

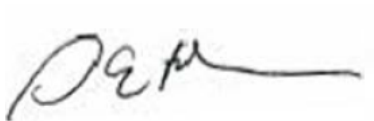
# Biosecurity (white spot disease – Clarence River) Control Order (No. 2) 2023

under the

## Biosecurity Act 2015

I, SARAH BRITTON, Group Director Animal Biosecurity, with the authorisation of the Minister administering the *Biosecurity Act 2015* and under section 62 of that Act make the following Control Order.

Dated 8<sup>th</sup> June 2023

A handwritten signature in black ink, appearing to read 'SARAH BRITTON', with a long horizontal flourish extending to the right.

SARAH BRITTON  
Group Director Animal Biosecurity  
Department of Regional NSW

Part 1	Preliminary .....	3
1	Name of Control Order .....	3
2	Commencement and duration .....	3
3	Definitions.....	3
4	Grounds for order and biosecurity impact .....	5
5	Control zone.....	6
Part 2	Control measures – movements out of the Clarence River Control Zone .....	6
6	Persons to whom control measures apply .....	6
7	Prohibition on movement of crustaceans, polychaete worms and fittings.....	6
8	Movement of cooked decapod crustaceans or polychaete worms .....	7
9	Movement of uncooked decapod crustaceans that have transited through Clarence River Control Zone .....	8
10	Movement of uncooked decapod crustaceans that are excluded carriers out of Clarence River Control Zone .....	9
11	Prohibition on movement of uncooked decapod crustaceans collected prior to commencement of Order.....	9
Part 3	Control Measures – aquaculture premises .....	10
12	Persons to whom control measures apply .....	10
13	Movement of uncooked decapod crustaceans into aquaculture premises.....	10
14	Movement on prawn broodstock or prawn post-larvae into aquaculture premises ..	10
15	Notification of unusual mortality .....	11
16	Disposal of dead decapod crustaceans and contaminated material.....	12
17	Movement of feed into aquaculture premises .....	12
18	Movement of water into and out of aquaculture premises .....	13
19	Production areas .....	15
20	Signs.....	15
21	Movement of vehicles and vessels onto and out of aquaculture premises.....	15
22	Contaminated fittings .....	15
23	Personal biosecurity measures for persons moving into aquaculture premises. ....	16
24	Records.....	17
Schedule 1	Health protocol for the translocation of prawns into NSW prawn farms .....	19

## Part 1 Preliminary

### 1 Name of Control Order

This Control Order is the *Biosecurity (white spot disease – Clarence River) Control Order (No. 2) 2023*.

### 2 Commencement and duration

This Control Order commences on the date it is published in the Gazette and has effect for the period of 2 years.

**Note.** Notice of this Control Order will be given by publishing it in the Gazette.

### 3 Definitions

(1) In this Control Order:

***aquaculture premises*** means areas adjacent to the Clarence River at which a person may undertake aquaculture under the authority of an aquaculture permit issued under the *Fisheries Management Act 1994*.

***broodstock*** means mature prawns capable of reproducing.

***Clarence River*** means the area described in clause 5(b).

***commercial fisher*** means a person who holds a commercial fishing licence under the *Fisheries Management Act 1994*.

***competent authority*** means the relevant government agency of New South Wales or another jurisdiction that regulates food safety.

***contaminated fittings*** means fittings that have or may have had contact with decapod crustaceans or polychaete worms from the Clarence River Control Zone but does not include fittings that have been decontaminated by removing all traces of decapod crustaceans, polychaete worms and other organic matter.

***contaminated material*** means any material, including material that may have had contact with white spot disease or be a carrier of white spot disease including uncooked prawn, prawn waste products and water from production areas.

***cooked*** means, in relation to a decapod crustacean or polychaete worm, that it appears fully cooked and has achieved a core temperature of at least 65°C during the cooking process.

***cultivation unit*** means a pond, channel, tank or containment unit used for the hatching, breeding, raising or keeping of decapod crustaceans.

