



Government Gazette

of the State of

New South Wales

Number 428—Mining and Primary Industries
Wednesday, 20 September 2023

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Biosecurity (Varroa Mite) Emergency Order (No. 46) 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 20th day of September 2023

Time: 3:00pm

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

Biosecurity (Varroa Mite) Emergency Order (No. 46) 2023	1
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 Declaration of biosecurity emergency [s 44(1)]	5
7 Grounds for Order [s 44(2)]	5
8 Revocation of the Biosecurity (Varroa Mite) Emergency Orders 2023 [s 60(1)]	5
9 Definitions	6
Part 2 Emergency measures – all emergency zones	9
10 Persons or class of persons to whom the measures in this Part apply [s 45(d)]	9
11 Movement of bees, hives and apiary equipment – movement declaration form [s 50, s 51(c)]	9
12 Movement of bees, hives, apiary equipment and honey supers – decontamination measures [s 50, s 51(e), s 51(1)(e)]	10
13 Testing and surveillance [s 50, s 51(a), (i)]	12
14 Testing and surveillance by authorised officers and qualified pest controllers [s 50, s 51(a), (i), s 91(1)(a), s 122(1)(a)]	13
15 Destruction of bees and disposal of hives [s 50, s 51(l), s 55(1), s 91(1)(a), s 122(1)(a)].....	13
16 Authorised officer authorisations [s 50, s 122(1)(a), s 131].....	14
Part 3 Emergency measures - Varroa mite management emergency zone.	14
17 Persons or class of persons to whom the measures in this Part apply [s 45(d)]	14
18 Movement – bees, hives, bee feeders [s 50, s 51(c)]	14
19 Movement of apiary equipment [s 50, s51(c)]	14
20 Movement of honey supers [s 50, s 51(a), (c)]	15
21 Treatment measures [s 50, s 51(e)]	15
22 Movement of hives for irradiation [s 50, s 51(c)]	16
23 Notification of bees [s 50, s 51(a)].....	16
Part 4 Emergency measures – Varroa mite suppression emergency zone..	16
24 Persons or class of persons to whom the measures in this Part apply [s 45(d)]	16
Division 1 – General measures	17

25	Movement of bees, hives, apiary equipment and honey supers	17
Division 2 – Infested premises within the Varroa mite suppression		
emergency zone		17
26	Persons or class of persons to whom the measures in this Division apply [s 45(d)]	17
27	Treatment measures [s 50, s 51(e)]	17
28	Movement of bees and hives after treatment measures [s50, s51(c), (i)]	17
Schedule 1 – Emergency Zones		19

Part 1 Preliminary

1 Name of emergency order

This emergency order is the *Biosecurity (Varroa Mite) Emergency Order (No. 46) 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 management emergency zone*, as shown in orange on the map, are the areas:
 - (a) within a 10 kilometre radius of an infested premises, or
 - (b) not within a 10 kilometre radius of an infested premises, but:
 - (i) completely surrounded by areas that are within a 10 kilometre radius of an infested premises, or
 - (ii) surrounded on three sides by areas that are within a 10 kilometre radius of an infested premise and bounded on the fourth side by the coastline of New South Wales at mean low water.
- (2) The *Varroa mite suppression emergency zone*, as shown in green on the map, is the state of New South Wales, excluding the Varroa mite management emergency zone.

Notes.

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 [s 44(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, hives and apiary equipment 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)]

- (1) *Biosecurity (Varroa Mite) Emergency Order (No. 44) 2023* dated 12 September 2023, published in the *NSW Government Gazette* No 416 of 12 September 2023 at pages 1 to 38 is revoked as is any emergency order revived because of this revocation.
- (2) *Biosecurity (Varroa Mite) Emergency Order (No. 45) 2023* dated 14 September 2023, published in the *NSW Government Gazette* No 427 of 14 September 2023 at pages 1 to 38 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, managing hives or for the extracting, 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 this clause.

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.

destination location means the “destination location” noted in the hive movement form completed and provided to the Department.

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.

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

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.

hive movement form means the hive movement form available at www.dpi.nsw.gov.au/varroa.

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.

infested 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.

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> when this order commences.

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.

pick-up location means the “pick-up location” noted in the hive movement form completed and provided to the Department.

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).

