



Government Gazette

of the State of

New South Wales

Number 357–Environment

Tuesday, 15 August 2023

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Biosecurity (Varroa Mite) Emergency Order (No.28) 2023

under the

Biosecurity Act 2015

I, SHANE HETHERINGTON, Acting 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 15th day of August 2023

Time: 12:30

A handwritten signature in black ink, appearing to read 'S.D. Hetherington', with a stylized flourish at the end.

SHANE HETHERINGTON
Acting Chief Plant Protection Officer
Department of Primary Industries
Department of Regional NSW

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Part 1 Preliminary

1 Name of emergency order

This emergency order is the *Biosecurity (Varroa Mite) Emergency Order (No.28) 2023*.

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 until 22 December 2023.

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:

- (a) within a 10 kilometre radius of an infected premises, or
- (b) not within a 10 kilometre radius of an infected premises, but:
 - (i) completely surrounded by the areas that are within a 10 kilometre radius of an infected premises, or
 - (ii) surrounded on three sides by areas that are within a 10 kilometre radius of an infected premise and bounded on the fourth side by the coastline of New South Wales at mean low water.

(2) The *Varroa mite surveillance emergency zone*, as shown in purple on the map, are the areas, excluding the Varroa mite eradication emergency zone:

- (a) within a 25 kilometre radius of an infected premises, or
- (b) not within a 25 kilometre radius of an infected premises, but surrounded on three sides by areas that are within a 25 kilometre radius of an infected premise and bounded on the fourth side by the coastline of New South Wales at mean low water.

(3) 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 and the Varroa mite surveillance emergency zone.

(4) 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.

6 Declaration of biosecurity emergency [s44(1)]

A biosecurity emergency is declared commencing at the time this order commences and ending on 22 December 2023.

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

7 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) On 24 June 2022, a biosecurity emergency was declared because of the biosecurity risk arising from the presence of Varroa mite within the State.
 - (d) 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.
 - (e) In December 2022, new infected premises were detected and testing and surveillance continued on suspect premises and trace premises and eradication continued on infected premises, making it necessary to extend the declaration of emergency for an additional 6 months.
 - (f) In June 2023, targeted surveillance is continuing to detect Varroa mite, and widespread baiting is still required to manage the risk of Varroa mite, making it necessary to extend the declaration of emergency for an additional 6 months.
- (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.

8 Revocation of the Biosecurity (Varroa Mite) Emergency Orders 2023 [s 60(1)]

Biosecurity (Varroa Mite) Emergency Order (No. 27) 2023 dated 8 August 2023, published in the *NSW Government Gazette* No 348 of 8 August 2023 at pages 1 to 28 is revoked as is any emergency order revived because of this revocation.

9 Definitions

In this emergency order:

alcohol means 100% ethanol, isopropyl alcohol or methylated spirits.

alcohol washing means washing a sample of at least 300 bees from the brood box of a hive, in alcohol to detach Varroa mites to inspect for the presence of Varroa mite.

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 9.

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, in relation to a hive means securing a hive or components of a hive to ensure that 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.

Coffs Harbour emergency zones means those parts of the Varroa mite eradication emergency zone and the Varroa mite surveillance 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>.

empty honey super means a honey super empty of bees at any life stage and any debris and hive material that:

- (a) has been kept:
 - (i) in an enclosed, bee-proof space, for 21 days, or
 - (ii) in cold storage at -15 degrees Celsius or colder, for 72 hours, and
- (b) has had no subsequent contact with bees.

escort bees means the bees that accompany queen bees.

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

feral bees mean bees of the species *Apis mellifera* L. in the wild and in a wild state.

fipronil bait includes the use of sugar and sugar syrup for the purpose of luring bees to feed at a bait station.

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.

Narrabri emergency zones means those parts of the *Varroa* mite eradication emergency zone, and the *Varroa* mite surveillance 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>.

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.

