

BIOSECURITY AND AGRICULTURE MANAGEMENT REGULATIONS 2013

QUARANTINE AREA NOTICE

Australian Marine Complex

Carpet Sea Squirt (*Didemnum vexillum*)

1. Under regulation 60 of the *Biosecurity and Agriculture Management Regulations 2013* (**Regulations**) the area within the boundaries described below is declared to constitute a quarantine area for a period of 12 months following the date of publication —

All those waters within an area commencing at a point on the HWL nearest to Point 1.

Point 1—32°09.037'S, 115°45.716'E

Point 2—32°09.065'S, 115°45.609'E

Then generally south along the HWL to a point on the HWL nearest to Point 3.

Point 3—32°09.718'S, 115°45.622'E

Point 4—32°10.137'S, 115°45.773'E

Then to a point on the HWL nearest to Point 5.

Point 5—32°10.137'S, 115°46.251'E

Then generally north along the HWL to a point on the HWL nearest to Point 1.

For the purposes of this description the term high water line (HWL) means the Mean Higher High Water. “Mean Higher High Water” has the same meaning as in the Australian Hydrographic Office Tidal Glossary, existing at the time this quarantine area notice is published.

Note: A map of the quarantine area will be published on the website of the Department of Primary Industries and Regional Development (**Department**) www.agric.wa.gov.au.

2. The quarantine area is declared because carpet sea squirt (*Didemnum vexillum*) (**carpet sea squirt**) was present in, or in the vicinity of, the area from at least the 17th of January 2023 to the 9th of February 2023 and there are reasonable grounds to suspect that carpet sea squirt remains in, or in the vicinity of, the area.
3. Pursuant to regulation 66(2) of the Regulations, and subject to clause 4, a person in control of a potential carrier defined in Schedule 1 must not move the potential carrier from the quarantine area, except in accordance with —
 - (a) this quarantine area notice; or
 - (b) an approval under regulation 67 of the Regulations; or
 - (c) a general exemption under regulation 71 of the Regulations.
4. Clause 3 does not apply to —
 - (a) inspectors appointed under section 162 of the *Biosecurity and Agriculture Management Act 2007* (**BAMA inspector**);
 - (b) fisheries officers appointed under section 11 of the *Fish Resources Management Act 1994*;
 - (c) officers of the Department carrying out activities on behalf of the Department in relation to carpet sea squirt, including activities in relation to the inspection and treatment of carpet sea squirt;
 - (d) biofouling inspectors, as defined in Schedule 2 of this quarantine area notice;
 - (e) persons undertaking or involved in inspection and treatment of carpet sea squirt, including commercial divers; and
 - (f) any other person approved by a BAMA inspector.

5. A potential carrier referred to in clause 3 (listed in Schedule 1) is moved from the quarantine area in accordance with this quarantine area notice if —
- (a) it is moved from the quarantine area as specified in Schedule 2; or
 - (b) it is moved from the quarantine area as authorised or directed by a BAMA inspector.
6. Each person who is the owner or occupier of land in the quarantine area is taken to have been given a quarantine notice that applies to that land in the terms of this quarantine area notice.
- Note: “Owner” and “occupier” are defined in accordance with the *Biosecurity and Agriculture Management Act 2007*. “Land” includes waters in the quarantine area and the sea-bed and subsoil beneath and structures within those waters.
7. Failure to comply with this quarantine area notice could result in a fine, the Director General taking remedial action under regulation 133 of the Regulations, or both.

SCHEDULE 1 – POTENTIAL CARRIER

A vessel, meaning —

- (a) any ship, boat or other description of vessel used, capable of being used or previously used as a means of transportation by water; and
- (b) any equipment or other mechanical apparatus of any kind that is or has been in water and is not permanently attached to a permanent structure.