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.

soapy water washing means washing a sample of at least 300 bees from the brood box of a hive in one of these solutions to detach Varroa mites to inspect for the presence of Varroa mite:

- (a) 2 Tablespoons (40 millilitres) of dishwashing soap in 3.5 Litres of water, or
- (b) non-sudsy soapy water made using as automotive windshield washer fluid as per the manufacturer's instructions.

sugar roll means rolling at least 300 bees from the brood box of a hive in fine sugar to dislodge Varroa mite to inspect for the presence of Varroa mite.

surveillance action means any of the following:

- (a) sugar roll,
- (b) soapy water washing,
- (c) alcohol 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.

the Act means the *Biosecurity Act 2015*.

Total Varroa mite online training is the online course located at <https://courses.tocal.nsw.edu.au/courses/varroa-mite-online-training>.

Varroa mite means *Varroa destructor*.

Varroa mite suppression emergency zone – see clause 4.

Varroa mite management 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 suppression emergency zone, and
 - (b) Varroa mite management 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 Movement of bees, hives and apiary equipment – movement declaration form [s 50, s 51(c)]

- (1) If this emergency order permits a registered beekeeper to move bees, hives or apiary equipment, the person must comply with this clause.
- (2) A registered beekeeper must not move bees, hives and any bees housed within those hives or apiary equipment unless the beekeeper has:

- (a) completed the Tocal Varroa mite online training in the 12 months before the date of the movement,
 - (b) completed at least one surveillance action in accordance with the general surveillance requirements in clause 13 and notified the Department in accordance with that clause.
- (3) A registered beekeeper who moves bees, hives or apiary equipment must:
- (a) provide details of the movement to the Department by completing the hive movement form before the bees, hives or apiary equipment are moved,
 - (b) ensure the person transporting the bees, hives or apiary equipment has a copy of the hive movement form with all details completed, and
 - (c) retain details of the movement for 5 years.
- (4) The person transporting the bees, hives or apiary equipment must:
- (a) have a copy of the hive movement form with the bees, hives or apiary equipment while they are in transit, and
 - (b) if requested by an authorised officer, produce a copy of the hive movement form to that authorised officer.

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

- (5) If after the registered beekeeper completes the hive movement form the proposed destination location changes, the registered beekeeper may proceed to the new destination using the completed hive movement form, but must, no later than 72 hours after reaching the new destination location, provide to the Department a new hive movement form recording the new destination location.
- (6) Before moving hives, the registered beekeeper must make the hive bee-proof and take actions to prevent apiary product leaking from the hive.
- (7) While moving the bees and hives, the registered beekeeper must ensure that the hive remains bee-proof until it reaches the destination location.

12 Movement of bees, hives, apiary equipment and honey supers – decontamination measures [s 50, s 51(e), s 51(1)(e)]

- (1) If this emergency order permits a person to move bees, hives, apiary equipment or a honey super, the person in charge of the bees, hives, apiary equipment or honey super must carry out the decontamination measures required:
- (a) before movement,
 - (b) before leaving the premises to which the carrier was moved, and
 - (c) after movement.
- (2) In this clause, **decontamination measures** means, for a carrier, the measures required at the time specified in the Table:

Table

Time	Carrier	Measures
Before arriving at the pick-up location	Vehicle used to move: <ul style="list-style-type: none"> • Bees • Hives • Apiary equipment • Honey supers 	<p>Step 1: Inspect the vehicle to be used for transport for any bees. Remove any live bees.</p> <p>Step 2: Decontaminate the vehicle to be used for transport by removing any honey or wax from the interior or exterior of the vehicle by washing with warm, soapy water.</p>
Before leaving the pick-up location	Vehicle used to move: <ul style="list-style-type: none"> • Bees • Hives • Apiary equipment • Honey supers 	<p>Step 1: Inspect the vehicle to be used for transport for any bees. Remove any live bees.</p> <p>Step 2: Decontaminate the vehicle to be used for transport by scraping and cleaning any hive material that has leaked from the hives or apiary equipment.</p> <p>Step 3: Remove any honey or apiary product from the interior or exterior of the vehicle by washing with a sponge and soapy water.</p>
	Clothing worn while dealing with: <ul style="list-style-type: none"> • Bees • Hives • Apiary equipment • Honey supers 	<p>Step 1: Brush clothing from top to bottom to remove any debris or bees.</p> <p>Step 2: Inspect footwear for dead bees and remove any dead bees with a stiff brush.</p> <p>Step 3: As soon as practicable afterwards, launder clothing in warm soapy water.</p>
	Personal treatment	Wash hands with soapy water or antiseptic hand wash to remove all gross contamination.
Before leaving the destination location or other premises to which the carrier	Vehicle used to move: <ul style="list-style-type: none"> • Bees • Hives • Apiary equipment • Honey supers 	<p>Step 1: Inspect the vehicle to be used for transport for any bees. Remove any live bees.</p> <p>Step 2: Decontaminate the vehicle to be used for transport by scraping and cleaning any hive material that has leaked from the hives or apiary equipment.</p> <p>Step 3: Remove any honey or apiary product from the interior or exterior of the vehicle by washing with a sponge and soapy water.</p>