NSW means the State of New South Wales.

pail means 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 that is:

- (a) new, or
- (b) has not 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.

qualified pest controller means the holder of a pest management technician licence issued by the Environment Protection Authority (NSW).

queen bee means a reproductive single female bee or a female bee that is capable of reproducing.

queen cell means a pupating queen bee.

registered 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.

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**),
- (c) washing bees in ethanol to detach Varroa mites to inspect for the presence of Varroa mite (**ethanol washing**), or
- (d) an authorised officer inserting miticide strips into a hive to dislodge Varroa mite onto sticky mats for inspecting for the presence of Varroa mite in a laboratory.

swarm means a natural assemblage of feral bees in a migratory state that has separated from a hive or wild nest with the intention of establishing a new colony at another location.

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 surveillance emergency zone – see clause 4.

Part 2 Emergency measures – all emergency zones

10 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, and
 - (c) Varroa mite surveillance 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.

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

- (1) Unless otherwise permitted by this emergency order, a person must not move any bees, hives, or bee feeders into, out of or within:
 - (a) the Varroa mite general emergency zone,
 - (b) the Varroa mite eradication emergency zone, or
 - (c) the Varroa mite surveillance 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) A person may move a queen bee with any escort bees, and a queen cell if the movement is authorised by clause 42, clause 48 or clause 52.
- (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) The following persons are 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 21(3):
 - (a) an authorised officer, or
 - (b) a person directed to do so by an authorised officer.
- (8) Unless otherwise permitted by this emergency order, a person in charge of premises must not permit another person to move any bees onto those premises.
- (9) Unless otherwise permitted by this emergency order, a person must not accept or receive any bees that have been moved by another person.

12 Testing and surveillance by authorised officers and qualified pest controllers [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 or qualified pest controller is authorised to collect and move dead bees or a Varroa mite carrier for the purpose of undertaking diagnostic testing or any other testing.
- (3) Any dead bees or Varroa mite carrier that is moved under this clause must be double bagged or wrapped in a way that does not allow contact with bees and

remains in that state until it reaches the place where the diagnostic testing or other testing is to be carried out.

- (4) An authorised officer is authorised to destroy bees in the process of undertaking testing that is a surveillance action.
- (5) In this clause, a *Varroa mite carrier* includes:
 - (a) apiary equipment,
 - (b) an apiary product, and
 - (c) a hive.

13 Testing and surveillance [s 50, s 51(a), (i)]

- (1) A person in charge of hives must:
 - (a) at least once in every 16 week period, complete an alcohol wash on the hives and any bees housed in those hives in accordance with the alcohol washing requirements, and
 - (b) no later than 7 days after completing the alcohol wash, report the results of the alcohol wash to the Department by electronic communication, using the form at www.dpi.nsw.gov.au/alcohol-wash.
- (2) Subclause (1) is taken to have been complied with if an authorised officer has undertaken surveillance action of the hives in the previous 16 weeks.
- (3) Where a person in charge of hives is in charge of hives at multiple premises, that person must satisfy the requirements of this clause at each premises.
- (4) In this clause:

alcohol washing requirements means carrying out alcohol washing on the hives as follows:

 - (a) if the person is in charge of less than 26 hives at a premises – alcohol washing of all hives, or
 - (b) if the person is in charge of more than 26 hives at a premises – alcohol washing of 26 of hives.

14 Chemical treatment of hives [s 50, s 51(a) and (e)]

A person must not apply a chemical to a hive for the purpose of controlling or suppressing Varroa mite in that hive unless:

- (a) directed by an authorised officer, or
- (b) otherwise permitted by this emergency order.

15 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 debris and hive material and must not move that equipment out of the emergency zone in which the hive was originally located.

16 Feral bees [s 50, s 51(a), (c)]

- (1) Unless otherwise permitted by this emergency order, a person must not interfere with or move feral bees.
- (2) A person may destroy feral bees within premises with an insecticide for destroying bees, if the destruction is in accordance with all label directions or Australian Pesticides and Veterinary Medicines Authority permit directions.
- (3) A registered beekeeper or qualified pest controller may move feral bees from a feral bee colony to a container, but only for the purpose of destruction of those bees.
- (4) A registered beekeeper or qualified pest controller may move the container in which the feral bees are kept to another location at which the feral bees will be destroyed, but only if that location is within the same emergency zone.
- (5) Any feral bees that are moved for the purpose of destruction must be destroyed as soon as practicable after reaching the destination at which they will be destroyed.

