

**Program authorisation for the Surveillance Program for
white spot syndrome virus under the *Biosecurity Act*
2014**

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Program authorisation for Surveillance Program for white spot syndrome virus under the *Biosecurity Act 2014*

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Program authorisation of a surveillance program in the State of Queensland

I, Dr Elizabeth Woods, the Chief Executive of the Department of Agriculture and Fisheries, acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorise a surveillance program for white spot syndrome virus in Queensland, on the basis that:

- I am satisfied that white spot disease which is prohibited matter was confirmed in seven (7) aquaculture properties between 1 December 2016 and 13 February 2017.
- I am satisfied that the white spot syndrome virus that causes white spot disease was first confirmed in a small number of prawns from the Logan River on 8 December 2016.
- I am satisfied that white spot syndrome virus has been confirmed from crabs and prawns collected from Moreton Bay.
- I am satisfied that white spot syndrome virus poses a significant biosecurity risk to the Queensland commercial and recreational fishers and the environment.
- I am satisfied that measures are required to monitor the following:
 - the geographic distribution of white spot syndrome virus in wild populations of decapod crustaceans and polychaete worms found in Queensland; and
 - decapod crustaceans in aquaculture properties within Queensland to assess whether they are infected with white spot syndrome virus; and
 - decapod crustaceans and polychaete worms that are used for bait within Queensland to assess whether they are infected with white spot syndrome virus.

In accordance with section 239 of the Act, I have undertaken appropriate consultation within Queensland.

This program authorisation is for a program commencing on 21 January 2019.



Dr Elizabeth Woods
Director-General
Department of Agriculture and Fisheries

Authorised on 04/01/2019

1 Abbreviations, acronyms and definitions

Term/acronym	Definition
Act	<i>Biosecurity Act 2014</i>
Authorised officer	A person who holds an appointment as an authorised person or an inspector under the Act
Code	OIE Aquatic Animal Health Code 2016
DAF	Department of Agriculture and Fisheries
Infected premises	Premises that have confirmed a positive diagnosis for white spot disease
Known carriers of white spot syndrome virus	a. All life stages of decapod crustaceans (Including but not limited to prawns, crabs and lobsters) b. Avian species that may have been feeding on infected species and moving those infected species to other places c. All stages of the lifecycle of copepoda crustaceans d. Insect larvae e. All lifecycle stages of Polychaete worms f. Water g. Sediment
OIE	World Organisation for Animal Health
Program Area	The area stated in section 6 of this document to be the parts of the State of Queensland to which the Surveillance Program applies
Program Authorisation	The authorisation given for the Surveillance Program under s 235 of the Act
Surveillance Program	The "Surveillance Program for white spot syndrome virus under the <i>Biosecurity Act 2014</i> "
WSSV	White spot syndrome virus

2 Program name

The authorised surveillance program is to be known as the Surveillance Program for white spot syndrome virus under the *Biosecurity Act 2014*.

3 Biosecurity matter

The biosecurity matter to which the Surveillance Program relates is white spot syndrome virus (WSSV) which is the causative agent of white spot disease.

4 Purpose of the Program

4.1 Legislative framework

The Act provides for the establishment of surveillance programs. A surveillance program is a program directed at any of the following—

- (a) monitoring compliance with the Act in relation to a particular matter to which the Act applies;
- (b) confirming the presence, or finding out the extent of the presence, in the State or the parts of the State to which the program applies, of the biosecurity matter to which the program relates;
- (c) confirming the absence, in the State or the parts of the State to which the program applies, of the biosecurity matter to which the program relates;
- (d) monitoring the effects of measures taken in response to a biosecurity risk;
- (e) monitoring compliance with requirements about prohibited matter or restricted matter;
- (f) monitoring levels of biosecurity matter or levels of biosecurity matter in a carrier.

4.2 Factual background

White spot disease, caused by WSSV, is a devastating disease of decapod crustaceans, including prawns and crabs. White spot disease is prohibited matter under the *Biosecurity Act 2014* and can be spread by the known carriers of WSSV.

