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Biosecurity (Varroa Mite) Emergency Order 2022 (No. 16)

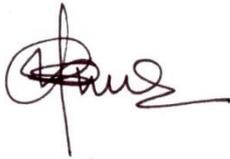
under the

Biosecurity Act 2015

I, SATENDRA KUMAR, Chief Plant Protection Officer, with the delegated authority of the Secretary pursuant to section 379(1) of the *Biosecurity Act 2015* (**the Act**), make the following emergency order under Part 5 of the Act.

Dated this 29th day of July 2022

Time: 13:20 PM

A handwritten signature in black ink, appearing to read 'Satendra Kumar', with a stylized flourish at the end.

SATENDRA KUMAR
Chief Plant Protection Officer
Department of Primary Industries
Department of Regional NSW

Part 1 Preliminary	4
1 Name of emergency order.....	4
2 Commencement	4
3 Duration of emergency order [s 45(e), s 48].....	4
4 Emergency zone [s 45(b), s 49]	4
5 Biosecurity matter and biosecurity risk [s 44(1), s 45(a)]	4
6 Grounds for Order [s 44(2)].....	5
7 Revocation of the Biosecurity (Varroa Mite) Emergency Orders 2022 [s 60(1)]	5
8 Definitions.....	6
Part 2 Emergency measures – all emergency zones	9
9 Persons or class of persons to whom the measures in this Part apply [s 45(d)]	9
10 Prohibitions on movement [s 50, s 51(c)]	9
11 Testing and surveillance [s 50, s 51(a), (i), s 91(1)(a), s 122(1)(a)]	10
12 Feeding bees [s 50, s 51(a)].....	10
13 Movement of hives for irradiation [s 50, s 51(c)]	11
Part 3 Emergency measures - Varroa mite eradication emergency zone ...	11
Division 1 Preliminary	11
14 Persons or class of persons to whom the measures in this Part apply [s 45(d)].....	11
Division 2 General measures.....	11
15 Notification of bees [s 50, s 51(a)].....	11
16 Prohibitions on movement [s 50, s 51(c)].....	12
17 Destruction of bees and hives [s 50, s 51(l), s 55(l), s 91(1)(a), s 122(1)(a)]	12
18 Fipronil Baiting [s 50, s 51(e), (l), s 91(1)(a), s 122(1)(a)].....	12
Division 3 Management of hives - Tampering with hives and interfering with bees	12
19 Interpretation	12
20 Prohibition on tampering with hives and interfering with bees [s 50, s 51(a)].....	13
21 Direction of an authorised officer [s 50, s 51(a), s 91(1)(a), s 122(1)(a)].....	13
22 Surveillance measures [s 50, s 51(a), (c), (i)].....	13
23 Tampering with hives - extraction of honey from honey supers [s 50, s 51(a), 52(1)(a), (d)]	13
24 Tampering with hives – flow hives [s 50, s 51(a), 52(1)(a), (d)]	15
25 Preventing swarming – premises that are not infected premises or suspect premises [s 50, s 51(a), (c), (i)]	16

26	Queenless hives [s 50, s 51(a), (c), (l)].....	17
27	Deadout hives [s 50, s 51(a), (c), (l)]	17
28	American foulbrood and small hive beetle [s 50, s 51(a), (c), (l)]	17
29	Record-keeping [s 50]	18
30	Decontamination measures [s 50, s 52(1)]	18
Part 4 Emergency measures – Varroa mite surveillance emergency zone..19		
31	Persons or class of persons to whom the measures in this Part apply [s 45(d)].....	19
32	Notification of bees [s 50, s 51(a)]	19
33	Prohibitions on movement [s 50, s 51c)].....	19
34	Fipronil Baiting [s 50, s 51(e), (l), s 91(1)(a), s 122(1)(a)].....	19
35	Moving of honey supers and extraction of honey [s 50, s 51(a), s 51 (c)].....	20
Part 5 Emergency measures – Varroa mite notification emergency zone ..21		
36	Persons or class of persons to whom the measures in this Part apply [s 45(d)].....	21
37	Notification of bees [s 50, s 51(a)]	21
38	Moving of honey supers and extraction of honey [s 50, s 51(a), s 51 (c)].....	21
Part 6 Emergency measures – Varroa mite general emergency zone22		
39	Persons or class of persons to whom the measures in this Part apply [s 45(d)].....	22
40	Moving of honey supers and extraction of honey [s 50, s 51(a), s 51 (c)].....	22
Part 7 Queensland bees and hives23		
41	Persons or class of persons to whom the measures in this Part apply [s 45(d)].....	23
42	Interpretation	24
43	Hives transiting to and from Queensland.....	24
Schedule 1 – Emergency Zones.....25		

Part 1 Preliminary

1 Name of emergency order

This emergency order is the *Biosecurity (Varroa Mite) Emergency Order 2022 (No.16)*.

2 Commencement

This emergency order commences at the time a copy of the order is published in the NSW Government Gazette or on the Department's website, whichever occurs first.

3 Duration of emergency order [s 45(e), s 48]

This emergency order has effect for a period of 6 months from the date of commencement.

4 Emergency zone [s 45(b), s 49]

- (1) The *Varroa mite eradication emergency zone*, as shown in red on the map, are the areas within a 10 kilometre radius of an infected premises.
- (2) The *Varroa mite surveillance emergency zone*, as shown in purple on the map, are the areas within a 25 kilometre radius of an infected premises, excluding the Varroa mite eradication emergency zone.
- (3) The *Varroa mite notification emergency zone*, as shown in yellow on the map, are the areas within a 50 kilometre radius of an infected premises, excluding the Varroa mite eradication emergency zone and the Varroa mite surveillance emergency zone.
- (4) The *Varroa mite general emergency zone*, as shown in blue on the map, is the state of New South Wales, excluding the Varroa mite eradication emergency zone, the Varroa mite surveillance emergency zone and the Varroa mite notification emergency zone.
- (5) In this clause, *map* means the map published on the NSW Department of Primary Industries website at <https://www.dpi.nsw.gov.au/emergencies/biosecurity/current-situation/varroa-mite-emergency-response> at the time this order commences.