Time	Carrier	Measures
was moved	Clothing worn while dealing with: <ul style="list-style-type: none"> • Bees • Hives • Apiary equipment • Honey supers 	<p>Step 1: Brush clothing from top to bottom to remove any debris or bees.</p> <p>Step 2: Inspect footwear for dead bees and remove any dead bees with a stiff brush.</p> <p>Step 3: As soon as practicable afterwards, launder clothing in warm soapy water.</p>
	Personal treatment	Wash hands with soapy water or antiseptic hand wash to remove all gross contamination.
After movement	Apiary equipment	<p>Step 1: Scrape and clean any hive material off the apiary equipment.</p> <p>Step 2: Wash surfaces of the apiary equipment with warm, soapy water to remove honey and apiary product.</p>

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

- (1) A person in charge of hives must comply with this clause unless an authorised officer has undertaken a surveillance action of the hives in the previous 16 weeks.
- (2) A person in charge of hives must:
 - (a) at least once in every 16 week period, complete a surveillance action on the hives and any bees housed in those hives in accordance with the general surveillance requirements, and
 - (b) no later than 7 days after completing the surveillance action, report the results of the surveillance action to the Department by electronic communication, using the form at www.dpi.nsw.gov.au/beer-wash.
- (3) If a person is in charge of hives at multiple premises, that person must satisfy the general surveillance requirements at each premises.
- (4) The registered beekeeper must:
 - (a) keep the photographic record of the surveillance action for 5 years, and
 - (b) if requested by an authorised officer, produce a copy of the photographic record to the authorised officer.
- (5) In this clause:

general surveillance requirements means the beekeeper must:

 - (a) carry out a surveillance action on the hives:
 - (i) if the person is in charge of less than 10 hives at a premises – on all hives, or
 - (ii) if the person is in charge of more than 10 hives at a premises – on the greater of 10 hives or 10 percent of the hives, and

- (b) report the results of the surveillance action to the Department by electronic communication, using the form at www.dpi.nsw.gov.au/beer-wash, and
- (c) keep a record of each surveillance action which consists of a photographic record that:
 - (i) is time and date stamped,
 - (ii) shows the approximate location of hives for which the surveillance action was conducted, and
 - (iii) shows the sample of bees on which the surveillance actions was conducted in the substance in which the action was completed.

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

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

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 or disposal functions necessary to manage all hosts of Varroa mite and to prevent the survival of undetected hosts within the emergency zone.

16 Authorised officer authorisations [s 50, s 122(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 management emergency zone

17 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 management 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.

18 Movement – bees, hives, bee feeders [s 50, s 51(c)]

- (1) Unless otherwise permitted by this emergency order, a person must not move any bees, hives, apiary equipment or bee feeders out of the Varroa mite management emergency zone.
- (2) If directed to do so by an authorised officer, a person may move any of these out of the Varroa mite management emergency zone for the purposes of disposal or destruction:
 - (a) bees,
 - (b) a hive, or
 - (c) a permitted bee feeder.

19 Movement of apiary equipment [s 50, s51(c)]

A person may move apiary equipment out of the Varroa mite management emergency zone if the person carries out the decontamination measures for the apiary equipment.

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

- (1) A person may move:
 - (a) a honey super within the Varroa mite management emergency zone for the purpose of honey extraction, or
 - (b) an empty honey super within the Varroa mite management emergency zone or into the Varroa mite suppression emergency zone.
- (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) The person in charge of bees and hives must carry out the decontamination measures required when moving:
 - (a) a honey super, and
 - (b) for any apiary equipment that was used for 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.
- (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.

