


# **Biosecurity (American Foulbrood and Small Hive Beetle in Apiary Equipment - Nyngan) Control Order 2020**

under the

## **Biosecurity Act 2015**

I, JOHN TRACEY, with authority of the Minister under section 78 of the *Biosecurity Act 2015* (“the Act”) and pursuant to Part 6 of the Act, reasonably believing that this order is necessary to eliminate, minimise and manage the biosecurity risk arising from the presence of American foulbrood and small hive beetle in certain bee hives and apiary equipment, make the following control order.

Dated this 12<sup>th</sup> day of November 2020



**JOHN TRACEY,**  
Deputy Director General, Biosecurity and Food Safety  
Department of Primary Industries  
Regional NSW

## **Part 1 Preliminary**

### **1 Name of control order**

This control order is the *Biosecurity (American Foulbrood and Small Hive Beetle in Apiary Equipment - Nyngan) Control Order 2020*.

### **2 Commencement**

This control order commences on the date on which it is made.

### **3 Duration of control order**

This control order has effect for 6 months from the date of commencement.

### **4 Definitions**

In this control order:

*AFB Nyngan Control Zone* – see clause 6.

*American foulbrood* or **AFB** means the disease of bees caused by the bacterium *Paenibacillus larvae*.

*apiary product* means anything produced by bees.

**contaminated apiary equipment** means anything relating to the keeping of bees in the infected hives or the processing, handling or storing of apiary products from the infected hives.

**control** means possession, care, custody or control.

**destruction site** means the premises at Dandaloo Street, Nyngan (with the latitude and longitude coordinates -31.579938, 147.191485), the approximate location of which is shown by the letter “B” on the map in Schedule 1.

**hive material** includes honey, wax and any live or dead insect larvae contained in or on an infected hive or contaminated apiary equipment or that has leaked from an infected hive or contaminated apiary equipment.

**infected hives** means the 281 hives seized from premises at Benah Road, Murrawombie on 13 and 14 October 2020 which, at the commencement of this control order, are located at the LLS depot.

**LLS depot** means the premises at Jubilee Street, Nyngan (with the latitude and longitude coordinates -31.555900, 147.204650), the approximate location of which is shown by the letter “A” on the map in Schedule 1.

**personal protective clothing** means clothing that is worn over the wearer’s own clothing that protects the underclothing from contamination.

**small hive beetle** means *Aethina tumida* Murray, Order Coleoptera (beetles), which is a member of the Family Nitidulidae.

**the Act** means the *Biosecurity Act 2015*.

## **5 Biosecurity matter and biosecurity risk [s63(a)]**

- (1) The biosecurity matter to which this control order relates is American foulbrood and small hive beetle.
- (2) The biosecurity risk to which this control order relates is the risk of an adverse effect on the economy, the environment or the community that arises, or has the potential to arise, from the presence, spread or increase of American foulbrood in NSW.

## **6 AFB Nyngan Control Zone [s63(b), s67]**

- (1) The control zone is the area bounded by the dotted line shown on the map in Schedule 1 to this control order and includes the LLS depot and the destruction site.
- (2) The control zone is called the *AFB Nyngan Control Zone*.

## **Part 2 Control measures applying to persons in control of infected hives, contaminated apiary equipment and hive material**

### **7 Control measures applying to persons in AFB Nyngan Control Zone [s63(d), s68]**

- (1) A person in the AFB Nyngan Control Zone who has control of the infected hives, contaminated apiary equipment or hive material must comply with and implement the control measures specified in this Part.
- (2) A person in the AFB Nyngan Control Zone who has control of the infected hives, contaminated apiary equipment or hive material only for the purposes of moving

the hives, equipment or material from the LLS depot to the destruction site is not required to comply with or implement the control measures specified in this Part.

**Note:** The control measures relating to the movement of the affected hives, equipment and material are set out in Part 3 of this control order.

**8 Isolation and confinement of infected hives, contaminated apiary equipment and hive material [s69(d)]**

- (1) A person to whom this Part applies must isolate the infected hives, contaminated apiary equipment and hive material from any other hives and apiary equipment.
- (2) A person to whom this Part applies must confine the spread of American foulbrood and small hive beetle by closing the infected hives with hive closures or wrapping the infected hives and contaminated apiary equipment in plastic to ensure that the hives and equipment are impervious to robber bees.