WSSV is regarded as one of the greatest threats to the aquaculture prawn industry and has had devastating effects on prawn farms globally. Australia is one of the few countries in the world with a prawn-farming industry that until recently remained free of white spot disease.

WSSV was first confirmed in prawns on 1 December 2016, in an aquaculture farm at Alberton near the Logan River, and within seven days, there was mass mortality of up to 80 per cent of prawn stock in the affected ponds. Within three months, white spot disease had spread to all seven prawn farms along a 10 km stretch of the Logan River. The ensuing disease response focused on eradicating the virus from properties by isolating affected properties, destroying affected stock and the decontamination of production systems. Movement restrictions were imposed for all known carriers of WSSV originating from the affected area.

After the detection of WSSV on prawn farms, WSSV was subsequently confirmed in wild prawns collected from the Logan River on 8 December 2016. Since then, WSSV has been detected at a number of sites in the Logan River and northern Moreton Bay. The most recent detection of WSSV was from prawns and crabs collected in Moreton Bay in March 2018. Prawn and crab samples collected during the months of August and September 2018 tested negative for WSSV.

On 21 January 2017, a Surveillance Program was made under section 235 of the Act, to provide the authority to monitor compliance, confirm presence or absence of WSSV, monitor levels of WSSV or monitor the effects of response measures. As part of the structured surveillance for WSSV in wild stocks, sample testing is undertaken in six-monthly intervals from high-risk areas in the Moreton Bay region and beyond, along the east coast of Queensland. The Surveillance Program covers the whole State of Queensland and its marine waters as the virus can impact on both fresh water and salt water crustaceans. At present, all crustacean samples collected from the east coast of Queensland, beyond Moreton Bay, have tested negative for WSSV. This surveillance program is due to expire on 21 January 2019.

Queensland, and Australia, will need to demonstrate proof of freedom from the disease or evidence that the disease is controlled and contained within a defined affected area. Without proof of freedom, businesses would not be able to freely export their product. As evidence of proof of freedom, the World Organisation for Animal Health (OIE) requires that targeted surveillance be undertaken for two years without detection of the disease (OIE Aquatic Animal Health Code, Chapter 9.7 (White Spot Disease), Article 9.7.4).

Wild carrier populations of WSSV inhabit coastal waterways, bays and the ocean. Targeted surveillance has been ongoing in the Logan and Brisbane Rivers, Moreton Bay and more broadly along the Queensland coastline north to Cairns since the first detections of WSSV in December 2016. Surveillance sampling has also been carried out on prawn aquaculture premises around the state. Since WSSV can infect freshwater crustaceans, surveillance in freshwater inland environments (e.g. lakes, dams etc.) may be required.

Due to the detection of WSSV in wild crustacean samples from Moreton Bay as recently as March 2018, a new Surveillance Program will be required beyond 21 January 2019. It will provide the legislative mechanism to continue activities relevant to the determination of Queensland and Australia's disease status for WSSV.

While the impacts of WSSV on wild populations of crustaceans is unknown, the potential impact is very high, given the commercial and recreational industries that rely on these crustacean fisheries in Australia. Movement restrictions imposed for WSSV carriers originating from the affected area has impacted trade. In particular, prawns and bloodworms destined for distribution as bait and accounting for up to 80 per cent of the Australian market have been severely impacted.

The value of aquaculture produced prawns in Queensland is estimated at \$87 million. In the Gold Coast region, the estimated value is \$23 million. If the disease were to spread to other marine environments in Queensland and Australia there are potentially significantly high economic and social impacts on recreational and commercial fisheries in Queensland and Australia.

4.3 Purpose

The Surveillance Program provides the legislative basis to implement the control and containment of white spot disease. Its purpose is to:

- (a) delimit the geographic distribution of WSSV in the State of Queensland; and
- (b) monitor the wild populations of decapod crustaceans across the State to provide the OIE proof of freedom information; and
- (c) monitor farmed populations of decapod crustaceans across the State to provide the OIE proof of freedom information.