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.

21 Treatment measures [s 50, s 51(e)]

If required by an authorised officer, a person in charge of bees and hives at premises in the Varroa mite management emergency zone that are infested premises must:

- (a) permit an authorised officer to insert miticide strips into all hives in the person's care, custody or control, or
- (b) place miticide strips into all hives in the person's care, custody or control.

Note: The use of miticide strips in beehives is regulated by Australian Pesticides and Veterinary Medicines Authority Permit PER92635.

22 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.

23 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) 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. 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.

Part 4 Emergency measures – Varroa mite suppression emergency zone

24 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 suppression 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 1 – General measures

25 Movement of bees, hives, apiary equipment and honey supers

A person may move bees, hives, apiary equipment and honey supers into, within and out of the Varroa mite suppression emergency zone if the person complies with this emergency order.

Note: Part 2 of this emergency order contains measures with which all persons must comply before moving bees, hives, apiary equipment and honey supers.

Division 2 – Infested premises within the Varroa mite suppression emergency zone

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

All persons in charge of bees, hives, apiary equipment or premises in the Varroa mite suppression emergency zone that are infested premises must comply with and implement the emergency measures specified in this Division.

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 prohibited matter in the State.

27 Treatment measures [s 50, s 51(e)]

If required by an authorised officer, a person in charge of bees and hives at premises in the Varroa mite suppression emergency zone that are infested premises must:

- (c) permit an authorised officer to insert miticide strips into all hives in the person's care, custody or control, or
- (d) place miticide strips into all hives in the person's care, custody or control.

Note: The use of miticide strips in beehives is regulated by Australian Pesticides and Veterinary Medicines Authority Permit PER92635.

28 Movement of bees and hives after treatment measures [s50, s51(c), (i)]

- (1) A registered beekeeper in the Varroa mite management emergency zone at premises that are infested premises may move bees and hives out of the Varroa mite management emergency zone if the person complies with this clause.
- (2) A registered beekeeper may move bees and hives if:
 - (a) the beekeeper has complied with the treatment measures in clause 27,
 - (b) the beekeeper has completed the sticky mats surveillance actions, and
 - (c) an authorised officer advises the beekeeper that the test results show that the bees and hives may be moved out of the Varroa mite management emergency zone.
- (3) A registered beekeeper may move bees and hives if:
 - (a) the beekeeper has complied with the treatment measures in clause 27, and

- (b) the beekeeper has:
 - (i) completed a surveillance action on the hives and any bees housed in those hives in accordance with the modified surveillance requirements, and
 - (ii) no later than 7 days after completing the surveillance action, reported the results of the surveillance action to the Department by electronic communication, using the form at www.dpi.nsw.gov.au/alcohol-wash.
- (4) The person in charge of bees and hives must keep the miticide strips in the hives for a period:
 - (a) no shorter than 42 days after the miticide strips are placed in the hive, and
 - (b) no longer than 56 days after the miticide strips are placed in the hive.
- (5) In this clause:

modified surveillance requirements means the beekeeper must:

- (d) carry out a surveillance action consisting of alcohol washing or soapy water washing on the hives:
 - (i) if the person is in charge of less than 26 hives at a premises – on all hives, or
 - (ii) if the person is in charge of more than 26 hives at a premises – on the greater of 26 hives or 10 percent of the hives.
- (e) report the results of the surveillance action to the Department by electronic communication, using the form at www.dpi.nsw.gov.au/alcohol-wash, and
- (f) keep a record of each surveillance action which consists of a photograph that:
 - (i) is time and date stamped,
 - (ii) shows the approximate location of hives for which the surveillance action was conducted, and
 - (iii) shows the sample of bees on which the surveillance actions was conducted in the substance in which the action was completed.

sticky mat surveillance actions means surveillance that follows these steps:

- (a) **Step 1: Placement of sticky mats:** The registered beekeeper must:
 - (i) insert sticky mats into a representative sample of hives, or
 - (ii) permit an authorised officer to insert sticky mats into a representative sample of hives.

- (b) **Step 2 – removal of sticky mats:**

No earlier than 48 hours after the sticky mats are placed in the hives, the registered beekeeper must allow an authorised officer to remove the sticky mats.

Schedule 1 – Emergency Zones