17 Authorised officer authorisations [s 50, s 91(1)(a), s 131]

At any place in an emergency zone specified in this Order, an authorised officer is authorised to direct a person to:

- (a) stop a vehicle so that the authorised officer may inspect the vehicle and anything in it,
- (b) permit the authorised officer to inspect the vehicle and any thing in that vehicle, and
- (c) permit the authorised officer to inspect any fittings in the vehicle.

Part 3 Emergency measures - Varroa mite eradication emergency zone

Division 1 Preliminary

18 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

19 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 <https://nswfoodauthority-dpi-online-forms.app.oneblink.io/forms/12288>.

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.

20 Prohibitions on movement of apiary equipment [s 50, s 51(c)]

- (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.

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

- (1) A person must make any bees and any hive in the Varroa mite eradication emergency zone of which they have care, custody or control available for destruction and removal by an authorised officer for the purposes of disposal and eradication.
- (2) A person may destroy any bees of which they have care, custody or control if directed to do so by an authorised officer.
- (3) 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 hive 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.
- (4) A person may store a dead hive in a bee-proof manner if directed by an authorised officer.
- (5) In this clause, **dead hive** means a hive in which all bees have been destroyed in accordance with this clause.

22 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 emergency 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.

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

Unless otherwise permitted by this emergency order, a person must not feed bees except when using a permitted bee feeder.

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

24 Interpretation

In this Division:

AFB means American foulbrood (*Paenibacillus larvae*).

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

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.

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

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

- (a) tamper with a hive, including removal of honey or honeycomb from a hive, or
- (b) disturb or interfere with bees.

26 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.

Note: a person may destroy bees if directed to do so by an authorised officer under clause 21.

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

- (1) A 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.
- (2) In the case of a flow hive, a person may tamper with the hive to extract honey from the hive via the tap that is part of the hive and then remove the honey super and move the honey super to an enclosed, bee-proof space.
- (3) The person who is moving a honey super under this clause:
 - (a) may move the honey super from the hive to the enclosed, bee-proof space for honey extraction,
 - (b) at the completion of honey extraction, must either leave the honey super in the enclosed bee-proof space, or directly move the honey super back to the same hive from which the super was removed and place it on that hive,
 - (c) 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

- (d) must not move the brood box or any part of the brood box.
- (4) Before moving the honey super, the person must:
 - (a) decontaminate the vehicle to be used for transporting the honey super by removing any honey or wax from the interior or exterior of the vehicle by washing with warm, soapy water,
 - (b) take all practicable measures to clear bees from the honey super, and
 - (c) seal the honey super to make bee-proof and prevent leakage of apiary product.
- (5) The person transporting the honey super must:
 - (a) ensure that the honey super and any apiary equipment on the vehicle are fully covered while being moved, and
 - (b) ensure that the honey super remains sealed until it reaches the enclosed, bee-proof space, and if being placed back on the same hive from which it was removed, sealed until it is placed back on the hive.
- (6) The person transporting the honey super under this clause 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 premises 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.
- (8) Once the honey has been extracted, a honey super may be:
 - (a) stored in a bee-proof manner,
 - (b) transported back to the same hive from which it was removed, and placed on that hive, or
 - (c) placed on any other hive if it is an empty honey super.

Notes.

1. Clause 29 authorises the movement of empty honey supers within the Varroa mite eradication emergency zone.
 2. Once a honey super has been stored in a bee-proof manner for 21 days, or stored in cold storage at -15 degrees Celsius for 72 hours, and has had no subsequent contact with bees, it becomes an empty honey super.
- (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 a 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 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.

28 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 honey super for the purpose of managing swarming:
 - (a) directly from the enclosed, bee-proof space at which the empty super has been kept to the premises where the hives are located,
 - (b) without stopping at any other premises at which bees or hives are present, and
 - (c) by only carrying the empty super intended for the hives at the premises, and no other empty supers.