The key activities to be undertaken under the Surveillance Program include, but are not limited to:

- (a) sampling and taking for testing decapod crustaceans and polychaete worms that have been taken or found in Queensland waters;
- (b) sampling and taking for testing decapod crustaceans and polychaete worms that are intended for the purpose of using as bait for fishing.

5 When the Surveillance Program starts and the period over which the program is to be carried out

The Surveillance Program will commence on 21 January 2019 and will continue until 21 January 2021. The duration of the Surveillance Program is considered to be necessary to achieve its purpose.

6 Program Area

The Surveillance Program applies to the entire State of Queensland and its jurisdictional waters.

7 Powers of authorised officers

7.1 Entry power

Under section 254 of the Act, an authorised officer has the powers given under the Act. However, under section 255(3) of the Act, an authorised officer may exercise those powers in relation to a biosecurity program, only if the officer is appointed by an entity that authorised the biosecurity program.

In addition to the general entry power given to authorised officers under section 259 of the Act, under section 261 an authorised officer may at reasonable times enter a place (other than a residence) situated within the Program Area, to take any action authorised by the Surveillance Program.

However, if the authorised officer intends to exercise the entry power under section 261 of the Act for the Surveillance Program, the authorised officer must, before entering the place, make a reasonable attempt to locate an occupier and obtain the occupier's consent to the authorised officer entering the place.¹ If the authorised officer is unable to locate an occupier after making a reasonable attempt to do so or if the occupier refuses to consent, the authorised officer may enter the place but make reasonable attempts to:

- (a) produce the authorised officer's identity card for the occupier's inspection; and

¹ See section 270 (Entry of place under s 261 and 262) of the Act.

- (b) inform the occupier:
 - (i) of the reason for entering the place; and
 - (ii) that the authorised officer is authorised under the Act to enter the place without the occupier's permission; and
 - (iii) of any steps taken, or to be taken, under the Surveillance Program; and
 - (iv) if steps have been, or are to be, taken—that it is an offence to do anything that interferes with the step that has been, or is to be, taken.

If the authorised officer does not find an occupier at the place, the authorised officer must leave a notice at the place, in a conspicuous position and in a reasonably secure way, stating:

- (a) the date and time the authorised officer entered the place; and
- (b) the information mentioned in paragraph (b) above.

7.2 General Powers

After entering a place, an authorised officer may exercise any or all of the powers set out in the tables below, subject to any appointment conditions and limits imposed on the authorised officer:²

General powers in the Act
Powers of entry
Search any part of the place.
Inspect ³ , examine ⁴ or film ⁵ any part of the place or anything at the place.
Take for examination a thing, or a sample of or from a thing, at the place.
Place an identifying mark in or on anything at the place.
Place a sign or notice at the place.
Produce an image or writing at the place from an electronic document or, to the extent it is not practicable, take a thing containing an electronic document to another place to produce an image or writing.
Take to, into or onto the place and use any person, detection animal, equipment and materials the authorised officer reasonably requires for exercising the authorised officer's powers under this division.
Destroy biosecurity matter or a carrier if the authorised officer believes on reasonable grounds the biosecurity matter or carrier presents a significant biosecurity risk; and the owner of the biosecurity matter or carrier consents to its destruction.
Remain at the place for the time necessary to achieve the purpose of the entry.
The authorised officer may take a necessary step to allow the exercise of a general power.
If the authorised officer takes a document from the place to copy it, the authorised officer must copy and return the document to the place as soon as practicable.
If the authorised officer takes from the place an article or device reasonably capable of producing a document from an electronic document to produce the document, the authorised officer must produce the document and return the article or device to the place as soon as practicable.

² See section 296 (General powers) of the Act.

³ Section 296(5) defines *inspect*, a thing, to include open the thing and examine its contents.

⁴ Section 296(5) defines *examine* to include analyse, test, account, measure, weigh, grade, gauge and identify.

⁵ Section 296(5) defines *film* to include photograph, videotape and record an image in another way.

An authorised officer may make a requirement (a **help requirement**) of an occupier of the place or a person at the place to give the authorised officer reasonable help to exercise a general power⁶.

