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**AGRICULTURE**

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AG301\*

Stock Diseases (Regulations) Act 1968

**Enzootic Diseases Amendment  
Regulations 1999**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Enzootic Diseases Amendment Regulations 1999*.

**2. Commencement**

These regulations come into operation on the day on which the *Pearling (General) Amendment Regulations 1999* come into operation.

### 3. The regulations amended

The amendments in these regulations are to the *Enzootic Diseases Regulations 1970\**.

[\* Reprinted as at 21 March 1989.

For amendments to 5 November 1999 see 1998 Index to Legislation of Western Australia, Table 4, pp. 292-3 and Gazette 22 June 1999.]

### 4. Regulation 11AA inserted

After regulation 11 the following regulation is inserted —

“

#### 11AA. Application of quarantine provisions to pearl oysters

- (1) For the purpose of applying regulations 11 to 15 in relation to pearl oysters —
- (a) a reference in any of those regulations to land is to be read as including a reference to an area of water; and
  - (b) a reference in any of those regulations to the owner of land is to be read as a reference to —
    - (i) in the case of an area of water that is part of a pearl oyster farm, the holder of the farm lease; or
    - (ii) in the case of an area of water that is a holding site or dump, to the licensee or permit holder using the holding site or dump.
- (2) In subregulation (1) the following words have the meanings they have under the *Pearling Act 1990* —
- |                |                     |
|----------------|---------------------|
| “dump”         | “pearl oyster”      |
| “farm lease”   | “pearl oyster farm” |
| “holding site” | “permit holder”.    |
| “licensee”     |                     |

”.

### 5. Part 12 inserted

After regulation 99A the following Part is inserted —

“

## Part 12 — Pearl Oysters

### 100. Interpretation

- (1) In this Part —
- “**certificate of health**” means a certificate issued under regulation 106;

**“Western Australian pearl oyster fishery”** means the waters so defined in the *Pearling (Joint Authority Pearl Oyster Fishing) (Declaration of Zones) Notice 1992*.

- (2) In this Part the following words have the meanings they have under the *Pearling Act 1990* —

<b>“batch”</b>	<b>“pearl oyster farm”</b>
<b>“farm lease”</b>	<b>“quarantine site”</b>
<b>“hatchery”</b>	<b>“settlement”</b>
<b>“hatchery licence”</b>	<b>“spat”</b>
<b>“hatchery permit”</b>	<b>“spat collector”</b>
<b>“length”</b>	<b>“zone”</b> .
<b>“pearl oyster”</b>	

- (3) In this Part pearl oysters are of Western Australian origin if —
- in the case of hatchery produced spat, the spat is derived from pearl oysters taken from zone 1, 2 or 3 of the Western Australian pearl oyster fishery;
  - in the case of spat collected from a spat collector, the spat collector is located in zone 1, 2 or 3 of the Western Australian pearl oyster fishery; or
  - in the case of pearl oysters taken from the wild, the pearl oysters were taken from zone 1, 2 or 3 of the Western Australian pearl oyster fishery.

#### **101. Importation and transportation of pearl oysters**

- (1) A person shall not import live pearl oysters, other than spat, into the State.

Penalty: \$5 000.

- (2) A person shall not import live spat into the State unless —

- the spat are of Western Australian origin;
- the importation is authorized by the Chief Inspector; and
- there is a certificate of health in force in relation to the spat.

Penalty: \$5 000.

- (3) A person shall not transport live pearl oysters in the State unless —

- the pearl oysters are of Western Australian origin; or
- the transportation is authorized by the Chief Inspector.

Penalty: \$5 000.

- (4) A person intending to import or transport within this State live pearl oysters shall, if directed by the Chief Inspector, submit to an approved fish pathologist for genetic testing a sample of the pearl oysters taken in a manner directed by an approved fish pathologist.

## **102. Samples of spat to be preserved**

- (1) The holder of a hatchery licence or a hatchery permit shall take a sample from each batch of spat that is settled in the hatchery —
  - (a) within 4 days of the end of settlement;
  - (b) every subsequent 14th day, unless a certificate of health is in force in respect of the batch; and
  - (c) not more than 24 hours before the spat is moved out of the hatchery.
- (2) A sample taken for the purposes of subregulation (1) is to be —
  - (a) a random sample of not less than —
    - (i) for a sample taken under subregulation (1)(a) or (b), 50 spat; or
    - (ii) for a sample taken under subregulation (1)(c), 150 spat each of which is 2 mm or more in length;
  - (b) preserved in a solution of between 5% and 10% of formalin in sea water;
  - (c) stored in the manner directed by an approved fish pathologist and labelled with the date the sample was taken and the batch number; and
  - (d) retained —
    - (i) if the batch of spat is taken from the hatchery to a quarantine site, until all spat from that batch have been removed from the quarantine site; or
    - (ii) otherwise, for 6 weeks.
- (3) An inspector may supervise the taking of samples under this regulation.
- (4) A person shall not tamper with a sample taken under this regulation.  
Penalty: \$5 000.

