



New South Wales

Biosecurity Amendment (Miscellaneous) Regulation 2023

under the

Biosecurity Act 2015

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Biosecurity Act 2015*.

DUGALD SAUNDERS, MP
Minister for Agriculture

Explanatory note

The objects of this Regulation are as follows—

- (a) to amend the *Biosecurity Act 2015* to update the lists of prohibited matter throughout the State,
- (b) to amend the *Biosecurity Regulation 2017*, including in relation to the following—
 - (i) prohibited pig feed,
 - (ii) the QX disease biosecurity zone and the POMS biosecurity zone,
 - (iii) certain pests and diseases,
- (c) to amend the *Biosecurity (National Livestock Identification System) Regulation 2017*, including in relation to the registration of goat depot operators.

This Regulation is made under the *Biosecurity Act 2015*, including sections 12(3), 24(1), 27(4), 39(2), 79–83 and 404, the general regulation-making power, and Schedule 5.

Biosecurity Amendment (Miscellaneous) Regulation 2023

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Biosecurity Act 2015

1 Name of Regulation

This Regulation is the *Biosecurity Amendment (Miscellaneous) Regulation 2023*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Biosecurity Act 2015 No 24

[1] Schedule 2 Prohibited matter

Omit the matter relating to “*Spodoptera frugiperda*” from Part 1 under the heading “Pests and Diseases of Plants”.

[2] Schedule 2, Part 1

Omit the matter relating to “*Braula coeca*” under the heading “Pests and Diseases of Animals”.

[3] Schedule 2, Part 1

Insert in appropriate order under the heading “Diseases of Aquatic Animals”—

Batrachochytrium salamandrivorans

Batrachochytrium salamandrivorans

Hepatobacter penaei

Necrotising hepatopancreatitis of crustaceans

[4] Schedule 2, Part 1

Omit “*Candidatus Hepatobacter penaei*”.

[5] Schedule 2, Part 1

Omit the following from Column 2—

Grouper iridoviral disease

HPR-deleted or HPR0 infectious salmon anaemia virus

Infectious hypodermal and haematopoietic necrosis of crustaceans

Infectious spleen and kidney necrosis virus-like viruses (ISKNV)

Necrotising hepatopancreatitis of crustaceans

Insert instead in appropriate order—

Decapod iridescent virus 1

Infectious salmon anaemia virus

Infectious spleen and kidney necrosis virus (ISKNV)

Scale drop syndrome virus

Singapore grouper iridovirus (Ranavirus)

Tilapia lake virus (TiLV) disease

Turbot reddish body iridovirus (TRBIV)

[6] Schedule 2, Part 1

Insert in appropriate order under the heading “Pest Terrestrial Invertebrates”—

Lepisiota incisa

African black sugar ant

[7] Schedule 2, Part 1

Omit the matter relating to “*Grateloupia turuturu*” under the heading “Pest Marine Plants”.

[8] Schedule 3 Prohibited dealings

Omit the matter relating to “*Hystrix cristata*” in clause 2 under the heading “**Mammalia**”.

[9] Schedule 3, clause 4

Insert in appropriate order under the heading “**Mammalia**”—

<i>Hystrix cristata</i>	African porcupine/Crested porcupine
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[10] Schedule 3, clause 4

Omit the following from under the heading “**Reptilia**”—

<i>Elaphe guttata</i>	Corn snake/Red rat-snake
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Insert instead in appropriate order—

<i>Pantherophis guttatus</i>	Corn snake/Red rat-snake
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Schedule 2 Amendment of Biosecurity Regulation 2017

[1] Clauses 10, 23 and 32

Omit the clauses.

[2] Clauses 18(3)(b), 50(2) and note and Schedule 1, Part 2

Omit “Ostreid herpesvirus- μ variant—OsHV-1 μ var (OSHV1)” wherever occurring.

Insert instead “Ostreid herpesvirus-1 μ variant—OsHV-1 μ var (OSHV1)”.

[3] Clause 22, heading

Omit the heading. Insert instead—

22 Banana disease carriers

[4] Clause 22, note 2

Omit the note. Insert instead—

Note 2— The following are listed as prohibited matter under the Act, Part 4—

- (a) *Fusarium oxysporum* f.sp. *cubense* tropical race 4—Panama disease tropical race 4,
- (b) *Phyllosticta* spp., except *Phyllosticta maculata*—Banana freckle.

