

# **Biosecurity (Varroa Mite) Control Order (No. 2) 2024**

under the

Biosecurity Act 2015

I, SHANE HETHERINGTON, Director Plant Biosecurity Enhancements and Projects, with the authorisation of the Minister administering the *Biosecurity Act 2015*, make the following control order under section 62 of that Act.

Dated this 5<sup>th</sup> day of February 2024

A handwritten signature in black ink, appearing to read 'S. Hetherington', with a stylized flourish at the end.

**SHANE HETHERINGTON**

Director Plant Biosecurity Enhancements and Projects

Department of Primary Industries

Department of Regional NSW

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## Part 1 Preliminary

### 1 Name of control order

This control order is the *Biosecurity (Varroa Mite) Control Order (No. 2) 2024*.

### 2 Commencement

This control order commences on the date it is published on the Department's website.

### 3 Duration of control order [s 63(e), s 66]

This control order has effect until 1 February 2025.

### 4 Revocation of Biosecurity (Varroa Mite) Control Order 2024

*Biosecurity (Varroa Mite) Control Order 2024* dated 31 January 2024, published on the Department's website at

<https://www.nsw.gov.au/sites/default/files/noindex/public%3A//2024-01/Biosecurity%20%28Varroa%20Mite%29%20Control%20Order%202024.pdf>  
[Biosecurity%20%28Varroa%20Mite%29%20Control%20Order%202024.pdf](https://www.nsw.gov.au/sites/default/files/noindex/public%3A//2024-01/Biosecurity%20%28Varroa%20Mite%29%20Control%20Order%202024.pdf) is revoked

### 5 Biosecurity matter and biosecurity risk [s 63(a)]

- (1) The biosecurity matter which is the subject of this control order is Varroa mite.
- (2) The biosecurity risk to which this control order relates is the risk of an adverse effect on the economy and the community that arises from the presence and spread of Varroa mite within the State.

### 6 Control zones [s 63(b), s 67]

- (1) The *Varroa mite management control zone*, as shown in orange on the map, is comprised of areas that on 20 September 2023 were:
  - (a) within a 10 kilometre radius of an infested premises, or
  - (b) not within a 10 kilometre radius of an infested premises, but were:
    - (i) completely surrounded by areas that were within a 10 kilometre radius of an infested premises, or
    - (ii) surrounded on three sides by areas that were within a 10 kilometre radius of an infested premise and bounded on the fourth side by the coastline of the State at mean low water.

- (2) The *Varroa mite suppression control zone*, as shown in green on the map, is the State, excluding the Varroa mite management control zone.

**Note.** Schedule 1 to this control order contains a copy of the map and is included for information purposes only.

## 7 Grounds for Order [s 62(2)]

The basis for reasonably believing that this control order is necessary to prevent, eliminate, minimise or manage the biosecurity risk arising from Varroa mite is:

- (a) On 22 June 2022, Varroa mite was detected at two properties in Mayfield and Mayfield West, City of Newcastle.
- (b) Varroa mite is spread by bees, hives and apiary equipment that have been in contact with bees in the previous 10 days. Varroa mite has been detected at numerous properties in the State, and it is suspected to be present at other properties across the State.
- (c) The uncontrolled spread of Varroa mite throughout the State will have a significant economic impact on the beekeeping industry, which will in turn significantly impact pollination dependent industries and the production of horticulture in the State.
- (d) The control zones and control measures are required to minimise and manage the spread of Varroa mite to the rest of the State and interstate.

## 8 Interpretation

In this control order:

**alcohol** means 100% ethanol, isopropyl alcohol or methylated spirits.

**alcohol washing** means washing a sample of at least 300 bees from the brood box of a hive in alcohol to detach Varroa mites to inspect for the presence of Varroa mite.

**apiary** means a group of one or more hives assembled in one area or location for beekeeping operations, which are managed by a beekeeper together as a single unit.

**apiary equipment** means anything that has been used or is designed to be used in relation to the acquisition or keeping of bees, managing hives or for the extracting, processing, handling or storing of apiary products, but does not include:

- (a) a hive, or
- (b) new apiary equipment that has never been in contact with bees, or
- (c) apiary equipment that has been decontaminated, or has been treated by irradiation at a gamma radiation dose of at least 10 kilo Gray and has not had contact with bees since that treatment.