## **103. When certificate of health is required**

A person shall not transport pearl oysters —

- (a) out of a hatchery;
- (b) off a quarantine site; or

- (c) out of a zone of the Western Australian pearl oyster fishery,

unless there is a certificate of health in force in relation to the pearl oysters.

Penalty: \$5 000.

#### **104. Sampling for disease testing**

- (1) A sample of pearl oysters that is to be submitted to an approved fish pathologist for disease testing is to be —
  - (a) a random sample of at least 600 pearl oysters; and
  - (b) treated and preserved in the manner directed by an approved fish pathologist.
- (2) A person shall not submit a sample of hatchery produced spat for disease testing unless the sample was taken —
  - (a) at least 40 days after the completion of settlement of that batch; and
  - (b) when the majority of the spat in the batch are 2 mm or more in length.
- (3) An inspector may supervise the taking of samples under this regulation.
- (4) A person shall not tamper with a sample taken under this regulation.  
Penalty: \$5 000.
- (5) A person submitting a sample for disease testing shall also provide to the approved fish pathologist —
  - (a) a copy of the relevant Notice of Settlement of Spat or Notice of Pearling or Hatchery Activity lodged under the *Pearling (General) Regulations 1991*; and
  - (b) either —
    - (i) particulars in writing of any unexplained mortality, or clinical disease, of pearl oysters; or
    - (ii) a declaration, in the form of Form No. 11, that no such mortality has occurred, and no signs of clinical disease have been seen,  
at the hatchery, quarantine site or other place where the pearl oysters are being held, during the previous 12 months.

- (6) An approved fish pathologist may require a person submitting a sample for disease testing to —
- (a) produce for inspection logbooks and other records kept by the holder of the relevant hatchery licence or hatchery permit;
  - (b) provide any other information relating to the health standards of the hatchery, quarantine site, or place where the pearl oysters are being held, that the pathologist considers relevant; and
  - (c) provide such further samples of pearl oysters as are required for further testing.
- (7) A person submitting a sample for disease testing must comply with a requirement under subregulation (6).  
Penalty: \$5 000.

**105. Genetic testing**

An approved fish pathologist shall carry out such genetic tests as the pathologist considers appropriate —

- (a) when a sample of pearl oysters is submitted for genetic testing under regulation 101(4); or
- (b) if directed by the Chief Inspector to do so in respect of a sample of pearl oysters submitted for disease testing.

**106. Certificates of health**

- (1) An approved fish pathologist may issue a certificate of health in relation to pearl oysters if the pathologist has tested, in accordance with regulation 107, a sample of those pearl oysters and is satisfied that —
- (a) the sampled pearl oysters are in good health; and
  - (b) there is no evidence of an unacceptable level of unexplained mortalities or clinical disease among pearl oysters at that hatchery, quarantine site or other place where the pearl oysters are being held, in the preceding 12 months.
- (2) For the purposes of subregulation (1) a sample of pearl oysters is in good health if there is no evidence, among the sampled pearl oysters, of —
- (a) any —
    - (i) virus;
    - (ii) protozoan (other than symbiotic or opportunistic protozoa);
    - (iii) metazoan parasites;
    - (iv) fungal infection;

- (v) bacteria; or
  - (vi) rickettsiales,  
that is —
  - (vii) associated with lesions, necrosis or inflammation of pearl oysters; or
  - (viii) known or suspected to be pathogenic to pearl oysters;
  - (b) unexplained lesions; or
  - (c) an unacceptable level of unexplained mortalities.
- (3) A certificate of health remains in force for 2 weeks from the day on which it is issued unless, before then, it ceases to be in force under regulation 110.
- (4) A certificate of health is to be in the form of Form No. 12.

**107. Method of disease testing**

The tests required by regulation 106(1) to be carried out on a sample of pearl oysters are —

- (a) a culture of at least 300 pearl oysters in Ray's medium (Ray, S.M., 1966 Proceedings of the National Shellfisheries Association 54, 55-66);
- (b) a histological examination of at least 300 formalin-seawater fixed pearl oysters using haematoxylin and eosin stained longitudinal sections of paraffin embedded tissue; and
- (c) any other test that the pathologist considers appropriate.

