

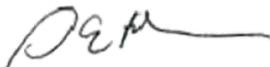
Biosecurity (Abalone viral ganglioneuritis) Control Order (No 4) 2021

under the

Biosecurity Act 2015

I, Sarah Britton, Group Director Animal Biosecurity, with the authorisation of the Minister administering the *Biosecurity Act 2015* and in pursuance of section 62 of the *Biosecurity Act 2015*, having a reasonable belief it is necessary to prevent and minimise the biosecurity risk arising from the virus that causes the disease of Abalone viral ganglioneuritis, make the following control order.

Dated this 7th day of December 2021



Sarah Britton
Group Director Animal Biosecurity
Department of Primary Industries
Regional NSW

Part 1 Preliminary

1 Name of control order

This control order is the Biosecurity (Abalone viral ganglioneuritis) Control Order (No 4) 2021.

2 Revocation of the Biosecurity (Abalone viral ganglioneuritis) Control Order (No 3) 2021

The Biosecurity (Abalone viral ganglioneuritis) Control Order (No 3) 2021 of 8 June 2021, published on the Department's website is revoked, as is any order revoked as a result of this revocation.

3 Commencement and duration

This control order commences on the date on which it is made, and has effect until 7 December 2023.

4 Definitions

In this control order:

abalone means fish of the genus *Haliotis*.

abalone land-based farm means a land-based abalone farm that only deals with abalone that:

- (a) is not from Tasmanian State waters, or from Victorian State waters that are not in the Victorian eastern abalone zone, and
- (b) has not been in contact with fittings used in Tasmanian State waters or Victorian State waters that are not in the Victorian eastern abalone zone, unless those fittings have been decontaminated in accordance with clause 8(3) of this control order.

abalone processor means a facility that receives live abalone that is processed (including by way of shucking, cooking, smoking, preserving, canning, freezing, boxing live) prior to dispatch and transportation for human consumption. For the purpose of Schedules 1 and 3 to this control order, it does not include an abalone processing facility that is located on an abalone land-based farm that solely processes abalone produced at that abalone land-based farm.

abalone product means:

- (a) the muscle, tissue or offal of an abalone,
- (b) any meat, food or foodstuffs derived from abalone,
- (c) any part of the viscera of abalone,
- (d) any dung, urine, mucous, 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,
- (e) any secretion of an abalone,
- (f) any product or biological preparation made or derived from any abalone tissue or abalone secretion, or
- (g) any article or substance derived from abalone, whether or not in combination with any other article or substance.

Abalone viral ganglioneuritis or ***AVG*** means the aquatic animal disease caused by abalone herpesvirus (Family Malacoherpesviridae).

abalone waste water means any water that has been in contact with abalone and fittings that have been used in connection with abalone.

Department means the Department of Regional New South Wales

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

New South Wales waters means waters to which the *Fisheries Management Act 1994* applies, as per section 7 of that Act.

public sewer means a sewer operated by:

- (a) a council (within the meaning of the *Local Government Act 1993*)
- (b) a water supply authority (within the meaning of the *Water Management Act 2000*)
- (c) 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
- (d) any other public or local authority.

relevant authority means the relevant state government agency that regulates aquatic biosecurity

sentinel abalone means abalone that are susceptible to abalone viral ganglioneuritis and that are used for testing and early detection of that disease.

signs of illness in abalone include curled foot, inability to attach firmly or right itself when placed on its shell, excessive mucus production and protruding mouth.

sourced means taken, caught or gathered from marine waters or harvested from an abalone land-based farm

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

the Act means the *Biosecurity Act 2015*.

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* (Vic).

5 Biosecurity matter and biosecurity risk

- (1) The biosecurity matter to which this control order relates is the virus that causes AVG.
- (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 that arises from the introduction or spread of the virus that causes AVG in New South Wales.

6 Control zone

- (1) 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 **AVG Control Zone**.

Part 2 Control measures – dealings within AVG Control Zone

7 The persons to whom the control measures apply

Any person in the AVG Control Zone or who enters the AVG Control Zone, and who deals with abalone or carriers of the virus that causes AVG must comply with the control measures specified in clause 8.

8 Control measures

- (1) The following must not be moved into the AVG Control Zone:
 - (a) live abalone sourced from Tasmania or Tasmanian State waters, unless the movement is in accordance with Schedule 1.
 - (b) live abalone sourced from Victoria or Victorian State waters, unless the abalone is sourced from the Victorian eastern abalone zone, and the

movement complies with Part 4 of this control order.

