Biosecurity (Abalone Viral Ganglioneuritis) Control Order 2019 (No. 2)

under the
Biosecurity Act 2015

I, SARAH BRITTON, Group Director Animal Biosecurity, in exercise of authority conferred on me pursuant to section 78 of the Biosecurity Act 2015, in pursuance of section 62 of the Biosecurity Act 2015 reasonably believing it is necessary to prevent, eliminate, minimise or manage the biosecurity risk associated with the virus that causes the disease Abalone Viral Ganglioneuritis, make the following Control Order.

Dated this Friday, 5 July 2019

SARAH BRITTON
GROUP DIRECTOR ANIMAL BIOSECURITY
DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT

Explanatory note

This Control Order is made under section 62 of the Biosecurity Act 2015. The object of this Control Order is to prevent, eliminate, minimise and manage the biosecurity risk posed or likely to be posed by the spread of the virus that causes the disease Abalone Viral Ganglioneuritis within New South Wales.
Biosecurity (Abalone Viral Ganglioneuritis) Control Order 2019 (No. 2)

under the

Biosecurity Act 2015

1. Name of Order

This Control Order is the Biosecurity (Abalone Viral Ganglioneuritis) Control Order 2019 (No. 2).

2. Commencement

This Control Order commences on 5 July 2019.

Note: Notice of this Control Order will be given by publishing it on the Department’s website or in the NSW Government Gazette.

3. Revocation of the Biosecurity (Abalone Viral Ganglioneuritis) Control Order 2019

Pursuant to section 77 of the Act, the Biosecurity (Abalone Viral Ganglioneuritis) Control Order 2019, published in NSW Government Gazette No. 6 of 25 January 2019 at pages 167 to 174 is revoked, as is any Order revived as a result of this revocation.

4. Definitions

In this Control Order:

abalone means fish of the genus Haliotis.

abalone land-based farm means a land-based abalone farm containing stock that has not been sourced from either Tasmanian or Victorian State waters and has not been in contact with equipment that has been in Tasmanian or Victorian State waters (without appropriate decontamination).

abalone processor means a facility that receives live abalone that is processed (which may include shucking, cooking, smoking, preserving, canning, freezing, boxing live) prior to it being packaged, dispatched and transported for human consumption.

abalone product means:

(1) the muscle, tissue or offal of an abalone;
(2) any meat or food or foodstuffs derived from abalone;
(3) any part of the viscera of abalone;
(4) any dung, urine, mucus, faeces, shell or blood of an abalone, or any article or substance derived from the dung, urine, mucus, faeces, shell or blood of an abalone;
(5) any secretion of an abalone;
(6) any product or biological preparation made or derived from any abalone tissue or abalone secretion; or
(7) any article or substance derived from abalone, whether or not in combination with any other article or substance.
Abalone Viral Ganglioneuritis means the disease of abalone caused by abalone herpesvirus (Family Malacoherpesviridae).

live abalone means an abalone that is viable if kept or released.

public sewer means a sewer operated by a council or country council, a water supply authority (within the meaning of the Water Management Act 2000), a State owned corporation specified in Schedule 1 or 5 to the State Owned Corporations Act 1989 (or a subsidiary of such a corporation) or any other public or local authority.

relevant authority means the relevant state government agency that regulates aquatic biosecurity or food safety.

sentinel abalone means abalone that are susceptible to Abalone Viral Ganglioneuritis and that are used for testing and early detection of disease.

the Act means the Biosecurity Act 2015.

The Regulation means the Biosecurity Regulation 2017.

Tasmanian State waters means State waters as defined by the Living Marine Resources Management Act 1995 (Tasmania).

Victorian eastern abalone zone means all Victorian State waters east of longitude 148° East.

Victorian State waters means Victorian waters as defined by the Fisheries Act 1995 (Victoria).