Note: Movement of apiary equipment into and out of the Varroa mite eradication emergency zone is prohibited by clause 20 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, except if authorised by clause 27 this emergency order:
 - (a) harvest the honey, or
 - (b) move the hive or any of the hive components.

29 Movement of empty honey supers [s 50, s 51(a), (c)]

- (1) This clause applies to a person in charge of empty honey supers.
- (2) A person may move an empty honey super within the Varroa mite eradication emergency zone if the empty honey super is wrapped in a bee-proof manner.
- (3) The person transporting the empty honey super must transport the empty honey super to its destination by the most direct route.

- (4) The person in charge of the empty honey super must not unwrap the honey super until it has reached its destination.

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

- (1) A person may tamper with a hive and disturb or 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.

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

- (1) A person may tamper with a hive and disturb or 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.

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

- (1) A person may tamper with a hive and disturb or 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) doing one of the following:
 - (i) wrapping the hive so that the hive is bee-proof and keeping the hive bee-proof for 21 days,
 - (ii) wrapping the hive so that the hive is bee-proof and transporting the wrapped hive for disposal at a waste facility, or
 - (iii) burning or burying the hive on the premises.
- (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.

33 Record-keeping [s 50]

- (1) A person who tampers with a hive or disturbs 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, disturbance or interference occurred and the location of those activities.
- (2) Records required to be made under this clause must be:
 - (a) kept by the person who tampered with the hive or disturbed or interfered with bees for 12 months, and
 - (b) provided to an authorised officer, on request.

34 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 at which the hive is located, 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 a 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,
 - (c) washing surfaces of the vehicle with warm, soapy water to remove honey and apiary product, and
 - (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 -15 degrees Celsius, or colder, for at least 24 hours.

Part 4 Emergency measures – Varroa mite surveillance emergency zone

35 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.

36 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.

1. 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.
2. Notifications may be made by telephone to the Exotic Plant Pest Hotline 1800 084 881.

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

- (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.

38 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 emergency 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.

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

Unless otherwise permitted by this emergency order, a person must not feed bees except when using a permitted bee feeder.

40 Movement of honey supers [s 50, s 51(a), (c)]

- (1) A person may move:
 - (a) a honey super within the Varroa mite surveillance emergency zone for the purpose of honey extraction, or
 - (b) an empty honey super within the Varroa mite surveillance emergency zone or into the Varroa mite general emergency zone for the purpose of transporting between premises.
- (2) Before moving a honey super under subclause (1)(a), the person in charge of the honey super must:
 - (a) take all practical measures to clear bees from the honey super before loading the honey super onto a vehicle for transport, and
 - (b) seal the honey super to make it bee-proof and prevent leakage of apiary product.
- (3) Before moving an empty honey super under subclause (1)(b), the person in charge of the empty honey super must ensure the empty honey super is wrapped in a bee-proof manner.
- (4) The person transporting a honey super under this clause (including an empty honey super) must ensure that the honey super remains sealed or bee-proof until it reaches its destination.
- (5) After transporting a honey super under this clause, 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 any clothing is free from bees.
- (6) A honey super from which honey has been extracted may be:
 - (a) stored in a bee-proof manner,

- (b) transported back to the same hive from which it was removed and placed on that hive, or
 - (c) if the honey super is an empty honey super, placed on any hive.
- (7) After 21 days, the person in charge of the honey super must dispose of any debris and hive material that was placed into the disposable garbage bag at a waste or resource management facility or in another way that ensures the contents of the bag do not come into contact with bees.

Notes.

1. Once a honey super has been stored in a bee-proof manner for 21 days or stored in cold storage at -15 degrees Celsius or colder, for 72 hours and has had no subsequent contact with bees, it becomes an empty honey super.
2. 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.

41 Splitting of hives [s 50, s 51(a)]

A registered beekeeper may split their hives within a single premises.

Note. This clause does not authorise the movement of these split hives.

