

Biosecurity (Abalone viral ganglioneuritis) Control Order 2024

under the

Biosecurity Act 2015

I, Jo Coombe, Chief Veterinary Officer, Director Animal Biosecurity, as authorised by the Minister under section 78 of the *Biosecurity Act 2015* (**the Act**), make the following control order under Part 6 of the Act.

Dated : 24th February 2024

A handwritten signature in black ink, appearing to read 'Jo Coombe', with a long, sweeping flourish extending to the right.

Jo Coombe
Chief Veterinary Officer, Director Animal Biosecurity
Department of Primary Industries
Department of Regional NSW

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Part 1 Preliminary

1 Name of control order

This control order is the *Biosecurity (Abalone viral ganglioneuritis) Control Order 2024*.

2 Commencement and duration [s 63(e) and 66(1)]

- (1) This control order commences 24 February 2024.
- (2) The control order has effect until 24 February 2026.

3 Biosecurity matter and biosecurity risk [s 63(a)]

- (1) The biosecurity matter which is the subject of this control order is the virus that causes AVG.
- (2) The biosecurity risk to which this control order relates is the risk of an adverse effect on the economy, the environment and the community that arises from the introduction, presence or spread in New South Wales of the virus that causes AVG.

4 Control zone [s 63(b) and 67]

- (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*.

5 Grounds for order [s 62]

The basis for reasonably believing that this control order is necessary to prevent, eliminate, minimise or manage the biosecurity risk arising from AVG is:

- (a) AVG is a highly contagious viral disease that affects and can cause mass mortalities in wild and farmed abalone.
- (b) The introduction and spread of AVG (the biosecurity matter) has the potential to have an adverse effect on the economy, the environment, and the community of New South Wales (the biosecurity impact).
- (c) From 2006 to 2010, and from 2021 onwards AVG was detected in Victoria, and was also detected in Tasmanian from 2011 onwards. In 2024 AVG was detected for the first time in South Australian waters. In December 2011 and May 2021, AVG was detected and eradicated from live abalone holding facilities in New South Wales.
- (d) The wild abalone population of New South Wales remains free of AVG.
- (e) Control measures are required to provide for the management of the biosecurity impact that has the potential to arise from the introduction, presence and spread of AVG by:

- (i) minimising the risk of potential introduction of AVG into NSW live holding facilities, and
- (ii) minimising the risk of spread of AVG from live holding facilities to the New South Wales waters.

6 Revocation

- (1) The Biosecurity (Abalone viral ganglioneuritis) Control Order- 2023 dated 6 December 2023 and published in the NSW Government Gazette No 565 on 8 December 2023, at <https://legislation.nsw.gov.au/gazette>, is revoked.

7 Definitions

In this control order:

abalone means fish of the genus *Haliotis*.

abalone fittings means a fitting that has or may have had contact with live abalone sourced from:

- (a) Tasmania or Tasmanian State waters,
- (b) Victoria or Victorian State waters , or
- (c) South Australia or South Australian State Waters

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

- (a) is not from Tasmanian State waters, South Australian 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, South Australian State waters, or Victorian State waters that are not in the Victorian eastern abalone zone, unless those fittings have been decontaminated in accordance with this control order.

abalone processor:

- (a) means a facility that receives live abalone that is processed (including by way of shucking, cooking, smoking, preserving, canning, freezing, boxing live) before dispatch and transportation for human consumption, and
- (b) for the purpose of Schedules 1 and 3 to this control order, 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 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 wastewater means any water that has been in contact with abalone and fittings that have been used in connection with abalone.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

deal or a dealing has the same meaning as in section 12 of the Act.

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.

NSW DPI means NSW Department of Primary Industries, within the Department.

person in charge, of an abalone processor or an abalone land-based farm includes the:

- (a) the owner of the premises, and
- (b) a person who has possession or control of the premises.

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 an interstate government agency that regulates aquatic biosecurity.

sentinel abalone means abalone that are susceptible to AVG 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.

South Australian State waters means waters as defined by the *Fisheries Management Act 2007* (SA) within the limits of the state of South Australia.

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).