Victorian western abalone zone means all Victorian State waters west of longitude 142°31 East.

waste depot means a place at which waste may be treated or stored in accordance with an approval under the Local Government Act 1993 or a place approved as a waste depot or waste facility under any other Act.

Note: authorised officer, biosecurity matter, biosecurity risk, Chief Veterinary Officer, carrier, control measures, control zone, deal, Department and fitting all have the same meaning as in the Act and Regulation.

5. Biosecurity Matter and Biosecurity Risk

(1) The biosecurity matter to which this Control Order relates is the virus that causes Abalone Viral Ganglioneuritis.

(2) The biosecurity risk to which this Control Order relates is the risk of an adverse effect to the economy, the environment and the community posed by or likely to be posed by the spread of the virus that causes Abalone Viral Ganglioneuritis into New South Wales.

6. Control Zone

(1) Pursuant to sections 62(1)(a) and 67 of the Act, the control zone to which control measures are required to be implemented under this Control Order is the whole of New South Wales.

(2) The control zone is called the Abalone Viral Ganglioneuritis Control Zone.

7. Control Measures

Pursuant to section 62(1)(b) and 68 of the Act, persons to whom the control measures apply are prohibited from moving or importing the following carriers of the biosecurity matter into the Abalone Viral Ganglioneuritis Control Zone:

(1) live abalone taken from, or originating in, Tasmania or Tasmanian State waters except live abalone as described in Schedule 1;

(2) live abalone taken from, or originating in, Victoria or Victorian State waters except exempt live
abalone as described in Schedule 2;

(3) live abalone that has been in contact with any water that has held, or is holding, live abalone as described in clauses 7(1) or 7(2);

(4) fittings used in connection with the live abalone described in clauses 7(1) or 7(2) above, unless those fittings have been cleaned and disinfected to remove any traces of abalone or abalone product in accordance with a protocol approved by the NSW Chief Veterinary Officer.

8. **The persons or class of persons to whom the control measures apply**

Pursuant to section 63(d), the control measures in this Control Order apply to any and all persons dealing with live abalone or carriers of the virus that causes Abalone Viral Ganglioneuritis in the Abalone Viral Ganglioneuritis Control Zone.

9. **Duration of control order**

This Control Order has effect for a period of 5 years from the date on which it is made.
Schedule 1 Live abalone taken from Tasmanian State waters or originating in Tasmania

For the purpose of clause 7(1) of this Order, the exempt live abalone is live abalone that:

1) is from a Tasmanian abalone land-based farm that:
   a) is more than three kilometres by water from an abalone processor; and
   b) has complied with the requirements of the accreditation program described in Schedule 3 to this Order (“accredited land-based farmed abalone”); and

2) has not been in contact with live abalone from any other location; and

3) is transported into New South Wales either:
   a) directly from the Tasmanian abalone land-based farm and not via an abalone processor outside of New South Wales; or
   b) from the Tasmanian abalone land-based farm in sealed boxes, directly to a designated area of an abalone processor that is physically separate from other live seafood products and has been disinfected before the land-based farmed abalone is placed there, and then transported directly into the Abalone Viral Ganglioneuritis Control Zone; or
   c) from the Tasmanian abalone land-based farm directly to a Tasmanian abalone processor that complies with Schedule 4 to this Order, and then transported directly into the Abalone Viral Ganglioneuritis Control Zone; and

4) in respect of which, a Record of Movement (Abalone), in the form published on the Department’s website, has been completed by the exporter of the live abalone certifying that the conditions in this Schedule have been complied with and is sent by email to abalone.import@dpi.nsw.gov.au, on or before the time of exporting the live abalone.
Schedule 2 Live abalone taken from Victorian State waters or originating in Victoria

For the purpose of clause 7(2) of this Order, the exempt live abalone is live abalone that is taken from:

(1) a Victorian abalone land-based farm that is transported directly into the Abalone Viral Ganglioneuritis Control Zone and not via an abalone processor outside New South Wales; or

