

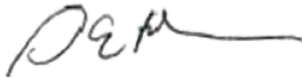
Biosecurity (Pacific Oyster Mortality Syndrome) Control Order 2021

under the

Biosecurity Act 2015

I, Sarah Britton, Group Director Animal Biosecurity, with the authorisation of the Minister under section 78 of the *Biosecurity Act 2015* and, having a reasonable belief it is necessary to prevent and minimise the biosecurity risk associated with the disease of Pacific oyster mortality syndrome, make the following control order under section 62 of the *Biosecurity Act 2015*.

Dated this 8 day of August 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 (Pacific Oyster Mortality Syndrome) Control Order 2021*.

2. Commencement and duration

- (1) This control order commences on the date on which it is made.
- (2) This control order has effect for 5 years from the date on which it commences.

3. Revocation of Biosecurity (Pacific Oyster Mortality Syndrome) Control Order (No. 2) 2018

Under section 77 of the Act, the *Biosecurity (Pacific Oyster Mortality Syndrome) Control Order (No. 2) 2018* published in the *Government Gazette* No. 63 on 22 June 2018 at pages 3906 to 3910 is revoked, as is any Order revived as a result of this revocation.

4. Definitions

In this Order:

bivalve means fish of the Class Bivalvia and includes clams, oysters, cockles, mussels, scallops, and spat of those fish.

bivalve product means:

- (a) the muscle or tissue of a bivalve;
- (b) any meat or other food or foodstuffs derived from a bivalve;
- (c) any part of the viscera of a bivalve;
- (d) any faeces, offal, gut, shell, mucous or blood of a bivalve, or any article or substance derived from the faeces, offal, gut, shell, mucous or blood of a bivalve;
- (e) any secretion of a bivalve;
- (f) any product or biological preparation made or derived from any bivalve tissue or bivalve secretion;
- (g) any article or substance derived from a bivalve, whether or not in combination with any other article or substance;

importation permit holder means a person who holds an aquaculture permit that provides an authority under section 217 of the *Fisheries Management Act 1994* for the importation into NSW of Pacific Oyster spat originating from outside NSW.

live bivalve means a bivalve that is viable if kept or released.

Pacific Oyster Mortality Syndrome means the disease that is caused by the virus Ostreid Herpes Virus type 1 (also known as OsHV-1).

Pacific oyster spat means the juvenile seed stock of Pacific oyster (*Crassostrea gigas*).

POMS biosecurity zone has the same meaning as clause 50 of the *Biosecurity Regulation 2017*.

POMS carrier means any thing that has, or is capable of having, the virus Ostreid Herpes Virus type 1 (also known as OsHV-1) on it, attached to it or contained in it, including a live bivalve, a bivalve product or any fitting used in connection with live bivalves.

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

the Act means the *Biosecurity Act 2015*.

triploid means containing three sets of chromosomes and being functionally sterile.

5. Biosecurity Matter and Biosecurity Risk

The biosecurity risk to which this Control Order relates is the biosecurity risk posed or likely to be posed by the spread of the virus Ostreid Herpes Virus type 1 (also known as OsHV-1) that causes Pacific Oyster Mortality Syndrome (POMS).

6. Control Zone

- (1) For the purposes of 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 State of New South Wales.
- (2) The control zone is called the *Pacific Oyster Mortality Syndrome Control Zone*.

7. The persons to whom the control measures apply

This Control Order applies to any person dealing with a carrier of Pacific Oyster Mortality Syndrome in the Pacific Oyster Mortality Syndrome Control Zone.

Part 2 Control Measures

8. Control measures – General Prohibitions

Unless otherwise provided in this Part, a person must not import or bring into the Pacific Oyster Mortality Syndrome Control Zone:

- (a) live bivalves taken from, or originating in, Tasmania or Tasmanian State waters;
- (b) fittings used in connection with live bivalves originating in Tasmania or Tasmanian State waters unless the fittings have been cleaned and disinfected to remove any traces of bivalve or bivalve product in accordance with clause 99(2) of the *Biosecurity Order (Permitted Activities) 2019*; and
- (c) live bivalves that have been in contact with any:
 - (i) water that has held live bivalves originating in Tasmania or Tasmanian State waters; or
 - (ii) fittings that have previously been used in connection with live bivalves originating in, Tasmania or Tasmanian State waters, unless the fittings have been cleaned and disinfected to remove all traces of bivalve or bivalve product in accordance with clause 99(2) of the *Biosecurity Order (Permitted Activities) 2019*.

9. Control Measures - Live bivalves taken from Tasmanian State waters or originating in Tasmania

A person may import or bring live bivalves taken from Tasmanian State waters or originating in Tasmania into the Pacific Oyster Mortality Syndrome Control Zone if:

- (a) the bivalves are securely packaged; and
- (b) the bivalves are transported directly to a point of sale for human consumption.

10. Control Measures - Live bivalves that consist of triploid Pacific oyster spat originating in Tasmania

- (1) A person may import or bring live bivalves that consist of triploid Pacific oyster spat originating in Tasmania into the Pacific Oyster Mortality Syndrome Control Zone if:
 - (a) the bivalves are shipped to an importation permit holder; and
 - (b) the bivalves are to be grown in the POMS biosecurity zone; and
 - (c) the *Shellfish Hatchery Protocol - Production and Translocation of Triploid Pacific Oyster (Crassostrea gigas) Spat to POMS Affected Estuaries in NSW* approved by the NSW Chief Veterinary Officer and published on the Department's website has been complied with.
- (2) A person may import or bring live bivalves that consist of triploid Pacific oyster spat originating in Tasmania into the Pacific Oyster Mortality Syndrome Control Zone if:
 - (a) the bivalves are to be shipped to an importation permit holder; and
 - (b) the bivalves are to be grown outside the POMS biosecurity zone; and the *Shellfish Hatchery Protocol - Production and Translocation of Triploid Pacific Oyster (Crassostrea gigas) Spat to POMS unaffected estuaries* approved by the NSW Chief Veterinary Officer and published on the Department's website has been complied with.