



BIOSECURITY ACT 2015

# Discussion Paper: Pacific Oyster Mortality Syndrome (POMS) in Oysters

December 2015



Photo: © NSW Department of Primary Industries

**Comments on this paper close on 12 February 2016**

*Email your comments to:* [submissions.biosecuritylegislation@dpi.nsw.gov.au](mailto:submissions.biosecuritylegislation@dpi.nsw.gov.au)

*Post your comments to:* Biosecurity Act 2015  
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**For more information**

See: [www.dpi.nsw.gov.au/biosecurityact](http://www.dpi.nsw.gov.au/biosecurityact)

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (December 2015). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.

## Summary

The *Biosecurity Act 2015* will repeal parts of the *Fisheries Management Act 1994* (including *Part 6, Division 4 Diseased fish and marine vegetation* and *Schedule 6B Diseases affecting fish and marine vegetation*). These parts currently include various regulatory controls and powers with respect to POMS.

Having considered existing management arrangements and the biosecurity risks associated with Pacific Oyster Mortality Syndrome (POMS), it is proposed to implement similar management arrangements under the Biosecurity Act. Specifically it is proposed that that a Biosecurity Zone will replace Quarantine Areas that are currently in place on account of POMS under the *Fisheries Management Act 1994* (FM Act).

A notification obligation will also apply to POMS as well as to unexplained oyster mortality events.

## Background Information

### What is the problem?

The POMS virus is rapidly and directly transmissible and can cause acute mortality in Pacific Oysters. POMS is known to be present in Georges River/Botany Bay, Port Jackson, Hawkesbury River and Brisbane Water. Outbreaks in the Hawkesbury in 2013 and 2014 led to significant losses of cultured and wild Pacific Oysters.

POMS is only known to affect Pacific Oysters however, other mollusc species can harbour or carry the POMS virus as a contaminant. The primary risk for spreading POMS is through the movement of oysters and oyster cultivation equipment out of affected areas. The disease may also be spread through:

- the processing of contaminated farmed oysters (for human consumption) near or over an unaffected waterway;
- consumers discarding oysters or freshly shucked shells into an unaffected estuary;
- the transport of other mollusc species either infected with or carrying the virus (for example attached to boats' hulls); and
- the transport of contaminated water by vessels in anchor / live bait wells, etc.

### Why is it important?

The NSW oyster industry is the state's most valuable aquaculture industry and is an important contributor to the NSW economy. NSW Oyster farmers sold \$31.8 million worth of Sydney Rock Oysters and \$2.1 million of Pacific Oysters during 2013-14.

Oysters are farmed in 33 NSW estuaries on the NSW coastline. At present, NSW oyster cultivation occurs on 2256 aquaculture leases, representing a total area of approximately 2815 hectares.

### What is the outcome we are seeking?

The desired outcome is to continue to prevent the spread of POMS to waterways where the disease is not known to be present and to contain outbreaks of POMS.

## Current management arrangements

POMS is listed in *Australia's National List of Reportable Diseases of Aquatic Animals* and as a declared disease in NSW in Schedule 6B of the *Fisheries Management Act 1994* (FM Act). As a result:

- notification of a confirmed or suspected presence of the disease is required as soon as practicable;
- the sale or release of diseased oysters is prohibited (other than a specific exemption allowing the sale of stock for human consumption); and
- the intentional or reckless communication of the disease is prohibited.

In response to a suspected or confirmed outbreak of POMS a Quarantine Area can be declared under the FM Act. Currently there are Quarantine Orders in place for the Georges River/Botany Bay, Hawkesbury River and Brisbane Water. These orders:

- prohibit the movement of all oysters out of the Georges River/Botany Bay, Hawkesbury River and Brisbane Water into any other NSW estuary; and
- prohibit the movement of all oyster cultivation equipment and/or infrastructure between the Quarantine Areas and other estuaries, unless it is in accordance with a protocol approved by the Director Animal Biosecurity NSW (current approved protocol as at November 2015, *POMS: Oyster Equipment Movement Protocol*).

Clause 7E of the *Fisheries Management (Aquaculture) Regulation 2012* requires that oyster growers notify NSW Fisheries of all movements of oysters and oyster cultivation material between estuaries, as a condition of their aquaculture permit. They must also keep records of these movements in the Oyster Shipment Logbook or Oyster Shipment IVR System. This system allows for the rapid traceability of disease agents or pests in the event of an outbreak and will be retained.

Note that Part 7 Division 7 of the FM Act (*Protection of fish and marine vegetation from disease*), which prohibits the release of live fish and the importation of live exotic fish and marine vegetation, will be retained in the FM Act. Permits under this Part will remain the responsibility of Fisheries NSW.

