



Queensland

Fisheries Act 1994

Fisheries (Asian Bag Mussels and Asian Green Mussels) Quarantine Declaration 2008

Reprinted as in force on 19 February 2008

Reprint No. 1

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NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2008 SL No. 146 s 2

Information about this reprint

This declaration is reprinted as at 19 February 2008.

This page is specific to this reprint. A table of reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

Fisheries (Asian Bag Mussels and Asian Green Mussels) Quarantine Declaration 2008

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Fisheries (Asian Bag Mussels and Asian Green Mussels) Quarantine Declaration 2008

[reprinted as in force on 19 February 2008]

Part 1 Preliminary

1 Short title

This declaration may be cited as the *Fisheries (Asian Bag Mussels and Asian Green Mussels) Quarantine Declaration 2008*.

2 Definitions

In this declaration—

commencement day means the day this declaration commences.

declared quarantine area means the area declared to be a quarantine area under section 3.

inspect, a boat, means inspect it for the presence of a pest.

owner of a boat includes a person in control of it.

pest means either of the following declared diseases—

- Asian Bag Mussel (*Musculista senhousia*)
- Asian green mussel (*Perna viridis*).

treat, a boat, means treat it to eliminate any pest present on it.

Examples of treatment of a boat—

- 1 taking the boat out of the water and—
 - (a) scraping the hull; or
 - (b) covering the hull's surface with an antifouling paint; or

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- (c) leaving the hull exposed to the air for at least 7 days
- 2 wrapping the boat in plastic without removing it from the water
- 3 treating the boat's internal seawater intake system in an appropriate way

use, a boat, means use it while it is not moored or anchored.

Part 2 Quarantine area declaration

3 Quarantine area declaration—Act, s 95

- (1) The area mentioned in subsection (2) is a quarantine area.
- (2) For subsection (1), the area is the area of Trinity Inlet and Smiths Creek, shown on plan number DPIQA002 set out in the schedule, bounded by the following lines—
 - (a) to the north, a line starting on the western shore of Trinity Inlet at its intersection by the parallel of latitude 16° 56' 23" south, then east along that parallel to its intersection by a line that is 160m west of and parallel to the western boundary of the Esplanade on the eastern shore of Trinity Inlet, then northerly along that line to its intersection by the parallel of latitude 16° 55' 35" south, and then east along that parallel to its intersection by the eastern shore of Trinity Inlet;
 - (b) to the south, the parallel of latitude 16° 57' 38" south.

4 Nature of quarantine

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

- (a) restricting the mooring or anchoring of boats in, and movement of boats out of, the declared quarantine area; and

- (b) inspecting and treating boats that are, or have been, moored or anchored in the area.

Part 3 Mooring or anchoring of boats

5 Mooring or anchoring only under consent

- (1) A person must not moor or anchor a boat in the declared quarantine area except under consent given by an inspector under this part.
- (2) Subsection (1) does not apply to a boat that—
 - (a) was moored or anchored in the declared quarantine area on the commencement day; and
 - (b) has not left the area since the commencement day.

6 Giving consent

- (1) This section applies if a person asks an inspector for consent to moor or anchor a boat in the declared quarantine area.
- (2) The inspector must give consent under this section.
- (3) The inspector must decide whether, at the time of the request, the risk of pests attaching to boats in the declared quarantine area is acceptably low, having regard to—
 - (a) the incidence of pest larvae in plankton; and
 - (b) the incidence of sexually mature pests; and
 - (c) any other relevant matters.
- (4) If the inspector is satisfied under subsection (3) the risk is acceptably low—
 - (a) the consent may be given orally; and
 - (b) when giving consent, the inspector must tell the person that a notice may be given under section 7.

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- (5) If the inspector is not satisfied under subsection (3) the risk is acceptably low—
 - (a) the consent must be written; and
 - (b) the consent must state that, after the boat is moored or anchored in the area, it may not be moved out of the area except as provided in section 8.
- (6) Before giving consent under subsection (4) or (5), the inspector must obtain and record the person's name and contact details and the boat's name.

7 Notifying persons after risk increases

- (1) This section applies if, while a boat is moored or anchored in the declared quarantine area under consent given to a person under section 6(4), an inspector considers the risk mentioned in section 6(3) is no longer acceptably low.
- (2) The inspector may give the person written notice that the boat may not be moved out of the area except as provided in section 8.

Part 4 Movement, inspection and treatment of boats

8 Movement of particular boats out of the declared quarantine area

- (1) This section applies to a boat in the declared quarantine area that has been moored or anchored in the area, unless—
 - (a) the boat is moored or anchored in the area under consent given under section 6(4); and
 - (b) notice has not been given under section 7.
- (2) A person must not move the boat out of the declared quarantine area except—

- (a) under written consent given under this section; or
 - (b) to comply with a requirement under section 9.
- (3) An inspector may give consent to move the boat out of the declared quarantine area only if the inspector is satisfied—
- (a) a pest is not present on the boat; or
 - (b) the risk of spreading a pest if the boat leaves the area is acceptably low and an owner of the boat is likely to suffer financial loss if the consent is not given.
- (4) Without limiting section 11, a consent may be given under subsection (3)(b) on a condition about an owner making the boat available for an inspection, or treating the boat in a stated way, within a stated period after the boat is taken out of the declared quarantine area.