**9 Destruction of infected and contaminated material [s69(1)]**

- (1) No earlier than 2 days after the date this control order is made, a person to whom this Part applies must destroy the infected and contaminated material at the destruction site by:
  - (a) digging a pit to place all the infected and contaminated material in for burning,
  - (b) unloading the infected and contaminated material and any other contaminated waste into the pit,
  - (c) burning the infected and contaminated material and any other contaminated waste by distributing a petrochemical accelerant onto the material and igniting the material until a state of ash or disfigurement is reached, and
  - (d) covering the remnants of the infected and contaminated material and any other contaminated waste with at least 30 centimetres of soil.
- (2) In this clause:

***infected and contaminated material*** means:

- (a) the following things moved from the LLS depot to the destruction site: infected hives, contaminated apiary equipment, hive material and garbage bags containing hive material or disposable personal protective clothing or disposable cleaning implements, and
- (b) the following things at the destruction site: any organic material that has been cleaned off any vehicle or equipment used to move the things specified in paragraph (a) to the destruction site and any disposable personal protective clothing or disposable cleaning implements used at the destruction site.

**10 Treatment measures – LLS depot [s69(e)]**

After the infected hives, contaminated apiary equipment and visible hive material are moved from the LLS depot, a person to whom this Part applies must clean and disinfect the LLS depot with an appropriate insecticide and disinfecting agent.

### **Part 3 Control measures applying to persons moving the infected hives, contaminated apiary equipment and hive material**

#### **11 Control measures applying to persons in AFB Nyngan Control Zone [s63(d), s68]**

A person in the AFB Nyngan Control Zone who has control of the infected hives, contaminated apiary equipment or hive material for the purposes of moving the hives, equipment and material from the LLS depot to the destruction site is required to comply with and implement the control measures specified in this Part.

#### **12 Regulation of movements within and out of the AFB Nyngan Control Zone [s69(c)]**

- (1) A person to whom this Part applies must not move the infected hives, contaminated apiary equipment or hive material out of the AFB Nyngan Control Zone.
- (2) A person to whom this Part applies must only move infected hives, contaminated apiary equipment or hive material within the AFB Nyngan Control Zone:
  - (a) from the LLS depot to the destruction site, and
  - (b) using the following route, an approximation of which is shown in blue on the map in Schedule 1:
    - (i) drive south on Hoskins Street until the intersection with the Mitchell Highway (A32),
    - (ii) drive east on the Mitchell Highway until the intersection with Hoskins Street,
    - (iii) drive south on Hoskins Street until the intersection with Oatley Street,
    - (iv) drive west on Oatley Street until the intersection with Dandaloo Street,
    - (v) drive south on Dandaloo Street until reaching the destruction site.

#### **13 Movement of infected hives, contaminated apiary equipment and hive material [s69(c)]**

- (1) Before moving the infected hives, contaminated apiary equipment and hive material, a person to whom this Part applies must:
  - (a) in relation to any infected hives or contaminated apiary equipment that are not wrapped in plastic - wrap the hives or equipment in plastic to ensure that the hives and equipment are impervious to robber bees,
  - (b) scrape and clean any hive material that has leaked from an infected hive at the LLS depot and place that hive material into disposable garbage bags so that there is no visible hive material left at the LLS depot,
  - (c) place into disposable garbage bags any disposable personal protective clothing and any disposable cleaning implements that have been used at the LLS depot in relation to the infected hives, contaminated apiary equipment and hive material.
- (2) A person to whom this Part applies must:
  - (a) use a flatbed tipper truck to move from the LLS depot to the destruction site the infected hives, contaminated apiary equipment, garbage bags containing hive material and garbage bags containing disposable personal protective clothing and disposable cleaning implements, and

- (b) lift the pallets containing the infected hives and contaminated apiary equipment onto the flatbed tipper truck using mechanical lifting only.

**14 Treatment measures – vehicles and equipment [s69(e)]**

- (1) After moving the infected hives, contaminated apiary equipment and hive material to the destruction site, a person to whom this Part applies must, at the destruction site:
  - (a) clean and disinfect the vehicle and any equipment used for the movement by:
    - (i) cleaning all organic material from the vehicle or equipment and adding that material and any used disposable cleaning implements to the material to be destroyed by burning at the destruction site; and
    - (ii) cleaning the flatbed of the truck, and any other surfaces which may have had contact with the infected hives, contaminated apiary equipment and hive material with an appropriate disinfectant and biocide,
  - (b) remove any disposable personal protective clothing used at the destruction site and add it to the material to be destroyed by burning at the destruction site.
- (2) After moving the infected hives, contaminated apiary equipment and hive material, a person to whom this Part applies must wash any personal protective clothing that is not disposable in warm soapy water.

**Schedule 1 AFB Nyngan Control Zone, LLS depot, destruction site and movement route**  
(Clauses 4, 6 and 12)

