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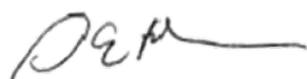
Biosecurity (white spot disease – Clarence River) Control Order 2023

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 February 2023



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 – Clarence River) Control Order 2023*.

2 Commencement and duration

This Control Order commences on 15 February 2023 and has effect for the period up to and including 1 March 2023.

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:

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

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 Clarence River Control Zone 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 authorisation of a competent authority so that all protein is coagulated and no uncoagulated 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 rocklobster (family Palinuridae).

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.

the Act means the *Biosecurity Act 2015*.

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 farmed 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 and eradicated from a commercial prawn-farming premises in New South Wales. In February 2023, it was detected at a prawn-farming premises in New South Wales,
- (d) the wild crustacean population of New South Wales remains free of white spot disease, and
- (e) control measures are required to provide for incident response surveillance and investigations to be completed to collect evidence that will inform risk-based longer term management measures 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 (***Clarence River Control Zone***) is the area covering the following:

- (a) all areas adjacent to the Clarence River authorised by an aquaculture permit issued under the *Fisheries Management Act 1994*,
- (b) the Clarence River consisting of all waters within the boundary, commencing at a point at Mean High Water Mark at Angourie Point, 29°29.050' S and 153°22.130' E, then east 0.5 nautical miles to a point 29°29.180' S and 153°22.720' E, then 2.7 nautical miles north to a point adjacent to Yamba Point at 29°26.480' S and 153°23.120' E, then to a point 0.6 nautical miles east of the Iluka Breakwall at 29°25.600' S and 153°23.020' E, then north to a point 0.85 nautical miles from Woody Head at 29°22.400' S and 153°23.460' E, then west to the Mean High Water Mark at S29°22.650'S and 153°22.380'E along the ocean shore south to the point of commencement at Angourie Point (references to directions are indicative only), and upstream to the vehicular ferry at Ulmarra, and
- (c) all waters of Lake Wooloweyah. The boundary between Lake Wooloweyah and Oyster Channel is determined by a line drawn from the south eastern extremity of Joss Island to the eastern extremity of Corokos Island, and the boundary between Lake Wooloweyah and Palmer's Channel is determined by a line drawn from the southern most extremity of the eastern and western banks of Palmer's Channel where it meets Lake Wooloweyah.

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 that are in the Clarence River Control Zone,
 - (b) decapod crustaceans and polychaete worms that have had contact with decapod crustaceans or polychaete worms from the Clarence River Control Zone,
 - (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 Clarence River Control Zone.
- (2) A person must not move any thing to which this clause applies out of the Clarence River 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 out of the Clarence River 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 Clarence River Control Zone

A person may move uncooked decapod crustaceans, other than live decapod crustaceans, from the Clarence River Control Zone into and within the rest of New South Wales if:

- (a) it is for the purpose of commercial sale, and
- (b) the decapod crustaceans:
 - (i) originated from outside the Clarence River Control Zone and only entered the zone for the purpose of transiting through the zone,
 - (ii) are transported by the most direct route to the intended destination,
 - (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 *Biosecurity Regulation 2017* 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 out of Clarence River Control Zone

- (1) A person may move an uncooked decapod crustacean that is an excluded carrier from the Clarence River Control Zone into and within the rest of New South Wales if the uncooked decapod crustacean:
 - (a) is being moved for human consumption, and it is cooked as soon as practicable after arrival at its destination, 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 out of the Clarence River 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 Clarence River Control Zone where the excluded carrier was captured or harvested.

11 Prohibition on movement of uncooked decapod crustaceans collected prior to commencement of Order

- (1) On the basis that this control measure is reasonably necessary having regard to the nature of the biosecurity risk posed by the white spot disease, this control measure applies both within and outside the Clarence River Control Zone, to the State of New South Wales.
- (2) A person who is in possession of an uncooked decapod crustacean or polychaete worm, other than an excluded carrier, that was taken from the Clarence River Control Zone on and from 12 February 2023 to the commencement of this Control Order:
 - (a) must not move the uncooked decapod crustacean or polychaete worm, and
 - (b) must contact the Department of Primary Industries as soon as practicable by either:
 - (i) calling the Emergency Animal Disease Hotline on 1800 675 888, or
 - (ii) emailing aquatic.imports@dpi.nsw.gov.au.