

Biosecurity – Pacific Oyster Mortality Syndrome incursion response

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Scope:

This procedure is a State Priority for NSW and should be read in conjunction with the Policy: Aquatic Biosecurity - Pests and Diseases. This procedure applies to all personnel engaged by NSW Department of Primary Industries (NSW DPI) and Local Land Services (NSW LLS), including permanent staff, those under employment contract, term appointments (including secondments) or temporary arrangements that include contractors or consultants, permit holders and research collaborators that are in any part (including consultation) involved in a response to a suspected or confirmed outbreak of OsHV-1 μ var in NSW.

The procedure is applicable to all aspects of a response to a suspected or confirmed OsHV-1 μ var outbreak, including planning, fieldwork, consultation, and implementation of management measures.

Management of the biosecurity risk

The NSW government has a responsibility to follow a consistent response, based on best available evidence and risk assessment, to manage existing and new incursions of Ostreid herpesvirus-1 microvariant (OsHV-1 μ var), the causative agent for the disease Pacific Oyster Mortality Syndrome (POMS) in Pacific Oysters (*Crassostrea gigas*). POMS represents a current and significant threat to the NSW Pacific Oyster industry (valued at \$3.53M for the 2020-21 period), causing stock mortality in cultivated Pacific Oysters and loss of income in estuaries where the virus has been confirmed.

Impacts of OsHV-1 μ var on the broader NSW oyster industry (valued at \$58.27M during the 2020-21 period), which also comprises cultivation of the Sydney Rock Oyster (*Saccostrea glomerata*), Native Flat Oyster (*Ostrea angasi*), and Akoya Pearl Oyster (*Pinctada imbricata*) have the potential to include indirect impacts on normal business operations caused by formal management measures (such as a control order, biosecurity zone or other movement restrictions) that may be implemented to minimise the further spread of the disease.

This procedure describes the management actions and legislative provisions that may be used in response to suspected or confirmed outbreaks of OsHV-1 μ var in NSW waterways.

Biosecurity legislation summary

The *Biosecurity Act 2015* promotes biosecurity as a shared responsibility between government, industry, and communities. It provides for a flexible, outcome focused approach to managing biosecurity risk and impacts. This means that community members are able to achieve the outcomes of preventing, eliminating, or minimising the biosecurity risks and impacts posed, or likely to be posed by pests and diseases of animals through a range of best practice management methods. The *LLS Act 2013* outlines the role of LLS in administering, delivering and/or funding programs and advisory services associated with agricultural production and biosecurity including prevention, control and eradication and other emergencies impacting on primary production or animal health and safety.

Powers of Authorised Officers

Section 98 of the Biosecurity Act allows an authorised officer to enter any premises (not used for residential purposes) at any reasonable time, or in the case of an emergency, at any time. Entry into any part of the premises used only for residential purposes can ONLY be entered with the permission of the landowner/occupier, or the authority of a search warrant (section 99). The purposes for which the entry to a premise may be exercised are outlined in section 89 of the Biosecurity Act and include: “for the purpose of investigating, monitoring and enforcing compliance with the requirements imposed by or under the Biosecurity Act”.

Section 102 of the Biosecurity Act provides a list of powers that can be exercised by authorised officers including but not limited to: examining, testing, and seizing things, taking photographs or other recordings, destruction, disposal, and eradication of anything, but only in premises lawfully entered.

An authorised officer, may also request, inspect, and copy records (section 102 (2) ((l) & (m) & (n) of the Biosecurity Act) to determine the scale and effectiveness of control actions and whether a person is discharging their biosecurity duty.

Reporting

The pests and diseases of animals that are classified as prohibited matter are listed in Schedule 2 of the Act. This list includes some animal diseases that occur sporadically (such as anthrax and Hendra virus.) A person who owns or is caring for animals, or a person working in their professional capacity such as a veterinarian, has a duty to immediately notify an authorised officer if they suspect, or are aware, that the animals are infested or infected with prohibited matter.

The pests and diseases of animals that are notifiable, but are not prohibited matter, are listed in Schedule 1, Part 2 of the Biosecurity Regulation 2017 (the Regulation). A person who owns or is caring for animals, or a person working in their professional capacity such as a veterinarian, has a duty to notify an authorised officer within one working day if they suspect, or are aware, that the animals are infested or infected with a notifiable pest or disease of animals which is not prohibited matter.

General biosecurity duty

People who own or manage animals have a general biosecurity duty for management of the biosecurity risks and impacts associated with endemic animal pests and diseases. The general biosecurity duty is outlined in part 3 of the Biosecurity Act. The biosecurity duty applies to a person who deals with biosecurity matter (including pest animals) or a carrier, and who knows, or ought reasonably to know the biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing. Such a person has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated, or minimised. Section 24 provides an offence of failing to comply with a biosecurity duty.