42 Raising and movement of queen bees [s 50, s 51(a), (c)]

A registered beekeeper may raise queen bees and queen cells and move those queen bees with any escort bees, and queen cells within a single premises.

Part 5 Emergency measures – Varroa mite general emergency zone

43 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.

44 Interpretation

In this Part, *Tocal Varroa mite online training* is the online course located at <https://courses.tocal.nsw.edu.au/courses/varroa-mite-online-training>.

45 Movement of honey supers [s 50, s 51(a), (c)]

- (1) A person may move a honey super within the Varroa mite general emergency zone or into the Varroa mite surveillance emergency zone for the purpose of honey extraction.

- (2) Before moving a honey super under subclause (1), the person in charge of the honey super must take all practical measures to clear bees from the honey super before loading the honey super onto a vehicle for transport.
- (3) A honey super from which honey has been removed in the Varroa mite general emergency zone may be stored or placed back on a hive within that zone.

Notes.

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.

46 Feral bees (including swarms) – management by registered beekeeper [s 50, s 51(a), (c)]

A registered beekeeper may capture and move feral bees including a swarm for the purpose of managing the bees in a hive.

Note. A registered beekeeper who has moved feral bees into a hive may move the bees and hive if the beekeeper complies with clause 47 of this emergency order.

47 Movement of hives and bees by a registered beekeeper [s 50, s 51(a), (c), (i)]

- (1) A registered beekeeper may move hives and any bees housed within those hives within the Varroa mite general emergency zone if the beekeeper has:
 - (a) completed the Total Varroa mite online training in the 12 months before the date of the movement,
 - (b) completed at least one alcohol wash in accordance with the alcohol washing requirements in clause 13 and notified the Department in accordance with that clause.
- (2) A registered beekeeper who moves hives under subclause (1) must:
 - (a) provide details of the movement of those hives to the Department by completing the hive movement form available at www.dpi.nsw.gov.au/varroa before the hives are moved,
 - (b) ensure the person moving the hives has a copy of the hive movement form with the hives when the hives are being moved from the “pickup location” to the “destination location” for those hives noted in the hive movement form, and
 - (c) if requested by an authorised officer, produce a copy of the hive movement form to that authorised officer, and
 - (d) retain details of the movement for 5 years.

Note: A person may have and produce an electronic form of the hive movement form (section 10, *Electronic Transactions Act 2000*).
- (3) If after the registered beekeeper completes the hive movement form the proposed “destination location” changes, the registered beekeeper may proceed to the new “destination location” using the completed hive movement form, but must, no later than 72 hours after reaching the new “destination location”, complete a new hive movement form available at www.dpi.nsw.gov.au/varroa

- (4) A registered beekeeper must not move a hive that has been:
 - (a) in the Narrabri emergency zones after 30 April 2022,
 - (b) in the Coffs Harbour emergency zones after 1 January 2022,
 - (c) in the Varroa mite eradication emergency zone, or the Varroa mite surveillance emergency zone in the 24 months before 24 June 2022.
- (5) While moving the bees and hives, the registered beekeeper must:
 - (a) transport the hives in a manner that prevents the escape or entry of bees out of or into the load of hives being transported, and
 - (b) as far as reasonably practicable, avoid transiting through the Varroa mite eradication emergency zone, and the Varroa mite surveillance emergency zone.
- (6) If a registered beekeeper transits through the Varroa mite eradication emergency zone, or the Varroa mite surveillance emergency zone, the beekeeper must not stop unless for one of the following reasons:
 - (a) obtaining supplies, including fuel, that is reasonably necessary for:
 - (i) the vehicle in which the hives are travelling, or
 - (ii) a person in the vehicle, or
 - (iii) reasonably stopping to rest or have a meal, or
 - (iv) dealing with an emergency.
- (7) A person in charge of premises in the Varroa mite general emergency zone may permit a registered beekeeper to move bees onto those premises as well as accept bees and hives from a registered beekeeper, but only if the registered beekeeper has complied with the requirements of this clause.