Part 2 Control measures – dealings within the AVG Control Zone [s68, s 69]

8 7 Persons to whom the control measures apply

The control measures in this Part apply to any person who deals in the AVG Control Zone with abalone or carriers of the virus that causes AVG.

9 Control measures – movement of abalone within the AVG Control Zone

- (1) A person must not move live abalone that is taken within the AVG Control zone by an endorsement holder unless:
 - (a) immediately after the endorsement holder who took the abalone complied with the real time reporting requirements in clause 30A of the Appendix to the Fisheries Management (Abalone Share Management Plan) Regulation 2000, 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.
- (2) In this clause, *endorsement holder* has the same meaning as in clause 2 of the Appendix to the Fisheries Management (Abalone Share Management Plan) Regulation 2000.

10 Control measures – movement and disposal of abalone wastewater

- (1) A person must not move abalone wastewater within the AVG Control Zone unless:
 - (a) the wastewater is moved in connection with live abalone or a fitting that has had contact live abalone sourced from NSW under this Part, and
 - (b) those abalone or fittings have not been in contact with, abalone from any other source at any stage in their lives.
- (2) The person who moves abalone wastewater within the AVG Control Zone must:
 - (a) dispose of the wastewater directly into a public sewer immediately after the abalone are removed from the water, or
 - (b) decontaminate the wastewater before disposal with Hypochlorite solutions complying with rate set out in attachment 1 of APVMA Permit Number PER92725 and dispose of the wastewater in the nearest drain, provided the drain does not flow directly to the ocean.

11 Control measures – protective clothing

A person at an abalone processor must not move protective clothing and footwear worn while processing abalone from the abalone processor unless the clothing and footwear are first cleaned in accordance with the “Decontamination of people and clothing” requirements of the Primefact “*Decontamination processes for commercial Abalone*”

divers: Standard operating procedure” published on the NSW DPI’s website.

12 Control measures – fittings

- (1) The person in charge of an abalone processor must ensure that a written protocol for the cleaning, disinfection and storage of fittings, that complies with this control order, is made and kept for the duration of the control order.
- (2) The written protocol must be made available to all persons working at the abalone processor.

Part 3 Control measures – movements into the AVG Control Zone [s68, 69]

13 Persons to whom control measures apply

The control measures in this Part apply to any person:

- (a) in the AVG Control Zone,
- (b) who enters the AVG Control Zone, and
- (c) who deals with abalone or a carrier of the virus that causes AVG, if the abalone or carrier enters or may enter the AVG Control Zone.

14 Control measures – live abalone movement into the AVG Control Zone

- (1) This clause applies to the following:
 - (a) live abalone sourced from Tasmania or Tasmanian State waters, or
 - (b) live abalone sourced from South Australia or South Australian State waters, or
 - (c) live abalone sourced from Victoria or Victorian State waters, or
 - (d) live abalone that has:
 - (i) been in contact with live abalone sourced from Tasmania or Tasmanian State waters, South Australia or South Australian State waters, or Victoria or Victorian State waters, or
 - (ii) been in contact with any water that has held, or is holding, live abalone sourced from Tasmania or Tasmanian State waters, South Australia or South Australian State waters, or Victoria or Victorian State waters, or
 - (iii) been in contact with any abalone fittings, or
 - (iv) been processed in an abalone processor where live abalone sourced from Tasmania or Tasmanian State waters, South Australia or South Australian State waters, or Victoria or Victorian State waters are processed.

- (2) Unless otherwise permitted by this control order, a person must not:
- (a) move live abalone to which this clause applies into the AVG Control Zone,
 - (b) enter into an agreement or other arrangement under which another moves live abalone to which this clause applies into the AVG Control Zone,
 - (c) agree to move live abalone to which this clause applies into the AVG Control Zone.