SCHEDULE 2 – MOVEMENT FROM THE QUARANTINE AREA

1. Terms used

In this Schedule 2, unless the contrary intention appears —

Biofouling inspector means a person approved by the Fisheries Division of the Department to carry out a biofouling inspection;

Biofouling inspection means an invasive marine species inspection carried out by a biofouling inspector;

Clause means a clause in Schedule 2;

Protected waters means:

- (a) all marine and other waters within the limits of the State of Western Australia;
- (b) all coastal waters of the State of Western Australia as defined by section 3(1) of the *Coastal Waters (State Powers) Act 1980* of the Commonwealth; and
- (c) the sea-bed and subsoil beneath, and all islands and structures within, the waters referred to in paragraphs a) and b) of this definition.

2. Calculation of days

When calculating the number of days a vessel has been in the quarantine area for the purposes of Schedule 2, the following applies —

- (a) If a vessel has been in the quarantine area for part of a day, it will be taken to have been in the quarantine area for the whole of the day.

For example, if a vessel enters the quarantine area at 10pm on 1 June and moves out of the quarantine area at 8am on 6 June, it will be taken to have been in the quarantine area for 6 days.

- (b) If a vessel leaves the quarantine area for less than 120 continuous hours, it will be taken to have not left the quarantine area, except:
 - (i) the days that the vessel was not in the quarantine area will be excluded from the calculation of the number of days; and
 - (ii) the days that the vessel was in the quarantine area for part of a day will be included in the calculation of the number of days.

For example, if a vessel enters the quarantine area at 10pm on 1 June, moves out of the quarantine area at 8am on 3 June, enters the quarantine area again at 7am on 8 June and moves out of the quarantine area at 8am of 10 June, it will be taken to have been in the quarantine area for 6 days.

By way of further example, if a vessel enters the quarantine area at 8am on 1 June, moves out of the quarantine area at 10pm that day, enters the quarantine area again at 8am on 2 June and moves out of the quarantine area at 10pm that day, it will be taken to have been in the quarantine area for 2 days.

- (c) If a vessel leaves the quarantine area for 120 continuous hours or more, it will be taken to have left the quarantine area and if it returns to the quarantine area, it will be taken to be entering the quarantine area anew.

For example, if a vessel enters the quarantine area at 10pm on 1 June, moves out of the quarantine area at 8am on 5 June, enters the quarantine area again at 8am on 10 June and moves out of the quarantine area at 10 pm that day, it will be taken to have been in the quarantine area for 2 separate periods of 5 days and 1 day respectively. For instance, when calculating the number of days the vessel has been in the quarantine area for the purposes of Schedule 2, it will not be taken to have been in the quarantine area for 6 days.

3. Less than 6 days

If a vessel has been in the quarantine area for less than 6 days, a person in control of it may move it from the quarantine area.

4. 6 days or more, but less than 22 days

- (a) Subject to clauses 6 and 7, if a vessel has been in the quarantine area for 6 days or more, but less than 22 days, a person in control of it may move it from the quarantine area, on the condition that the person complies with the requirements specified in clauses 4(b) and 4(c).
- (b) If the vessel anchors, moors or docks in protected waters (or is alongside or servicing other vessels anchored, moored or docked in protected waters) at any time in the 8th, 9th or 10th week after leaving the quarantine area, the person must arrange for a biofouling inspection to be carried out on the vessel as soon as is reasonably practicable thereafter and must comply with the requirements specified in the section “Reporting and Treatment Requirements” at the end of Schedule 2.
- (c) If the person is not required to arrange for a biofouling inspection to be carried out on the vessel under clause 4(b), the person must, if the vessel returns to protected waters within 3 years:
- (i) within 24 hours, notify the Department that the vessel has returned to protected waters by emailing carpetseasquirt@dpird.wa.gov.au; and
 - (ii) if requested, provide the Department with any information (including any documents or records) reasonably required by the Department, to enable the Department to determine whether carpet sea squirt:
 - A. is present or likely to be present; or
 - B. is not present or not likely to be present,on the vessel.