[5] Clause 37 Prohibited pig feed

Insert after clause 37(2)—

- (2A) A person may feed a mammal product to a pig by allowing the pig to access the product in circumstances where it would not be reasonable for the person to prevent the pig from having access to the product.
- (2B) The circumstances referred to in subclause (2A) include the following—
 - (a) a pig having access to a placenta of its own origin or originating from a herd mate,
 - (b) a pig having access to the naturally deposited faeces of wildlife, herd mates or other stock animals,
 - (c) a free-ranging pig having access to carcasses of herd mates or wildlife.

[6] Clause 44F Declared biosecurity events

Insert after clause 44F(a)—

- (a1) the appearance of skin nodules on cattle,

[7] Clause 47 Establishment of biosecurity zone

Insert “and ocean waters” after “estuaries” in clause 47(1).

[8] Clause 48 Persons to whom regulatory measures apply

Omit the note. Insert instead—

Note— See the *Fisheries Management (Aquaculture) Regulation 2017*, in particular, Part 2, Division 3.

[9] Clause 49 Regulatory measures

Omit clause 49(1). Insert instead—

- (1) Each of the following is declared to be a *high QX risk area*—

- (a) the estuary, including any directly connected estuary, of the following rivers—
 - (i) Richmond River,
 - (ii) Clarence River,
 - (iii) Macleay River,
 - (iv) Bellinger River and Kalang River,
 - (v) Hawkesbury River,
 - (vi) Georges River and Botany Bay,
 - (b) the tidal waters of Port Stephens, including its bays, inlets and tributaries upstream of a line drawn from the southernmost point of Yacaaba Headland to the northernmost point of Tomaree Headland.
- (1A) To avoid doubt, the waters specified in subclause (1)(b) include the estuaries of the Karuah River, Myall River and Tilligerry Creek.

[10] Clause 49(5)(a) and (6)(a)

Omit the notes.

[11] Clause 49(7)

Omit the clause, including the note. Insert instead—

- (7) A person must not move oyster cultivation equipment—
 - (a) from a high QX risk area to a medium QX risk area or low QX risk area, or
 - (b) from a medium QX risk area to a low QX risk area.

Note— See the *Biosecurity Order (Permitted Activities) 2019*, Part 3, Division 2, which sets out an exception to this subclause.

[12] Clause 49(10)

Insert “in the QX disease biosecurity zone” after “waters”.

[13] Clause 49

Insert at the end of the clause—

Note— Moving oysters and oyster cultivation equipment may be precluded by the conditions of an aquaculture permit under the *Fisheries Management Act 1994*.

[14] Clause 52 Regulatory measures

Insert “in the POMS biosecurity zone” after “waters” in clause 52(5).

[15] Clause 61(2)(c) and note, clause 62(2) and Schedule 1, Part 4

Omit “*Ralstonia solanacearum* race 3” wherever occurring.

Insert instead “*Ralstonia solanacearum* race 3”.

[16] Schedule 1 Pests and diseases required to be notified

Insert in alphabetical order in Part 1—

Braula coeca (Braula fly/Bee louse)

[17] Schedule 1, Part 2

Insert in alphabetical order—

Grateloupia turuturu (Red macroalga)

Infectious hypodermal and haematopoietic necrosis of crustaceans

[18] Schedule 1, Part 4

Omit “Cucumber green mottle mosaic virus (CGMMV)”.

[19] Schedule 1, Part 4

Insert in alphabetical order—

Urocystis cepulae (Onion smut)

Schedule 3 Amendment of Biosecurity (National Livestock Identification System) Regulation 2017

[1] Clause 4 Requirements of Regulation are mandatory measures

Omit “and 59 (1)”. Insert instead “, 59(1) and (4) and 59A(1)”.

[2] Clause 7 Property identification code required if certain animals held in captivity

Omit “or” from clause 7(2)(b).

[3] Clause 7(2)(c)

Omit the paragraph.

[4] Clause 59 Operators of goat depots must be registered

Insert “, including a condition specifying the location of the goat depot operated by the person” after “sees fit” in clause 59(2).

[5] Clause 59(4)

Insert after clause 59(3)—

- (4) A person must comply with the conditions on the person’s registration.

[6] Clause 59A

Insert after clause 59—

59A Location of goat depots

- (1) A person must not operate a goat depot in a location other than a location specified as a condition on the person’s registration under clause 59.
- (2) Despite subclause (1), a person may operate a goat depot in another location if the person gives written notice to the Secretary of the location, including the property identification code, at least 7 days before the person starts operating the goat depot at the location.