15 Control measures – movements of live abalone from Tasmanian Waters

- (1) This clause applies to live abalone:
- (a) sourced from Tasmania or Tasmanian State waters,
 - (b) that has been in contact with live abalone sourced from Tasmania or Tasmanian State waters,
 - (c) that has been in contact with any water that has held, or is holding, live abalone sourced from Tasmania or Tasmanian State waters,
 - (d) that has been in contact with any fittings that have been in contact with live abalone sourced from Tasmania or Tasmanian State waters, or
 - (e) processed in an abalone processor at which live abalone sourced from Tasmania or Tasmanian State waters are also processed.
- (2) A person may deal with live abalone to which this clause applies in the following ways if the live abalone satisfies the requirements of this clause:
- (a) move live abalone into the AVG Control Zone,
 - (b) enter into an agreement or other arrangement under which another moves live abalone into the AVG Control Zone,
 - (c) agree to move live abalone into the AVG Control Zone.
- (3) A person may deal with live abalone under this clause:
- (a) if the live abalone satisfies the requirements Schedule 1 to this control order,
 - (b) if the live abalone has been in contact with an abalone fitting, the fitting was cleaned to remove all traces of abalone and abalone product and disinfected using one of the products referred to in APVMA Permit Number PER92725, complying with all label directions and permit conditions before the contact with the live abalone, and
 - (c) if the live abalone has been processed at a live processor, the processor has complied with Schedule 3 to this control order.

16 Control measures – movements of live abalone from the Victorian eastern abalone zone

- (1) This clause applies to live abalone:
- (a) sourced from the Victorian eastern abalone zone,

- (b) that has been in contact with live abalone sourced from the Victoria eastern abalone waters,
 - (c) that has been in contact with any water that has held, or is holding, live abalone sourced from the Victorian eastern abalone zone, or
 - (d) that has been in contact with any fittings that have been in contact with live abalone sourced from the Victorian eastern abalone zone.
- (2) A person may move live abalone to which this clause applies into the AVG Control Zone:
- (a) if the person satisfies the requirements of Part 4 of this control order,
 - (b) if the live abalone has been in contact with an abalone fitting, the fitting was cleaned to remove all traces of abalone and abalone product and disinfected using one of the products referred to in APVMA Permit Number PER92725, complying with all label directions and permit conditions before the contact with the live abalone, and
 - (c) if the abalone has been processed at a live processor, the processor has complied with Schedule 3 to this control order.

17 Control measures – abalone fittings

- (1) Unless otherwise permitted by this clause, a person must not:
 - (a) move an abalone fitting into the AVG Control Zone,
 - (b) enter into an agreement or other arrangement under which another moves an abalone fitting into the AVG Control Zone,
 - (c) agree to move an abalone fitting into the AVG Control Zone.
- (2) A person may move an abalone fitting from Tasmania or Tasmanian State waters into the AVG Control Zone, if the fitting was used in connection with live abalone sourced from premises that satisfy the requirements in clause 2 of Schedule 1 to this control order.
- (3) A person may move an abalone fitting from the Victorian eastern abalone zone if the fitting is used in connection with live abalone that satisfies the requirements of Part 4 of this Control Order.
- (4) Before an abalone fitting is used in the AVG Control Zone, the fitting must be:
 - (a) cleaned and disinfected using one of the products referred to in APVMA Permit Number PER92725, complying with all label directions and permit conditions, and
 - (b) held in a separate area to dirty fittings to avoid cross contamination.
- (5) The person in charge of the abalone fitting must dispose of all water that drains from the fitting or is used to clean the fitting, by either:
 - (a) draining the water directly into a public sewer, or
 - (b) decontaminating the water with a Hypochlorite solution as set out in attachment 1 of the APVMA Permit Number PER92725 and then disposing in the nearest drain that does not flow directly into the ocean.

- (6) A person who moves an abalone fitting into the AVG Control Zone, but does not use the abalone fitting in the AVG Control Zone, must:
 - (a) dispose of the fitting directly to landfill via the local council waste disposal system, or
 - (b) move the fitting back to Victorian or Tasmania.

18 Control measures – movement and disposal of abalone wastewater

- (1) A person must not move abalone wastewater into the AVG Control Zone unless:
 - (a) the wastewater is moved in connection with the movement under this Part of live abalone or an abalone fitting from the Victorian eastern abalone zone, and
 - (b) those abalone or fittings have not been in contact with abalone in any life-stage from any other source.
- (2) The person who moves abalone wastewater into the AVG Control Zone must:
 - (a) dispose of the wastewater directly into a public sewer immediately after the abalone are removed from the water, or
 - (b) decontaminate the wastewater before disposal with Hypochlorite solutions complying with rate set out in Attachment 1 of APVMA Permit Number PER92725 and dispose of the wastewater in the nearest drain that does not flow directly to the ocean.

