

BIOSECURITY ACT 2015

Discussion Paper: Aquatic pests and diseases

December 2015



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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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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 the following parts of the *Fisheries Management Act 1994* (FM Act) which currently includes various regulatory controls and powers with respect to certain listed aquatic pests and diseases:

- Part 6 Division 4 *Diseased fish and marine vegetation*.
- Part 7 Division 6 *Noxious fish and noxious marine vegetation*.
- Schedule 6B *Diseases affecting fish and marine vegetation*.
- Schedule 6C *Noxious fish and noxious marine vegetation*.

This paper considers some aquatic pests and diseases (as outlined in Appendix 1) that are known to occur or exist in NSW and that are currently listed in Schedule 6B or 6C of the FM Act. Note that many of the pests and diseases that are currently listed in these Schedules have been included as prohibited matter in the *Biosecurity Act 2015*.

Prohibited matter will be tightly regulated and it is an offence to deal with it any way other than the most limited and controlled circumstances (i.e. research permits). This paper is only addressing pests and diseases which are not listed as prohibited matter in the new Act and which are contained in Appendix 1.

Having considered existing management arrangements and the biosecurity risks associated with these aquatic pests and diseases in Appendix 1, it is proposed to implement similar management arrangements under the *Biosecurity Act 2015*.

Specifically it is proposed that these aquatic pests and diseases will be managed under the General Biosecurity Duty (GBD) and mandatory measures that will be prescribed in the regulations including:

- a duty to notify; and
- prohibition of possession, sale and release.

Background Information

What is the problem?

Aquatic pests and diseases can have direct negative impacts on the health of our waterways by affecting the natural balance of flora and fauna and aquatic species of commercial, recreational and ecological importance.

Why is it important?

Our valuable aquatic industries such as aquaculture, recreational and commercial fishing, boating and numerous recreational activities can be detrimentally impacted by pests and diseases.

The control and management of pests and diseases protects the economy, recreational pursuits and amenity provided to the community by healthy waterways.

What is the outcome we are seeking?

The desired outcome is to continue to effectively manage risks posed by aquatic pests and diseases by preventing their spread from existing locations and to ensure appropriate response mechanisms are available for new incursions.

Current management arrangements

The pests and diseases considered here (Appendix 1) are currently listed in one or both of Schedules 6B and 6C of the FM Act. The requirements for listed species are specified in the FM Act and the *Fisheries Management (General) Regulation 2010*.

For all species in both Schedules:

- notification is required unless presence of the disease or pest is already known to the department;
- a quarantine area may be declared (this can require inspection, movement controls, removal to a specified location, specified treatment or testing, destruction or other actions as directed by an officer); and
- sale and live release are prohibited.

For those matters listed in Schedule 6B, the prohibition on release and the deliberate communication of diseases and pests also applies to dead matter/species.

Schedule 6C prohibits possession and provides for three classes of noxious fish and marine vegetation. A Ministerial Order (2010) relaxes some of these provisions for Class 2 and Class 3 noxious species as follows:

- Class 2 - possession is allowed only in an enclosed aquarium, e.g. Banded Grunter (*Amniataba percoides*) and Speckled mosquitofish (*Phalloceros caudimaculatus*).
- Class 3 - possession and sale are allowed (however release is still prohibited under section 216 which will be retained in the FM Act).

There is currently a Fishing Closure under section 8 of the FM Act in place for Caulerpa (*Caulerpa taxifolia*) in Narrawallee Inlet, Burrill Lake, Lake Conjola and Berringer Lake, Pittwater and St Georges Basin which restricts the recreational and commercial use of nets in affected areas.

Proposed Management under the NSW Biosecurity Act

The Biosecurity Act 2015 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. Caulerpa) or a carrier of biosecurity matter (e.g. boat) 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.

It is proposed to manage the risk of the aquatic pests and diseases in Appendix 1 under the GBD with mandatory measures that will be prescribed in the regulations.

These proposed mandatory measures apply to everyone and across all of NSW and are as follows:

- notification is required on suspicion of the presence of the listed pest or disease unless the department has already been notified/is aware of its presence; and
- it is prohibited to sell, possess, or release pests and diseases (including in or on a carrier).

These mandatory measures must be complied with but a person may need to take further steps to discharge his or her GBD. For example, if a boater knew of the biosecurity risks associated with Caulerpa and was boating in an estuary where Caulerpa was known to be present, he or she will be subject to a GBD to prevent or minimise the spread. The boater can discharge his or her GBD by cleaning the boat and propeller of any attached matter such as Caulerpa. If

Caulerpa or other visible debris or biological material is present, the boater can dispose of it appropriately (for example, in a general waste bin).

Other points to note include:

- In the event of an incursion of a pest or disease listed in Appendix 1, a Control Order can be issued to manage that incursion.
- The prohibition on release of live fish in section 216 of the FM Act will be retained.
- Fishing closures (made under section 8 of the FM Act) on account of Caulerpa will not be renewed after their expiry in October 2016.
- Possession of Banded Grunter and Speckled Mosquitofish will be prohibited. As outlined above, the sale, possession and release of all species listed in Appendix 1 will be prohibited. People that currently possess Banded Grunter and Speckled Mosquitofish in a fully enclosed aquarium as per current class 2 noxious provisions will be accommodated.
- Where permits and associated conditions are in place under the FM Act to allow certain activities such as fish stocking, the requirements will be retained. For example, disease testing for Nodavirus in Australian bass as a criterion for a stocking permit will continue to be managed under the FM Act.