***decapod crustacean*** means a crustacean of the Order Decapoda, including school, tiger and banana prawns, yabbies and pink nippers, shrimp, slipper lobsters, crabs and hermit crabs.

***excluded carrier*** means any of the following carriers of white spot disease:

- (a) a blue swimmer crab (*Portunus armatus*),
- (b) a bug (*Ibacus* spp. and *Thenus* spp.),
- (c) a mud crab (*Scylla* spp.),
- (d) a red champagne lobster (*Linuparus trigonus*),
- (e) a slipper lobster (*Scyllarides* spp.),
- (f) a spanner crab (*Ranina ranina*),
- (g) a three-spotted crab (*Portunus sanguinolentus*),
- (h) a rocklobster (family Palinuridae).

***NSW DPI*** means the NSW Department of Primary Industries within the Department of Regional NSW.

***person in charge***, of aquaculture premises, includes:

- (a) the owner of the premises,
- (b) the occupier of premises, and
- (c) a person who has care, custody or control of the premises.

***polychaete worm*** means a worm of the Class Polychaeta.

***prawn*** means any fish of the family Penaeidae and *Macrobrachium* spp that may be cultivated or kept at aquaculture premises under the authority of an aquaculture permit issued under the *Fisheries Management Act 1994*.

***prawn post-larvae*** means prawns in the life stage after metamorphosis from the mysis stage and before development into the juvenile stage, whereby the days after metamorphosis from mysis are denoted numerically.

**Note.** For example, P8 refers to post-larvae 8 days after metamorphosis from the mysis stage.

***production area*** means an area in which the hatching, breeding, raising or keeping of decapod crustaceans is carried out including:

- (a) sheds,
- (b) areas used for feed storage or feed handling,
- (c) cultivation units,
- (d) any disposal area at which decapod crustaceans may be disposed.

**public sewer** means a sewer operated by a council, county council, a water supply authority within the meaning of the *Water Management Act 2000*, 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 any other public or local authority of a State or Territory.

**the Act** means the *Biosecurity Act 2015*.

**uncooked**, in relation to a decapod crustacean and polychaete worm, means that it is not cooked.

**waste depot** means a place at which waste may be treated or stored in accordance with an approval under the *Local Government Act 1993* or a place approved as a waste depot or waste facility under any other Act.

**white spot disease** means the disease caused by the virus *Whispovirus* (Family *Nimaviridae*) and which is also known as white spot disease of crustaceans or infection with white spot syndrome virus.

- (2) Biosecurity matter referred to in this Control Order means the biosecurity matter at any stage of its life cycle.

**Note.** Section 11 of the *Interpretation Act 1987* provides that words or expressions used in this Control Order have the same meaning as in the Act.

#### 4 Grounds for order and biosecurity impact

The basis for concluding that it is necessary to make this Control Order is as follows:

- (a) white spot disease is a highly contagious viral disease that affects and can cause mass mortalities in farmed crustaceans,
- (b) the introduction and spread of white spot disease (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) in 2016, white spot disease was detected in Queensland. In August 2022, it was detected and eradicated from a commercial prawn-farming premises in New South Wales. In February 2023, white spot disease was detected at 2 prawn-farming aquaculture premises in New South Wales, and in April 2023, it was detected at a third prawn-farming aquaculture premises,
- (d) the wild crustacean population of New South Wales remains free of white spot disease, and
- (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 white spot disease by:
  - (i) minimising the risk of potential introduction of white spot onto aquaculture premises,

- (ii) minimising the risk of spread of white spot disease from aquaculture premises to the Clarence River Control Zone and the rest of New South Wales, and
- (iii) meeting the biosecurity requirements of other jurisdictions and to regain market access for industry, by supporting that white spot disease is not present in the Clarence River Control Zone (*proof of freedom*).

