

BIOSECURITY ACT 2015

Biosecurity Regulation 2017

OYSTERS

The NSW oyster industry is the state's most valuable aquaculture industry, with \$31.8 million of Sydney Rock Oysters and \$2.1 million of Pacific Oysters sold on the NSW and interstate market annually. There are about 2,256 aquaculture leases, with a total area of approximately 2,816 hectares.

The biosecurity framework and tools safeguard our economy, environment and community.

This factsheet provides a summary of management arrangements for oyster biosecurity risks in NSW. More detailed information is available in the Biosecurity Regulation 2017, Biosecurity Order (Permitted Activities) 2017 and other documents at dpi.nsw.gov.au/biosecurityact



! GENERAL BIOSECURITY DUTY

● OUTCOME IS TO PREVENT, ELIMINATE & MINIMISE RISKS

- Any oyster farmer or person working with oysters has a responsibility for managing biosecurity risks that they know about or could reasonably know about
- Duty may be discharged in a variety of ways such as implementing 'come clean go clean' principles and reporting any unexplained significant mortalities
- Report anything unusual in any estuary

! BIOSECURITY ZONE - QX

● OUTCOME IS TO MANAGE & CONTROL THE RISK

- Zone will cover all of NSW and will establish high, medium and low QX risk estuaries
- Oysters must be moved in accordance with estuary risk rankings
- Restrictions will apply with the movement of oyster cultivation equipment/infrastructure in some areas
- Restrictions also apply on the movement or release of anything infected or contaminated with QX disease
- If an outbreak is suspected a biosecurity direction may be issued prohibiting the movement of carriers, which may include oysters, cultivation material and infrastructure

! BIOSECURITY ZONE – POMS

● (Georges River and Botany Bay, Hawkesbury River, and Brisbane Water)

OUTCOME IS TO MANAGE & CONTROL THE RISK OF DISEASE

- Prohibit movement of oysters from the zone
- Restrictions will apply with the movement of cultivation equipment/infrastructure in some areas
- Restrictions also apply on the movement or release of anything infected or contaminated with POMS disease
- If an outbreak is suspected a biosecurity direction may be issued prohibiting the movement of carriers, which may include oysters, cultivation material and infrastructure

! CONTROL ORDER

● OUTCOME IS TO MANAGE & CONTROL RISK OF POMS CARRIERS*

- Additional movement conditions and other restrictions apply for bivalves

**A carrier is anything (whether alive, dead or inanimate, and including a human) that has, or is capable of having any biosecurity matter on it, attached to it or contained in it.*

MANDATORY MEASURES

● OUTCOME IS TO ELIMINATE, MINIMISE AND MANAGE AQUATIC PESTS AND DISEASES

- Duty to notify within one working day of becoming aware of the presence or suspected presence of Bonamia, QX disease, POMS, and Winter Mortality of Sydney Rock Oysters
- Prohibit certain dealings with an aquatic pest or disease, such as possession, purchase, selling
- Offences apply for failing to meet these obligations

PROHIBITED MATTER

● OUTCOME IS TO PREVENT ENTRY INTO NSW

- Listed in Schedule 2 of the Biosecurity Act
- Offence to deal with or possess prohibited matter
- Duty to notify of presence or suspected presence
- Examples include iridoviroses of molluscs, *Marteilioides chungmuensis*, *Mikrocytos mackini*
- Authorised officer may accept a biosecurity undertaking from an owner or issue a biosecurity direction to manage a disease or pest
- Duty not to test or attempt to test unless certain conditions are met

DEFINITIONS

General

biosecurity duty

The general biosecurity duty can apply to anyone. It provides that any person who deals with biosecurity matter or a carrier, who knows (or ought reasonably to know) of the biosecurity risk posed (or likely to be posed), has a biosecurity duty to ensure that the risk is prevented, eliminated or minimised – so far as is reasonably practical.

Control orders

A control order is an order made by the Minister (or delegate) that establishes one or more zones to prevent, eliminate, minimise or otherwise manage a biosecurity risk or biosecurity impact.

Generally, a control order will be made to prevent the introduction of, or to eradicate, particular biosecurity matter.

A control order can be made quickly so that a timely response can be mounted to a biosecurity risk or impact that does not require an emergency response, or while longer term management arrangements are being developed.

For example, a control order could require containment, treatment or disposal of soil, stock, plants or products from a contaminated area, to prevent the contaminant entering the human food chain. It could prohibit grazing or, plant and livestock production on the contaminated area, and require decontamination actions such as removal or deep burial.

A control order can remain in place for up to five years. If it is clear that longer term management is required, a biosecurity zone could be established.

Biosecurity zones

A biosecurity zone is established by regulation and its purpose is to prevent, eliminate, minimise or otherwise manage a biosecurity risk or biosecurity impact. Generally, a biosecurity zone will apply to a specified part, or parts of NSW.

Mandatory measures

Mandatory measures are requirements set out in regulation for a person who deals with biosecurity matter or carriers to take specified actions to prevent, eliminate or minimise a biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing.

Prohibited matter

Prohibited matter is high risk matter we do not want in NSW and is not established in NSW, although we may occasionally have infestations that are quickly eradicated. Examples of prohibited matter include Abalone viral ganglioneuritis and white spot syndrome virus, Hendra virus infection (other than in pteropid bats), citrus canker, and parthenium weed.

Notification obligations apply with respect to prohibited matter. It is also an offence to deal with prohibited matter.

Dealing

Dealing is used in the context of 'dealing with' biosecurity matter or a carrier or to 'engage in a dealing'.

A Dealing can include to keep, possess, care for, have custody of, control, produce, manufacture, supply, import, acquire, buy, sell, dispose of, move, release, use, treat, breed, propagate, grow, raise, feed, culture, experiment with, display, enter into an agreement that deals with, agree to deal with, and/or cause or permit a dealing.

For further information about the Act, visit our website or contact us:

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