19 Control measures – Record keeping

- (1) A person who deals with live abalone or moves an abalone fitting under this Part must make a written record of the following:
 - (a) any abalone mortality or signs of illness in abalone at the premises to which the live abalone or abalone fitting was moved,
 - (b) any movements of abalone fittings on and off the premises,
 - (c) a log of when abalone fittings were cleaned and disinfected.
- (2) The written record must be made within 72 hours of the time at which the event which must be recorded occurs.
- (3) The written record must be retained at the premises to which the live abalone or abalone fitting was moved for 12 months.

Part 4 Control measures – Victorian eastern abalone zone [s68, 69]

20 The persons to whom the control measures apply

The control measures in this Part apply to any person:

- (d) in the AVG Control Zone,

- (e) who enters the AVG Control Zone, and
- (f) who deals with abalone or a carrier of the virus that causes AVG, if the abalone or carrier enters or may enter the AVG Control Zone.

21 Control measures – live abalone from Victorian eastern abalone zone

- (1) A person may move live abalone that is sourced from the Victorian eastern abalone zone into the AVG Control Zone.
- (2) The live abalone must be transported:
 - (a) directly from where it is sourced,
 - (b) first, to a holder of a current fish receivers licence issued under the *Fisheries Act 1995 (Vic)* located in Mallacoota, Victoria, and
 - (c) Then, transported directly into the AVG Control Zone.
- (3) The live abalone must be transported in a manner that prevents it having contact with live abalone that was not sourced from the Victorian eastern abalone zone.
- (4) The live abalone must be transported into the AVG Control Zone in a fully enclosed container:
 - (a) that has a secure lid that always remains fixed in place during transport, and
 - (b) is either:
 - (i) new, or
 - (ii) cleaned and disinfected prior to use for transporting the abalone in connection with abalone, using one of the products referred to in Permit Number PER92725 issued by the APVMA, in accordance with the directions for use and conditions in that permit.

22 Control measures – Record keeping

- (1) A person who deals with live abalone under this Part must make a written record within 72 hours of any of the following:
 - (a) any abalone mortality or signs of illness in abalone at the premises to which the live abalone or abalone fitting was moved,
 - (b) any movements of abalone fittings on and off the premises,
 - (c) a log of when abalone fittings were cleaned and disinfected.

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

For the purpose of this control order, a person may move live abalone from Tasmania into the AVG Control Zone, if all of the requirements of this Schedule are met.

1. The live abalone is 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 NSW DPI, within the 6 months immediately prior to the movement.
2. The live abalone must be transported in a manner that prevents it having contact with either of the following from a location other than the abalone land-based farm from which it is sourced:
 - (a) live abalone, or
 - (b) water that has held live abalone.
3. Before the live abalone enters the AVG Control Zone, the person transporting the live abalone into the AVG Control Zone ensured the abalone are transported:
 - (a) in a fully enclosed container that is new or has been disinfected using a registered broad spectrum virucidal disinfectant in accordance with the label instructions and has a secure lid that remains fixed in place:
 - (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
Note. An example of a registered broad spectrum virucidal disinfectant is Detsan detergent-sanitiser or F10 SC veterinary disinfectant.
 - (b) directly to a Tasmanian abalone processor that complies with **Schedule 3**, and then transported directly into the AVG Control Zone.
4. Before the live abalone is moved into the AVG Control Zone, the person initiating the movement must complete and submit to NSW DPI by online submission a record of movement, available on NSW DPI's website.

Schedule 2: Accreditation program for abalone land-based farms

For the purpose of clause 1 of Schedule 1, the person in charge 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, and
- (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 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.

- (g) 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 NSW DPI 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 3 of Schedule 1 to this control order, an abalone processor must meet the all of the requirements of this Schedule.

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 clauses 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 NSW DPI.