5. 22 days or more

- (a) Subject to clauses 6 and 7, if a vessel has been in the quarantine area for 22 days or more, clauses 5(b) to 5(j) apply.
- (b) A person in control of the vessel must not move it from the quarantine area unless the person has complied with the requirements specified in clauses 5(c) to 5(g).
- (c) The person must notify the Department that it intends to move the vessel out of the quarantine area, by emailing carpetseasquirt@dpird.wa.gov.au.

- (d) After receiving the notification, the Department will carry out a risk assessment of the vessel as soon as is reasonably practicable thereafter.
- (e) If requested, the person in control of the vessel must provide the Department with any information (including any documents or records) reasonably required by the Department, to enable the Department to carry out the risk assessment.
- (f) After carrying out the risk assessment, the Department will advise the person in control of the vessel as soon as is reasonably practicable thereafter, as to whether or not the Department requires the person to arrange for a biofouling inspection to be carried out on the vessel.
- (g) If the Department requires the person in control of the vessel to arrange for a biofouling inspection to be carried out on the vessel, then the person must arrange for the biofouling inspection to be carried out as soon as is reasonably practicable thereafter and the person must comply with the requirements specified in the section “Reporting and Treatment Requirements” at the end of Schedule 2.
- (h) For the avoidance of doubt, the person must comply with clauses 5(c) to 5(g), prior to moving the vessel out of the quarantine area, and, in the event that any or all of the other requirements of this quarantine area notice are found to be invalid, those requirements are intended to be severable so that the requirements specified in clauses 5(c) to 5(g) must still be complied with.
- (i) Subject to the person in control of the vessel having complied with the requirements specified in clauses 5(c) to 5(g), and subject to clause 5(j), the person may move the vessel from the quarantine area, on the condition that the person complies with the requirements specified in clauses 4(b) and 4(c).
- (j) If clause 5(i) applies, the Department may, at its absolute discretion, grant the person an exemption in writing to one or more of the requirements specified in clauses 4(b) or 4(c). For the avoidance of doubt, if the Department grants such an exemption, the person must still comply with any of the requirements specified in clauses 4(b) or 4(c) for which they have not been granted an exemption.

6. Frequently visiting vessel

- (a) Subject to clause 7, if a vessel has been in the quarantine area for 6 days but has spent less than 24 continuous hours in the quarantine area during that time, a person in control of the vessel may move it from the quarantine area, on the condition that the person complies with the requirements specified in clauses 6(b) to 6(d).
- (b) The person must arrange for a biofouling inspection to be carried out on the vessel:
 - (i) 3 months after the vessel has been in the quarantine area for 6 days (or as soon as is reasonably practicable thereafter); and
 - (ii) every 3 months thereafter (or as soon as is reasonably practicable after the 3 months), for so long as the vessel continues to move in and out of the quarantine area on a frequent basis.
- (c) If the vessel stops moving in and out of the quarantine area on a frequent basis, then the person must arrange for a biofouling inspection to be carried out on the vessel 3 months after the vessel last moves out of the quarantine area (or as soon as is reasonably practicable thereafter).
- (d) The person must also comply with the requirements specified under the section “Reporting and Treatment Requirements” at the end of Schedule 2.
- (e) For the avoidance of doubt, if a vessel falls within the ambit of clause 6, then clauses 4 and 5 do not apply.

7. Vessels removed from water for treatment

- (a) Subject to clause 7(b), if clauses 4 to 6 apply, the person in control of the vessel may elect to remove the vessel from the water for the purposes of treating the vessel in accordance with this clause, in which case the person will not be required to comply with:

- (i) any requirement arising under clauses 4 to 6 with respect to biofouling inspections, including a requirement to arrange for a biofouling inspection to be carried out on the vessel; and
 - (ii) the requirements in clause 4(c) (if applicable),
- except that the person must:
- (iii) as soon as is reasonably practicable after making the election, arrange for the vessel to be treated in accordance with the treatment requirements specified in clause (d) of the section “Reporting and Treatment Requirements” at the end of Schedule 2; and
 - (iv) provide the Department with evidence of the treatment, including a report in relation to the treatment, as soon as is reasonably practicable after the completion of the treatment.
- (b) An election under clause 7(a) must be made prior to or as soon as is reasonably practicable after the requirement for arranging a biofouling inspection arises.