## 5 Control zone

The control zone in which control measures are required to be implemented under this Control Order (*Clarence River Control Zone*) is the area covering the following:

- (a) all aquaculture premises,
- (b) the Clarence River consisting of all waters within the boundary, commencing at a point at Mean High Water Mark at Angourie Point, 29°29.050' S and 153°22.130' E, then east 0.5 nautical miles to a point 29°29.180' S and 153°22.720' E, then 2.7 nautical miles north to a point adjacent to Yamba Point at 29°26.480' S and 153°23.120' E, then to a point 0.6 nautical miles east of the Iluka Breakwall at 29°25.600' S and 153°23.020' E, then north to a point 0.85 nautical miles from Woody Head at 29°22.400' S and 153°23.460' E, then west to the Mean High Water Mark at 29°22.650' S and 153°22.380' E along the ocean shore south to the point of commencement at Angourie Point (references to directions are indicative only), and upstream to the vehicular ferry at Ulmarra, and
- (c) all waters of Lake Wooloweyah. The boundary between Lake Wooloweyah and Oyster Channel is determined by a line drawn from the south eastern extremity of Joss Island to the eastern extremity of Corokos Island, and the boundary between Lake Wooloweyah and Palmer's Channel is determined by a line drawn from the southern most extremity of the eastern and western banks of Palmer's Channel where it meets Lake Wooloweyah.

## Part 2 Control measures – movements out of the Clarence River Control Zone

### 6 Persons to whom control measures apply

The control measures in Part 2 of this Control Order apply to any person who deals with decapod crustaceans or polychaete worms, or fittings used in connection with decapod crustaceans or polychaete worms.

### 7 Prohibition on movement of crustaceans, polychaete worms and fittings

- (1) This clause applies to:
  - (a) decapod crustaceans and polychaete worms that are in the Clarence River Control Zone,

- (b) decapod crustaceans and polychaete worms that have had contact with decapod crustaceans or polychaete worms from the Clarence River Control Zone,
  - (c) decapod crustaceans and polychaete worms that have been in contact with contaminated fittings,
  - (d) contaminated fittings,
  - (e) decapod crustaceans and polychaete worms that have had contact with water that has contained decapod crustaceans or polychaete worms from the Clarence River Control Zone.
- (2) A person must not move any thing to which this clause applies out of the Clarence River Control Zone, unless otherwise permitted by this Control Order.
- (3) If a person moves a decapod crustacean or polychaete worm into the Clarence River Control Zone, the person may move that decapod crustacean or polychaete worm out of the Clarence River Control Zone:
- (a) if the person obtained the decapod crustacean or polychaete worm from retail premises,
  - (b) if the person moved the decapod crustacean or polychaete worm into the Clarence River Control Zone to use in the Control Zone as bait or for human consumption, and
  - (c) the prawn decapod crustacean or polychaete worm did not have contact with water that has contained decapod crustaceans or polychaete worms from the Clarence River Control Zone.
- (4) In this clause:

*retail premises* includes:

- (a) retail premises as defined in the Dictionary to the *Clarence Valley Local Environment Plan 2011*, and includes retail premises attached to service stations or highway services centres, and
- (b) premises that dispatch decapod crustaceans or polychaete worms advertised for sale by means of newspaper or other print media, the Internet, SMS text message or other on-line communications system.

## **8 Movement of cooked decapod crustaceans or polychaete worms**

A person may move a decapod crustacean or polychaete worm out of the Clarence River Control Zone if:

- (a) it is for the purpose of commercial sale, and
- (b) the decapod crustacean or polychaete worm is cooked before it is moved out of the control zone.

## 9 Movement of uncooked decapod crustaceans that have transited through Clarence River Control Zone

- (1) A person may move an uncooked decapod crustacean, other than live decapod crustacean, from the Clarence River Control Zone into and within the rest of New South Wales if:
- (a) it is for the purpose of commercial sale, and
  - (b) the decapod crustacean:
    - (i) originated from outside the Clarence River Control Zone and only entered the zone for the purpose of transiting through the zone,
    - (ii) is transported by the most direct route to the intended destination,
    - (iii) is transported in a manner that prevents it being contaminated with the virus that causes white spot disease, and
    - (iv) is packaged and labelled with an identifier specifying the location of where the decapod crustacean was grown, captured or harvested, and the name, address, postcode and State or Territory of the grower or commercial fisher who produced or harvested the decapod crustacean.

