who deals with decapod crustaceans or polychaete worms, or fittings used in connection with decapod crustaceans or polychaete worms.

Part 2 Control measures

7 Prohibition on movement of crustaceans, polychaete worms, fittings and water

- (1) This clause applies to:
 - (a) decapod crustaceans and polychaete worms originating from the Queensland infected area, or that have transited through the Queensland infected area,

- (b) decapod crustaceans and polychaete worms that have had contact with decapod crustaceans or polychaete worms from the Queensland infected area,
 - (c) decapod crustaceans and polychaete worms that have been in contact with contaminated fittings,
 - (d) contaminated fittings,
 - (e) decapod crustaceans and polychaete worms that have had contact with water that has contained decapod crustaceans or polychaete worms from the Queensland infected area.
- (2) A person must not move any thing to which this clause applies into or within the White Spot Disease Control Zone, unless otherwise permitted by this Control Order.
- (3) The prohibition in subclause 2 does not apply to movements of decapod crustaceans or polychaete worms purchased from a retail outlet in New South Wales.

8 Movement of cooked decapod crustaceans or polychaete worms

A person may move decapod crustaceans or polychaete worms from the Queensland infected area into and within the White Spot Disease Control Zone if:

- (a) it is for the purpose of commercial sale, and
- (b) the decapod crustaceans or polychaete worms are cooked.

9 Movement of uncooked decapod crustaceans that have transited through Queensland infected area

(1) A person may move uncooked decapod crustaceans, other than live decapod crustaceans, from the Queensland infected area into and within the White Spot Disease Control Zone if:

- (a) it is for the purpose of commercial sale, and
- (b) the decapod crustaceans:
 - (i) originated from outside the Queensland infected area and only entered the Queensland infected area for the purpose of transiting through that area,
 - (ii) are transported by the most direct route to the intended destination in the White Spot Disease Control Zone,
 - (iii) are transported in a manner that prevents contamination with the virus that causes white spot disease, and
 - (iv) are packaged and labelled with an identifier specifying the location of where the decapod crustaceans were grown, captured or harvested, and the name, address, postcode and State or Territory of the grower or commercial fisher who produced or harvested the decapod crustaceans.

Note. Under clause 112 of the Regulation a person who is required to label or identify any matter, must ensure that the label or identifier is a complying label or complying identifier.

10 Movement of uncooked decapod crustaceans that are excluded carriers into White Spot Control Zone

- (1) A person may move an uncooked decapod crustacean that is an excluded carrier from the Queensland infected area into and within the White Spot Control Zone if the uncooked decapod crustacean:
 - (a) is being moved for human consumption, and it is cooked as soon as practicable after its arrival in the White Spot Control Zone, and
 - (b) if it is alive, is not placed in waters to which the *Fisheries Management Act 1994* applies.

Note. Section 7 of the *Fisheries Management Act 1994* describes the waters to which that Act applies.
- (2) Any water used for the purpose of transporting excluded carriers under this clause must be disposed of through a public sewer.
- (3) Any waste produced as a result of transporting excluded carriers under this clause must be disposed of at a waste depot.
- (4) An excluded carrier being moved into and within the White Spot Control Zone under this clause must be accompanied by documentation which provides the following information:
 - (a) the date that the excluded carrier was captured or harvested, and
 - (b) the location in the Queensland infected area where the excluded carrier was captured or harvested.

11 Movement of treated product into White Spot Control Zone

- (1) This clause applies to treated product.
- (2) A person may move treated product into and within the White Spot Control Zone if:
 - (a) it is for either of these purposes:
 - (i) packaging, or
 - (ii) commercial sale,
 - (b) 48 hours prior to the arrival of the treated product at the intended destination, written notice is given via email to aquatic.imports@dpi.nsw.gov.au, of the following:
 - (i) the address of the intended destination of the treated product,
 - (ii) a description of the treated product including the species, weight, type of packaging and number of packages, and
 - (iii) the estimated time of arrival of the treated product,
 - (c) throughout transportation, the treated product is stored in individual sealed packets that are labelled with:
 - (i) the date and origin of capture,
 - (ii) the relevant gamma irradiation lot number,