Note. Schedule 1 to this emergency order contains a copy of the map and is included for information purposes only.

5 Biosecurity matter and biosecurity risk [s 44(1), s 45(a)]

- (1) The biosecurity matter which is the subject of the biosecurity emergency is Varroa mite.
- (2) The biosecurity risk that is the subject of the biosecurity emergency is the risk of an adverse effect on the economy and the community that arises from the introduction, presence and spread of Varroa mite within the State.

Note. A biosecurity emergency was declared by the *Biosecurity (Varroa Mite) Emergency Order 2022* dated 24 June 2022.

6 Grounds for Order [s 44(2)]

- (1) The basis for being satisfied that there is a current biosecurity risk arising from the presence of Varroa mite in the State, is:
 - (a) Varroa mite is prohibited matter throughout the State.
 - (b) On 22 June 2022, Varroa mite was detected at two properties in Mayfield and Mayfield West, City of Newcastle.
 - (c) Varroa mite has been detected at numerous properties in New South Wales, and it is suspected to be present at other properties across New South Wales.
- (2) Varroa mite is spread by bees and hives that have been in contact with bees in the previous 10 days.
- (3) The basis for being satisfied that the biosecurity risk arising from the presence of Varroa mite in the State may have a significant biosecurity impact is that Varroa mite will have a significant economic impact on the beekeeping industry, which will in turn significantly impact pollination dependant industries and the production of horticulture in Australia.

7 Revocation of the Biosecurity (Varroa Mite) Emergency Orders 2022 [s 60(1)]

- (1) Except as provided by this clause, these emergency orders are revoked:
 - (a) *Biosecurity (Varroa Mite) Emergency Order 2022* dated 24 June 2022, published in the *NSW Government Gazette* No. 276 of Friday 24 June 2022 at pages 1 to 7,
 - (b) *Biosecurity (Varroa Mite) Emergency Order 2022 (No.2)* dated 26 June 2022, published on the Department's website,
 - (c) *Biosecurity (Varroa Mite) Emergency Order 2022 (No.3)* dated 28 June 2022, published on the Department's website,
 - (d) *Biosecurity (Varroa Mite) Emergency Order 2022 (No.4)* dated 30 June 2022, published in the *NSW Government Gazette* No. 288 of 1 July 2022 at pages 1 to 10,
 - (e) *Biosecurity (Varroa Mite) Emergency Order 2022 (No.5)* dated 2 July 2022, published in the *NSW Government Gazette* No. 290 of 2 July 2022 at pages 1 to 11,
 - (f) *Biosecurity (Varroa Mite) Emergency Order 2022 (No.6)* dated 3 July 2022, published in the *NSW Government Gazette* No. 291 of 3 July 2022 at pages 1 to 11,
 - (g) *Biosecurity (Varroa Mite) Emergency Order 2022 (No. 7)* dated 4 July 2022, published in the *NSW Government Gazette* No. 293 of 4 July 2022 at pages 1 to 11,
 - (h) *Biosecurity (Varroa Mite) Emergency Order 2022 (No. 8)* dated 5 July 2022, published in the *NSW Government Gazette* No. 294 of 5 July 2022 at pages 1 to 11,

- (i) *Biosecurity (Varroa Mite) Emergency Order 2022 (No. 9)* dated 7 July 2022, published in the *NSW Government Gazette* No. 297 of 7 July 2022 at pages 1 to 11,
 - (j) *Biosecurity (Varroa Mite) Emergency Order 2022 (No. 10)* dated 8 July 2022, published in the *NSW Government Gazette* No. 307 of 8 July 2022 at pages 1 to 11, and
 - (k) *Biosecurity (Varroa Mite) Emergency Order 2022 (No. 11)* dated 9 July 2022, published in the *NSW Government Gazette* No. 309 of 9 July 2022 at pages 1 to 12.
 - (l) *Biosecurity (Varroa Mite) Emergency Order 2022 (No. 12)* dated 10 July 2022, published in the *NSW Government Gazette* No. 310 of 10 July 2022 at pages 1 to 14.
 - (m) *Biosecurity (Varroa Mite) Emergency Order 2022 (No. 13)* dated 14 July 2022, published in the *NSW Government Gazette* No. 333 of 14 July 2022 at pages 1 to 15.
 - (n) *Biosecurity (Varroa Mite) Emergency Order 2022 (No. 14)* dated 17 July 2022, published in the *NSW Government Gazette* No. 324 of 17 July 2022 at pages 1 to 15.
 - (o) *Biosecurity (Varroa Mite) Emergency Order 2022 (No. 15)* dated 25 July 2022, published in the *NSW Government Gazette* No. 337 of 25 July 2022 at pages 1 to 17.
- (2) Clause 5(1) of the *Biosecurity (Varroa Mite) Emergency Order 2022* dated 24 June 2022 is not revoked.

8 Definitions

In this emergency order:

apiary equipment means anything that has been used or is designed to be used in relation to the acquisition or keeping of bees or in relation to the processing, handling or storing of apiary products, but does not include:

- (a) a hive,
- (b) a permitted bee feeder,
- (c) an intermediate bulk container,
- (d) a honey drum,
- (e) a pail,
- (f) new apiary equipment that has never been in contact with bees, or
- (g) apiary equipment that has been treated using the irradiation treatment method and has not had contact with bees since that treatment.