**Note.** Under clause 112 of the *Biosecurity Regulation 2017* a person who is required to label or identify any matter, must ensure that the label or identifier is a complying label or complying identifier.

- (2) An endorsement holder may move an uncooked decapod crustacean from the Clarence River Control Zone into and within the rest of New South Wales if:
- (a) the decapod crustacean was taken from the waters of the Ocean trawl fishery that are outside the Clarence River Control Zone,
  - (b) the movement is for the purpose of commercial sale,
  - (c) the decapod crustacean is transported by the most direct route to the intended destination, and
  - (d) the decapod crustacean is transported in a manner that prevents it being contaminated with the virus that causes white spot disease.
- (3) The endorsement holder must keep Category 1 decapod crustaceans and Category 2 decapod crustaceans separate, so that crustaceans of each category have no contact with crustaceans of the other category.
- (4) In this clause:

**Category 1 decapod crustaceans** means any decapod crustaceans taken from any parts of the waters of the Ocean trawl fishery that are outside the Clarence River Control Zone.



*Category 2 decapod crustaceans* means any decapod crustaceans taken in the waters of the Ocean trawl fishery within the Clarence River Control Zone.

*commercial fishing licence* has the same meaning as in section 4 of the *Fisheries Management Act 1994*.

*endorsement holder* means a person who holds a commercial fishing licence that has an endorsement that authorises the taking of fish in the Ocean trawl fishery.

*Ocean trawl fishery* has the same meaning as in Schedule 1 of the *Fisheries Management Act 1994*.

*take* has the same meaning as in section 4 of the *Fisheries Management Act 1994*.

## **10 Movement of uncooked decapod crustaceans that are excluded carriers out of Clarence River Control Zone**

- (1) A person may move an uncooked decapod crustacean that is an excluded carrier from the Clarence River Control Zone into and within the rest of New South Wales if the uncooked decapod crustacean:
  - (a) is being moved for human consumption, and it is cooked as soon as practicable after arrival at its destination, and
  - (b) if it is alive, is not placed in waters to which the *Fisheries Management Act 1994* applies.

**Note.** Section 7 of the *Fisheries Management Act 1994* describes the waters to which that Act applies.

- (2) Any water used for the purpose of transporting excluded carriers under this clause must be disposed of through a public sewer.
- (3) Any waste produced because of transporting excluded carriers under this clause must be disposed of at a waste depot.
- (4) An excluded carrier being moved out of the Clarence River Control Zone under this clause must be accompanied by documentation which provides the following information:
  - (a) the date that the excluded carrier was captured or harvested, and
  - (b) the location in the Clarence River Control Zone at which the excluded carrier was captured or harvested.

## **11 Prohibition on movement of uncooked decapod crustaceans collected prior to commencement of Order**

- (1) On the basis that this control measure is reasonably necessary having regard to the nature of the biosecurity risk posed by the white spot disease, this control measure applies both within and outside the Clarence River Control Zone, to the State of New South Wales.

- (2) A person who is in possession of an uncooked decapod crustacean or polychaete worm, other than an excluded carrier, that was taken from the Clarence River Control Zone on and from 12 February 2023 to the commencement of this Control Order:
- (a) must not move the uncooked decapod crustacean or polychaete worm, and
  - (b) must contact the NSW DPI as soon as practicable by either:
    - (i) calling the Emergency Animal Disease Hotline on 1800 675 888, or
    - (ii) emailing [aquatic.imports@dpi.nsw.gov.au](mailto:aquatic.imports@dpi.nsw.gov.au).

### **Part 3 Control Measures – aquaculture premises**

#### **12 Persons to whom control measures apply**

- (1) The control measures in this Part of this Control Order apply to the person in charge of aquaculture premises.
- (2) If this Part specifies that another person or class of persons must comply with and implement a control measure, then the measure only applies to that person or class of person.

