



Government Gazette

of the State of

New South Wales

Number 140—Mining and Primary Industries

Friday, 1 April 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.

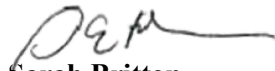
Biosecurity (Japanese encephalitis) Control Order (No 2) 2022

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 the *Biosecurity Act 2015*, make the following Control Order.

Dated 25 day of March 2022



Sarah Britton
Group Director Animal Biosecurity
Department of Primary Industries
Department of Regional NSW

Part 1 Preliminary

1 Name of Control Order

This Control Order is the *Biosecurity (Japanese encephalitis) Control Order (No 2) 2022*.

2 Commencement and duration

- (1) This Control Order commences on the date on which it is made.
- (2) This Control Order has effect until 17 June 2022.

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

3 Revocation

This Control Order revokes the Biosecurity (Japanese encephalitis) Control Order 2022 made on 4 March 2022 and published in Government Gazette No 100 of 11 March 2022.

4 Definitions

- (1) In this Control Order:

abattoir means a premises used for or in connection with the slaughtering of pigs for human consumption, and includes any building, structure or holding yard used in connection with the slaughtering, handling, drafting or keeping of any such pigs at any such premises.

clinical signs of Japanese encephalitis includes

- (a) pregnant sows or gilts presenting with aborted, mummified or malformed foetuses, stillborn or weak piglets born at term,
- (b) infertility in boars, or
- (c) neurological signs such as tremors and convulsions in pigs up to 6 months of age.

confirmed case of Japanese encephalitis in a pig means a pig which is showing clinical signs of Japanese encephalitis and which has returned a positive laboratory result confirming the presence of Japanese encephalitis.

Department means the Department of Regional NSW.

donor boar means a boar from which semen is collected for artificial insemination.

fit for the intended journey has the same meaning as in the Land Transport of Livestock Standards.

grow-out facility means a premises that receives and manages pigs after weaning to grow them to sale weight.

infected premises means a pig production area that has a confirmed case of Japanese encephalitis in a pig.

knackery means a premises used for or in connection with the slaughtering of pigs for use as animal food or for the making of animal by-products that are used in animal food and includes any building, structure or holding yard used in connection with the slaughtering, handling, drafting or keeping of any such pigs at any such premises.

Land Transport of Livestock Standards means the *Prevention of Cruelty to Animals (Land Transport of Livestock) Standards 2013 No 2* published on the NSW Legislation website on 27 September 2013.

move includes causing or permitting to move.

person in charge, in relation to a premises, including a premises that is an infected premises, suspect premises, receiving facility, or semen collection centre, includes:

- (a) the owner or operator of the premises,
- (b) a person with control over the management of the pigs or pig semen at the relevant time.

pig means a live pig and does not include a pig carcass.

pig production means the breeding, raising or keeping of a pig including for:

- (a) food production, human use or human consumption,
- (b) genetic material production, or
- (c) as a pet or hobby.

pig production area means an area of land where pig production is carried out including:

- (a) sheds and paddocks used for pig production in both indoor and outdoor farming systems, and
- (b) areas used for feed storage and handling and the areas immediately surrounding such sheds and paddocks, including loading areas.

receiving facility means an abattoir, knackery, grow-out facility or any other pig production area that receives a pig from an infected premises or suspect premises.

semen collection centre means a premises which houses donor boars for the purposes of collecting semen for artificial insemination.

suspect premises means a pig production area where a pig is showing clinical signs of Japanese encephalitis and in relation to which a sample has been submitted to a laboratory for confirmation of the presence of Japanese encephalitis.

the Regulation means the Biosecurity Regulation 2017.

- (2) Words and expressions that occur in this Control Order have the same meaning as they have in the Regulation, unless otherwise defined in this Control Order.

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 *Biosecurity Act 2015*.