**108. Where certificate of health is not issued**

- (1) Where a sample of pearl oysters is submitted for disease testing but the approved fish pathologist is not satisfied of the matters referred to in regulation 106(1)(a) and (b) the pathologist is to give written notice to the person who submitted the sample —
- (a) stating that a certificate of health will not be issued in relation to the pearl oysters; and
  - (b) setting out the reasons why not.
- (2) Unless otherwise authorized by the Chief Inspector a person given a notice under subregulation (1) shall —
- (a) within 24 hours of receiving the notice destroy, under the supervision of an inspector and in a manner approved by the Chief Inspector —
    - (i) all pearl oysters being held in the hatchery, quarantine site or other place from which the sample was taken; and

- (ii) such other pearl oysters as the Chief Inspector directs;
  - (b) clean, disinfect and treat all equipment used in relation to the pearl oysters, in a manner approved by the Chief Inspector; and
  - (c) where the pearl oysters are in a hatchery, clean, disinfect and treat all water used in the hatchery, in a manner approved by the Chief Inspector.
- (3) An inspector may give such additional directions as the inspector considers appropriate in relation to —
  - (a) the destruction of the pearl oysters;
  - (b) the cleaning, disinfecting or treatment of water and equipment; and
  - (c) the prevention or containment of disease.

**109. Pathologist to notify inspector**

An approved fish pathologist to whom a sample of pearl oysters is submitted for disease testing is to notify a pearling inspector (within the meaning of the *Pearling Act 1990*) in Broome within 24 hours of —

- (a) issuing a certificate of health; or
- (b) determining that the pathologist is not prepared to issue a certificate of health,

in respect of the pearl oysters.

**110. More than one batch on a quarantine site**

- (1) If a batch of spat is moved to a quarantine site at which there is already a batch of spat, any certificate of health in force in respect of that existing batch ceases to be in force.
- (2) If 2 or more batches of spat are kept on a quarantine site at the same time the holder of the farm lease for the pearl oyster farm on which the quarantine site is located —
  - (a) shall keep the batches separate in an approved manner;
  - (b) shall sample all of the batches simultaneously; and
  - (c) must not submit a sample for disease testing unless it was taken at least 6 weeks after the arrival of the most recent batch.



- (3) If an approved fish pathologist is not satisfied of the matters referred to in regulation 106(1)(a) and (b) in relation to a sample from one batch held on a quarantine site —
  - (a) the pathologist is not to issue a certificate of health in respect of any of the other batches held on the quarantine site; and
  - (b) is to give a notice under regulation 108(1) in respect of each of those other batches, even if the pathologist has not tested them.

**111. Removal of spat from quarantine site**

The holder of the farm lease for a pearl oyster farm on which a quarantine site is located is to remove all spat in a batch from the quarantine site —

- (a) by the next 31 December after the batch is moved to the quarantine site; or
- (b) within 3 months of the batch being moved to the quarantine site,

whichever occurs first.

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**6. Third Schedule amended**

The Third Schedule is amended by inserting after Form No. 10 the following forms —

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Form No. 11

*Stock Diseases (Regulations) Act 1968*

**DECLARATION REGARDING**

**MORTALITY AND DISEASE OF PEARL OYSTERS**

[r. 104(5)(b)(ii)]

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone no: \_\_\_\_\_

I declare that:

- 1. The sample of pearl oysters with which this declaration is submitted was taken on \_\_\_\_\_ from pearl oysters being held at (*location of hatchery, quarantine site etc.*)

\_\_\_\_\_

\_\_\_\_\_

2. No unexplained mortalities have occurred, and no signs of clinical disease have been seen, in the last 12 months among pearl oysters being held at that place.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Form No. 12

*Stock Diseases (Regulations) Act 1968*

**CERTIFICATE OF HEALTH — PEARL OYSTERS**

[r. 106(4)]

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone no: \_\_\_\_\_

I am an approved fish pathologist and certify that:

1. This certificate has been issued in respect of a sample of pearl oysters marked \_\_\_\_\_ which was taken from pearl oysters being held at (*location of hatchery, quarantine site etc.*) \_\_\_\_\_

The sample was delivered to me for disease testing on \_\_\_\_\_

by \_\_\_\_\_

2. I have no reason to doubt the information given as to the origins of the pearl oysters or the levels of mortality or clinical disease in the hatchery, quarantine site or other place where the pearl oysters are being held.
3. The following tests were carried out for clinical disease or significant pathogens

Test	Number tested	Date	Result

4. No clinical disease or significant pathogen was detected in the sample.
- 5.\* The following genetic tests were carried out \_\_\_\_\_  
\_\_\_\_\_  
with the following results \_\_\_\_\_  
\_\_\_\_\_
- and no genetic components not of Western Australian origin were detected.

\* Delete if inapplicable.

Signature: \_\_\_\_\_  
Approved fish pathologist

Date: \_\_\_\_\_

OFFICE USE ONLY

1. AHL No: \_\_\_\_\_  
2. Name of Licensee or Permit Holder \_\_\_\_\_

By Command of the Governor,

\_\_\_\_\_”  
M. C. WAUCHOPE, Clerk of the Executive Council.