

Animal Diseases (Varroa Mite Import Restriction) Declaration 2022 (No 2)

Disallowable instrument DI2022–214

made under the

Animal Diseases Act 2005, s 15 (Import restrictions)

EXPLANATORY STATEMENT

Section 15 (1) of the *Animal Diseases Act 2005* (the *Act*) authorises the Minister to declare an area outside the ACT to be subject to an import restriction, if the Minister has reasonable grounds for believing that an animal in the area is infected with an exotic disease and the declaration is necessary to prevent the spread of the disease.

Varroasis (*Varroa destructor*) is a declared exotic disease in the ACT under the *Animal Diseases (Exotic Diseases) Declaration 2018* (DI2018-33). Varroasis is a parasitic disease of European honey bees caused by the exotic mite *Varroa destructor*. Due to their parasitic nature, varroa mites weaken and cause physical damage to bees as well as transmitting various pathogens, including viruses that are currently exotic to Australia. Therefore, Varroasis has the potential to severely affect honey production and a wide range of pollination-reliant food crops and crops that support primary food production.

This instrument declares the State of New South Wales (NSW) to be subject to an import restriction following the detection of Varroasis in that state on 22 June 2022. It also revokes the *Animal Diseases (Varroa Mite Import Restriction) Declaration 2022 [DI2022-172]* dated 1 July 2022.

Specifically, the declaration prohibits importation into the ACT of European honey bees (*Apis mellifera*), beehives and apiary equipment that have been in NSW at any time since 22 December 2021.

This prohibition will be reviewed as traceability and delimiting surveillance progresses and further information is available as to when varroa mites were first introduced into NSW.

These import restrictions do not apply to:

1. new beehives and new apiary equipment as new items do not pose any biosecurity risk and the definitions in section 7 exclude them;
2. the import of honey supers from the NSW Varroa mite general emergency zone (lowest risk zone) to an enclosed, bee proof space for the purpose of extracting honey provided this movement and extraction is done under strict conditions as specified in clause 6 (2) of the declaration; and
3. beehives housing European honey bees transiting directly through the ACT under secure conditions.

Section 15 (3) of the Act prescribes the contents of an import restriction declaration, including that it states—

- (a) the animals to which the declaration applies;
- (b) the disease in relation to which the declaration is made;
- (c) the area to which the declaration applies;
- (d) the restrictions on importing into the ACT an animal, animal product or other thing that has, at any time during a stated period, been in the area;
- (e) the restrictions on sale in the ACT of an animal, animal product or thing that has, at any time during a stated period, been in the area;
- (f) if the declaration is to have effect for a limited period—the period.

Applying section 15 (3) of the Act, the declaration—

- (a) applies to European honey bees (*Apis mellifera*);
- (b) applies to Varroasis (*Varroa destructor*);
- (c) applies to the State of New South Wales;
- (d) prohibits importing into the ACT European honey bees, used beehives and used apiary equipment that have been in NSW at any time since 22 December 2021. This prohibition does not apply to:
 - (i) the import of honey supers from the NSW Varroa mite general emergency zone to an enclosed, bee proof space for the purpose of extracting honey, subject to strict conditions; and
 - (ii) beehives housing European honey bees transiting directly through the ACT under secure conditions.
- (e) does not place any restrictions on sale in the ACT; and
- (f) does not provide an expiry date for the declaration.

These import restrictions protect the ACT from the introduction of varroa mite, provide business continuity for ACT beekeeping enterprises with hives currently in the NSW Varroa mite general emergency zone and are aligned with the restrictions currently in place in NSW.

It is intended to review the necessity of the restrictions as the situation in NSW evolves and revoke or remake the declaration at the appropriate time.

Pursuant to section 15 (5) of the Act, a person commits an offence if the person contravenes a restriction in an import restriction declaration. The maximum penalty on conviction of this offence is 50 penalty units, imprisonment for 6 months or both.

A declaration of import restriction is a disallowable instrument, for which the Minister must give additional public notice, such as notice on an ACT government website or in a daily newspaper circulating in the ACT.

Regulatory impact statement (RIS)

The *Legislation Act 2001* (Legislation Act) requires a RIS for certain proposed subordinate laws and disallowable instruments. Section 36 (2) of the Legislation Act provides that a RIS does not need to be prepared if it would be against the public interest because of the nature of the proposed law or the circumstances in which it is made. This declaration is needed urgently to prevent the spread of the exotic disease Varroasis into the ACT and therefore meets the requirements of section 36 (2) of the Legislation Act.

Human Rights implications

There are no human rights implications arising from this import restriction declaration. The instrument does not engage any rights under the *Human Rights Act 2004*.