Note. A number of items in this definition, including ***hive*** and ***permitted bee feeder***, are separately defined in clause 8.

apiary product means anything produced by bees and includes pollen collected by bees, but does not include:

- (a) honey that has been processed,
- (b) rendered beeswax, or
- (c) new beeswax foundation.

bee has the same meaning as in the Act.

bee-proof means closing a hive or components of a hive with closures or wrapping the hive or components of a hive so that a bee from another hive cannot access the hive or hive component.

brood box means the component of the hive used by the queen to lay eggs for raising new bees and includes the frames.

extract, for honey means the process of removing honey from honeycomb so that it is isolated in a liquid form.

feral bees mean bees in the wild that have returned to a wild state.

hive means an artificial receptacle designed for housing living bees and includes the contents of the receptacle, but does not include:

- (a) a new hive that has never been in contact with bees, or
- (b) a hive that has been treated using the irradiation treatment method and has not had contact with bees since that treatment.

Note: A hive includes a nucleus beehive and a flow hive.

hive material includes honey, wax and any live or dead insect material contained in or on the honey super or any apiary equipment or that has leaked from the honey super or apiary equipment.

honey drum means a drum used for mass handling, transport and storage of up to 300 litres of honey.

honey super means the honey super component of the hive that is used to store a bee's honey and includes the frames and honey.

infected premises are premises where a mite species of the genus *Varroa* has been detected by either:

- (a) being observed by a person who is a technical expert, or a person who has undergone training by a technical expert in the field of identification of *Varroa* mite; or
- (b) diagnostic samples from a site have been received at a Department laboratory and confirmed positive by a diagnostician.

intermediate bulk container means an industrial-grade container engineered for the mass handling, transport and storage of up to 1000 litres of honey.

irradiation treatment method means treatment by irradiation at a gamma radiation dose of at least 10 kilo Gray.

new beeswax foundation means a flat sheet of beeswax that:

- (a) is embossed with the shape of the base of the cell,
- (b) is manufactured either by casting or rolling,

- (c) has had any impurities removed and which was done in such a way that ensured that any Varroa mite, if present, would also be removed, and
- (d) has not been in contact with bees after its manufacture.

pail means a an industrial-grade container engineered for the mass handling, transport and storage of up to 25 litres of honey.

permitted bee feeder means a device for feeding bees installed in or attached to a hive and that can only be accessed from inside that hive by the bees living in that hive. A permitted bee feeder must either:

- (a) be new, or
- (b) must not have had contact with bees in the 10 days before it is installed or attached.

Note: Sugar and sugar syrup left in the open for bees to access from other than a hive is not a permitted bee feeder.

person in charge, in relation to premises, an animal or thing includes:

- (a) the owner of the premises, animal or thing,
- (b) a person who has the premises, animal or thing in their possession, care, custody or control.

premises means:

- (a) a parcel of land,
- (b) several parcels of land which:
 - (i) are contiguous with one another or are separated from one another only by a road, river, creek or other watercourse, and
 - (ii) constitute or are worked as a single property, or
- (c) a single apiary site or apiary range, identified on the NSW Government BPass map at <https://bpass.dpi.nsw.gov.au/s/view-sites-public>.

processed, for honey, means:

- (a) honey that is for human consumption and suitable for retail sale or purchase at a food business, as defined in the *Food Act 2003*, section 6,
- (b) honey in an intermediate bulk container,
- (c) honey in a honey drum,
- (d) honey in a pail, and
- (e) any other honey that has been processed and packaged in such a way as to exclude Varroa mite.

queen bee means a single reproductive female bee.

registered commercial beekeeper means a person who has been granted biosecurity registration under Part 12 of the Act to engage in the registrable dealing of dealing with bees, where that registration is a business registration, or a person who is registered to keep bees under a corresponding law (within the meaning of clause 1, Schedule 4 to the Act).

rendered beeswax means raw beeswax that has been rendered using water and has not been in contact with bees after its manufacture.

surveillance action means any of the following:

- (a) shaking bees in fine sugar to enable the dislodgement of Varroa mite so to be able to detect the presence of Varroa mite (*sugar shake*),
- (b) uncapping the bee brood to inspect the brood for the presence of Varroa mite (*brood uncapping*), or
- (c) washing bees in ethanol to detach Varroa mites to inspect for the presence of Varroa mite (*ethanol washing*).

the Act means the *Biosecurity Act 2015*.

Varroa mite means *Varroa destructor*.

Varroa mite eradication emergency zone – see clause 4.

Varroa mite general emergency zone – see clause 4.

Varroa mite notification emergency zone – see clause 4.

Varroa mite surveillance emergency zone – see clause 4.

Part 2 Emergency measures – all emergency zones

9 Persons or class of persons to whom the measures in this Part apply [s 45(d)]

- (1) All persons in these emergency zones must comply with and implement the emergency measures specified in this Part:
 - (a) Varroa mite general emergency zone,
 - (b) Varroa mite eradication emergency zone,
 - (c) Varroa mite surveillance emergency zone, and
 - (d) Varroa mite notification emergency zone.
- (2) If this Part specifies that another person or class of persons must comply with and implement an emergency measure, then the measure only applies to that person or class of person.

10 Prohibitions on movement [s 50, s 51(c)]

- (1) Unless otherwise permitted by this emergency order, a person must not move any bees into, out of or within:
 - (a) the Varroa mite general emergency zone,
 - (b) the Varroa mite eradication emergency zone,
 - (c) the Varroa mite surveillance emergency zone, or
 - (d) the Varroa mite notification emergency zone.