## Proposed Management under the NSW Biosecurity Act 2015

It is proposed to manage POMS with a Biosecurity Zone regulation that will apply similar controls to those required by the POMS Quarantine Orders under the FM Act. The Biosecurity Zone will include Georges River/Botany Bay, Hawkesbury River and Brisbane Water. Specifically, it is proposed that the regulation will:

- prohibit the movement of all oysters out of the Georges River/Botany Bay, Hawkesbury River and Brisbane Water into any other NSW estuary. A specific exemption will allow the movement of oysters for the purposes of sale for human consumption. Movement of oysters and cultivation material between these estuaries will be allowed (with the exception of movement into Brisbane Water due to QX risk);
- prohibit the movement of all cultivation equipment and/or infrastructure from the Georges River/Botany Bay, Hawkesbury River and Brisbane Water to other estuaries, unless it is in accordance with the *POMS: Oyster Equipment Movement Protocol* (Note: movement of equipment will be permitted between the affected estuaries, with the exception of movement into Brisbane Water due to QX risk - refer to QX estuary risk rankings and movement protocols); and

- include a duty on all aquaculture permit holders to notify the presence or suspected presence of POMS. Aquaculture permit holders will also have a duty to notify unexplained and significant mortality of oysters under section 38 of the Act (i.e. biosecurity event - something that is likely to have a significant biosecurity impact such as a disease in oysters).

If a new outbreak of POMS is suspected, an authorised officer (which includes fisheries officers) may issue a general biosecurity direction prohibiting the movement of oysters and cultivation material and infrastructure from the relevant estuary(ies).

If POMS is confirmed, a Control Order will then be made to respond to the outbreak and may include additional movement and other restrictions as required.

The Biosecurity Act also introduces the concept of shared responsibility via the inclusion of a General Biosecurity Duty (GBD). The GBD requires any person dealing with biosecurity matter (e.g. infected oysters) or a carrier of biosecurity matter (e.g. aquaculture equipment, oysters) and who knows or ought to know of the biosecurity risks associated with that activity to take measures to prevent, minimise or eliminate the risk as far as is reasonably practicable. For example, the GBD would require an oyster farmer who detects diseased oysters or unusually high mortalities in his or her oysters to not move those oysters to another estuary. Any associated equipment/cultivation material could also not be moved unless it had been treated appropriately.

As clause 7E of the *Fisheries Management (Aquaculture) Regulation 2012* is being retained, all movements will be subject to the record keeping requirements specified in that clause.

## What do you think?

We value your comments on how we can improve our biosecurity system and look forward to receiving your input into this important process.

Please complete the following survey on 'POMS in Oysters' at:  
<https://www.surveymonkey.com/r/POMSoysters>.

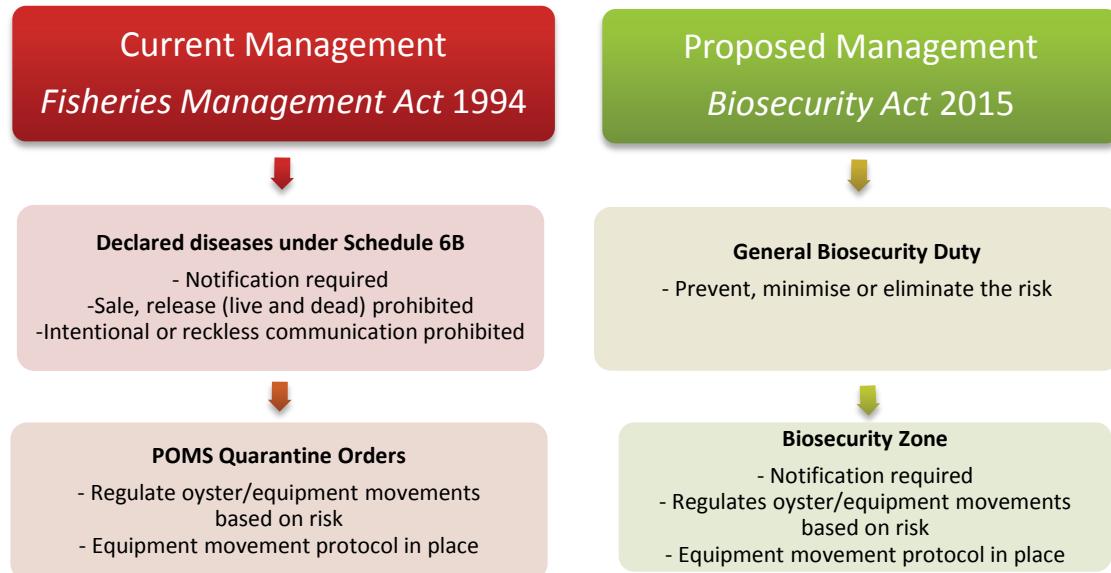
Alternatively, submit your feedback **by Friday, 12 February 2016** via [email](#) or post to:

Biosecurity Act 2015  
NSW Department of Primary Industries  
Locked Bag 21  
Orange NSW 2800

For more information about the *Biosecurity Act 2015* and regulatory framework, please visit [www.dpi.nsw.gov.au/biosecurityact](http://www.dpi.nsw.gov.au/biosecurityact).

## Appendix 1

### Summary of current and proposed management of POMS



**Note:** Existing aquaculture management provisions under the *Fisheries Management (Aquaculture) Regulation 2012* will be retained (e.g. oyster shipment logbook system and other permit conditions relating to inter-estuarine movement, sale and cultivation etc).

## Appendix 2

NOTE: This is a *hypothetical scenario* of how an outbreak of POMS *might* be managed under the *Biosecurity Act 2015*. This scenario is provided for consultation purposes only.