5 Grounds for order and biosecurity impact

The basis for concluding that it is necessary to make this control order is as follows:

- (a) The introduction, presence, spread and increase of Japanese encephalitis (the **biosecurity matter**) has the potential to have an adverse effect on the economy, the environment and the community (the **biosecurity impact**).
- (b) On 25 February 2022, Japanese encephalitis was confirmed in pigs from a number of commercial pork enterprises in NSW. Japanese encephalitis is an acute mosquito-borne viral disease most commonly seen in pigs, horses and humans.
- (c) Control measures are required to prevent, minimise or manage the spread of Japanese encephalitis virus from infected premises to other areas in New South Wales.

6 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.

7 Person to whom control measures apply

The control measures in:

- (a) clause 8 of this Control Order applies to any person in charge of an infected premises or a suspect premises who is moving a pig,
- (b) clause 9 of this Control Order applies to any person in charge of a semen collection centre that is an infected premises or a suspect premises
- (c) clause 10 of this Control Order applies to any person in charge of an infected premises or a suspect premises,
- (d) clause 11 of this Control Order applies to any person in charge of a receiving facility,
- (e) clause 12 of this Control Order applies to any person in charge of an interstate infected premises or interstate suspect premises.

Note. It is recommended that any person in contact or working with a pig from an infected or suspect premises wear appropriate personal protective equipment, in particular long pants, long-sleeved shirt and insect repellent to limit mosquito bites. Further information can be found on the NSW Health website and in the "Mosquitoes are a Health Hazard" communicable diseases factsheet <https://www.health.nsw.gov.au/Infectious/factsheets/Pages/mosquito.aspx>

Part 2 Control measures for infected premises and suspect premises

8 Control measures – movement of pigs from infected premises

A person in charge of an infected premises or suspect premises must not move a pig from that premises unless the following requirements are complied with:

- (a) the pig is being moved to a receiving facility,

- (b) the pig is fit for the intended journey and shows no clinical signs of Japanese encephalitis immediately prior to movement,
- (c) as far as reasonably practicable, the pig is moved from the premises to the receiving facility in daylight hours,
- (d) the agreement or other arrangement entered into for the transport of the pig requires the person driving the vehicle to:
 - (i) travel directly to the receiving facility,
 - (ii) only stop at intervals as required by the Land Transport of Livestock Standards, or as otherwise required by law,

Note. Part 2 of the Land Transport of Livestock Standards sets out the general standards of the land transport of livestock, and clauses 73-75 set out additional specific requirements for the land transport of pigs.
 - (iii) where reasonably practicable, only stop at locations that are away from known areas of human habitation and waterways, and
 - (iv) not load pigs from any other premises onto the vehicle before the pigs are unloaded at the receiving facility,
- (e) the pig is only loaded on to a vehicle that:
 - (i) does not have any pigs from any other premises, and
 - (ii) is clean with no signs of visible organic matter,

Note. it is expected that all vehicles used to transport pigs will be cleaned after pigs are unloaded using high volume washing to remove all visible organic matter from the vehicle.
- (f) in the case of a movement to an abattoir or knackery,
 - (i) the pig has been on the premises for more than 42 days before it is moved to the abattoir or knackery, and
 - (ii) the abattoir or knackery is advised that the pig must be slaughtered within 24 hours of leaving the premises,
- (g) in the case of a movement that is not to an abattoir or knackery, the pig must remain at the receiving facility for 7 days following movement,
- (h) before moving a pig from the premises, a Record of Movement is completed and submitted to the Department. The Record of Movement is available on the Department's website and must be submitted online via the website,
- (i) the receiving facility is advised, prior to the movement of the pig, that the pig has been moved from an infected premises or suspect premises.

Notes.

1. The requirements of the Biosecurity (National Livestock Identification System) Regulation 2017 apply to the movement of pigs. In particular, a pig must be properly identified and all NLIS movement documents must be provided to the transporter.
2. Where a pig is being moved to another State or Territory within Australia, that State or Territory may require different and additional measures to be complied with before the pig is authorised to enter that State or Territory.