(2) a Victorian abalone land-based farm that:

   (a) is transported directly to, and packed in an abalone processor that meets all conditions set out in Schedule 4 of this Order and then transported directly into the Abalone Viral Ganglioneuritis Control Zone; and

   (b) in respect of which, a Record of Movement (Abalone), in the form published on the Department’s website, has been completed by the exporter certifying that the conditions in this Schedule have been met and sent by email to abalone.import@dpi.nsw.gov.au on or before the time of export,

   or

(3) the Victorian eastern abalone zone and transported directly to the Abalone Fishermen’s Co-operative Limited, 1 Commercial Road, Mallacoota, Victoria 3892 and then transported directly into the Abalone Viral Ganglioneuritis Control Zone; or

(4) the Victorian western abalone zone, provided that:

   (a) a Victorian abalone is transported directly into the Abalone Viral Ganglioneuritis Control Zone and not via an abalone processor outside New South Wales; or

   (b) the live abalone is transported directly to and packed in an abalone processor in accordance with the requirements set out at Schedule 4,

   (c) after processing in accordance with clause 4(b) of this Schedule, the live abalone is transported directly into the Abalone Viral Ganglioneuritis Control Zone,

   (d) any water used for holding or transporting the live abalone is to be disposed of through a public sewer, and

   (e) any waste from holding, transporting or processing the live abalone is to be disposed of to a waste depot.
Schedule 3 Accreditation program

For the purpose of clause 1(b) of Schedule 1 to this Order, the requirements of the accreditation program are as follows:

(1) **Sampling requirements**

The sampling requirements described in either clauses 1(a) or 1(b) of this Schedule must be complied with:

(a) **Farm sampling:**

The owner or occupier of the abalone land-based farm must, in the preceding six months to importation, submit samples taken in accordance with the requirements of Division 3, Part 8 of the Biosecurity Regulation 2017, to detect infection using a 2-stage sampling procedure in accordance with the table in clause (3) of this Schedule and all samples must produce a negative result for the virus that causes Abalone Viral Ganglioneuritis when tested:

(i) by Polymerase Chain Reaction test in accordance with World Organisation for Animal Health specifications (‘OIE’); or

(ii) by using a test specified by the relevant OIE Reference Laboratory.

(b) **Sentinel population sampling:**

The owner or occupier of the abalone land-based farm must:

(i) submit samples, in accordance with the requirements of Part 2, Division 3, Part 8 of the Biosecurity Regulation 2017, to detect infection using a 2-stage sampling procedure in accordance with the table in clause (3) of this Schedule and all samples must produce a negative result for the virus that causes Abalone Viral Ganglioneuritis when tested:

A. by Polymerase Chain Reaction test in accordance with World Organisation for Animal Health specifications; or

B. by using a test specified by the relevant OIE Reference Laboratory, and

(ii) within 6 weeks of receiving the test results under clause (1)(b)(i) of this Schedule, establish a sentinel population of 30 or more abalone susceptible to Abalone Viral Ganglioneuritis within an area of the farm that receives discharge water from all tanks holding live abalone on the land-based farm (multiple sentinel abalone populations must be used where the sentinel abalone population cannot be placed in a single common area to receive discharge from all tanks); and

(iii) check each sentinel population daily and submit any moribund abalone for testing, in accordance with the requirements of Part 2, Division 3, Clause 8 of the Biosecurity Regulation 2017, to detect infection, with all abalone testing negative for the virus that causes Abalone Viral Ganglioneuritis by Polymerase Chain Reaction test or a test specified by the relevant OIE Reference Laboratory and replace any moribund abalone, if required, to maintain a sentinel population of 30 or more; and

(iv) every six months, submit all abalone within the sentinel population for testing, in accordance with the requirements of Part 2, Division 3, Clause 8 of the Biosecurity Regulation 2017, to detect infection, with the entire population testing negative for the virus that causes Abalone Viral Ganglioneuritis when tested:

A. by Polymerase Chain Reaction in accordance with World Organisation for Animal Health specifications; or

B. by using a test specified by the relevant OIE Reference Laboratory; and

(v) maintain accurate records of all abalone removed from the sentinel population for testing purposes for 4 years and provide these records for examination during any compliance audits.