Mandatory measures

Section 24 of the Act provides for specific actions called mandatory actions to be outlined in the Biosecurity Regulation and the *Biosecurity Act 2015* (the Act). OsHV-1 μ var is primarily managed by means of a zone regulation, specified as the POMS biosecurity zone under Part 3, Division 3 of the Regulation. A control order under Part 6 of the Act may also be used to provide immediate management powers following a new OsHV-1 μ var incursion. In addition to this procedure, there is a common duty of care and general biosecurity obligation.

Disclosure of information

The collection, use and disclosure of information in accordance with this procedure, including any internal or external discussion or distribution of information, must be in compliance with the *Privacy and Personal Information Protection Act 1998* or be exempted by the operation of section 387 of the Act.

Section 387 (2) of the Act provides authority for the disclosure of information about a person, without the consent of the person: to a public sector agency, or to any other person, but only if the disclosure is reasonably necessary for the purpose of exercising a biosecurity risk function. The NSW DPI procedure on Collection, Use and Disclosure of Information should be consulted for further information.

Work health and safety

The *Work Health and Safety Act 2011* places an obligation on the agency (NSW DPI and LLS) as a person conducting a business or undertaking and workers to provide a safe and healthy workplace. Safe Work Method Statements that support activities included in this procedure must be used in identifying, assessing, and controlling risks.

NSW DPI and LLS will work together to create a safe and supportive work environment when undertaking any activities for this procedure.

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Pacific Oyster Mortality Syndrome incursion response procedure

1. Roles and responsibilities

1.1 NSW Department of Primary Industries will:

- respond to new reports of suspected Pacific Oyster Mortality Syndrome as outlined in this procedure
- use NATA accredited laboratory approved by the NSW Chief Veterinary Officer (NSW CVO) for all POMS exclusion/confirmation
- use the biosecurity zone provisions under the Act and Regulation.

1.2 LLS, consultants, permit holders, researchers and others covered by this procedure will:

- Report all suspicions of a new incursion of Pacific Oyster Mortality Syndrome to an authorised officer as soon as possible and within one business day, preferably via the 24-hour Emergency Animal Disease Hotline 1800 675 888
- Maintain a level of awareness of the risks, and follow all legislation and mitigation measures associated with Pacific Oyster Mortality Syndrome appropriate to the work that they do.

2. Disease investigation

Reports of unusual mortality in cultivated Pacific Oysters are subject to disease investigation and must be notified to NSW DPI.

- NSW DPI Aquatic Biosecurity Policy and Programs team (NSW DPI Aquatic Biosecurity) will coordinate the collection of live and representative samples following appropriate protocols (INT16/130340, INT11/7208, INT11/11823)
- NSW DPI Aquatic Biosecurity will coordinate the transport of collected samples to NSW DPI Elizabeth Macarthur Agricultural Institute (EMAI), State Veterinary Diagnostic Laboratory (SVDL) for analysis by the Virology Laboratory
- if laboratory investigation excludes the presence of OsHV-1 μ var, the investigation and response will stand down
- however, if laboratory investigation confirms the presence of OsHV-1 μ var, consideration will be given to making a control order and to amend the POMS biosecurity zone.

3. Internal notification and consultation

- any reports of suspected new incursions of OsHV-1 μ var are to be made directly to NSW DPI, as required by Part 6 of the Regulation. Reports can be made via the 24-hour Emergency Animal Disease Hotline on 1800 675 888 (preferred option), or via LLS, an authorised officer, or an NSW DPI Fisheries Officer. All reports received by DPI or LLS are then to be immediately relayed to a member of the Aquatic Biosecurity Policy & Programs team (staff may use the 1800 675 888 number to do this to ensure they reach the authorised officer on duty).
- once notification of a suspected new OsHV-1 μ var incursion has been made to the Aquatic Biosecurity Policy & Programs team, the Team Leader Aquatic Biosecurity Policy & Programs will initially notify the NSW DPI Group Director Animal Biosecurity (also the NSW Chief Veterinary Officer) verbally or via email
- if POMS is confirmed as the cause of mortality, NSW Aquatic Biosecurity:

- will prepare a NSW DPI Deputy Director General Biosecurity & Food Safety briefing note, specifying all known details of the incursion, actions taken and future recommendations
- may prepare media speaking points in conjunction with the NSW DPI Communications Branch, or
- may prepare a concise SMS text message, to be sent via the NSW DPI Aquaculture Management oyster permit holder text messaging service, to advise the broader NSW oyster industry of an incursion and notify of any movement restrictions.

4. Declaring a control order

- NSW DPI Aquatic Biosecurity may prepare a draft control order for the consideration of the Minister for Primary Industries (or delegate). The draft order can include proposed movement restrictions based on a full assessment of all available information relating to the specific disease incursion that can be implemented to provide immediate powers to manage a new incursion, until such time as the POMS biosecurity zone can be amended if required
- control orders can only be made by the Minister for Primary Industries (or delegate)
- the provisions of a control order may:
 - cover an entire estuary where OsHV-1 \varnothing var is present, or is suspected to be present, including all of the lakes, lagoons, inlet channels, creeks, and tributaries of that estuary
 - cover an area including a land-based facility such as an oyster hatchery, nursery, or research facility
 - prohibit movement of oysters, oyster cultivation material, other cultured species, and culture equipment from the affected estuary to other unaffected estuaries within the POMS biosecurity zone.