- (2) A person may move any bees within premises to undertake a surveillance action, but if the premises are in more than one emergency zone, the person must not move the bees into a different emergency zone.
- (3) A person may move any bees within premises for the purposes of disposal and destruction if directed to by an authorised officer.
- (4) Unless otherwise permitted by this emergency order, a person must not move a hive or any bee feeder into, out of or within:
 - (a) the Varroa mite general emergency zone,
 - (b) the Varroa mite eradication emergency zone,
 - (c) the Varroa mite surveillance emergency zone, or
 - (d) the Varroa mite notification emergency zone.
- (5) A person may move a permitted bee feeder into and within premises to feed bees.
- (6) A person may move a hive or a permitted bee feeder within premises for disposal and destruction if directed by an authorised officer.
- (7) An authorised officer is authorised to move hives or any bee feeder for disposal and destruction, if the bees from the hive have been destroyed in accordance with clause (4).
- (8) A person in charge of premises must not permit another person to move any bees onto those premises.
- (9) A person must not accept or receive any bees that have been moved by another person.

11 Testing and surveillance [s 50, s 51(a), (i), s 91(1)(a), s 122(1)(a)]

- (1) A person in charge of hives must not move, remove or interfere with any testing material or equipment placed in a hive by an authorised officer as part of surveillance for Varroa mite.
- (2) An authorised officer is authorised to move bees or a Varroa mite carrier for the purpose of undertaking diagnostic testing or any other testing.
- (3) An authorised officer is authorised to destroy bees in the process of undertaking testing that is a surveillance action.
- (4) In this clause, a *Varroa mite carrier* includes:
 - (a) bees,
 - (b) apiary equipment,
 - (c) an apiary product, and
 - (d) a hive.

12 Feeding bees [s 50, s 51(a)]

A person must not feed bees unless using a permitted bee feeder.

13 Movement of hives for irradiation [s 50, s 51(c)]

- (1) A person may move a hive for the purpose of treatment using the irradiation treatment method if the hive:
 - (a) has had no contact with bees for 21 days before the date of movement, and
 - (b) is double bagged or wrapped in a way that does not allow contact with bees and remains in that state until it reaches the place at which the treatment will be conducted.
- (2) Before the hive is transported, the person must clean any apiary equipment that has had contact with the hive to remove any hive material and must not move that equipment out of the emergency zone in which the hive was originally located.

Part 3 Emergency measures - Varroa mite eradication emergency zone

Division 1 Preliminary

14 Persons or class of persons to whom the measures in this Part apply [s 45(d)]

- (1) All persons in charge of bees, hives, apiary equipment or premises in the Varroa mite eradication emergency zone must comply with and implement the emergency measures specified in this Part.
- (2) If this Part specifies that another person or class of persons must comply with and implement an emergency measure, then the measure applies to that person or class of person.

Division 2 General measures

15 Notification of bees [s 50, s 51(a)]

- (1) A person in charge of any bees must notify the Department of the location of those bees.
- (2) A person in charge of premises who becomes aware of, or suspects the presence of, a colony of feral bees which is located on the premises must notify the Department of the location of that colony.
- (3) A person who becomes aware of, or suspects the presence of, a colony of feral bees because of any consultation or other professional work carried out at premises must notify the Department of the location of that colony.
- (4) Notifications under this clause must be made:
 - (a) by telephone, to the Exotic Plant Pest Hotline 1800 084 881, or
 - (b) by electronic transmission, using a form at the location www.dpi.nsw.gov.au/varroa.

Note. Under the Act Varroa mite is prohibited matter throughout the State. There is a risk that Varroa mite is present in feral bee colonies. Section 30 of the Act imposes a biosecurity duty on the owner or person in charge of an animal or thing to immediately notify the Department if the person suspects the presence of prohibited matter in the State.

16 Prohibitions on movement [s 50, s 51c]

- (1) A person must not move apiary equipment into the Varroa mite eradication emergency zone unless the person requires that equipment to undertake a surveillance action in the Varroa mite eradication emergency zone.
- (2) A person must not move any apiary equipment out of the Varroa mite eradication emergency zone.
- (3) Nothing in this clause authorises the movement of any bees that have been subject to a surveillance action from premises in the Varroa mite eradication emergency zone.

17 Destruction of bees and hives [s 50, s 51(l), s 55(l), s 91(1)(a), s 122(1)(a)]

- (3) A person must make any bees and any hive of which they have care, custody or control available for destruction and removal by an authorised officer for the purposes of disposal and eradication.
- (4) An authorised officer is authorised to destroy the bees and any hive by:
 - (a) euthanising the bees,
 - (b) making the dead hive bee-proof,
 - (c) cleaning the location of the hive at the premises to remove the dead bees and any apiary products,
 - (d) burning or otherwise destroying the hive at the premises,
 - (e) moving the hives to another premises and then burning or otherwise destroying the hive, and
 - (f) any other destruction, disposal or eradication functions necessary to eradicate all hosts of Varroa mite and to prevent the survival of undetected hosts within the emergency zone.

18 Fipronil Baiting [s 50, s 51(e), (l), s 91(1)(a), s 122(1)(a)]

- (1) An authorised officer may place fipronil baits on any premises in the Varroa mite eradication zone.
- (2) The fipronil baits must be used in accordance with all Australian Pesticides and Veterinary Medicines Authority label directions and permit conditions.

Note. Access to residential premises for the purpose of this measure is governed by the Act.

Division 3 Management of hives - Tampering with hives and interfering with bees

19 Interpretation

In this Division:

AFB means American foulbrood (*Paenibacillus larvae*)

drone means a male bee.

empty honey super means a honey super with empty frames that, for 21 days before it is placed on another hive, has been kept in an enclosed, bee proof space and has had no contact with bees.

flow hive is a hive from which honey can be extracted using a tap

queen been excluder is a device made of mesh, that is inserted into a hive to prevent the queen bee travelling into a honey super

SHB means small hive beetle, *Aethina tumida* Murray, Order Coleoptera (beetles), which is a member of the Family Nitidulidae

suspect premises means premises containing bees or hives which may have been exposed to Varroa mite and which have been identified as suspect premises by the Department.

surveillance means washing bees in ethanol to detach Varroa mites to inspect for the presence of Varroa mite.

under-super means the honey super that formed part of the hive before the tampering occurred under this Division.

worker bee means a female bee that lacks the full reproductive capacity of the colony's queen bee.