48 Movement of queen bees [s 50, s 51(a), (c)]

- (1) A registered beekeeper may move or cause the movement of queen bees with any escort bees, and queen cells from the Varroa mite general emergency zone into the Varroa mite surveillance emergency zone.
- (2) A registered beekeeper who moves queen bees with any escort bees, and queen cells under (1) must:
 - (a) complete the Tocal Varroa mite online training in the 12 months before the date of the movement, and
 - (b) complete at least one alcohol wash in accordance with the alcohol washing requirements in clause 13 and notify the Department as required by that clause.
- (3) A registered beekeeper must ensure that any queen bees, escort bees or queen cells that are moved in accordance with this clause:
 - (a) are moved in a secure container that prevents them from coming into contact with any other bees, and

- (b) remain in the secure container until they arrive at the premises at which they will be placed into a hive.
- (4) A registered beekeeper who moves a queen bee with escort bees, or queen cells between premises under this clause must make a record of the following and retain that record for a period of 5 years:
 - (a) the location where the queen bee was bred,
 - (b) the date on which movement occurred, and
 - (c) details of the original and destination premises.

Part 6 Interjurisdictional movement of bees and hives

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

- (1) All commercial 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.

50 Hives transiting to and from interstate [s 50, s 51(c)]

- (1) A registered commercial beekeeper may, for the purpose of transiting through NSW, move hives and any bees housed in those hives:
 - (a) into the Varroa mite general emergency zone from any state or territory other than NSW, or
 - (b) out of the Varroa mite general emergency zone into any state or territory other than NSW.
- (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 1 January 2022, or
 - (c) any hive that was in the Varroa mite eradication emergency zone, or the Varroa mite surveillance emergency zone in the 24 month period before 24 June 2022.
- (3) A registered commercial beekeeper must not move hives or any bees housed in those hives through the Varroa mite eradication emergency zone, or the Varroa mite surveillance emergency zone.
- (4) From the time the registered commercial beekeeper enters NSW with hives and bees, the beekeeper must remain in NSW:
 - (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 covered in a way that does not allow contact with bees and that the hive remains in that state while in NSW.
- (6) A registered beekeeper who moves hives under subclause (1) must:
 - (a) provide details of the movement of those hives to the Department by completing the hive movement form available at www.dpi.nsw.gov.au/varroa before the hives are moved,
 - (b) ensure the person moving the hives has a copy of the hive movement form with the hives when the hives are being moved from the “pickup location” to the “destination location” for those hives noted in the hive movement form, and
 - (c) if requested by an authorised officer, produce a copy of the hive movement form to that authorised officer, and
 - (d) retain details of the movement for 5 years.

Note: A person may have and produce an electronic form of the hive movement form (section 10, *Electronic Transactions Act 2000*).

Note. Other jurisdictions may have additional requirements for the movement of hives into NSW or out of NSW for the purpose of transitioning through NSW.

51 Hives moving into NSW from interstate

A registered beekeeper may move hives and any bees housed in those hives into the Varroa mite general emergency zone from any state or territory if the beekeeper has complied with clause 47 of this emergency order.

Note. Other jurisdictions may have additional requirements for the movement of hives into NSW.

52 Import of queen bees and queen cells [s 50, 51(c)]

- (1) A registered beekeeper may move a queen bee with any escort bees, and queen cells from a state or territory outside NSW to a premises within the Varroa mite general emergency zone or the Varroa mite surveillance emergency zone if:
 - (a) the queen bee with escort bees, or queen cells are moved in a secure container that prevents them from coming into contact with any other bees, and
 - (b) the queen bee with escort bees, or queen cells remain in the secure container until they arrive at the premises at which they will be placed into a hive.
- (2) The registered beekeeper must make a record of the following and retain that record for a period of 5 years:
 - (a) the name and address of the person from whom the queen bee with escort bees, or queen cells were purchased,
 - (b) the date on which movement occurred,

- (c) details of the destination premises, and
- (d) the date the queen bee with escort bees, or queen cells were installed in a hive.

Schedule 1 – Emergency Zones

