

Biosecurity (Varroa Mite) Amendment Regulation 2025

Explanatory notes for SL 2025 No. 67

made under the

Biosecurity Act 2014

General Outline

Short title

Biosecurity (Varroa Mite) Amendment Regulation 2025.

Authorising law

Sections 30(3) and 503 of the *Biosecurity Act 2014* (Biosecurity Act).

Policy objectives and the reasons for them

Section 30(3) of the Biosecurity Act states that the Minister may recommend to the Governor in Council the making of a prohibited matter regulation to state that a particular biosecurity matter is no longer prohibited matter.

Section 503 states that the Governor in Council may make regulations under this Act.

A minor amendment is required to formally declare that *Varroa destructor* is no longer prohibited matter for the purpose of the Biosecurity Act.

Declaring that Varroa destructor is no longer prohibited matter

Varroa destructor, a species of varroa mite affecting bees and impacting recreational and commercial beekeepers, is currently listed in Schedule 1 ('Prohibited matter') of the Biosecurity Act. It is an offence for persons to deal with prohibited matter.

Under section 20 of the Biosecurity Act, the criteria for prohibited matter are that (a) the biosecurity matter is not currently present or known to be present in the State; and (b) there are reasonable grounds to believe that if it did enter the State or part of the State the biosecurity matter may have a significant adverse effect on a biosecurity consideration.

Recently, multiple confirmed detections of *Varroa destructor* were made across the Lockyer Valley Regional, Somerset Regional, Brisbane City, Quilpie and North Burnett Regional Council areas. As this pest is now known to be present in Queensland it no longer meets the criteria for prohibited matter.

On 9 April 2025, an emergency prohibited matter declaration under section 31 of the Biosecurity Act came into effect, temporarily declaring that *Varroa destructor* is not prohibited matter.

The emergency declaration will expire on 9 July 2025. After this date, unless further action is taken, *Varroa destructor* would again be classed as prohibited matter under Schedule 1 of the Act.

Given the multiple detections across different council areas in Queensland, *Varroa destructor* no longer fits the criteria for prohibited matter.

Emergency declarations are intended as temporary measures only. A regulation amendment is required to formally declare that *Varroa destructor* is not prohibited matter.

The other species of varroa mite (*Varroa jacobsoni*) mentioned in the legislation remains a prohibited matter. All other regulatory provisions relating to varroa mites remain relevant, because the varroa mite biosecurity zone (Part 12A of the Regulation) remains in place including the requirement for notification of the pest.

Achievement of policy objectives

Declaring that Varroa destructor is no longer prohibited matter

The policy objective will be achieved by amending section 4 of the *Biosecurity Regulation 2016* to declare that *Varroa destructor* is no longer prohibited matter.

Under section 33(2)(b) of the Biosecurity Act, the emergency prohibited matter declaration will end once this prohibited matter regulation comes into force.

Consistency with policy objectives of authorising law

The main purpose of the Biosecurity Act is to provide a framework for an effective biosecurity system for Queensland that:

- helps to minimise biosecurity risks and facilitates responding to impacts on a biosecurity consideration, including responding to biosecurity events, in a timely and effective way,
- ensures the safety and quality of animal feed, fertilisers and other agricultural inputs, and
- helps align responses to biosecurity risks in the State with national and international obligations and requirements for accessing markets for animal and plant produce, including live animals and plants.

The amendment will ensure an effective response to a biosecurity consideration that is aligned to the level of risk.

Inconsistency with policy objectives of other legislation

The *Biosecurity (Varroa Mite) Amendment Regulation 2025* (Amendment Regulation) is not inconsistent with the policy objectives of any other legislation.

Alternative ways of achieving policy objectives

Maintaining the status quo is not a valid option because it is not appropriate for *Varroa destructor* to be considered prohibited matter when it no longer meets the definition of prohibited matter under the Biosecurity Act. Maintaining the status quo would mean continuing to impose restrictions on industry that are no longer justified given the pest has now been detected within Queensland.

The only other option would be to continue using emergency prohibited matter declarations to declare that *Varroa destructor* is no longer prohibited matter. However, there is no benefit to this option and there would be unnecessary workload in preparing multiple declarations. Emergency prohibited matter declarations are intended to be short-term measures and are not appropriate for ongoing management.

Benefits and costs of implementation

The amendment benefits Queensland's community, environment and economy by managing a biosecurity concern in a way that is commensurate with the changed level of risk.

De-listing *Varroa destructor* as prohibited matter will allow for more flexible approaches to the management of this pest. It will ease the burden on industry and allow for the movement of varroa mite carriers (including bees) within the state. This will support business continuity for the honey production and pollination-reliant industries, including important tree crops such as avocados and macadamia trees.

If the pest were to remain as prohibited matter, beekeepers would not be able to move hives that have or may have *Varroa destructor* unless biosecurity orders or biosecurity instrument permits were in place. Such orders would need to be assessed on a case-by-case basis to manage the risk, creating unnecessary regulatory burdens on the industry and government.

Consistency with fundamental legislative principles

The Amendment Regulation has been developed with regard to the fundamental legislative principles (FLPs) as defined by section 4 of the *Legislative Standards Act 1992* (LSA Act).

The proposed amendment will reduce the regulatory burden because the prohibition on dealing with prohibited matter, which in practice restricts the movement of varroa mite carriers such as bees, will no longer apply.

Therefore it is not considered that FLPs are engaged by the amendment regulation.

Consultation

The Queensland Beekeepers' Association (QBA) has assisted in analysing risks and needs for business continuity of the industry. QBA supports the current proposal and will be a key partner in promoting communications.

Regulatory Impact Analysis

Relevant industry stakeholders were consulted over the course of the emergency delisting process.

The proposal, to declare that *Varroa destructor* is not a prohibited matter, is deregulatory (removes regulation) and does not increase costs or regulatory burden on business or the community. This proposal is not subject to Regulatory Impact Analysis under the Better Regulation Policy.

The department will continue to consult with relevant stakeholders.