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Biosecurity (Varroa Mite) Emergency Order 2022

under the

Biosecurity Act 2015

I, SATENDRA KUMAR, Director Plant Biosecurity & Product Integrity, NSW Chief Plant Protection Officer, with the delegated authority of the Secretary pursuant to section 379(1) of the *Biosecurity Act 2015* (**the Act**), make the following emergency order under Part 5 of the Act.

Dated this 24th day of June 2022

Time: 10:15 AM



SATENDRA KUMAR

Director Plant Biosecurity & Product Integrity, NSW Chief Plant Protection Officer
Department of Primary Industries
Department of Regional NSW

Part 1 Preliminary

1 Name of emergency order

This emergency order is the *Biosecurity (Varroa Mite) Emergency Order 2022*.

2 Commencement

This emergency order commences at the time a copy of the order is first published in the NSW Government Gazette or on the Department's website.

3 Duration of emergency order [s 45(e), s 48]

This emergency order has effect for a period of 6 months from the date of commencement.

4 Emergency zone [s 45(b), s 49]

- (1) The *Varroa mite eradication emergency zone*, as shown in red on the map in Schedule 1, is the area within a 10 kilometre radius of the infestation points.
- (2) The *Varroa mite surveillance emergency zone*, as shown in purple on the map in Schedule 1, is the area within a 25 kilometre radius of the infestation points, excluding the Varroa mite eradication emergency zone.
- (3) The *Varroa mite buffer emergency zone*, as shown in yellow on the map in Schedule 1, is the area within a 50 kilometre radius of the infestation points, excluding the Varroa mite eradication emergency zone and the Varroa mite surveillance emergency zone.
- (4) In this clause *infestation points* means the locations at the coordinates:
 - (a) latitude -32.884820 and longitude 151.742843, and
 - (b) latitude -32.885780 and longitude 151.734540.

5 Declaration of biosecurity emergency [s 44(1), s 45(a)]

- (1) A biosecurity emergency is declared.
- (2) The biosecurity matter which is the subject of the biosecurity emergency is Varroa mite.
- (3) The biosecurity risk that is the subject of the biosecurity emergency is the risk of an adverse effect on the economy and the community that arises from the introduction, presence and spread of Varroa mite within the State.

6 Grounds for Order [s 44(2)]

- (1) The basis for being satisfied that there is a current biosecurity risk arising from the presence of Varroa mite in the State, is:
 - (a) Varroa mite is prohibited matter throughout the State.
 - (b) On 22 June 2022, Varroa mite was detected at two properties in Mayfield and Mayfield West, City of Newcastle.
- (2) Varroa mite is spread by bees and hives that has been in contact with bees for the previous 30 days.
- (3) The basis for being satisfied that the biosecurity risk arising from the presence of Varroa mite in the State may have a significant biosecurity impact is that Varroa mite will have a significant economic impact on the beekeeping industry, which

will in turn will significantly impact pollination dependant industries and the production of horticulture in Australia.

7 Definitions

In this emergency order:

apiary product means anything produced by bees and includes pollen collected by bees, but does not include honey that has been processed.

feral bees mean bees in the wild that have returned to a wild state.

hive means an artificial receptacle designed for housing living bees and its contents.

person in charge, in relation to premises, an animal or thing includes:

- (a) the owner of the premises, animal or thing,
- (b) a person who has the premises, animal or thing in their possession, care, custody or control.

processed, for honey, means:

- (a) honey that is for human consumption and suitable for retail sale or purchase at a food business, as defined in section 6, *Food Act 2003*, and
- (b) any other honey that has been processed and packaged in such a way as to exclude Varroa mite.

the Act means the *Biosecurity Act 2015*.

Varroa mite means *Varroa destructor*.

Varroa mite buffer emergency zone – see clause 4.

Varroa mite eradication emergency zone – see clause 4.

Varroa mite surveillance emergency zone – see clause 4.

Part 2 Emergency Measures – All emergency zones

8 Persons or class of persons to whom the measures in this Part apply [s 45(d)]

- (1) All persons in these emergency zones must comply with and implement the emergency measures specified in this Part:
 - (a) Varroa mite buffer emergency zone,
 - (b) Varroa mite eradication emergency zone, and
 - (c) Varroa mite surveillance emergency zone.
- (2) If this Part specifies that another person or class of persons must comply with and implement an emergency measure, then the measure only applies to that person or class of person.

