

Queensland



Subordinate Legislation 2002 No. 44

Fisheries Act 1994

**FISHERIES (ASIAN GREEN MUSSELS) DISEASE
AND QUARANTINE DECLARATION 2002**

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PART 1—PRELIMINARY

1 Short title

This declaration may be cited as the *Fisheries (Asian Green Mussels) Disease and Quarantine Declaration 2002*.

2 Definitions

In this declaration—

“declared quarantine area” means the area declared to be a quarantine area under section 4.

“pest” means the pest declared to be a declared disease under section 3.

PART 2—DISEASE DECLARATION

3 Disease declaration—Act, s 94

The pest Asian green mussel (*Perna viridis*) is a declared disease for the Act.

PART 3—QUARANTINE AREA DECLARATION

Division 1—Declared quarantine area

4 Quarantine area declaration—Act, s 95

The area shown on plan number DPIQA001¹ north of latitude 16°58'49.80" south, south of latitude 16°56'26.16" south and east of longitude 145°46'30" east is a quarantine area for the Act.

5 Nature of quarantine

The quarantine is to eliminate and prevent the spread of the pest by—

- (a) restricting the movement of vessels out of and within the declared quarantine area; and
- (b) inspecting vessels in the declared quarantine area.

Division 2—Disease control measures

6 Restrictions on movement of vessels

(1) A person must not, without an inspector's written consent, move a vessel out of the declared quarantine area.

(2) For subsection (1), an inspector may grant consent only if the vessel has been inspected by an inspector and—

- (a) the inspector is satisfied the pest is not present on the vessel; or
- (b) if the inspector reasonably believes the pest is present on the vessel—the vessel is dealt with under section 8.

1 Copies of plan number DPIQA001 may be inspected, free of charge, during office hours on business days, at—

- (a) the department's Northern Fisheries Centre, at 38–40 Tingira Street, Portsmith; and
- (b) the Cairns office of the Environmental Protection Agency, at 17–19 Sheridan Street, Cairns.

(3) A person must not moor or anchor a vessel in the declared quarantine area.

(4) However, subsection (3) does not apply to vessels in the declared quarantine area on the day this declaration commences.

7 Inspection of vessels

(1) An inspector may inspect a vessel in the declared quarantine area.

(2) The inspector may require the person in control or the owner of a vessel to take the vessel out of the water for the inspection.

8 Keeping vessel out of water if infested

(1) If an inspector reasonably believes that the pest is present on a vessel, the inspector may require the person in control or the owner of the vessel to take or keep the vessel out of the water until—

- (a) if the pest is present on the vessel's hull—the hull is scraped and antifouled or is exposed to the air for 7 days; or
- (b) if the pest is present in the vessel's seawater intake system—the intake system is treated to eliminate the pest.

(2) In this section—

“antifouled” means to cover the surface with a paint that is registered as an antifouling paint by the National Registration Authority.

“scraped” means to remove all paint from the surface.

9 Non-compliance with inspector's requirement

The person in control or the owner of a vessel of whom a requirement under section 7 or 8 has been made must not contravene the requirement.

Division 3—Expiry of pt 3

10 Expiry of pt 3

Part 3 expires on 18 June 2002, unless it is sooner revoked under section 102 of the Act.

ENDNOTES

1. Made by the chief executive, Department of Primary Industries, on 18 March 2002.
2. Notified in the gazette on 18 March 2002.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Primary Industries.