20 Prohibition on tampering with hives and interfering with bees [s 50, s 51(a)]

Unless otherwise permitted by this Division, a person must not:

- (a) tamper with a hive, including by removing honey or honey comb from a hive, or
- (b) disturb or interfere with bees.

21 Direction of an authorised officer [s 50, s 51(a), s 91(1)(a), s 122(1)(a)]

A person may tamper with a hive, or disturb or interfere with bees if the person is directed to do so by an authorised officer.

22 Surveillance measures [s 50, s 51(a), (c), (i)]

A person may tamper with a hive or disturb or interfere with bees in that hive for the purpose of conducting surveillance.

Note. Under the Act Varroa mite is prohibited matter throughout the State. Section 30 of the Act imposes a biosecurity duty on the owner or person in charge of an animal or thing to immediately notify the Department if the person suspects the presence of Varroa mite in the State.

23 Tampering with hives - extraction of honey from honey supers [s 50, s 51(a), (e)]

- (1) If an authorised officer advises a person in charge of bees that the bees will be euthanised within 48 hours, the person may remove a honey super from a hive

and move the honey super to an enclosed, bee proof space, for the purpose of extracting honey that is an apiary product.

- (2) A person in charge of bees who is moving a honey super under subclause (1):
 - (a) may only move the honey super to premises within the Varroa mite eradication emergency zone and cannot enter a different emergency zone when moving the super, and
 - (b) must not move the brood box or any part of the brood box.
- (3) Before moving the honey super, the person in charge of bees must:
 - (a) decontaminate all vehicles to be used for transporting honey supers by removing any honey or wax from the interior or exterior of the vehicle by washing with warm, soapy water, and
 - (b) take all practicable measures to clear bees from the honey super before loading the honey supers onto a vehicle for transport,
 - (c) close the honey super so that no bees can enter and must ensure that the honey super remains closed until it reaches the enclosed, bee proof space,
 - (d) seal the honey super to make bee proof and prevent leakage of apiary product,
and
 - (e) fully cover honey super and any apiary equipment on the vehicle, while the honey supers are being moved.
- (4) The person transporting the honey super to the enclosed, bee proof space must transport the honey super by the most direct route and cannot transport honey supers from more than one premises at a time.
- (5) Immediately after arriving at the location at which the honey will be extracted, the person transporting the honey super must:
 - (a) unload the honey super from the vehicle, and
 - (b) move the honey super to the enclosed, bee proof space at which extraction of honey will occur,
- (6) Once the honey has been extracted, honey supers cannot be placed on another hive until they have been:
 - (a) stored in a bee proof manner for 21 days, or
 - (b) stored in cold storage at -20 degrees Celsius for 72 hours.

This clause does not authorise the movement or use of honey supers other than in accordance with this order.
- (7) After transporting the honey super, the person responsible for the transport must, before leaving the premises to which the honey super was transported:
 - (a) decontaminate the vehicle that was used to transport the honey super, and any apiary equipment used for the extraction of honey, that was on the vehicle when the honey super was transported or that may have otherwise had contact with bees or honey, by:
 - (i) scraping and cleaning any hive material that has leaked from the honey super or apiary equipment,

- (ii) placing that material into disposable garbage bag which must be sealed and stored in a way that ensures that the contents of the bag do not come into contact with bees for 21 days, and
 - (iii) removing any honey or wax from the interior or exterior of the vehicle by washing with warm, soapy water to remove honey and apiary product, and
- (b) take all reasonable measures to ensure that the vehicle and any clothing worn by the person is free from bees and mites.

Note: Clause 13 of the Biosecurity Regulation 2017 requires a person to ensure that any hive or other apiary equipment owned or operated by the person is protected so that a bee from another hive cannot take any honey that is in or on that hive or apiary equipment.

24 Tampering with hives – flow hives [s 50, s 51(a), (e)]

- (1) If an authorised officer advises a person in charge of bees that the bees will be euthanised within 48 hours, the person may tamper with a flow hive to extract honey from the hive, via the tap that is part of the hive.
- (2) Any honey extracted under this clause must be stored in a bee proof container. The extracted honey must never be exposed to bees.
- (3) After extraction, persons in charge of bees may remove a honey super from a flow hive and move the honey super to an enclosed, bee proof space for storage.
- (4) A person in charge of bees who is moving a honey super under subclause (3) may only move the honey super to premises within the Varroa mite eradication emergency zone and cannot enter a different emergency zone when moving the super.
- (5) Before moving the honey super, the person in charge of bees must:
 - (c) decontaminate all vehicles to be used for transporting honey supers by removing any honey or wax from the interior or exterior of the vehicle by washing with warm, soapy water, and
 - (d) take all practicable measures to clear bees from the honey super before loading the honey supers onto a vehicle for transport,
 - (e) close the honey super so that no bees can enter and must ensure that the honey super remains closed until it reaches the enclosed, bee proof space,
 - (f) seal the honey super to make bee proof and prevent leakage of apiary product,
and
 - (g) fully cover honey super and any apiary equipment on the vehicle, while the honey supers are being moved.
- (6) The person transporting the honey super to the enclosed, bee proof space must transport the honey super by the most direct route and cannot transport honey supers from more than one premises at a time.

- (7) Immediately after arriving at the location where the honey super will be stored, the person transporting the honey super must:
 - (a) unload the honey super from the vehicle, and
 - (b) move the honey super to the enclosed, bee proof space
- (8) Honey supers cannot be placed on another hive until they have been:
 - (a) stored in a bee proof manner for 21 days, or
 - (b) stored in cold storage at -20 degrees Celsius for 72 hours.