9 Prohibitions on movement [s 50, s 51c]

A person must not move any of these into, out of or within the Varroa mite buffer emergency zone, Varroa mite eradication emergency zone or Varroa mite surveillance emergency zone:

- (a) bees, or
- (b) a hive.

Part 3 Emergency Measures - Varroa mite eradication emergency zone

10 Persons or class of persons to whom the measures in this Part apply [s 45(d)]

- (1) All persons in charge of bees, hives or premises in the Varroa mite eradication emergency zone must comply with and implement the emergency measures specified in this Part.
- (2) If this Part specifies that another person or class of persons must comply with and implement an emergency measure, then the measure applies to that person or class of person.

11 Notification of bees or hives [s 50, s 51(a)]

- (1) A person in charge of any bees and hives must notify the Department of the location of those bees and hives.
- (2) A person in charge of premises who becomes aware of a colony of feral bees which is located on the premises must notify the Department of the location that colony.
- (3) A person who becomes aware of, or suspects the presence of, a colony of feral bees because of any consultation or other professional work carried out at premises must notify the Department of the location of that colony.
- (4) Notifications under this clause must be made:
 - (a) by telephone, to the Exotic Plant Pest Hotline 1800 084 881,
 - (b) by email, to biosecurity@dpi.nsw.gov.au, or
 - (c) by electronic transmission, to a location nominated by the Department.

Note: Section 30 of the Act imposes a biosecurity duty on the owner or person in charge of an animal or thing to immediately notify the Department if the person suspects the presence of prohibited matter in the State.

Notifications may be made by telephone to the Exotic Plant Pest Hotline 1800 084 881 or by email to biosecurity@dpi.nsw.gov.au.

12 Apiary products [s 50, s 51(c)]

- (1) A person in charge of a hive must not remove honey from a hive.

- (2) A person in charge of a hive must not harvest comb honey by removing it from the hive.

13 Destruction of bees and hives [s 50, s 51(l), s 55(l), s 91(1)(a), s 122(1)(a)]

- (1) A person to whom this Part applies must make the bees and any hive of which they have care, custody or control available for destruction and removal by an authorised officer for the purposes of disposal and eradication.
- (2) An authorised officer is authorised to destroy the bees and a hive by:
 - (a) euthanising the bees,
 - (b) making the dead hive bee-proof,
 - (c) cleaning the location of the hive at the premises to remove the dead bees and any apiary products,
 - (d) burning or destroying the hive at the premises or at other premises for burning or destruction at another location, and
 - (e) any other destruction, disposal or eradication functions necessary to eradicate all hosts of Varroa mite and to prevent the survival of undetected hosts within the emergency zone.

14 Fipronil Baiting [s 50, s 51(e), (l), s 91(1)(a), s 122(1)(a)]

- (1) An authorised officer may place fipronil baits on any premises in the Varroa mite eradication zone.
- (2) The fipronil baits must be used in accordance with all Australian Pesticides and Veterinary Medicines Authority label directions and permit conditions.

Note: Access to residential premises for the purpose of this measure is governed by the Act.

Part 3 Emergency Measures – Varroa mite surveillance emergency zone

15 Persons or class of persons to whom the measures in this Part apply [s 45(d)]

- (1) All persons in charge of bees or apiary equipment in the Varroa mite surveillance emergency zone must comply with and implement the emergency measures specified in this Part.
- (2) If this Part specifies that another person or class of persons must comply with and implement an emergency measure, then the measure applies to that person or class of person.

16 Notification of bees or hives [s 50, s 51(a)]

- (5) A person in charge of any bees and hives must notify the Department of the location of those bees and hives.

- (6) A person in charge of premises who becomes aware of a colony of feral bees which is located on the premises must notify the Department of the location that colony.
- (7) A person who becomes aware of, or suspects the presence of, a colony of feral bees because of any consultation or other professional work carried out at premises must notify the Department of the location of that colony.
- (8) Notifications under this clause must be made:
 - (a) by telephone, to the Exotic Plant Pest Hotline 1800 084 881,
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17 Apiary products [s 50, s 51(c)]

- (1) A person in charge of a hive must not remove honey from a hive.
- (2) A person in charge of a hive must not harvest comb honey by removing it from the hive.

18 Testing and surveillance [s 50, s 51(a), (i)]

A person in charge of hives must not move, remove or interfere with any testing material or equipment placed in a hive by an authorised officer as part of surveillance for Varroa mite.

Schedule 1 – Emergency Zones

