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SPECIAL SUPPLEMENT

FISHERIES MANAGEMENT ACT 1994

Notification under Section 8 – Fishing Closure
Pacific Oyster Control

I, RICHARD SHELDRAKE, Director-General of the NSW Department of Primary Industries, with the delegated authority of the Minister for Primary Industries pursuant to section 227 of the Fisheries Management Act 1994 (“the Act”), do by this notification pursuant to section 8 of the Act, prohibit the taking of oysters (of any species) by any person, from all estuarine waters of NSW which are used for the purposes of oyster cultivation, or from any other waters where oysters exist, unless the removal and relocation of such oysters complies with the provisions set out in the Schedules to this notification, as administered by the NSW Department of Primary Industries.

This fishing closure will be effective for a period of two (2) years from 7 May or the date of publication, whichever is the later, unless sooner varied or revised by notification of the Director-General, NSW Department of Primary Industries.

Note: For the purposes of this notification:

1. The term ‘sticks’ includes sticks of timber and all other materials in use as substitutes for timber sticks.
2. The term ‘caught sticks’ includes sticks and the individual components for all other materials used for the purpose of catching natural oyster settlement.
3. The term ‘nailed-out sticks’ includes sticks that have been placed on an oyster lease in a single horizontal layer.
4. The term ‘depot sticks’ includes all caught sticks that are older than 12 months other than nail-out sticks.
5. The term ‘stick culture’ includes sticks, caught sticks, nail-out sticks and depot sticks.
6. The term ‘container’ includes all methods used to hold oysters other than by stick or tray.
7. The terms ‘movements of oysters’, and ‘oyster consignments’ do not include those consignments destined for direct sale for human consumption (i.e. packaged, purified, market grade oysters, consigned to a wholesaler or retailer). Nor do these terms include those consignments being moved within an estuary unless otherwise specified.
8. The term ‘random inspection’ is defined as an inspection of an oyster lease, or oysters held for the purpose of relaying, undertaken by a Fisheries Officer at the discretion of a Supervising Fisheries Officer.
9. The taking of oysters (of any species) by any person from all NSW waters is also subject to the provisions of the Fishing Closure QX Disease and Quarantine Order QX Disease established under Section 183 of the Fisheries Management Act 1994, due to the presence of a declared disease (Marteiliosis).

SCHEDULE 1

Pacific Oyster Management Plan

Pacific oysters (*Crassostrea gigas*) are a declared noxious fish in all waters within the State of New South Wales, other than the waters of Port Stephens and its tributaries, under the Fisheries Management (General) Regulation 2002.

This schedule outlines a management plan to control the spread of Pacific oysters. For the purposes of this management plan, oyster-producing estuaries have been divided into eleven (11) Zones (1 to 11). This management plan also applies to all shellfish hatcheries, unless otherwise specified.

1. Tweed River, Richmond River and Clarence River.
2. Brunswick River.

3. Woolli River, Bellinger River, Kalang River, Sandon River.
4. Macleay River and Nambucca River.
5. Hastings River.
6. Camden Haven River, Manning River.
7. Wallis Lake.
8. Port Stephens and its tributaries.
9. Hunter River, Brisbane Waters and Hawkesbury River.
10. Georges River. Crookhaven River, Shoalhaven River, Clyde River, Moruya River, Tuross Lake, Wagonga Inlet, Lake Wapengo, Bermagui River, Merimbula Lake, Pambula Lake, Wonboyn Lake and all other oyster producing estuaries in NSW south of the Georges River.

The provisions of this management plan are as follows:

1. Each oyster grower in Zones 1, 2, 3, 4, 5 and 6, must notify the local Fisheries Officer immediately of any occurrences of the Pacific oyster on their leases.
2. Inspection criteria for oyster leases in each estuary are prescribed in Schedule 2. If these criteria are exceeded, the noxious fish provisions (section 213) of the Act may be applied to the permit holder or the leaseholder concerned.
3. All movements of oysters between estuaries must be recorded in an Oyster Shipment Log Book as described in Schedule 3.
4. Inspection criteria for inter-estuarine movements of oysters are prescribed in Schedule 4. If the number of Pacific oysters in a consignment exceed these criteria, the consignment will not be permitted to move, or if detected by random inspection in transit the consignment will be required to be returned to the estuary of origin.
5. Movements of oysters from Zone 8 (Port Stephens and its tributaries) will be restricted to culled single oysters larger than a ten (10) cent piece. No movement of stick culture will be permitted from Port Stephens or its tributaries to any other estuary.
6. No movements of oysters are permitted from the Tweed River, Richmond River and Clarence River (Zone 1), the Brunswick River (Zone 2), and the Georges River (Zone 10) to estuaries in any other Zone.
7. No movements of oysters are permitted into Zone 2 and Zone 3 estuaries.
8. No movements of oysters are permitted into Zone 4 from estuaries south of the Manning River (Zone 6).
9. No movement of stick culture is permitted into the Hastings River (Zone 5).
10. No oysters may be removed from a lease subject to a noxious fish order, and placed on any other lease, unless the oysters are first inspected by a Fisheries Officer and comply with the inspection criteria prescribed in Schedule 4.
11. No oysters are to be placed on a lease, subject to a noxious fish order, without the prior agreement of the local Fisheries Officer.
12. No movements of oyster spat and/or larvae are permitted from any hatchery unless the shipment complies with a Shellfish Hatchery Protocol – Production and Movement of Spat approved by the Director, Fisheries Conservation and Aquaculture.
13. All other movements of oysters will be permitted.
14. Where oysters are required to be inspected, they must be presented for inspection in a suitable condition, on clean trays. The oysters and trays must be cleaned of mud, algae or encrusting organisms. Where oysters are to be moved in bins, the oysters must be presented for inspection on trays.
15. Treatment of oysters to remove Pacific oysters will be a matter for individual growers. Treatment used must kill Pacific oysters to an extent that will result in compliance with the criteria in Schedules 2 and 4.

SCHEDULE 2

Inspection Criteria for Oyster Leases

1. Lease inspections may be carried out by a Fisheries Officer or other person authorised by the Director-General of NSW Department of Primary Industries.
2. The following Zone criteria apply to the inspection of oyster leases:

Zones 1, 2, 3, 4, 5 and 6.

Tweed River, Richmond River, Clarence River, Brunswick River, Woolli River, Bellinger River, Kalang River, Sandon River, Macleay River, Hastings River, Nambucca River, Camden Haven River, Manning River.

Leases with caught sticks: Not more than one identifiable Pacific oyster per 100 sticks permitted. Leases with depot sticks: Not more than one (1) identifiable Pacific oyster per 100 sticks permitted.

Leases with nail-out sticks: Not more than one (1) identifiable Pacific oyster per 100 sticks permitted.

All other leases: Not more than one (1) identifiable Pacific oyster on any three (3) trays up to 1.8 metres (6 feet) in length or on any two (2) trays over 1.8 metres (6 feet) in length, permitted. Where other containers are used, not more than one (1) identifiable Pacific oyster per 1,800 oysters, permitted.

Zone 7. Wallis Lake

Leases with caught sticks: Not more than three (3) identifiable Pacific oyster per 100 sticks, permitted.

Leases with depot sticks: Not more than one (3) identifiable Pacific oyster per 100 sticks, permitted.

Leases with nail-out sticks: Not more than one identifiable Pacific oyster per 100 sticks, permitted.

All other leases: Not more than one (1) identifiable Pacific oyster on any three (3) trays up to 1.8 metres (6 feet) in length or on any two (2) tray over 1.8 metres (6 feet) in length, permitted. Where other containers are used, not more than one (1) identifiable Pacific oyster per 1,800 oysters, permitted.

Zone 8. Port Stephens and tributaries

No limits specified on the number of Pacific oysters permitted on leases.

Zone 9. Hunter River, Brisbane Waters, Hawkesbury River

Leases with caught sticks: Not more than four (4) identifiable Pacific oyster per 100 sticks, permitted.

Leases with depot sticks: Not more than four (4) identifiable Pacific oyster per 100 sticks, permitted.

Leases with nail-out sticks: Not more than four (4) identifiable Pacific oyster per 100 sticks, permitted.

All other leases: Not more than one (1) identifiable Pacific oyster on any two (2) tray (irrespective of length), permitted. Where other containers are used, not more than one (1) identifiable Pacific oyster per 600 oysters, permitted.

Zones 10 and 11.