This clause does not authorise the movement or use of honey supers other than in accordance with this order.

- (9) After transporting the honey super, the person responsible for the transport must, before leaving the premises to which the honey super was transported:
 - (a) decontaminate the vehicle that was used to transport the honey super, and any apiary equipment used for the extraction of honey, that was on the vehicle when the honey super was transported or that may have otherwise had contact with bees or honey, by:
 - (i) scraping and cleaning any hive material that has leaked from the honey super or apiary equipment,
 - (ii) placing that material into disposable garbage bag which must be sealed and stored in a way that ensures that the contents of the bag do not come into contact with bees for 21 days, and
 - (iii) removing any honey or wax from the interior or exterior of the vehicle by washing with warm, soapy water to remove honey and apiary product, and
 - (b) take all reasonable measures to ensure that the vehicle and any clothing worn by the person is free from bees and mites.

Note: Clause 13 of the Biosecurity Regulation 2017 requires a person to ensure that any hive or other apiary equipment owned or operated by the person is protected so that a bee from another hive cannot take any honey that is in or on that hive or apiary equipment.

25 Preventing swarming – premises that are not infected premises or suspect premises [s 50, s 51(a), (c), (i)]

- (1) This clause applies to a person in charge of bees at premises that are not infected premises or suspect premises.
- (2) A person may tamper with a hive and disturb or interfere with bees to prevent swarming by placing an empty honey super on the hive to create space.
- (3) A person may only move an empty super for the purpose of managing swarming:
 - (a) directly to the premises where the hives are located from the enclosed, bee proof space at which the empty super has been kept,
 - (b) without stopping at any other premises at which bees or hives are present, and

- (c) by only carrying empty supers intended for hives at the premises, and no other empty supers
- (d)

Note: movement of apiary equipment into and out of the Varroa mite eradication zone is prohibited by clause 16 of this emergency order.

- (4) Once the empty honey super is placed on the hive, it must remain on the hive, and the person cannot
 - (a) harvest the honey, or
 - (b) move the hive or any of the components of the hive, except in accordance with clauses 23 and 24, above.

26 Queenless hives [s 50, s 51(a), (c), (l)]

- (1) A person may tamper with a hive and interfere with bees if the colony of bees in the hive does not have a functional queen bee (*queenlessness*) by:
 - (a) sealing the entrance to the hive,
 - (b) euthanising the bees in the hive with petrol, and
 - (c) wrapping the hive so that the hive is bee proof and keeping the hive bee-proof for 21 days.
- (2) The person may tamper with the hive to manage queenlessness once only and cannot move or further tamper with the hive, unless directed to by an authorised officer.

27 Deadout hives [s 50, s 51(a), (c), (l)]

- (1) A person may tamper with a hive and interfere with bees if the colony of bees has died or absconded (*deadout*) by:
 - (a) sealing the entrance to the hive, and
 - (b) wrapping the hive so that the hive is bee proof and keeping the hive bee-proof for 21 days.
- (2) The person may tamper with the hive to manage a deadout once only and cannot move or further tamper with the hive, unless directed to by an authorised officer.

28 American foulbrood and small hive beetle [s 50, s 51(a), (c), (l)]

- (1) A person may tamper with a hive and interfere with bees if the person detects or suspects the presence of AFB or SHB by:
 - (a) sealing the entrance to the hive,
 - (b) euthanising the bees in the hive with petrol, and
 - (c) wrapping the hive so that the hive is bee proof and keeping the hive bee-proof for 21 days.

- (2) The person may tamper with the hive to manage AFB or SHB once only and cannot move or further tamper with the hive unless directed to by an authorised officer.

29 Record-keeping [s 50]

- (1) A person who tampers with a hive or interferes with bees under this Division must record:
 - (a) the date on which the person attended premises at which bees are located, and the location of those premises, and
 - (b) the date on which tampering or interference occurred and the location of those activities.
- (2) Records required to be made under this clause:
 - (a) kept by the person who tampered with the hive or interfered with bees for 12 months, and
 - (b) provided to an authorised officer, on request.

30 Decontamination measures [s 50, s 52(1)]

- (1) A person who transports apiary equipment used to tamper with a hive under this Division must before leaving the premises to which the hive is located must decontaminate the vehicle that was used to transport the apiary equipment by:
 - (a) scraping and cleaning any hive material that has leaked from the honey super or apiary equipment,
 - (b) placing that material into disposable garbage bag which must be sealed and stored in a way that ensures that the contents of the bag do not come into contact with bees for 21 days, and
 - (c) washing surfaces of the vehicle with warm and soapy water to remove honey and apiary product,
 - (d) after 21 days, disposing of the hive material, in the manner and location directed by an authorised officer.
- (2) A person who transports apiary equipment used to tamper with a hive or who tampers with a hive under this Division must decontaminate the clothing the person wore when they had contact with apiary equipment, hive or bees by:
 - (a) laundering the clothing using detergent and hot water (to a temperature of at least 60 degrees Celsius) for at least 20 minutes, or
 - (b) by freezing the clothing by keeping it at -20 degrees Celsius for at least 24 hours.

Part 4 Emergency measures – Varroa mite surveillance emergency zone

31 Persons or class of persons to whom the measures in this Part apply [s 45(d)]

- (1) All persons in charge of bees, hives, apiary equipment or premises in the Varroa mite surveillance emergency zone must comply with and implement the emergency measures specified in this Part.
- (2) If this Part specifies that another person or class of persons must comply with and implement an emergency measure, then the measure applies to that person or class of person.