9 Control measures – movement of pig semen from infected or suspect premises

A person in charge of an infected premises or suspect premises that is a semen collection centre must not move pig semen from the premises unless the following requirements are met:

- (a) the donor boar was quarantined for at least 42 days before entering the semen collection centre,
- (b) the donor boar shows no clinical signs of Japanese encephalitis immediately prior to collection of semen and must continue to show no clinical signs of Japanese encephalitis until the semen is moved to the premises receiving the semen,
- (c) a morphological evaluation of the pig semen is completed immediately following collection and the results show a minimum 60% normal morphology and greater than or equal to 60% progressive motility,
- (d) the premises receiving the pig semen is advised that the pig semen has been moved from an infected premises.

Note. Where pig semen is being moved to another State or Territory within Australia, that State or Territory may require different and additional measures to be complied with before the pig semen is authorised to enter that State or Territory.

10 Control measures – insect control at infect premises and suspect premises

A person in charge of an infected premises or suspect premises must ensure that mosquito control is carried out on the premises.

Note. It is expected that all infected premises and suspect premises have a biosecurity management plan in place that includes insect control measures to address the risk of Japanese encephalitis.

Part 3 Control measures at receiving facility

11 Control measures – insect control at receiving facility

A person in charge of a receiving facility must ensure that mosquito control is carried out on the premises.

Note. It is expected that all receiving facilities have a biosecurity management plan in place that includes insect control measures to address the risk of Japanese encephalitis.

Part 4 Control measures for movement of pigs into New South Wales

12 Control measures – movement into New South Wales

A person in charge of an interstate infected premises or interstate suspect premises must not move a pig from that premises into New South Wales unless the person in charge complies with the following requirements:

- (a) the pig is being moved to a receiving facility, and
- (b) before moving a pig into New South Wales, a Record of Movement is completed and submitted to the Department. The Record of Movement is available on the Department's website and must be submitted online via the website.

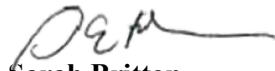
Biosecurity (Japanese encephalitis) Control Order (No 2) 2022

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 the *Biosecurity Act 2015*, make the following Control Order.

Dated 25 day of March 2022



Sarah Britton
Group Director Animal Biosecurity
Department of Primary Industries
Department of Regional NSW

Part 1 Preliminary

1 Name of Control Order

This Control Order is the *Biosecurity (Japanese encephalitis) Control Order (No 2) 2022*.

2 Commencement and duration

- (1) This Control Order commences on the date on which it is made.
- (2) This Control Order has effect until 17 June 2022.

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

3 Revocation

This Control Order revokes the Biosecurity (Japanese encephalitis) Control Order 2022 made on 4 March 2022 and published in Government Gazette No 100 of 11 March 2022.

4 Definitions

- (1) In this Control Order:

abattoir means a premises used for or in connection with the slaughtering of pigs for human consumption, and includes any building, structure or holding yard used in connection with the slaughtering, handling, drafting or keeping of any such pigs at any such premises.

clinical signs of Japanese encephalitis includes

- (a) pregnant sows or gilts presenting with aborted, mummified or malformed foetuses, stillborn or weak piglets born at term,
- (b) infertility in boars, or
- (c) neurological signs such as tremors and convulsions in pigs up to 6 months of age.

confirmed case of Japanese encephalitis in a pig means a pig which is showing clinical signs of Japanese encephalitis and which has returned a positive laboratory result confirming the presence of Japanese encephalitis.

Department means the Department of Regional NSW.

donor boar means a boar from which semen is collected for artificial insemination.

fit for the intended journey has the same meaning as in the Land Transport of Livestock Standards.

grow-out facility means a premises that receives and manages pigs after weaning to grow them to sale weight.

infected premises means a pig production area that has a confirmed case of Japanese encephalitis in a pig.

knackery means a premises used for or in connection with the slaughtering of pigs for use as animal food or for the making of animal by-products that are used in animal food and includes any building, structure or holding yard used in connection with the slaughtering, handling, drafting or keeping of any such pigs at any such premises.