Georges River, Crookhaven River, Shoalhaven River, Clyde River, Moruya River, Wagonga Inlet, Wapengo Lagoon, Bermagui River, Merimbula Lake, Pambula Lake, Wonboyn Lake and all other oyster producing estuaries in NSW south of the Georges River.

Leases with caught sticks: Not more than five (5) identifiable Pacific oyster per 100 sticks, permitted.

Leases with depot sticks: Not more than five (5) identifiable Pacific oyster per 100 sticks, permitted.

Leases with nail-out sticks: Not more than five (5) identifiable Pacific oyster per 100 sticks, permitted.

All other leases: Not more than one (1) identifiable Pacific oyster on any one (1) tray (irrespective of length), permitted. Where other containers are used, not more than one (1) identifiable Pacific oyster per 600 oysters, permitted.

3. Where an oyster lease inspection in Zones 7, 9, 10 and 11, indicates more than one (1) identifiable Pacific oyster per 100 sticks, or per any two (2) trays (irrespective of length), or where other containers are used, more than one (1) identifiable Pacific oyster per 1,800 oysters, the permit holder or the leaseholder concerned must comply with the directions of the Supervising Fisheries Officer regarding the removal of Pacific oysters from the lease. Where the permit holder or the leaseholder concerned fails to comply with the directions of the Supervising Fisheries Officer, the noxious fish provisions of the Act may be applied to the permit holder or the leaseholder concerned.

SCHEDULE 3**Oyster Shipment Log Book System**

All movements of oysters, other than those within an estuary or those destined for direct sale for human consumption, are subject to the Oyster Shipment Log Book system. Oyster Shipment Log Books are available on application from the NSW Department of Primary Industries Aquaculture Administration Unit, Locked Bag 1, Nelson Bay, NSW 2315.

1. Details of all shipments of oysters, other than those within an estuary or those destined for direct sale for human consumption must be recorded in an Oyster Shipment Log Book prior to shipment.
2. Prior to the shipment of a consignment of oysters between estuaries, the shipping permit holder must contact the local District Fisheries Office (not less than 2 days prior to shipment) and identify the shipper, the nature of the shipment, its destination and the Oyster Shipment Logbook shipment permit number (top right hand corner). Where an inspection is deemed to be required, the Fisheries Office will contact the shipping permit holder within 24 hours to confirm the inspection.
3. Prior to shipment or inspection, the shipping permit holder must record on all four (4) quadruplicate copies of the Oyster Shipment Log Book sheets, details of the destination (including inter-State), quantity (bag equivalents) and form (trays, sticks etc.) of oysters to be shipped.
4. When an inspection is deemed to be required, the inspecting Fisheries Officer must sign all four quadruplicate copies of the Oyster Shipment Log Book sheets and clearly state in writing on the sheets whether or not the consignment passed inspection. The inspecting Fisheries Officer is to retain the pink copy (copy 2) for the consignment. A record of all shipment notifications and shipment inspections (pink copy 2) will be retained by the local District Fisheries Office.
5. If the consignment passes inspection, it must be kept isolated from all other oysters and shipped within 48 hours of the inspection taking place.
6. Where a shipment has passed inspection, the local Fisheries Office must notify the receiving District Fisheries Office of the shipment details within 24 hours of the inspection.
7. For each shipment, the completed original white copy (copy 1) of the Oyster Shipment Log Book sheets, must accompany the shipment and be retained by the receiving permit holder.

8. Fisheries Officers may examine consignments at random in transit, or prior to the oysters being placed in the water, to ensure that log book details match the consignment. Where notification has not been given, or there is no accompanying log book sheet, in accordance with Schedule 3(7) of this closure, or if the consignment is in breach of the QX Disease Closure or any other oyster Closure established under the Fisheries Management Act 1994, the consignment may be detained and/or seized.
9. It is the responsibility of the permit holder on who's permit the receiving lease appears, to notify the receiving District Fisheries Office within 7 days of the arrival of the oysters (or subject to prior arrangement made with the Fisheries Officer), of details of the shipment, including, where the oysters have been placed (on which lease and where on that lease).
10. The Oyster Shipment Log Book, or an original white copy (copy 1) of the Oyster Shipment Log Book that has accompanied a shipment, must be made available to a Fisheries Officer for inspection on demand.
11. The holder of an Oyster Shipment Log Book must at the end of each month in which a shipment has occurred, forward all blue copies (copy 3) for those shipments to the NSW Department of Primary Industries Aquaculture Management Branch at the address specified above.