32 Notification of bees [s 50, s 51(a)]

- (1) A person in charge of any bees must notify the Department of the location of those bees.
- (2) A person in charge of premises who becomes aware of, or suspects the presence of, a colony of feral bees which is located on the premises must notify the Department of the location of that colony.
- (3) A person who becomes aware of, or suspects the presence of, a colony of feral bees because of any consultation or other professional work carried out at premises must notify the Department of the location of that colony.
- (4) Notifications under this clause must be made:
 - (a) by telephone, to the Exotic Plant Pest Hotline 1800 084 881, or
 - (b) by electronic transmission, using a form at the location www.dpi.nsw.gov.au/varroa.

Note.

Under the Act Varroa mite is prohibited matter throughout the State. There is a risk that Varroa mite is present in feral bee colonies. Section 30 of the Act imposes a biosecurity duty on the owner or person in charge of an animal or thing to immediately notify the Department if the person suspects the presence of prohibited matter in the State.

Notifications may be made by telephone to the Exotic Plant Pest Hotline 1800 084 881.

33 Prohibitions on movement [s 50, s 51c)]

- (1) A person must not move apiary equipment into or out of the Varroa mite surveillance emergency zone unless the person requires that equipment to undertake a surveillance action in the Varroa mite surveillance emergency zone.
- (2) Nothing in this clause authorises the movement of any bees that have been subject to a surveillance action from premises in the Varroa mite surveillance emergency zone.

34 Fipronil Baiting [s 50, s 51(e), (l), s 91(1)(a), s 122(1)(a)]

- (1) An authorised officer may place fipronil baits on any premises in the Varroa mite surveillance zone.

- (2) The fipronil baits must be used in accordance with all Australian Pesticides and Veterinary Medicines Authority label directions and permit conditions.

Note. Access to residential premises for the purpose of this measure is governed by the Act.

35 Moving of honey supers and extraction of honey [s 50, s 51(a), s 51 (c)]

- (1) A person may move a honey super to an enclosed, bee proof space for the purpose of extracting honey that is an apiary product.
- (2) A person who is moving a honey super under subclause (1) may only move the honey super to premises within the same emergency zone and cannot enter a different emergency zone when moving the super.
- (3) Before moving the honey super, the person must:
 - (a) take all practicable measures to clear bees from the honey super before loading the honey supers onto a vehicle for transport.
 - (b) close the honey super so that no bees can enter and must ensure that the honey super remains closed until it reaches the enclosed, bee proof space, and
- (4) The person transporting the honey super to the enclosed, bee proof space must transport the honey super by the most direct route and cannot transport honey supers from more than one premises at a time.
- (5) After transporting the honey super, the person responsible for the transport must, before leaving the premises to which the honey super was transported:
 - (a) decontaminate the vehicle that was used to transport the honey super and any apiary equipment used for the extraction of honey, on the vehicle when the honey super or that have otherwise had contact with bees or honey by:
 - (i) scraping and cleaning any hive material that has leaked from the honey super or apiary equipment, and
 - (ii) placing that material into disposable garbage bag which must be sealed and stored in a way that ensures that the contents of the bag do not come into contact with bees for 21 days, and
 - (iii) washing surfaces with warm, soapy water to remove honey and apiary product
 - (b) take all reasonable measures to ensure that the vehicle and any clothing is free from bees.
- (6) If a honey super has no contact with bees in the 21 days after the honey extraction is completed, the person may move the honey super to premises within the same emergency zone.
- (7) After 21 days, the hive material and the disposable garbage bag may be disposed of at a waste or resource management facility or in another way that ensures the contents of the bag do not come in contact with bees.

Note: Clause 13 of the Biosecurity Regulation 2017 requires a person to ensure that any hive or other apiary equipment owned or operated by the person is protected so that a bee from another hive cannot take any honey that is in or on that hive or apiary equipment.

Part 5 Emergency measures – Varroa mite notification emergency zone

36 Persons or class of persons to whom the measures in this Part apply [s 45(d)]

- (1) All persons in charge of bees, hives or premises in the Varroa mite notification emergency zone must comply with and implement the emergency measures specified in this Part.
- (2) If this Part specifies that another person or class of persons must comply with and implement an emergency measure, then the measure applies to that person or class of person.

37 Notification of bees [s 50, s 51(a)]

- (1) A person in charge of any bees must notify the Department of the location of those bees.
- (2) A person in charge of premises who becomes aware of, or suspects the presence of, a colony of feral bees which is located on the premises must notify the Department of the location of that colony.
- (3) A person who becomes aware of, or suspects the presence of, a colony of feral bees because of any consultation or other professional work carried out at premises must notify the Department of the location of that colony.
- (4) Notifications under this clause must be made:
 - (a) by telephone, to the Exotic Plant Pest Hotline 1800 084 881, or
 - (b) by electronic transmission, using a form at the location www.dpi.nsw.gov.au/varroa.

Note.

Under the Act Varroa mite is prohibited matter throughout the State. There is a risk that Varroa mite is present in feral bee colonies. Section 30 of the Act imposes a biosecurity duty on the owner or person in charge of an animal or thing to immediately notify the Department if the person suspects the presence of prohibited matter in the State.

Notifications may be made by telephone to the Exotic Plant Pest Hotline 1800 084 881.