**apiary product** means anything produced by bees and includes pollen collected by bees, but does not include:

- (a) honey that is:

- (i) processed for human consumption that is suitable for retail sale or purchase at a food business, as defined in the *Food Act 2003*, section 6, or
- (ii) in one of the following types of industrial-grade container engineered for the mass handling, transport and storage of honey:
  - (A) an intermediate bulk carrier with capacity of 1000 litres,
  - (B) a honey drum with capacity of up to 300 litres, or
  - (C) a pail with capacity of up to 25 litres, or
- (iii) processed and packaged in such a way as to exclude Varroa mite, or
- (b) raw beeswax that has been rendered using water and has not been in contact with bees after its manufacture, or
- (c) new beeswax foundation consisting of a flat sheet of beeswax that:
  - (i) is embossed with the shape of the base of the cell, and
  - (ii) is manufactured either by casting or rolling, and
  - (iii) has had any impurities removed in such a way that any Varroa mite, if present, would also be removed, and
  - (iv) has not been in contact with bees after its manufacture.

**APVMA** means the Australian Pesticides and Veterinary Medicines Authority.

**bee** has the same meaning as in the Act.

**beekeeper** means:

- (a) a registered entity that is a beekeeper,
- (b) a person keeping bees in New South Wales if the dealing with bees is an exempt dealing, as specified in clause 1, Schedule 4, the Act, or
- (c) any other person keeping bees in New South Wales.

**Note.** A person must not deal with bees in New South Wales – including keep bees - unless the person has been granted biosecurity registration by the Secretary or the dealing is an exempt dealing.

**bee-proof** means securing a hive or honey super to ensure that that a bee from another hive cannot access the hive or honey super.

**Note.** Clause 13, Biosecurity Regulation 2017, requires a person to ensure that any hive or other apiary equipment owned or operated by the person is protected so that a bee from another hive cannot take any honey that is in or on that hive or apiary equipment.

**brood box** means the component of the hive used by the queen to lay eggs for raising new bees and includes the frames.

**carrier** has the same meaning as in the Act.

**decontaminated**, means the following steps to be taken:

- (a) scraping and cleaning any hive material off the carrier, and
- (b) taking steps to ensure the carrier is free from Varroa mite and is practically free from live bees.

**destination location** means the destination location noted in the hive movement form completed and provided to the Department.

**extract**, in relation to honey, means the process of removing honey from honeycomb so that it is isolated in a liquid form.

**general surveillance requirements** means carrying out a surveillance action on hives at the following rates:

- (a) all hives, where the person is in charge of less than 10 hives at a premises, or
- (b) the greater of 10 hives or 10% of hives, where the person is in charge of more than 10 hives at a premises.

**hive** means an artificial receptacle designed for housing living bees and includes any part of the receptacle, but does not include:

- (a) a new hive that has never been in contact with bees, or
- (b) a hive that has been treated by irradiation at a gamma radiation dose of at least 10 kilo Gray and has not had contact with bees since that treatment.

**Note.** A hive includes a nucleus beehive and a flow hive. Parts of a hive include frames, a honey super, a broodbox and a queen excluder.

**hive material** includes honey, wax and any live or dead insect material contained in or on the hive, the honey super or any apiary equipment or that has leaked from the hive, the honey super or apiary equipment.

**hive movement form** means the hive movement form available at [www.dpi.nsw.gov.au/varroa](http://www.dpi.nsw.gov.au/varroa), in which the beekeeper notifies the Secretary of:

- (a) the location of the bees and hives when the hive movement form is completed,
- (b) the destination location,
- (c) the date of the last surveillance action undertaken by the beekeeper, as required by clause 10, and if Varroa mite was detected in that surveillance action, and
- (d) if Varroa mite was detected and treatment is required by clause 11, the date on which the bees and hives were treated.

**honey super** means the honey super component of the hive that is used to store a bee's honey and includes the frames and honey.

**infested** means a Varroa mite has been detected by:

- (a) a person who is a technical expert, or a person who has undergone training by a technical expert in the field of identification of Varroa mite, by observation, or
- (b) a diagnostician who confirms positive a diagnostic sample from a site that has been received at one of the Department's laboratories, or
- (c) a surveillance action.

**infested premises** means premises at which an infested carrier was located.

**map** means the map published on the State's Department of Primary Industries website at <https://www.dpi.nsw.gov.au/emergencies/biosecurity/current-situation/varroa-mite-emergency-response> when this order commences.

***person in charge***, in relation to premises, bees or things includes:

- (a) the registered beekeeper who is the registered entity for the bees, and
- (b) the owner of the premises, bees or thing, and
- (c) a person who has the premises, bees or thing in their possession, care, custody or control.

***premises*** means:

- (a) a parcel of land, or
- (b) several parcels of land which:
  - (i) are contiguous with one another or are separated from one another only by a road, river, creek or other watercourse, and
  - (ii) constitute or are worked as a single property, or
- (c) a single apiary site or apiary range, identified on the State Government BPass map at <https://bpass.dpi.nsw.gov.au/s/view-sites-public>.

***registered beekeeper*** means a person who has been granted biosecurity registration under the Act, Part 12, to engage in the registrable dealing of dealing with bees.