SCHEDULE 4

Inspection Criteria for Oyster Consignments

1. Inspections may be carried out by a Fisheries Officer or other person authorised by the Director-General of NSW Department of Primary Industries.
2. No inspections are required for consignments moving into Port Stephens.
3. The Inspection Criteria for other oyster consignments are as follows:

Consignments into estuaries in Zones 1, 4, 5 and 6:

Tweed River, Richmond River, Clarence River, Macleay River, Hastings River, Nambucca River, Camden Haven River, Manning River.

Consignments of caught sticks, depot sticks and nail-out sticks (where permitted):

Not more than one (1) identifiable Pacific oyster per any 300 sticks.

All other consignments: Not more than one (1) identifiable Pacific oyster in any nine (9) trays up to 1.8 metres (6 feet) in length or on any six (6) trays over 1.8 metres (6 feet) in length. Where other containers are used, not more than one (1) Pacific oyster per 5,400 oysters.

Consignments into estuaries in Zones 7, 8, 9 and 10:

Wallis Lake, Hunter River, Brisbane Waters, Hawkesbury River, Georges River, Crookhaven River, Shoalhaven River, Clyde River, Moruya River, Wagonga Inlet, Wapengo Lagoon, Bermagui River, Merimbula Lake, Pambula Lake, Wonboyn Lake and all other oyster producing estuaries in NSW south of the Georges River.

Consignments of caught sticks, depot sticks and nail-out sticks:

Not more than one (1) identifiable Pacific oyster per any 100 sticks.

All other consignments: Not more than one (1) identifiable Pacific oyster in any bag or in any three (3) trays up to 1.8 metres (6 feet) in length or on any two (2) trays over 1.8 metres (6 feet) in length. Where other containers are used, not more than one (1) Pacific oyster per 1,800 oysters.

Consignments of oyster spat and/or larvae from Hatcheries:

Shipments from hatcheries are subject to the movement criteria for the Zone for which the shipment is destined. All shipments of oyster spat and/or larvae must comply with a Shellfish Hatchery Protocol – Production and Movement of Hatchery Spat approved by the Director, Fisheries Conservation and Aquaculture.

Consignments within an estuary:

Movements of oysters wholly within an estuary are not subject to inspection. However, the leaseholder must take all reasonable action to ensure that the relayed oysters comply with the criteria for movement within the Zone.

4. Where an inspection is required, 20% of the consignment will be inspected unless otherwise specified.
5. The frequency of inspections for oyster consignments are as follows:

Consignments from hatcheries:

Random consignments of oyster spat and/or oyster larvae originating from hatcheries will be subject to inspection at the receiving estuary in accordance with the provisions of a Shellfish Hatchery Protocol – Production and Movement of Spat approved by the Director, Fisheries Conservation and Aquaculture.

All other consignments:

Shipments of oyster stock may be inspected when being moved between estuaries. All shipments may be subject to random inspection.

| <i>Sending Estuary Zone</i> | <i>Receiving Estuary Zone</i> | <i>Inspection Requirement</i> |
|-----------------------------|-------------------------------|--|
| 1 | 1 | No inspection required. |
| 2 | 1 | No inspection required. |
| 3 | 1, 4, 5, 6, 7, 8, 9, 10,11 | No inspection required. |
| 4 | 1, 4, 5, 6, 7, 8, 9, 10, 11 | No inspection required. |
| 5 | 1, 4, 6, 7, 8, 9, 10, 11 | All shipments may be subject to random inspection. |
| 6 | 1, 4, 5, 6, 7, 8, 9, 10, 11 | All shipments may be subject to random inspection. |
| 7 | 1, 5, 6, 7, 8, 9, 10, 11 | All shipments may be subject to random inspection. |
| 8 | 1, 5, 6, 7, 8, 9, 10, 11 | All shipments may be subject to random inspection. |
| 9 | 1, 5, 6, 7, 8, 9, 10, 11 | All shipments may be subject to random inspection. |
| 10 | — | No shipments to any other estuary permitted. |
| 11 | 1, 5, 6, 7, 8, 9, 10, 11 | All shipments may be subject to random inspection. |

Dated this 29th day of April 2009

R. F. SHELDRAKE,
 Director-General,
 NSW Department of Primary Industries