Land Transport of Livestock Standards means the *Prevention of Cruelty to Animals (Land Transport of Livestock) Standards 2013 No 2* published on the NSW Legislation website on 27 September 2013.

move includes causing or permitting to move.

person in charge, in relation to a premises, including a premises that is an infected premises, suspect premises, receiving facility, or semen collection centre, includes:

- (a) the owner or operator of the premises,
- (b) a person with control over the management of the pigs or pig semen at the relevant time.

pig means a live pig and does not include a pig carcass.

pig production means the breeding, raising or keeping of a pig including for:

- (a) food production, human use or human consumption,
- (b) genetic material production, or
- (c) as a pet or hobby.

pig production area means an area of land where pig production is carried out including:

- (a) sheds and paddocks used for pig production in both indoor and outdoor farming systems, and
- (b) areas used for feed storage and handling and the areas immediately surrounding such sheds and paddocks, including loading areas.

receiving facility means an abattoir, knackery, grow-out facility or any other pig production area that receives a pig from an infected premises or suspect premises.

semen collection centre means a premises which houses donor boars for the purposes of collecting semen for artificial insemination.

suspect premises means a pig production area where a pig is showing clinical signs of Japanese encephalitis and in relation to which a sample has been submitted to a laboratory for confirmation of the presence of Japanese encephalitis.

the Regulation means the Biosecurity Regulation 2017.

- (2) Words and expressions that occur in this Control Order have the same meaning as they have in the Regulation, unless otherwise defined in this Control Order.

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 *Biosecurity Act 2015*.

5 Grounds for order and biosecurity impact

The basis for concluding that it is necessary to make this control order is as follows:

- (a) The introduction, presence, spread and increase of Japanese encephalitis (the **biosecurity matter**) has the potential to have an adverse effect on the economy, the environment and the community (the **biosecurity impact**).
- (b) On 25 February 2022, Japanese encephalitis was confirmed in pigs from a number of commercial pork enterprises in NSW. Japanese encephalitis is an acute mosquito-borne viral disease most commonly seen in pigs, horses and humans.
- (c) Control measures are required to prevent, minimise or manage the spread of Japanese encephalitis virus from infected premises to other areas in New South Wales.

6 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.

7 Person to whom control measures apply

The control measures in:

- (a) clause 8 of this Control Order applies to any person in charge of an infected premises or a suspect premises who is moving a pig,
- (b) clause 9 of this Control Order applies to any person in charge of a semen collection centre that is an infected premises or a suspect premises
- (c) clause 10 of this Control Order applies to any person in charge of an infected premises or a suspect premises,
- (d) clause 11 of this Control Order applies to any person in charge of a receiving facility,
- (e) clause 12 of this Control Order applies to any person in charge of an interstate infected premises or interstate suspect premises.

Note. It is recommended that any person in contact or working with a pig from an infected or suspect premises wear appropriate personal protective equipment, in particular long pants, long-sleeved shirt and insect repellent to limit mosquito bites. Further information can be found on the NSW Health website and in the "Mosquitoes are a Health Hazard" communicable diseases factsheet <https://www.health.nsw.gov.au/Infectious/factsheets/Pages/mosquito.aspx>

Part 2 Control measures for infected premises and suspect premises

8 Control measures – movement of pigs from infected premises

A person in charge of an infected premises or suspect premises must not move a pig from that premises unless the following requirements are complied with:

- (a) the pig is being moved to a receiving facility,

- (b) the pig is fit for the intended journey and shows no clinical signs of Japanese encephalitis immediately prior to movement,
- (c) as far as reasonably practicable, the pig is moved from the premises to the receiving facility in daylight hours,
- (d) the agreement or other arrangement entered into for the transport of the pig requires the person driving the vehicle to:
 - (i) travel directly to the receiving facility,
 - (ii) only stop at intervals as required by the Land Transport of Livestock Standards, or as otherwise required by law,

Note. Part 2 of the Land Transport of Livestock Standards sets out the general standards of the land transport of livestock, and clauses 73-75 set out additional specific requirements for the land transport of pigs.
 - (iii) where reasonably practicable, only stop at locations that are away from known areas of human habitation and waterways, and
 - (iv) not load pigs from any other premises onto the vehicle before the pigs are unloaded at the receiving facility,
- (e) the pig is only loaded on to a vehicle that:
 - (i) does not have any pigs from any other premises, and
 - (ii) is clean with no signs of visible organic matter,

Note. it is expected that all vehicles used to transport pigs will be cleaned after pigs are unloaded using high volume washing to remove all visible organic matter from the vehicle.
- (f) in the case of a movement to an abattoir or knackery,
 - (i) the pig has been on the premises for more than 42 days before it is moved to the abattoir or knackery, and
 - (ii) the abattoir or knackery is advised that the pig must be slaughtered within 24 hours of leaving the premises,
- (g) in the case of a movement that is not to an abattoir or knackery, the pig must remain at the receiving facility for 7 days following movement,
- (h) before moving a pig from the premises, a Record of Movement is completed and submitted to the Department. The Record of Movement is available on the Department's website and must be submitted online via the website,
- (i) the receiving facility is advised, prior to the movement of the pig, that the pig has been moved from an infected premises or suspect premises.

Notes.

1. The requirements of the Biosecurity (National Livestock Identification System) Regulation 2017 apply to the movement of pigs. In particular, a pig must be properly identified and all NLIS movement documents must be provided to the transporter.
2. Where a pig is being moved to another State or Territory within Australia, that State or Territory may require different and additional measures to be complied with before the pig is authorised to enter that State or Territory.

9 Control measures – movement of pig semen from infected or suspect premises

A person in charge of an infected premises or suspect premises that is a semen collection centre must not move pig semen from the premises unless the following requirements are met:

- (a) the donor boar was quarantined for at least 42 days before entering the semen collection centre,
- (b) the donor boar shows no clinical signs of Japanese encephalitis immediately prior to collection of semen and must continue to show no clinical signs of Japanese encephalitis until the semen is moved to the premises receiving the semen,
- (c) a morphological evaluation of the pig semen is completed immediately following collection and the results show a minimum 60% normal morphology and greater than or equal to 60% progressive motility,
- (d) the premises receiving the pig semen is advised that the pig semen has been moved from an infected premises.

Note. Where pig semen is being moved to another State or Territory within Australia, that State or Territory may require different and additional measures to be complied with before the pig semen is authorised to enter that State or Territory.

10 Control measures – insect control at infect premises and suspect premises

A person in charge of an infected premises or suspect premises must ensure that mosquito control is carried out on the premises.

Note. It is expected that all infected premises and suspect premises have a biosecurity management plan in place that includes insect control measures to address the risk of Japanese encephalitis.

Part 3 Control measures at receiving facility

11 Control measures – insect control at receiving facility

A person in charge of a receiving facility must ensure that mosquito control is carried out on the premises.

Note. It is expected that all receiving facilities have a biosecurity management plan in place that includes insect control measures to address the risk of Japanese encephalitis.

Part 4 Control measures for movement of pigs into New South Wales

12 Control measures – movement into New South Wales

A person in charge of an interstate infected premises or interstate suspect premises must not move a pig from that premises into New South Wales unless the person in charge complies with the following requirements:

- (a) the pig is being moved to a receiving facility, and
- (b) before moving a pig into New South Wales, a Record of Movement is completed and submitted to the Department. The Record of Movement is available on the Department's website and must be submitted online via the website.