

Biosecurity (Varroa Mite and Other Matters) Amendment Regulation 2023

Explanatory Notes for SL 2023 No. 3

made under the

Biosecurity Act 2014

General Outline

Short title

Biosecurity (Varroa Mite and Other Matters) Amendment Regulation 2023

Authorising law

Sections 30, 47, 128 and 503 of the *Biosecurity Act 2014*.

Policy objectives and the reasons for them

Varroa mite

The first purpose of the *Biosecurity (Varroa Mite and Other Matters) Amendment Regulation 2023* (Amendment Regulation) is to minimise the risk of certain varroa mite (*Varroa destructor*) from entering Queensland.

Varroa mite are tiny red-brown external parasites of honey bees. Mite numbers build up over time, eventually killing honey bee nests and hives if miticides or other integrated pest management strategies are not applied. Bee colony death affects honey production and pollination of certain food and pasture crops.

In June 2022, varroa mite was detected in the Port of Newcastle, New South Wales (NSW). Varroa mite is responsible for the collapse and death of European honey bee colonies wherever it is present overseas. Honey bees are weakened by mites feeding on them as pupae, and adult bees often emerge with deformities.

In response to the detection of varroa mite in NSW, the Chief Executive made a Movement Control Order (MCO). The MCO applies to the whole of Queensland and prescribes certain requirements to minimise the risk of varroa mite from entering the state.

The MCO was made on 7 November 2022 and expires on 7 February 2023, unless earlier revoked. Under the *Biosecurity Act 2014* (Biosecurity Act), MCOs may be directed at managing, reducing, or eradicating controlled biosecurity matter over a limited period rather than over an extended or indefinite period. For these reasons, a permanent biosecurity zone regulatory provision to prevent the spread of varroa mite is required to be in force by the time the MCO expires.

Bee louse

A secondary purpose of the Amendment Regulation is to reduce the regulation of measures to minimise the risk of bee louse (Braula fly (*Braula coeca*)) from entering Queensland.

Bee louse is a small species of wingless fly that lives in honey bee colonies. While bee louse is not considered to be a serious threat to commercial beekeeping or honey production, it can impact honeycomb quality, high infestation levels may lead malnourishment of the queen, and it is a domestic trade pest.

Under the Biosecurity Act, bee louse is categorised as a prohibited matter, which is matter not found in Queensland, but which would have a significant adverse impact if it entered the state. If prohibited matter is found in Queensland, obligations exist to notify inspectors and to not deal with the biosecurity matter. To reduce the risk of bee louse in Queensland, bee louse carriers are also banned from entering Queensland from a state where bee louse has been found.

Bee louse is established in Tasmania and widespread overseas. Agriculture Victoria was made aware of a suspect detection of bee louse on 20 August 2022, which was confirmed on 22 August 2022. Two further detections were reported on 3 September 2022 at two new properties in Victoria.

The position of the Australian Honey Bee Industry Council (AHBIC) and the Chief Plant Health Managers for New South Wales, Queensland, Victoria, and South Australia is that bee louse should not be regulated for a variety of reasons, including:

- no economic or health impacts based on the experience of Tasmanian beekeepers.
- no international trade implications.
- cost of eradication far outweighs the potential economic benefits to industry.
- the Queensland Beekeepers Association is a member organisation of AHBIC and are supportive of deregulation.

For these reasons, the Queensland Government has decided to partially deregulate bee louse and bee louse carriers under the Biosecurity Act framework. The only exception to this will be a requirement for persons to report instances where honey bees are showing symptoms of an infestation with bee louse as, because of its the similarity to varroa mite, it could be misidentified.

Achievement of policy objectives

The Amendment Regulation achieves its first objective by establishing biosecurity zone regulatory provisions for varroa mite as a new Chapter 5, Part 12A of the *Biosecurity Regulation 2016* (Biosecurity Regulation).

The biosecurity zone regulatory provisions reflect the temporary biosecurity measures contained in the MCO and establishes the whole of Queensland as a biosecurity zone. The biosecurity zone requires persons to:

- notify an inspector about the presence of varroa mite; and
- not move varroa mite carriers into the biosecurity zone other than in particular circumstances.