9 Inspection and treatment of boats in the area

- (1) This section applies to a boat in the declared quarantine area that has been moored or anchored in the area.
- (2) An inspector may inspect the boat.
- (3) An inspector may require an owner of the boat to take it out of the water for an inspection.
- (4) If an inspector reasonably believes a pest is present on the boat, the inspector may agree with an owner of the boat for the boat to be treated in a particular way (by the owner, an inspector or someone else).
- (5) If agreement is not reached under subsection (4), or an owner does not comply with an agreement under subsection (4), the inspector may—
- (a) treat the boat without removing it from the water; or
 - (b) take the boat out of the water and—
 - (i) keep it out until the inspector is satisfied a pest is not present on it; or
 - (ii) otherwise treat it.

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- (6) If an inspector can not locate an owner of the boat after making reasonable efforts to do so, the inspector may—
 - (a) take the boat out of the water for an inspection; or
 - (b) if the inspector reasonably believes a pest is present on the boat, take the action mentioned in subsection (5)(a) or (b).
- (7) Subsection (6) does not permit an inspector to enter a secured part of the boat.
- (8) A reference in this section to a thing being done to a boat by an inspector includes the thing being done by a person acting under the direction of an inspector.
- (9) A person must comply with a requirement made under this section.

10 Inspection and treatment of boats outside the area

- (1) This section applies to a boat moored or anchored outside the declared quarantine area if an inspector reasonably believes the boat has been moored or anchored in the area at any time during the period of 1 year before the commencement day.
- (2) If an inspector reasonably believes a pest may be present on the boat, the inspector may inspect the boat and may require an owner of the boat to take it out of the water for an inspection.
- (3) In deciding for subsection (2) whether a pest may be present on the boat, an inspector must take reasonable steps to find out the following matters and, to the extent the inspector can find out about them, have regard to them—
 - (a) when, and for how long, the boat was moored or anchored in the declared quarantine area;
 - (b) how often the boat was used during a period in which it was moored or anchored in the area;
 - (c) the amount and type of fouling on the boat;

- (d) any inspection or treatment of the boat since the day 18 months before the commencement day.
- (4) Section 9(4) to (9) also applies in relation to the boat.

Part 5 Miscellaneous

11 Consent may be given on conditions

An inspector may give a consent under this declaration on reasonable and relevant conditions.

12 Communication of quarantine arrangements

The chief executive must take reasonable steps to inform persons affected by this declaration about—

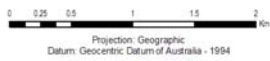
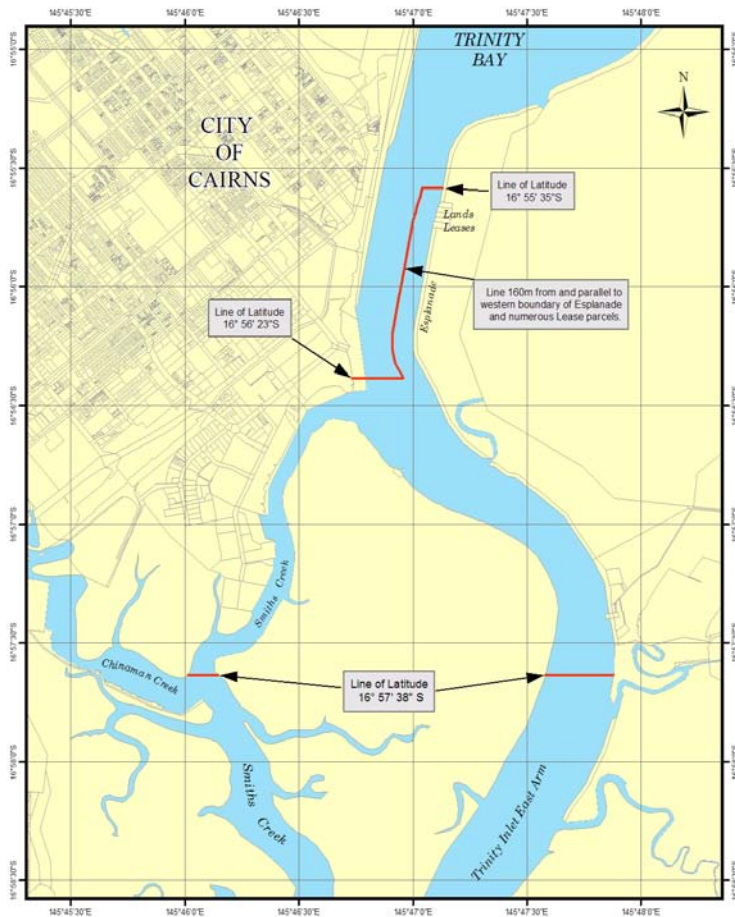
- (a) the boundaries of the declared quarantine area; and
- (b) the matters under parts 3 and 4; and
- (c) any other information the chief executive considers appropriate relating to the quarantine arrangements.

Examples of steps the chief executive may take—

- erecting signs near the boundaries of the area
- making direct contact with boat owners
- publishing information in local media
- distributing notices to marinas and other businesses

Schedule Plan showing declared quarantine area

section 3(2)



Trinity Inlet Quarantine Area

— Line of Limit

BASE MAP derived from the Digital Cadastral Data Base (Jan 2008) supplied by, and reproduced with permission of, the Dept of Natural Resources and Water, Brisbane.

PLAN NUMBER
DPIQA002

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). However, no amendments have commenced operation on or before that day. Future amendments of the Fisheries (Asian Bag Mussels and Asian Green Mussels) Quarantine Declaration 2008 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)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	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 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	19 February 2008	

5 List of legislation

Fisheries (Asian Bag Mussels and Asian Green Mussels) Quarantine Declaration 2008 SL No. 27

made by the chief executive, Department of Primary Industries and Fisheries on 14 February 2008

notfd gaz 19 February 2008 pp 737–8

commenced on date of notification

exp 1 September 2018 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

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