5. Amending the POMS biosecurity zone

- if POMS has been confirmed as the cause of mortality in a previously unaffected estuary, NSW DPI Aquatic Biosecurity may seek to recommend an amendment to the POMS biosecurity zone to describe the new affected estuary as part of the biosecurity zone
- amendment of the POMS biosecurity zone will require a regulatory amendment of clause 50 of the Regulation
- NSW DPI Aquatic Biosecurity may prepare a draft regulatory amendment for consideration by, and seek endorsement from, the Deputy Director General NSW DPI Biosecurity & Food Safety
- if approved, an amendment will be progressed in conjunction with NSW DPI Legal Branch and the Parliamentary Council Office
- once finalised the amendment will be made to the Regulation and published in the NSW Government Gazette.

6. Considerations required for the refinement of movement controls

- any outcomes of consultation with the NSW oyster industry and the impact that proposed biosecurity conditions and movement restrictions may have on oyster industry operations within affected and non-affected estuaries
- all available information relating to biological and ecological impacts of the OsHV-1 \varnothing var outbreak
- movement of oysters, oyster equipment, other cultured species, cultivation equipment and infrastructure from an affected estuary to an unaffected estuary will be considered on a case-by-case basis, after a full assessment of all available information regarding the disease outbreak

- where the Minister for Primary Industries (or delegate) specifies that movements from an affected estuary to an unaffected estuary are to be allowed under the provisions of a control order, then:
 - the presence of OsHV-1 μ var may be suspected in the receiving area, and
 - based upon this suspicion, NSW DPI may develop a draft recommended control order or amendment to the POMS biosecurity zone including recommended movement restrictions for the receiving estuary for consideration by the Minister for Primary Industries (or delegate).
- decisions about the biosecurity conditions, movement controls and other provisions to be included in a control order or the POMS biosecurity zone will be made on a case-by-case basis by the Minister for Primary Industries (or delegate) after thorough consideration of all available information.

7. Definitions and acronyms

Authorised officer: A person who is appointed as an authorised officer under the Biosecurity Act and authorised by that appointment to exercise the function in relation to which the expression is used.

Biosecurity zone: As described in Part 7 of the Biosecurity Act 2015

Control order: As described in Part 6 of the Biosecurity Act 2015

NSW DPI: NSW Department of Primary Industries

DRNSW: Department of Regional NSW

SVDL: NSW DPI Laboratory Service, State Veterinary Diagnostic Laboratory

LLS: Local Land Services

NATA: The National Association of Testing Authorities

NSW: the state of New South Wales

OsHV-1 μ var: Ostreid herpesvirus microvariant type 1 – OsHV-1 μ var

POMS: Pacific Oyster Mortality Syndrome

8. Documentation

Strategic Risk Assessment POMS Incursion Response (INT17/37418)

Policy – Aquatic Biosecurity – Pests and Diseases (IND-O-219)

Policy – Biosecurity collection, use and disclosure of information (IND-O-226)

Policy – Records Management (IND-I-177)

Policy – Information Security (IND-I-197)

Policy – Classified Information (IND-I-196)

Policy – Government Information (Public Access) (IND-I-178)

Procedure – Biosecurity collection, use and disclosure of information

Procedure – Aquatic animal disease response and recovery: cultured bivalve molluscs (PROC20/23)

Procedure – Aquatic fieldwork hygiene (INT17/26050)

Procedure – Aquatic pests and diseases – responding to reports (INT16/157683)

Risk Assessment – Risk to NSW oyster industry from POMS in Tasmania (INT16/18229)

Risk Assessment – spread of POMS from Tasmanian reared hatchery spat into NSW POMS affected areas (INT16/55023)

Generic oyster sampling protocol (INT16/130340)

SVDL Veterinary Specimen Advice Form

(<http://www.dpi.nsw.gov.au/about-us/services/laboratory-services/sample-submission>)

9. Records

Laboratory submission forms and reports will be prepared and stored within the NSW DPI Sample Manager system. Briefing notes and all other documentation associated with the investigation will be saved to a dedicated virtual folder created in HPE Content Manager 9 (CM9).

10. Revision History

Version	Date issued	Notes	By
1.0	01/07/2017	Substantially revised procedure in response to the <i>Biosecurity Act 2015</i> .	Aquatic risk management team
2.0	24/06/2022	Revised procedure	Aquatic Biosecurity Policy and Programs team

11. Contact

NSW DPI Aquatic Biosecurity Policy and Programs team – General Enquires via the switchboard at Port Stephens Fisheries Institute, 02 4916 3900 or via email, aquatic.biosecurity@dpi.nsw.gov.au

Reports of suspected prohibited and notifiable matter via the 24-hour Emergency Animal Disease Hotline **1800 675 888**