***registered entity*** has the same meaning as in the Act, section 157.

***Secretary*** means the Secretary of the Department.

***soapy water washing*** means washing a sample of at least 300 bees from the brood box of a hive in one of the following solutions to detach Varroa mite to inspect for the presence of Varroa mite:

- (a) 2 tablespoons (40 millilitres) of dishwashing soap in 3.5 litres of water, or
- (b) non-sudsy soapy water made using an automotive windshield washer fluid as per the manufacturer's instructions.

***sugar shaking*** means shaking a sample of at least 300 bees from the brood box of a hive in fine sugar to dislodge Varroa mite to inspect for the presence of Varroa mite.

***surveillance action*** means any of the following:

- (a) sugar shaking,
- (b) soapy water washing,
- (c) alcohol washing, or
- (d) the insertion of miticide strips and sticky mats into a hive to dislodge Varroa mite onto the sticky mats and, 48 hours after inserting the strips, inspection of those mats for the presence of Varroa mite.

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

***Varroa mite*** means *Varroa destructor*.

***Varroa mite management control zone*** – see clause 6.

***Varroa mite suppression control zone*** – see clause 6.

## Part 2 Control measures – all control zones

### 9 Persons to whom the measures in this Part apply [s 63 (d)]

- (1) All persons in the Varroa mite suppression control zone and the Varroa mite management control zone must comply with and implement the control measures specified in this Part.
- (2) If this Part specifies that another person or class of persons must comply with and implement a control measure, then that measure only applies to that person or class of persons.

### 10 Hive surveillance [s 68, s 69(a), (i)]

- (1) No later than 16 weeks after an earlier surveillance action, a surveillance action must be undertaken on all hives in accordance with the general surveillance requirements and may be carried out by an authorised officer or a beekeeper.
- (2) If the general surveillance requirements have not been carried out by an authorised officer, a beekeeper must:
  - (a) no later than 16 weeks after an earlier surveillance action, carry out a surveillance action on the hives and any bees housed in those hives in accordance with the general surveillance requirements, and
  - (b) make a record of each surveillance action completed which consists of:
    - (i) the time and date the surveillance action was carried out, and
    - (ii) the approximate location of hives for which the surveillance action was carried out, and
    - (iii) the number of Varroa mite detected by the surveillance action in each tested hive, and
  - (c) report the results of the surveillance action in accordance with one of the following options:
    - (i) where Varroa mite is not detected, no later than 7 days after carrying out the surveillance action make a report by either:
      - (A) electronic communication using the form at [www.dpi.nsw.gov.au/alcohol-wash](http://www.dpi.nsw.gov.au/alcohol-wash), or
      - (B) telephone to the Exotic Plant Pest Hotline 1800 084 881, or
    - (ii) where Varroa mite is detected, immediately make a report by either:
      - (A) electronic communication using the Beekeeper Varroa Surveillance Action Report form at <https://forms.bfs.dpi.nsw.gov.au/forms/13537>, or
      - (B) telephone to the Exotic Plant Pest Hotline 1800 084 881, and
  - (d) keep the record of the surveillance action for 5 years, and



- (e) if requested by an authorised officer, provide a copy of the record of the surveillance action to the authorised officer.
- (3) If Varroa mite has been detected using miticide strips and sticky mats, the beekeeper is required to undertake a further surveillance action using one of the other types of surveillance action specified in this control order. The number of Varroa mite detected in this subsequent surveillance action is to be used to determine whether the threshold for treatment of the hives in subclause 11(1) has been met.
- (4) If the beekeeper has hives at more than one apiary, the beekeeper must satisfy the general surveillance requirements at each apiary.
- (5) In this clause, *earlier surveillance action* means:
  - (a) for the first surveillance action under this control order, the latest surveillance action conducted under any of the following orders:
    - (i) *Biosecurity (Varroa Mite) Emergency Order (No. 47) 2023* dated 27 September 2023
    - (ii) *Biosecurity (Varroa Mite) Emergency Order (No. 48) 2023* dated 19 October 2023, or
    - (iii) *Biosecurity (Varroa Mite) Emergency Order (No. 49) 2023* dated 19 December 2023.
  - (b) for a subsequent surveillance action, the latest surveillance action carried out under this control order.

## 11 Treatment measures – treatment threshold [s 68, s69(e)]

- (1) In this clause, the *treatment threshold* is, for the period specified in Column 1 of the Table, the number of Varroa mites detected in the hive specified next to the period in Column 2 of the Table:

**Table:**

<b>Column 1 Period</b>	<b>Column 2 Number of Varroa mites detected in a hive</b>
1 March – 30 November each year	5
1 December – last day of February in the following year	9

- (2) For the purposes of subclause (1), the number of Varroa mite detected in a hive is to be determined following a surveillance action that is one of the following:
  - (a) sugar shaking,
  - (b) soapy water washing, or
  - (c) alcohol washing.

