

Queensland



Fisheries Act 1994

FISHERIES (ASIAN GREEN MUSSELS) DISEASE AND QUARANTINE DECLARATION 2002

**Reprinted as in force on 23 April 2002
(includes amendments up to SL No. 72 of 2002)**

Reprint No. 1A

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This declaration is reprinted as at 23 April 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



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

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FISHERIES (ASIAN GREEN MUSSELS) DISEASE AND QUARANTINE DECLARATION 2002

[as amended by all amendments that commenced on or before 23 April 2002]

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—

- (a) moor or anchor a vessel in the declared quarantine area; or
- (b) 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

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.

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(b) if the inspector reasonably believes the pest is present on the vessel—the vessel is dealt with under section 8.

(3) Subsection (1)(a) 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 NRA.

“**NRA**” means the National Registration Authority for Agricultural and Veterinary Chemicals established under the *Agricultural and Veterinary Chemicals (Administration) Act 1992* (Cwlth).

“**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.

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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

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 23 April 2002. Future amendments of the Fisheries (Asian Green Mussels) Disease and Quarantine Declaration 2002 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

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4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	3 April 2002

5 List of legislation

Fisheries (Asian Green Mussels) Disease and Quarantine Declaration 2002 SL No. 44
made by the chief executive, Department of Primary Industries, on 18 March 2002
notfd gaz 18 March 2002 pp 1047–8
commenced on date of notification
exp 1 September 2012 (see SIA s 54)
amending legislation—

**Fisheries (Asian Green Mussels) Disease and Quarantine Amendment
Declaration (No. 1) 2002 SL No. 72**
notfd gaz 17 April 2002 pp 1405–6
commenced on date of notification

6 List of annotations

PART 3—QUARANTINE AREA DECLARATION
pt 3 (ss 4–10) exp 18 June 2002 (see s 10)

Restrictions on movement of vessels
s 6 amd 2002 SL No. 72 s 3

Keeping vessel out of water if infested
s 8 amd 2002 SL No. 72 s 4