8. Vessel in quarantine area after treatment

- (a) If a person in control of a vessel arranges for a vessel to be treated in accordance with a requirement arising under clauses 4 to 7, and the vessel is in the quarantine area:
- (i) in the case of a vessel treated in the water, for 6 days or more after treatment is complete; or
 - (ii) in the case of a vessel treated out of the water, for 6 days or more after the vessel is returned to the water,
- then the vessel will be taken to have been in the quarantine area for 6 days or more, as applicable, and each of the clauses in Schedule 2 (including any requirements in those clauses) again apply to the vessel, as applicable.
- (b) For the purposes of calculating the number of days the vessel has been in the quarantine area for the purposes of clause 8(a), the vessel will be taken to have been in the quarantine area the whole of the day on which treatment was completed, or the whole of the day the vessel was returned to the water, as applicable.

9. Re-entering the quarantine area

If a vessel re-enters the quarantine area after having left the quarantine area in accordance with Schedule 2 (whether or not any of the requirements arising under Schedule 2 have been complied with), each of the clauses in Schedule 2 (including any requirements in those clauses) again apply to the vessel, as applicable, provided that a person in control of a vessel will not be required to arrange for a biofouling inspection to be carried out more than once every 3 months.

REPORTING AND TREATMENT REQUIREMENTS

- (a) The person in control of the vessel must provide the Department with a copy of the biofouling inspection report and any records relating to the biofouling inspection within 24 hours of receiving the inspection report from the biofouling inspector, by emailing carpetseasquirt@dpird.wa.gov.au.
- (b) If the biofouling inspector carrying out the biofouling inspection believes or suspects that carpet sea squirt is present on the vessel, the person in control of the vessel must:
- (i) within 24 hours of receiving the biofouling inspection report, notify the Department of the presence or suspected presence of carpet sea squirt on the vessel, by emailing carpetseasquirt@dpird.wa.gov.au; and
 - (ii) submit to the Department samples of the carpet sea squirt, or the suspected carpet sea squirt, from the vessel, for the purposes of confirmational testing.

- (c) If the Department determines through the confirmational testing that carpet sea squirt is present on the vessel and notifies the person in control of the vessel accordingly, the person must, as soon as is reasonably practicable thereafter:
- (i) arrange for the vessel to be treated in accordance with the treatment requirements specified in clause (d) of this section; and
 - (ii) provide the Department with evidence of the treatment, including a report prepared by the biofouling inspector in relation to the treatment, within 24 hours of receiving the report from the biofouling inspector, by emailing carpetseasquirt@dpird.wa.gov.au.
- (d) If a vessel is to be treated, then the following requirements apply:
- (i) Persons must obtain all necessary approvals prior to undertaking treatment, including any approvals required from government agencies.
 - (ii) All material greater than 50 micrometres in diameter, released from wet areas during the treatment process, must be captured and contained. At no time during treatment or after removal should any viable material be released back into the marine environment.
 - (iii) All treated surfaces must be free from any visible macro-fouling or the fouling must have been rendered unviable. i.e., a low biosecurity risk.
 - (iv) All collected material must be disposed of on land by an accredited waste management company and in compliance with the requirements of all relevant local authorities.
 - (v) The integrity of the antifouling coating must remain unaffected by the treatment system.
 - (vi) In-water treatment must be carried out by qualified commercial divers under the instruction and supervision of a biofouling inspector.



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