#### **13 Movement of uncooked decapod crustaceans into aquaculture premises**

Unless otherwise permitted by this Part, a person must not move an uncooked decapod crustacean or polychaete worm onto aquaculture premises.

#### **14 Movement on prawn broodstock or prawn post-larvae into aquaculture premises**

- (1) The person in charge of aquaculture premises must not move prawns into aquaculture premises, except for prawn post larvae and broodstock.

**Note:** prawns other than prawn post larvae and broodstock can be moved into premises if a biosecurity permit has been issued authorising that movement

- (2) The person in charge of aquaculture premises must not move prawn broodstock or prawn post-larvae into aquaculture premises sourced from:
- (a) Queensland, south of Rockhampton,
  - (b) Northern Territory, within a 100m radius of Darwin Harbour, or
  - (c) within the parts of the Clarence River Control Zone described in clauses 5(b) and 5(c).

- (3) The person in charge of aquaculture premises must not move prawn broodstock or prawn post-larvae into aquaculture premises from elsewhere in Australia, unless the person in charge is satisfied these requirements in the Translocation health protocol have been met:
  - (a) Post-larvae pre-translocation health certification requirements,
  - (b) Broodstock and post-larvae pre-translocation requirements,
  - (c) Broodstock testing requirements,
  - (d) Pre-stocking or translocation testing and sampling requirements post-larvae, and
  - (e) Shipping documentation requirements.
- (4) Any broodstock or post-larvae moved onto the aquaculture premises must be moved directly into a production area.
- (5) The person in charge of aquaculture premises must monitor post-larvae moved into the premises and any prawns cultivated from the prawn post-larvae for any signs of disease by thorough and regular visual inspection.
- (6) The person in charge of aquaculture premises may move broodstock, prawn post-larvae produced from that broodstock or prawn post-larvae from the aquaculture premises to other aquaculture premises in New South Wales, if:
  - (a) the broodstock or prawn-post larvae met the requirements of this clause when the broodstock or prawn-post larvae were moved to the premises, and
  - (b) the broodstock or prawn-post larvae had no contact with decapod crustaceans, polychaete worms, contaminated material or contaminated fittings at the aquaculture premises.
- (7) In this clause, *Translocation health protocol* means the Health protocol for the translocation of Penaeid prawns in NSW in Schedule 1 to this Order.

## 15 Notification of unusual mortality

If the person in charge observes any of these events in more than one cultivation unit at a time or at different times, the person must immediately notify NSW DPI on the Emergency Animal Disease Hotline on 1800 675 888 of:

- (a) a greater number of moribund or dead prawns than reasonably expected from the farm's performance history for the size of prawns and days of culture, which are caused by or suspected to be caused by the virus that causes white spot disease,

- (b) prawns displaying clinical signs or behaviour of white spot disease or clinical signs or behaviour that may be attributable white spot disease, or
- (c) moribund or dead prawns for which there is no clear cause.

## **16 Disposal of dead decapod crustaceans and contaminated material**

- (1) The person in charge of aquaculture premises must dispose of any decapod crustaceans that have died in a prawn cultivation unit and are removed from that unit:
  - (a) away from waterways,
  - (b) in a manner that ensures the crustaceans cannot be accessed by animals, and
  - (c) if buried at the aquaculture premises, by placing at 300mm to 500mm of clean fill over the top of the disposed prawns each day.
- (2) The person in charge of aquaculture premises must dispose of any contaminated material that is removed from a prawn cultivation unit or production area:
  - (a) away from waterways,
  - (b) in a manner that ensures the contaminated material cannot be accessed by animals,
  - (c) if buried at the aquaculture premises, by placing at 300mm to 500mm of clean fill over the top of the contaminated material each day, and
  - (d) if removed from the aquaculture premises, at a waste depot.