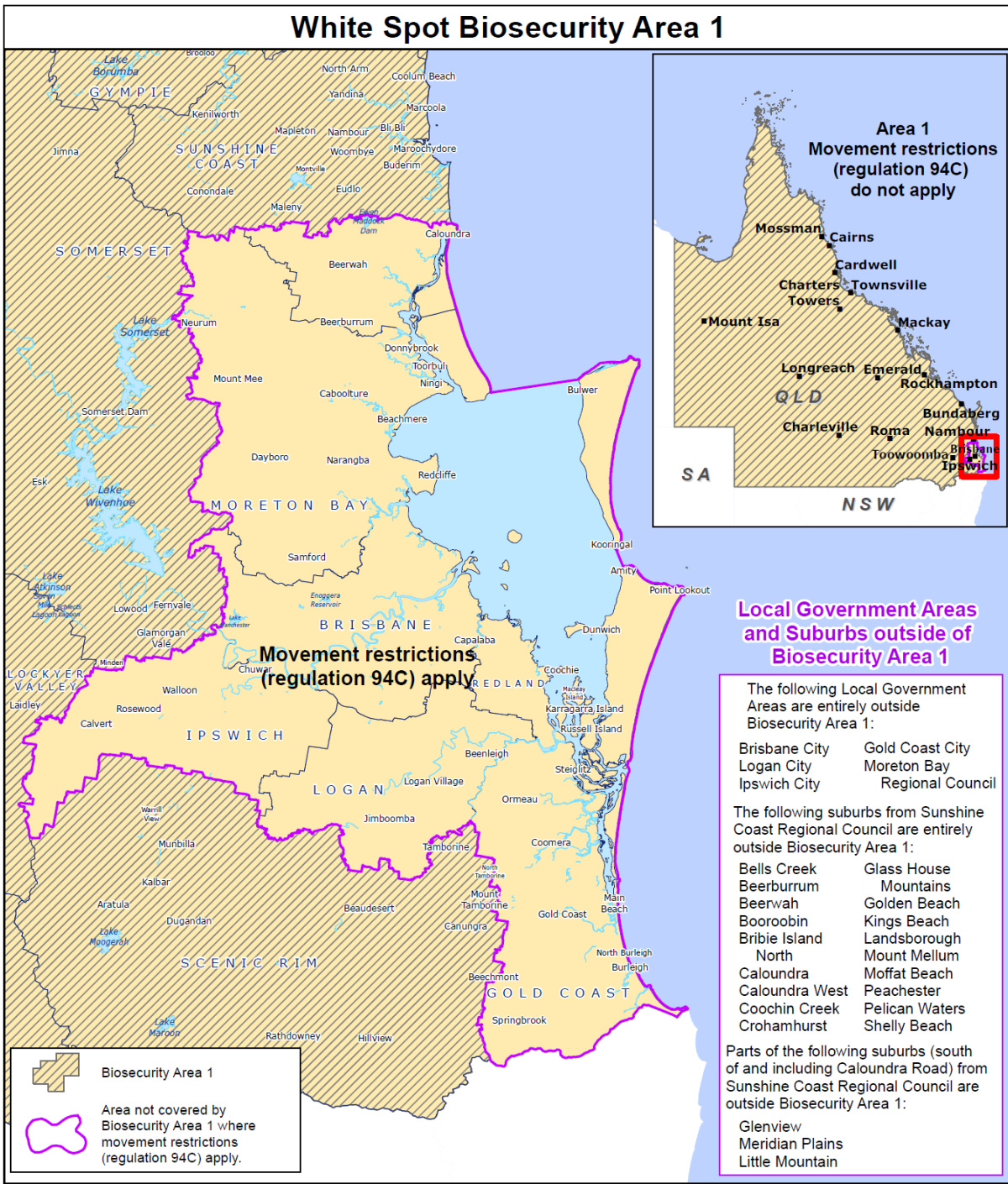
- (iii) details of the treated product including the volume irradiated in that lot,
 - (iv) the symbols '50kGy' to indicate the product was irradiated with this dose,
 - (v) the labelled individual sealed packets containing the treated product are placed in sealed containers which are packaged and marked as containing 'gamma irradiated product', and
- (d) throughout transportation:
- (i) the treated product is accompanied by a copy of the relevant certificate of irradiation, and
 - (ii) the treated product is kept refrigerated and in a manner which prevents contamination with the virus that causes white spot disease.
- (2) Any water used for the purpose of transporting the treated product must be disposed of through a public sewer.
- (3) Any waste produced as a result of transporting the treated product must be disposed of at a waste depot.
- (4) As soon as practicable after the treated product has arrived in the White Spot Control Zone, the recipient of the treated product must provide details of the date and time of arrival of the treated product by email to aquatic.imports@dpi.nsw.gov.au.

12 Packaging treated product in White Spot Control Zone

If treated product is being packaged in the White Spot Control Zone, a person must ensure that:

- (a) the treated product is stored and dealt with in a manner which prevents contamination with the virus that causes white spot disease whilst at the processing facility,
- (b) the packaging of the treated product is labelled with:
 - (i) the name of the treatment facility,
 - (ii) the relevant gamma irradiation lot number,
 - (iii) details of the treated product including the volume irradiated in that lot,
 - (iv) the symbols '50kGy' to indicate the product was irradiated with this dose,
- (c) any water used for the purpose of packaging the treated product must be disposed of through a public sewer, and
- (d) any waste produced as a result of packaging the treated product must be disposed of at a waste depot.

SCHEDULE 1 – Map indicating Queensland infected area as described in clause 3



Date: 4/07/2017
Co-ord Sys: GCS GDA 1994
Datum: GDA 1994
Units: Degree



The term offshore refers to seawards of the lowest astronomical tide mark. This boundary extends from 100m offshore of Tooway Creek at Moffat Beach, around Caloundra Head to the southern tip of Caloundra Head across to the northern tip of Bribie Island, then 100m offshore of the northern and eastern shores of Bribie Island to latitude 27°05.08' south on Bribie Island's eastern shore (Skirmish Point approximately latitude 27°05.08' south, longitude 153°12.43' east). This boundary then crosses the water to 100m offshore of Moreton Island's western shore at latitude 27°03.68' south (Comboyuro Point approximately latitude 27°03.68' south, longitude 153°21.71' east). This boundary then extends easterly following the 100m line offshore of Moreton Island and down the eastern shore of Moreton and Stradbroke Islands and continues south to the Queensland New South Wales border. Inland, the boundary goes from Caloundra and Caloundra Road in the north, including all suburbs and local government areas listed on the map.

The state of Queensland does not warrant the accuracy of this map and disclaims any liability or loss arising from the use of this map beyond its intended purpose.
Acknowledgements © State of Queensland (Department of Agriculture and Fisheries) 2017; © State of Queensland (Department of Natural Resources and Mines) 2017