- (c) live abalone that has:
 - (i) been in contact with live abalone sourced from Tasmania or Tasmanian State waters (except for abalone moved in accordance with Schedule 1), Victoria or Victorian State waters (except for abalone sourced from the Victorian eastern abalone zone and moved in accordance with Part 4), or
 - (ii) been in contact with any water that has held, or is holding, live abalone sourced from Tasmania or Tasmanian State waters (except for abalone moved in accordance with Schedule 1), Victoria or Victorian State waters (except for abalone sourced from the Victorian eastern abalone zone and moved in accordance with Part 4), or
 - (iii) been in contact with any fittings that have been in contact with live abalone sourced from Tasmania or Tasmanian State waters (except for abalone moved in accordance with Schedule 1), Victoria or Victorian State waters (except for abalone sourced from the Victorian eastern abalone zone and moved in accordance with Part 4) unless those fittings were cleaned and disinfected in accordance with clause 8(3) prior to coming into contact with the live abalone, or
 - (iv) been processed in an abalone processor where live abalone sourced from Tasmania or Tasmanian State waters (except for abalone moved in accordance with Schedule 1), Victoria or Victorian State waters (except for abalone sourced from the Victorian eastern abalone zone and moved in accordance with Part 4) are processed, unless the abalone processor is operating in accordance with Schedule 3.
 - (d) fittings used in connection with the live abalone sourced from Tasmania or Tasmanian State waters (except for abalone moved in accordance with Schedule 1), Victoria or Victorian State waters (except for abalone sourced from the Victorian eastern abalone zone and moved in accordance with Part 4), unless those fittings have been cleaned and disinfected to remove any traces of abalone or abalone product in accordance with clause 8(3) below.
- (2) Live abalone that is sourced within the AVG Control Zone can only be moved within the AVG Control Zone if, immediately after the person who took the abalone has complied with clause 30A of the Appendix to the Fisheries Management (Abalone Share Management Plan) Regulation 2000:
 - (a) a secure lid is fixed to the container carrying the abalone, and
 - (b) the lid remains in place until the abalone has reached its destination.
 - (3) Fittings that have been used in connection with abalone must comply with either of the following:

- (a) prior to being used again in connection with abalone:
 - (i) cleaned and disinfected using one of the products referred to in Permit Number PER91122 issued by the Australian Pesticides and Veterinary Medicines Authority, in accordance with the directions for use and conditions in that permit, and
 - (ii) all water, drained from fittings or used for cleaning, disposed of by either:
 - (A) draining the water directly into a public sewer, or
 - (B) decontaminating the water prior to disposal with Hypochlorite solutions in accordance with rate as set out in attachment 1 of the Permit Number PER91122 issued by the Australian Pesticides and Veterinary Medicines Authority and then disposing to the nearest drain, provided it does not flow directly to the ocean, and
 - (iii) holding fittings that have been cleaned and disinfected in accordance with subclauses 8(3)(a)(i) and (ii) above in a separate area to dirty fittings in order to avoid cross contamination; or
 - (b) be disposed of to landfill via the local council waste disposal system immediately after use.
- (4) Written records must be made of the following, and kept for 12 months from the date the record is made:
- (a) any abalone mortality or signs of illness in abalone,
 - (b) any movements of fittings on and off the premises,
 - (c) a log of when equipment is cleaned and disinfected.
- (5) Abalone waste water must not be moved into or within the AVG Control Zone, unless:
- (a) it is disposed of directly into a public sewer immediately after the abalone are removed from the water, or
 - (b) the water has only been in contact with either or both of the following:
 - (i) abalone sourced from New South Wales waters or the Victorian eastern abalone zone, and those abalone have not been in contact with, abalone from any other source, at any stage in their lives,
 - (ii) fittings that have only been in contact with abalone described in clause 8(5)(b)(i), or
 - (c) decontaminating the water prior to disposal with Hypochlorite solutions in accordance with rate as set out in attachment 1 of the Permit Number PER91122 issued by the Australian Pesticides and Veterinary Medicines Authority and then disposing to the nearest drain, provided it does not flow

directly to the ocean.

Part 3 Control measures – abalone processors

9 The persons to whom the control measures apply

Any person in the AVG Control Zone who is operating or working in an abalone processor.