**Note.** Subclause 10(3) requires a registered beekeeper who has detected Varroa mite using miticide strips and sticky mats to undertake an additional surveillance action of sugar shaking, soapy water washing or alcohol washing.

- (3) If the number of Varroa mites detected in a hive exceeds the treatment threshold for the period in which the surveillance action was conducted, the person in charge of the hive must treat all the hives for which they are the person in charge that were at the infested premises when the Varroa mites were detected in the hive:
  - (a) using a method approved by the APVMA, complying with all relevant label directions and permit conditions, or
  - (b) by drone brood trapping.
- (4) The person in charge must carry out the treatment on the hives no later than 14 days after the date on which Varroa mite is detected.
- (5) The person in charge must make a record of the treatment measures conducted under this clause which consists of the following:
  - (a) the date on which the treatment was carried out,
  - (b) the approximate location of the hives when the treatment was carried out,
  - (c) the method and amount of product used, and
  - (d) the names and addresses of the persons who carried out the treatment.
- (6) The person in charge must:
  - (a) keep the record of the treatment measures conducted under this clause for 5 years, and
  - (b) if requested by an authorised officer, provide a copy of the record to the authorised officer.
- (7) A person must not treat hives for Varroa mite using a chemical product (within the meaning of the AGVET Code of New South Wales) that is not approved by the APVMA for treatment of Varroa mite.
- (8) In this clause:

***drone comb*** means a frame, with cell size larger than standard beeswax foundation, specifically placed in the brood box to promote the queen to lay unfertilised drone eggs.

***drone brood trapping*** means:

- (a) using a drone comb frame in the brood box to attract and trap Varroa mite in the developing drone honey bee cells, and
- (b) then, removing the drone comb frame from the hive after cell capping, but before adult drone emergence.

**Note.** On the date this control order was made, *amitraz* and *thymol* are registered by the APVMA for use complying with all relevant label directions, and the use of miticide strips is regulated by APVMA Permit PER94153 and APVMA Permit PER 94055.

## 12 Testing and surveillance by authorised officers [s 68, s 69(a), (i), s 113(1), s 136(1)]

- (1) 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.
- (2) A person in charge of hives must not move, remove or interfere with any testing material or equipment any person was directed to place in the hive by an authorised officer as part of surveillance for Varroa mite.
- (3) An authorised officer is authorised to destroy bees in the process of undertaking testing that is a surveillance action.

## Part 3 Control measures - Varroa mite management control zone

### 13 Persons to whom the measures in this Part apply [s 63 (d)]

All persons in the Varroa mite suppression control zone and the Varroa mite management control zone must comply with and implement the control measures specified in this Part.

### 14 Movement of bees and hives out of the Varroa mite management control zone [s 68, s 69(c), (i)]

- (1) A beekeeper must not move bees or hives out of the Varroa mite management control zone into the Varroa mite suppression control zone unless prior to the movement:
  - (a) within 14 days before the movement, a surveillance action is completed on the hives and any bees housed in those hives in accordance with the general surveillance requirements, and
  - (b) if Varroa mite was detected and treatment is required by clause 11, undertake treatment for 48 hours before movement, and
  - (c) before moving the hive and bees, makes a record of the surveillance action that complies with clause 10(2)(b).
- (2) This clause does not apply to escort bees, packaged bees or a queen bee.
- (3) In this clause,

*escort bees* means the bees that accompany a queen bee.

*packaged bees* means a queen bee and escort bees in a temporary travelling container.

*queen bee* means a reproductive single female bee or a female bee that is capable of reproducing.

**Note.** The registered beekeeper is also required by clause 15 to complete a hive movement declaration prior to the movement of bees and hives.

## 15 Movement of hives – hive movement declaration [s 68, s 69(c)]

- (1) A beekeeper must not move hives out of the Varroa mite management control zone into the Varroa mite suppression control zone unless, prior to the movement, the beekeeper:
  - (a) provides details of the movement to the Department by completing and submitting the hive movement form at <https://forms.bfs.dpi.nsw.gov.au/forms/12344> before the bees or hives are moved, and
  - (b) ensure the person transporting the bees or hives has a copy of the completed hive movement form, and
  - (c) retain details of the movement for 5 years.
- (2) The person transporting bees or a hive must:
  - (a) have a copy of the hive movement form with the bees or hives while the bees or hives are in transit, and
  - (b) if requested by an authorised officer, produce the copy of the hive movement form to that authorised officer.

**Note.** A person may have and produce an electronic form of the hive movement form (*Electronic Transactions Act 2000*, section 10).

- (3) If after the beekeeper completes the hive movement form the proposed destination location changes, the beekeeper may proceed to the new destination using the completed hive movement form, but must, no later than 72 hours after reaching the new destination, provide to the Department a new hive movement form recording the new destination.

# Schedule 1 – Control zones