The Amendment Regulation achieves its second objective by establishing a prohibited matter regulation in the Biosecurity Regulation, which will prescribe that bee louse is no longer prohibited matter and subject to the requirements of prohibited matter. Relatedly, the Amendment Regulation omits section 49 of the Biosecurity Regulation, which contains the general prohibition on bee louse carriers from entering Queensland other than in particular circumstances.

While the Amendment Regulation generally deregulates bee louse, it establishes a requirement on persons to notify Biosecurity Queensland if a honey bee colony is showing symptoms of a bee louse infestation (a notifiable incident). These include the malnourishment of the queen bee, a reduction in the viability of the honeycomb or a reduction in the strength of the bee hive.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the Biosecurity Act, which are generally to minimise biosecurity risks and to facilitate a response to biosecurity risks in a timely and effective way.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no feasible alternative ways to achieve the objectives other than through amendments to the Biosecurity Regulation.

While an MCO is currently established to minimise the risk of varroa mite from entering Queensland, MCOs are a legislative tool that is intended for use only over a limited period rather than an extended or indefinite period. Therefore, a permanent regulation response is required, as a further MCO would not be consistent with the intended purpose of MCOs under the Act.

Providing no government intervention and leaving industry to self-regulate against the risks of varroa mite is additionally not supported as this may lead to an inconsistent approach that may more greatly expose industry to the threat of varroa mite. There are limited control options to eradicate varroa mite, and therefore a consistent regulatory response across industry is required.

The deregulation of bee louse can only be achieved through amendments to the Biosecurity Regulation.

Benefits and costs of implementation

The regulatory provisions for varroa mite will help protect the viability of the bee industry in Queensland by minimising the risk of varroa mite incursions in the State. Analysis by the Department of Agriculture and Fisheries (DAF) indicated that if the varroa mites become established the costs to the Queensland bee industry would likely exceed \$220 million over 10 years. Crop losses in pollination dependent industries such as melons and avocados, which Queensland is a major national producer, would result in even greater losses.

The regulatory provisions for varroa mite create an impost on industry by imposing permanent regulatory requirements. Additionally, the indicative budget to Government in regulating varroa mite for 2 December 2022 to 30 June 2023 is \$654 806 (note this does not include estimated unplanned costs from 1 July to 2 December 2022 of \$128 000). Varroa mite will then be managed as business as usual from July 2023.

The deregulation of bee louse as prohibited matter and allowing movement of bee louse carriers to enter Queensland without restriction will support industry by facilitating interstate trade and by removing current regulatory requirements in place which provide an impost on industry.

Consistency with fundamental legislative principles

The Amendment Regulation has been drafted with regard to the fundamental legislative principles (FLPs), as defined by section 4 of the *Legislative Standards Act 1992* (LSA). Potential FLPs have been identified and are addressed below.

The amendments to establish a biosecurity zone for varroa mite could potentially infringe the FLP that legislation should not, without sufficient justification, unduly restrict ordinary activity including the right to conduct business without interference. It will do this by imposing requirements for persons to notify if varroa is present or suspected to be present and prohibiting the movement of most varroa mite carriers. These restrictions will impose an impost on persons and businesses subject to the restrictions and may infringe this FLP.

However, any infringement on this FLP by the introduction of regulatory provisions is justified to prevent the introduction of varroa mite into Queensland. The presence of varroa mite in NSW is a serious risk to the honey bee industry and plant industries dependent on honey bee pollination in Queensland. If the NSW movement control and prevention measures fail and varroa mite were to enter Queensland, there are limited control options for eradicating varroa mite once it has entered Queensland.

Consultation

The peak industry body, the Australian Honey Bee Industry Council's (AHBIC) position is that bee louse should be deregulated, and AHBIC member, the Queensland Beekeeper's Association have been consulted and are supportive of the proposed regulation of varroa mite and deregulation of bee louse.

DAF consulted the Office of Best Practice Regulation (OBPR), within the in the Queensland Treasury, on whether the amendments are excluded from further analysis under the *Queensland Government Guide to Better Regulation*. The OBPR assessed that the amendments are excluded from further analysis on the basis that the proposals will not add to the burden of regulation and are unlikely to result in significant adverse impacts.