10 Control measures

- (1) Protective clothing, including boots, aprons, wetsuits and gloves, worn while processing abalone at an abalone processor must not be moved from the abalone processor unless they are first cleaned in accordance with the Primefact “*Decontamination processes for commercial Abalone divers: Standard operating procedure*” published on the Department’s website.
- (2) A written protocol for the cleaning, disinfection and storage of fittings, that complies with this control order, must be made and kept for the duration of the control order, and made available to all persons working at the abalone processor.

Part 4 Control measures – Victorian eastern abalone zone

11 The persons to whom the control measures apply

Any person moving abalone sourced from the Victorian eastern abalone zone into the AVG Control Zone.

12 Control measures

Live abalone sourced from the Victorian eastern abalone zone may only be moved into the AVG Control Zone if all the following are complied with:

- (a) the abalone is transported directly from where it is sourced to - a holder of a current fish receivers licence issued under the *Fisheries Act 1995 (Vic)* located in Mallacoota, Victoria, and then transported directly into the AVG Control Zone,
- (b) the live abalone is transported in a manner that prevents it coming into contact with live abalone from a location other than the abalone sourced from the Victorian eastern abalone zone , and
- (c) the live abalone is transported into the AVG Control Zone in fully enclosed containers that:
 - (i) have a secure lid that remains fixed in place during transport to a holder of a current fish receivers licence issued under the *Fisheries Act 1995 (Vic)* located in Mallacoota, Victoria, and to its destination within the AVG Control Zone, and
 - (ii) are either:
 - (A) new, or

- (B) cleaned and disinfected prior to use for transporting the abalone in connection with abalone, using one of the products referred to in Permit Number PER86206 issued by the Australian Pesticides and Veterinary Medicines Authority, in accordance with the directions for use and conditions in that permit.

Schedule 1: Movement of live abalone into AVG Control Zone from Tasmania

For the purpose of clause 8(1) of this control order, a person may move live abalone from Tasmania into the AVG Control Zone, if all of the following requirements are met:

- (1) before the live abalone is moved, a Record of Movement (Abalone) available on the Department's website is completed and submitted to the Department via online submission.
- (2) the live abalone was produced at and is sourced from an abalone land-based farm in Tasmania that:
 - (a) is located at least 3 kilometres, by water, from an abalone processor, and
 - (b) is located at least 3 kilometres, by water, from where wild abalone are known to have AVG, and
 - (c) has complied with the requirements of the accreditation program described in Schedule 2, and
 - (d) has been audited by the relevant authority for compliance with this control order, and a copy of the results of the audit showing compliance with the applicable provisions of the control order has been provided to the Department, within the 6 months immediately prior to the movement.
- (3) the live abalone is transported in a manner that prevents it coming into contact with live abalone, or water that has held live abalone, from a location other than the abalone land-based farm from which it is sourced, and
- (4) the live abalone is transported into the AVG Control Zone, in one of the following ways:
 - (a) in fully enclosed containers that are new or have been disinfected using a registered broad spectrum virucidal disinfectant, in accordance with the label instructions (such as Detsan detergent-sanitiser or F10 SC veterinary disinfectant) and have a secure lid that remains fixed in place until the abalone reaches the AVG Zone, and either transported:
 - (i) directly from the Tasmanian abalone land-based farm, or
 - (ii) directly to a designated area, that is isolated from other live seafood products, of a Tasmanian abalone processor where that area has been disinfected before the container carrying the abalone is placed there, and then transported directly into the AVG Control Zone, or
 - (b) directly to a Tasmanian abalone processor that complies with Schedule 3, and then transported directly into the AVG Control Zone.

Schedule 2: Accreditation program for abalone land-based farms

1 For the purpose of clause (2)(c) of Schedule 1, the owner or occupier of the abalone land-based farm must take samples of **abalone** and provide them to a laboratory that complies with the [Prohibited Matter \(Diagnostics\) Exemption Order 2019](#) in accordance with either subclause (1) or subclause (2):

(1) **Whole of farm sampling:**

- (a) samples must be taken in the 6 months prior to moving the live abalone using the procedure set out in clause 2 below,
- (b) all samples must be tested and produce a negative test result for abalone herpesvirus when tested in accordance with the World Organisation for Animal Health ('OIE') specifications for the Polymerase Chain Reaction test, or other similar test specified by the OIE Reference Laboratory.