(2) **Record keeping requirements:**
The abalone land-based farm must keep written evidence:

(a) of two satisfactory audits of compliance in accordance with the abalone farm biosecurity program of the relevant authority (with such audits confirming that there have been no introductions of abalone stock except from equivalent abalone farms of equivalent status); and

(b) that:

(i) all unusual abalone mortality events have been reported to the relevant authority; and

(ii) any associated disease investigation considered necessary by the relevant authority have been completed; and

(iii) the abalone submitted for disease investigation at subclause 2(b)(ii) above in this Schedule, tested negative by a laboratory approved by the relevant authority for the virus that causes Abalone Viral Ganglioneuritis by Polymerase Chain Reaction test or by using a test specified by the relevant OIE Reference Laboratory (such tests conducted in accordance with the sampling requirements required by the relevant authority).

(3) Two (2) stage sampling procedure

<table>
<thead>
<tr>
<th>No of grow-out tanks on farm</th>
<th>No of tanks to sample</th>
<th>No abalone sampled per tank</th>
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<tbody>
<tr>
<td>22 or fewer</td>
<td>All</td>
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Schedule 4: Interstate abalone processing

For the purposes of clause (3)(c) of Schedule 1 and, clauses 2 and 4 of Schedule 2 to this Control Order, abalone that is accredited land-based farmed abalone from Tasmania or taken from a Victorian abalone land-based farm, or from Victorian western abalone zone (together, “low risk abalone”) can be transported via an abalone processor outside the Abalone Viral Ganglioneuritis Control Zone if the abalone processor complies with the following conditions:

(1) The abalone processor must not have held abalone that is not low risk abalone for 7 days prior to accepting the low risk abalone for processing.

(2) Evidence of efficacy of incoming water disinfection must be provided to the relevant authority responsible for auditing the facility (such as the Tasmanian Department of Primary Industries, Parks, Water and Environment or other authority approved by the NSW Chief Veterinary Officer), including evidence of the following:

(a) all influent water must be filtered to 25 microns and effectively disinfected before it enters the abalone processor by:

   (i) ultraviolet radiation at dose rate of at least 30 mJ/cm²; or

   (ii) ozone at a dose rate of 1mg/L for 1 minute or equivalent; or

   (iii) sodium hypochlorite at a dose rate of 200ppm for 2 hours or equivalent.

(b) evidence of regular testing at least every six months to ensure efficacy of incoming water disinfection system (such as monitoring of microbial viability as a proxy for the virus that causes Abalone Viral Ganglioneuritis).

(c) the disinfection system usage data must be maintained and up-to-date, including hours of use, to ensure the system is used according to manufacturer's specifications.

(3) Low risk abalone must be held at all times in a live holding area designated solely for that purpose at the abalone processor that:

(a) is physically isolated from the rest of the processing facility and other products; and

(b) restricts staff access to the area, so that only staff undertaking activities necessary for maintaining and processing low risk abalone can enter the area; and

(c) all equipment within the area is used only for maintaining low risk abalone (such as tanks, cleaning equipment, buckets).

(4) Packaging of the low risk abalone must be done in a designated processing area at the abalone processor that has been disinfected immediately prior to the packaging of the low risk abalone. No other products are to be in this designated processing area whilst packaging of the low risk abalone is taking place.

(5) The processing facility must have been audited and accredited within the 12 months prior to accepting any low risk abalone by a competent authority (such as the Tasmanian Department of Primary Industries, Parks, Water and Environment or other authority approved by the NSW Chief Veterinary Officer for this purpose) for compliance with clauses 1 to 4 of this Schedule.