7.3 Powers under the Program

After entering a place for the purpose of the Surveillance Program, an authorised officer may exercise any or all of the following powers for the Surveillance Program:

Powers an authorised officer may exercise under the Program

Enter a place under section 261 of the Act to conduct surveillance activities under the program, e.g. enter an aquaculture property, bait shop, prawn trawler or seafood store to take samples of crustaceans for testing.

Searching a place to check for the presence or absence of white spot syndrome virus.

Inspect, examine and film to assist with tracing of carriers to and from a place.

Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of white spot syndrome virus.

Identify carriers such as crustaceans with tags, notices, flags or signs for any purpose consistent with the Program.

Producing a written and/or electronic note(s) to support Program activities.

Taking GPS coordinates to ensure accuracy of location details of carriers.

Take a document such as a delivery docket that is relevant to the objectives of the Program.

Take a person or equipment onto the place for a purpose consistent with the Program.

7.4 No purported limitation

Nothing in this Program Authorisation purports to limit the powers of authorised officers under chapter 10 of the Act.

8 Obligations

8.1 Obligations imposed under the Program

A person who is an occupier of a place to which the Surveillance Program relates is subject to the following obligations:⁷

- (a) to move or remove any thing at the place that would obstruct an authorised officer undertaking the activities required to take action under the Surveillance Program;
- (b) to help the authorised officer in the execution of their powers.⁸

8.2 Other obligations

The obligations stated in section 8.1 are in addition to any other obligations under the Act, including:

- (a) the General Biosecurity Obligation (see section 23 of the Act) to take all reasonable and practical measures to prevent or minimise the biosecurity risk associated with biosecurity matter⁹
- (b) the obligation to report the presence of prohibited matter;¹⁰

⁶ See section 297 (Power to require reasonable help) of the Act.

⁷ See section 236(1)(h) (What program authorisation must state) of the Act.

⁸ A person of whom a help requirement has been made must comply with the requirement unless the person has a reasonable excuse.

⁹ See section 23 (What is a general biosecurity obligation) of the Act.

¹⁰ See section 36 (Reporting presence of prohibited matter) of the Act.

- (c) the prohibition on dealing with prohibited matter.¹¹ **Deal with**¹² includes any of the following
- keep or possess, whether intentionally or otherwise, the biosecurity matter or carrier;
 - conduct experiments with the biosecurity matter or carrier;
 - breed the biosecurity matter or carrier
 - propagate the biosecurity matter or carrier;
 - use the biosecurity matter or carrier in the course of manufacturing a thing that is not the biosecurity matter or carrier;
 - grow, raise, feed or culture the biosecurity matter or carrier;
 - distribute the biosecurity matter or carrier;
 - import the biosecurity matter or carrier;
 - transport the biosecurity matter or carrier;
 - dispose of the biosecurity matter or carrier;
 - buy, supply or use the biosecurity matter or carrier.

Note: under the *Biosecurity Act 2014* white spot disease is prohibited matter¹³

9 Notification of relevant parties of requirements

As required by the Act,¹⁴ I will give public notice of the Surveillance Program 14 days before it starts by:

- (a) giving the notice, by way of letter, to each government department or government owned corporation responsible for land in the area to which the Program relates; and
- (b) publishing the notice on the Department of Agriculture and Fisheries website.

A copy of the Surveillance Program (including the Program Authorisation) is available for inspection at the Department of Agriculture and Fisheries' head office located at 41 George Street, Brisbane and at its regional offices.

A copy of the Surveillance Program is also available to view and print at no cost on the Department of Agriculture and Fisheries' website at www.daf.qld.gov.au. A copy of the Program Authorisation will be provided on request by contacting the Department's Customer Service Centre on telephone 13 25 23.

¹¹ See section 37 (Dealing with prohibited matter) of the Act.

¹² See Schedule 4 (Dictionary) of the Act

¹³ See Schedule 1, Part 2 (Animal diseases, parasites and viruses) of the Act.

¹⁴ See section 240 (Notice of proposed biosecurity program) of the Act.