(2) **Sentinel population sampling:**

- (a) samples must be taken **initially** using the procedure set out in clause 2 below, and
- (b) all samples must be tested and produce a negative test result for abalone herpesvirus when tested in accordance with the OIE specifications for the Polymerase Chain Reaction test, or other similar test specified by the OIE Reference Laboratory, and
- (c) within 6 weeks of receiving test results for testing undertaken in accordance with subclause 1(2)(b), establish a sentinel population of 30 or more abalone susceptible to AVG in an area of the farm that receives discharge water from all tanks holding live abalone on the 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
- (d) check each sentinel population daily and submit any moribund abalone for testing to detect infection, with all abalone testing negative for the virus that causes AVG when tested in accordance with the OIE specifications for the Polymerase Chain Reaction test, or other similar test specified by the OIE Reference Laboratory and replace any moribund abalone, if required, to maintain a sentinel population of 30 or more, and
- (e) every six months, submit all abalone within the sentinel population for testing, with the entire population producing a negative test result for abalone herpes virus and AVG when tested in accordance with the OIE specifications for the Polymerase Chain Reaction test, or other similar test specified by the OIE Reference Laboratory, and

- (f) maintain accurate records of all abalone removed from the sentinel population for testing purposes for 4 years and provide these records to the auditing authority upon request.

2 For the purpose of clause 1 of this Schedule, the owner or occupier of the abalone land-based farm must carry out testing in accordance with the following procedure:

Number of grow out tanks on farm	Number of tanks that must be sampled	Number of abalone that must be sampled per tank
22 or fewer	All	95
23	All	58
24	All	46
25	All	38
26	All	33
27	All	30
28	All	27
29	All	25
30	All	22
31	All	19
32	All	18
33	All	17
34-35	All	16
36	All	14
37	All	13
38	All	12
39-40	All	11
41-42	All	10
43-44	All	9
45	All	8
46	All	7
47	All	6
48 or more	48	5

3 The owner or occupier of the abalone land-based farm must maintain the following written records and provide them to the Department upon request:

- (a) two audits of compliance with the abalone farm biosecurity program of the relevant authority, with such audits confirming there have been no introductions of abalone stock except from abalone farms of equivalent status,
- (b) details of unusual or unexplained abalone mortality events and evidence that such events have been reported to the relevant authority, and
- (c) details of, and test results from, any abalone disease investigation considered necessary by the relevant authority.

Schedule 3: Requirements for abalone processors

For the purpose of clause 8(c)(iv) of Part 2 and clause 4(b) of Schedule 1 to this control order, an abalone processor must meet the following requirements:

- (1) For 7 days prior to receiving the abalone for processing, the abalone processor must not have received abalone from any other location.
- (2) The abalone processor must provide written records to the relevant authority, or other authority approved by the NSW Chief Veterinary Officer, upon request, as evidence of the following:
 - (a) that all influent seawater is filtered to 25 microns and was effectively disinfected before it entered the abalone processor by any of the following:
 - (i) ultraviolet radiation at dose rate of at least 30 mJ/cm²,
 - (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) that the abalone processor has undertaken testing at least every six months to ensure the efficacy of incoming water disinfection.
 - (c) the maintenance of disinfection system usage data, including hours of use, to ensure the disinfection system is used in accordance with manufacturer's specifications.
 - (d) any other matter that indicates the efficacy of the processor's incoming water disinfection system.
- (3) Prior to packaging, the abalone must be held in a holding area at the abalone processor that:
 - (a) is designated solely for that purpose and is isolated from other seafood products and the rest of the processing facility,
 - (b) only allows a person to enter the holding area if they are undertaking activities necessary for maintaining and processing the abalone, and
 - (c) contains equipment that is used only for maintaining and storing the abalone, such as tanks, cleaning equipment, buckets.
- (4) For the purpose of packaging,
 - (a) the abalone must be packaged at the abalone processing facility in a designated and isolated area that has been disinfected immediately prior to packaging, and
 - (b) in fully enclosed containers that are new or have been disinfected using a registered broad spectrum virucidal disinfectant, in accordance with the label instructions (such as Detsan detergent-sanitiser or F10 SC veterinary disinfectant) and have a secure lid that remains fixed in place.

- (5) In the 12 months prior to accepting the abalone, the processing facility must have been audited by a relevant authority, or other authority approved by the NSW Chief Veterinary Officer, for compliance with subclauses 1, 2, 3 and 4 of this Schedule, and a copy of the results of the audit showing compliance with the applicable provisions of the control order has been provided to the Department.