

# Animal Diseases (Varroa Mite Import Restriction) Revocation 2024

Disallowable instrument DI2024–318

made under the

Animal Diseases Act 2005, s 15 (Import restrictions)

## EXPLANATORY STATEMENT

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This explanatory statement relates to the *Animal Diseases (Varroa Mite Import Restriction) Revocation 2024* (the **instrument**) as made by the Minister for Climate Change, Environment, Energy and Water. It has been prepared in order to assist the reader of the instrument. It does not form part of the instrument and has not been endorsed by the Legislative Assembly.

### Overview

Section 15 of the *Animal Diseases Act 2005* (the **Act**) provides that the Minister may 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. On 23 October 2023, the then Minister for the Environment declared the state of New South Wales to be subject to a restriction on the import of bees and apiary equipment to prevent the introduction of Varroosis caused by Varroa mite in the ACT.

Section 46 (1) of the *Legislation Act 2001* provides that the power to make an instrument includes the power to amend or revoke the instrument.

This instrument revokes the *Animal Diseases (Varroa Mite Import Restriction) Declaration 2023 (No 1)* (DI2023-239) (the **revoked instrument**) to remove the import restriction. In September 2023 Varroa mite was declared no longer technically feasible to eradicate and the response transitioned to a management program. The management program aims to help beekeepers manage Varroa mite to minimise the impact in their beehives. To date the import restriction has slowed the spread of the mite into the ACT. However, recent detections of Varroa mite in areas surrounding the ACT and Victoria means that detections in the ACT are inevitable as the mite becomes endemic in Southern Australia.

## **Regulatory impact statement**

The *Legislation Act 2001* requires a regulatory impact statement (a **RIS**) for disallowable instruments, subject to specified exceptions. In this case, a RIS is not required because the instrument does not impose any appreciable costs on the community or part of the community (*Legislation Act*, section 34 (1)). Further, a RIS is also not required because it does not adversely affect rights or impose liabilities on a person (*Legislation Act*, section 36 (1) (b)).

## **Human rights**

The import restriction introduced by the revoked instrument had the potential to engage the right to work and other work-related rights in the *Human Rights Act 2004*, section 27B, by restricting the import of goods by people working in the apiary industry. By revoking the instrument declaring the import restriction, any limitation on the right to work has been removed.