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 'Aquatic Pests and Diseases' at:
<https://www.surveymonkey.com/r/aquaticpestsdiseases>.

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

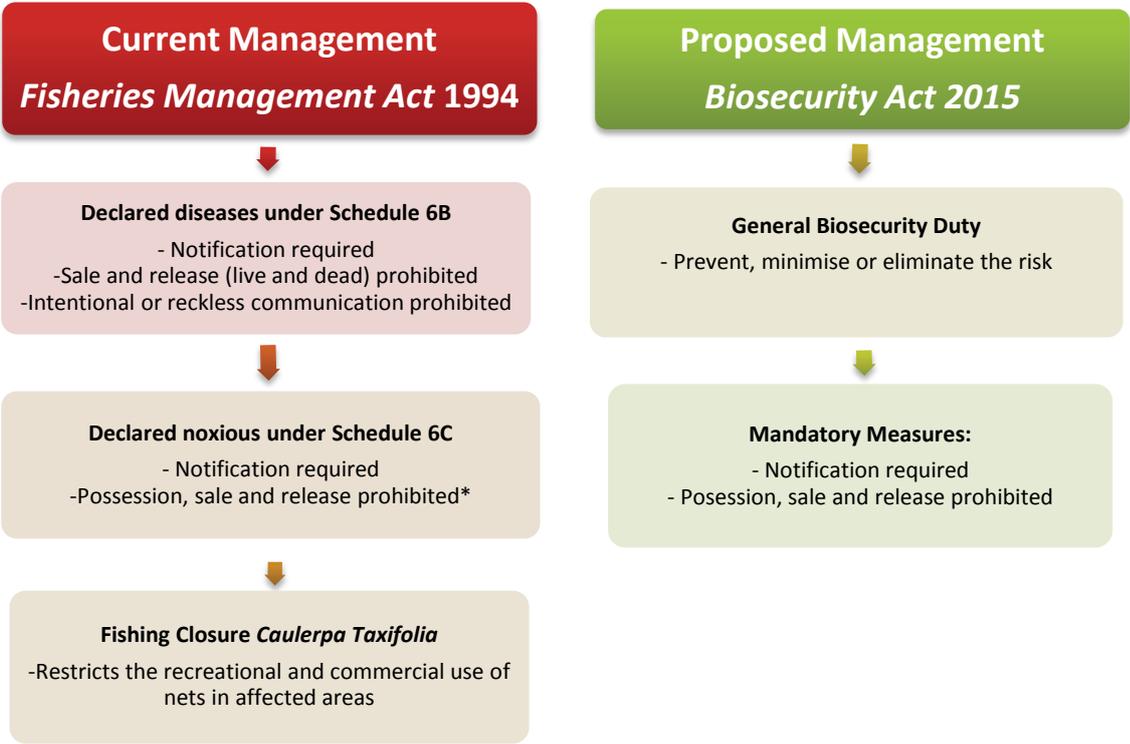
Scientific name	Common name
Finfish	
<i>Acanthogobius flavimanus</i>	Yellow Fin Goby
<i>Misgurnus anguillicaudatus</i>	Weatherloach, Oriental Weatherloach
<i>Tridentiger trionocephalus</i>	Chameleon Goby, Striped goby, Japanese goby
<i>Amniataba percoides</i>	Banded Grunter
<i>Perca fluviatilis</i>	Redfin Perch
<i>Oreochromis mossambicus</i>	Tilapia, Mozambique Mouthbrooder
<i>Phalloceros caudimaculatus</i>	Speckled Mosquitofish
Marine invertebrates	
<i>Carcinus maenas</i>	European Green Crab, Green Shore Crab
<i>Maoricolpus roseus</i>	New Zealand Screw Shell
<i>Sabella spallanzanii</i>	European Fan Worm
Marine plants	
<i>Caulerpa taxifolia</i>	Caulerpa
Diseases of aquatic animals	
Epizootic haematopoietic necrosis virus	EHN ¹
Epizootic ulcerative syndrome - EUS (oomycete)	EUS
Viral encephalopathy and retinopathy – VER	Nodavirus ²
<i>Perkinsus olseni</i>	
Thelohaniosis of crustaceans	
Gill-associated virus of crustaceans	

¹ There are mandatory hygiene measures but no testing for EHN¹ under the Hatchery Quality Assurance Program. However, progeny are only permitted to be stocked into the waterway from which broodstock originated.

² NSW Fisheries will maintain the existing screening requirements, which demonstrate freedom from Nodavirus before a s216 stocking permit for Australian bass will be issued. This Nodavirus screening requirement is also applied to the importation of Barramundi into aquaculture facilities in NSW.

Appendix 2

Summary of current and proposed management of aquatic pests and diseases listed in Appendix 1



*Class 2 noxious provides exemption for possession in an enclosed aquarium. Class 3 noxious provides exemption for possession and sale.

Appendix 3

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