**Note:** This clause does not require a person to remove dead decapod crustacean from ponds or cultivation units.

## **17 Movement of feed into aquaculture premises**

- (1) At the aquaculture premises, a person must not feed an uncooked decapod crustacean or an uncooked or untreated polychaete worm to a decapod crustacean.
- (2) At the aquaculture premises, a person must not feed a product which may contain decapod crustaceans or polychaete worms to a decapod crustacean unless the product:
  - (a) was heat-treated to a minimum of:
    - (i) 85°C for a period of no less than 15 minutes, or
    - (ii) 80°C for a period of no less than 20 minutes, or
  - (b) was treated with gamma radiation at a minimum dose of at least 50 kilo Gray, or

- (c) if imported, it meets the Australian Biosecurity Import Conditions for Aquaculture feed and aquatic meals from all countries which can be found at <https://bicon.agriculture.gov.au/>, or
- (d) if a polychaete worm:
  - (i) was not sourced from areas within a 30 kilometre radius of an aquaculture farm at which prawns were cultivated,
  - (ii) was not sourced from the wild,
  - (iii) did not originate in a part of a State or Territory for which a public authority has in place an instrument for the control of white spot disease, and
  - (iv) was:
    - (A) batch tested to ensure freedom from the virus that causes white spot disease with a minimum of 95% confidence of detection at 2% or lower prevalence, or
    - (B) was sourced from a Specific Pathogen Free population for which ongoing batch testing has demonstrated freedom from the virus which causes white spot disease.
- (3) The person in charge of aquaculture premises must record the batch and supplier information for the product and maintain those records until the end of the production cycle.

## 18 Movement of water into and out of aquaculture premises

- (1) The person in charge of aquaculture premises must do all things reasonably practicable to prevent tidal water from the Clarence River entering the premises.

**Note:** This clause does not prevent a person from pumping water onto the aquaculture premises under the aquaculture permit for the premises issued under the *Fisheries Management Act 1994*.

- (2) The person in charge of aquaculture premises must:
  - (a) retain any water from a hatchery at the aquaculture premises that is contaminated water in an enclosed effluent holding tank,
  - (b) before discharging any water from the hatchery held in an enclosed effluent holding tank, treat the water by:
    - (i) adding a minimum of 30mg/L active effective chlorine to the water and maintaining that concentration for 24 hours or 200mg/L active effective chlorine and maintaining that concentration for 2hrs, and

- (ii) mixing the water in the tank to homogenise the chlorine solution, and
  - (iii) holding the treated water for sufficient time to neutralise the chlorine.
- (3) The person in charge of aquaculture premises must not discharge water used in a production area into the Clarence River or its tributaries unless the water passes through two separate filters designed to prevent stock escape located at:
  - (a) the place at which the water leaves a pond, and
  - (b) the place on the outflow pipe at which the water discharges from the aquaculture premises.
- (4) The person in charge of aquaculture premise must maintain the pond and associated infrastructure, including pond edges, walls, monks, drains and shut offs, to minimise the risk of water leaking from the premises
- (5) After all prawns are harvested from a pond at the premises and before new prawns are moved into the pond, the person in charge of the aquaculture premise must:
  - (a) inspect the pond and associated infrastructure, including pond edges, walls, monks, drains and shut offs, to identify any place from which water may leak from the premises, and
  - (b) repair any place in the pond and associated infrastructure, including pond edges, walls, monks, drains and shut offs to minimise the risk of water leaking from the premises.
- (6) If the person in charge of the premises becomes aware of or suspects that the decapod crustaceans at the premises may be infected with white spot disease, the person in charge must immediately ensure that:
  - (a) no water is discharged from the premises into the Clarence River, by turning off both intake and outlet pipes, and
  - (b) there is no water leaking into the Clarence River and its surrounding area.
- (7) In this clause,

***discharge water*** means the intentional release of water from a production area in the aquaculture premises

***tidal water*** means any water that alternately rises and falls in a predictable and measurable rhythm or cycle due to the gravitational attraction of the moon and sun.