



BIOSECURITY ACT 2015

Discussion Paper: QX Disease 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

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For more information

See: www.dpi.nsw.gov.au/biosecurityact

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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 QX disease.

Having considered existing management arrangements and the biosecurity risks associated with QX disease, it is proposed to implement similar management arrangements under the *Biosecurity Act 2015*. Specifically it is proposed that a Biosecurity Zone will replace the Fishing Closure and Quarantine Order that are currently in place on account of QX disease under the *Fisheries Management Act 1994* (FM Act).

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

Background Information

What is the problem?

QX disease is a serious disease of Sydney Rock Oysters caused by the protozoan parasite *Marteilia sydneyi*. Past outbreaks have caused significant mortality of cultured Sydney Rock Oysters in the Georges and Hawkesbury rivers and a number of north coast estuaries and the subsequent collapse of the industry in those areas. Oyster Cultivation in NSW has historically relied upon inter-estuarine movements of oysters within NSW during different growth stages for spat supply and optimum development of the oyster for consumption. Movement restrictions resulting from QX disease have and have further potential to impact this process.

An outbreak of QX disease may affect interstate market access, particularly to states which do not have the disease such as Victoria. There are also potential impacts on ecosystems, as oysters play a key role in aquatic ecosystem health.

Why is it important?

The NSW oyster industry is the state's most valuable aquaculture industry and an important contributor to the NSW economy, with \$31.8 million of Sydney Rock oysters and \$2.1 million of Pacific Oysters sold on the NSW and interstate market in 2013-14.

Oysters are farmed in 33 NSW estuaries between Eden in the south and the Tweed River in the north. There are about 2816 aquaculture leases, with a total area of approximately 2256 hectares.

What is the outcome we are seeking?

The desired outcome is to continue to prevent and contain outbreaks of QX disease in order to prevent its spread to waterways in which the disease has not previously occurred.

Current management arrangements

Infection with *Marteilia sydneyi* (QX disease) is listed in *Australia's National List of Reportable Diseases of Aquatic Animals* and is a declared disease in NSW in Schedule 6B to the 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 directly for human consumption);

- the intentional or reckless communication of the disease is prohibited; and
- a confirmed or suspected presence of the disease can trigger the declaration of a quarantine area.

Additionally, in response to the presence of QX disease in certain NSW estuaries, a [Fishing Closure](#) and [Quarantine Order](#) under sections 8 and 183 respectively of the FM Act have been made to regulate the movement of oysters, oyster cultivation material and infrastructure between estuaries. The Fishing Closure provides that oysters may only be moved to an estuary with the same or higher risk level as the source, according to the following risk classifications:

- High Risk QX Estuary - Richmond River, Clarence River, Macleay River, Bellinger River, Kalang River, Hawkesbury River, Georges River/Botany Bay.
- Medium Risk QX Estuary - Tweed River, Brunswick River.
- Low Risk - All other estuaries.

The current Quarantine Order restricts the taking of oysters and the movement of oyster cultivation equipment and infrastructure from nine estuaries, which it declares to be Quarantine Areas. These nine estuaries are the same as those ranked as high and medium risk in the Fishing Closure referred to above. The Quarantine Order establishes strict protocols for movements, for example, equipment and infrastructure may only be moved if it has been dry for at least 30 days.

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 QX disease with a **Biosecurity Zone** regulation. The zone will cover all waters of NSW and will establish high, medium and low QX risk estuaries as per the current Fishing Closure. Oyster movements will be regulated as per the current risk ranking movement conditions.

Additionally, it is proposed that the biosecurity zone regulation will require that oyster cultivation equipment and infrastructure (e.g. oyster sticks, trays, baskets) used within high risk and medium risk estuaries within the zone cannot be relocated to another NSW estuary unless they have been dried for at least 30 days.

The regulation will include a duty on all aquaculture permit holders to notify the presence or suspected presence of QX Disease. 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 QX disease 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 QX disease is confirmed, a Control Order will be made to respond to the outbreak and may include additional movement and other restrictions as required.

The Biosecurity Act also recognises that biosecurity is a 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) 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 affected equipment could also not be moved unless it had been treated appropriately.

Clause 7E Clause of the *Fisheries Management (Aquaculture) Regulation 2012* will be retained as outlined above.

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 'QX Disease in Oysters' at:
<https://www.surveymonkey.com/r/QXdisease>.

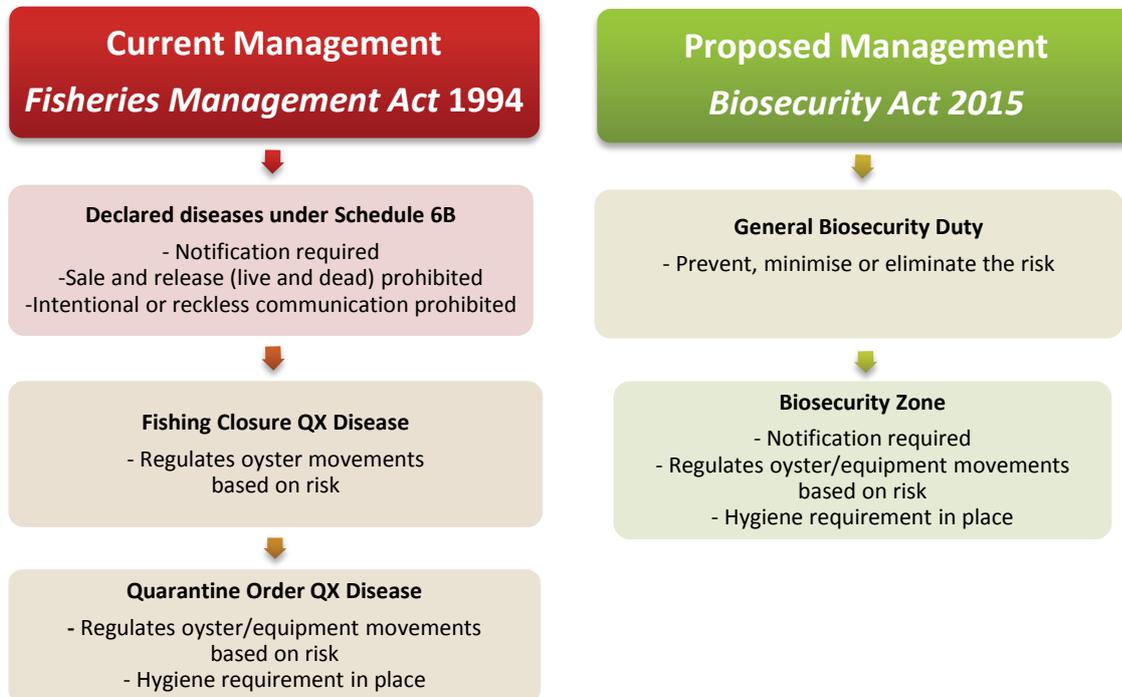
Alternatively, submit your feedback **by Friday, 12 February 2016** via [email](#) or post to:

Biosecurity Act 2015
NSW Department of Primary Industries
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For more information about the *Biosecurity Act 2015* and regulatory framework, please visit www.dpi.nsw.gov.au/biosecurityact.

Appendix 1

Summary of current and proposed management of QX Disease



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

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