38 Moving of honey supers and extraction of honey [s 50, s 51(a), s 51 (c)]

- (1) A person may move a honey super to an enclosed, bee proof space for the purpose of extracting honey that is an apiary product.
- (2) The person must move the honey super to premises within the same emergency zone and cannot enter a different emergency zone when moving the supers.
- (3) Before moving the honey super, the person must:
 - (a) take all practicable measures to clear bees from the honey super before loading the honey supers onto a vehicle for transport.
 - (b) close the honey super so that no bees can enter and must ensure that the honey super remains closed until it reaches the enclosed, bee proof space, and

- (4) The person transporting the honey super to the enclosed, bee proof space must transport the honey super by the most direct route and cannot transport honey supers from more than one premises at a time.
- (5) After transporting the honey super, the person responsible for the transport must before leaving the premises to which the honey super was transported:
 - (a) decontaminate the vehicle that was used to transport the honey super and any apiary equipment used for the extraction of honey, on the vehicle when the honey super or that have otherwise had contact with bees or honey by:
 - (i) scraping and cleaning any hive material that has leaked from the honey super or apiary equipment, and
 - (ii) placing that material into disposable garbage bag which must be sealed and stored in a way that ensures that the contents of the bag do not come into contact with bees for 21 days, and
 - (iii) washing surfaces with warm, soapy water to remove honey and apiary product; and
 - (b) take all reasonable measures to ensure that the vehicle and any clothing is free from bees and mites.
- (6) If a honey super had no contact with bees in the 21 days after the honey extraction is completed, the person may move the honey super to premises within the same emergency zone.
- (7) After 21 days, the hive material and the disposable garbage bag may be disposed of at a waste or resource management facility or in another way that ensures the contents of the bag do not come in contact with bees.

Note: Clause 13 of the Biosecurity Regulation 2017 requires a person to ensure that any hive or other apiary equipment owned or operated by the person is protected so that a bee from another hive cannot take any honey that is in or on that hive or apiary equipment.

Part 6 Emergency measures – Varroa mite general emergency zone

39 Persons or class of persons to whom the measures in this Part apply [s 45(d)]

- (1) All persons in charge of bees, hives, apiary equipment or premises in the Varroa mite general emergency zone must comply with and implement the emergency measures specified in this Part.
- (2) If this Part specifies that another person or class of persons must comply with and implement an emergency measure, then the measure applies to that person or class of person.

40 Moving of honey supers and extraction of honey [s 50, s 51(a), s 51 (c)]

- (1) A person may move a honey super to an enclosed, bee proof space for the purpose of extracting honey that is an apiary product.
- (2) The person must move the honey super to premises within the same emergency zone and cannot enter a different emergency zone when moving the supers.

- (3) Before moving the honey super, the person must:
 - (a) close the honey super so that no bees can enter and must ensure that the honey super remains closed until it reaches the enclosed, bee proof space, and
 - (b) take all practicable measures to clear bees from the honey super before loading the honey supers onto a vehicle for transport.
- (4) The person transporting the honey super to the enclosed, bee proof space must transport the honey super by the most direct route and cannot transport honey supers from more than one premises at a time.
- (5) After transporting the honey super, the person responsible for the transport must before leaving the premises to which the honey super was transported:
 - (a) decontaminate the vehicle that was used to transport the honey super and any apiary equipment by:
 - (i) scraping and cleaning any hive material that has leaked from the honey super or apiary equipment,
 - (ii) placing that material into disposable garbage bag which must be sealed and stored in a way that ensures that the contents of the bag do not come into contact with bees for 21 days, and
 - (iii) washing surfaces with warm, soapy water to remove honey and apiary product; and
 - (b) take all reasonable measures to ensure that the vehicle and any clothing is free from bees.
- (6) If a honey super had no contact with bees in the 21 days after the honey extraction is completed, the person may move the honey super to premises within the same emergency zone.
- (7) After 21 days, the hive material and the disposable garbage bag may be disposed of in way that ensures the contents of the bag do not come in contact with bees.

Note: Clause 13 of the Biosecurity Regulation 2017 requires a person to ensure that any hive or other apiary equipment owned or operated by the person is protected so that a bee from another hive cannot take any honey that is in or on that hive or apiary equipment.

Part 7 Queensland bees and hives

41 Persons or class of persons to whom the measures in this Part apply [s 45(d)]

- (1) All registered beekeepers must comply with and implement the emergency measures specified in this Part.
- (2) If this Part specifies that another person or class of persons must comply with and implement an emergency measure, then the measure applies to that person or class of person.

42 Interpretation

In this Part:

Coffs Harbour emergency zones means those parts of the Varroa mite eradication emergency zone, Varroa mite surveillance emergency zone and the Varroa mite notification emergency zone that are in the vicinity of the City of Coffs Harbour as shown on the map published on the NSW Department of Primary Industries website at <https://www.dpi.nsw.gov.au/emergencies/biosecurity/current-situation/varroa-mite-emergency-response>.

Narrabri emergency zones means those parts of the Varroa mite eradication emergency zone, Varroa mite surveillance emergency zone and the Varroa mite notification emergency zone that are in the vicinity of the town of Narrabri as shown on the map published on the NSW Department of Primary Industries website at <https://www.dpi.nsw.gov.au/emergencies/biosecurity/current-situation/varroa-mite-emergency-response>.

43 Hives transiting to and from Queensland

- (1) A registered commercial beekeeper may, for the purpose of transiting through the State move hives and any bees housed those hives:
 - (a) into the Varroa mite general biosecurity zone from Queensland, or
 - (b) out of the Varroa mite general biosecurity zone into Queensland.
- (2) This clause does not apply to:
 - (a) any hive that was in the Narrabri emergency zone after 30 April 2022,
 - (b) any hive that was in the Coffs Harbour emergency zone after 26 July 2022, or
 - (c) any hive that was in the Varroa mite eradication emergency zone, Varroa mite surveillance emergency zone or the Varroa mite notification emergency zone in the 24-month period before the date this emergency order commenced.
- (3) A registered commercial beekeeper must not move hives or any bees housed in those hives through the Varroa mite eradication emergency zone, Varroa mite surveillance emergency zone or the Varroa mite notification emergency zone.
- (4) From the time the registered commercial beekeeper enters the State with hives and bees, the beekeeper must remain in the State:
 - (a) for the shortest time reasonably practicable, and
 - (b) no longer than 48 hours.
- (5) The registered commercial beekeeper must ensure that the hives are wrapped in a way that does not allow contact with bees and that the hive remains in that state while in the State.

Schedule 1 – Emergency Zones

