



# Quarantine Act 1908

## Act No. 3 of 1908 as amended

This compilation was prepared on 7 September 2006  
taking into account amendments up to Act No. 94 of 2006

The text of any of those amendments not in force  
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be  
affected by application provisions that are set out in the Notes section

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# An Act relating to Quarantine

## Part I—Introductory

### 1 Short title [see Note 1]

This Act may be cited as the *Quarantine Act 1908*.

### 2 Commencement [see Note 1]

This Act shall commence on a day to be fixed by proclamation.

### 2A Power to supersede Quarantine measures under State Acts

- (1) Whenever the Governor-General is satisfied that an emergency exists which makes it necessary to do so, he or she may, by proclamation, declare that any or all measures of quarantine prescribed by or under any State Act shall, for such period as is specified in the proclamation, cease to have effect, and such measure shall thereupon cease to have effect accordingly.
- (2) The Governor-General may at any time revoke or vary any such proclamation.

### 2B Proclamation in event of epidemic

- (1) Where the Governor-General is satisfied that an epidemic caused by a quarantinable disease or quarantinable pest or danger of such an epidemic exists in a part of the Commonwealth, the Governor-General may, by proclamation, declare the existence in that part of the Commonwealth of that epidemic or of the danger of that epidemic.
- (2) Upon the issue of a proclamation under subsection (1) the Minister may, during the period the proclamation remains in force, give such directions and take such action as he or she thinks necessary to control and eradicate the epidemic, or to remove the danger of the epidemic, by quarantine measures or measures incidental to quarantine.

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Note: Under section 149.1 of the *Criminal Code*, it is an offence to obstruct a person who is taking any action that the person is authorised to take under this subsection.

- (2A) If the Governor-General is satisfied that the epidemic or danger of an epidemic to which a proclamation issued under subsection (1) relates has the potential so to affect an industry of national significance that it calls for the exercise of coordinated response powers in accordance with section 3, the Governor-General may, in the proclamation issued under subsection (1), declare it to be a proclamation to which section 3 applies.
- (2B) A direction may be given, or an action taken, by the Minister under subsection (2) despite the provisions of any other Commonwealth law, or of any law of a State or Territory.
- (3) A person is guilty of an offence if:
- (a) a direction is given to the person under subsection (2); and
  - (b) the person fails to comply with the direction.

Maximum penalty: Imprisonment for 10 years.

- (4) In paragraph (3)(a), strict liability applies to the physical element of circumstance, that the direction given to the person was under subsection (2).

Note: For strict liability, see section 6.1 of the *Criminal Code*.

### 3 Coordinated response powers

- (1) If a proclamation under subsection 2B(1) is declared to be a proclamation to which this section applies, the Minister may, during the period the proclamation remains in force, by instrument in writing:
- (a) authorise persons who are the executive heads of national response agencies:
    - (i) to give such directions; and
    - (ii) to take such action;as the persons think necessary, subject to any conditions or limitations specified under subsection (4):
    - (iii) to control and eradicate the epidemic; or
    - (iv) to remove the danger of the epidemic;

- by quarantine measures or measures incidental to quarantine;  
or
- (b) revoke any authorisation so given.
- (2) If the Minister, under subsection (1), authorises the executive head of a national response agency to give directions, and to take action, in accordance with that subsection, the executive head of that agency may, while that authorisation remains in force, by instrument in writing:
- (a) authorise a person performing duties in that agency:
- (i) to give such directions of a kind that the executive head of the agency could give and that are specified in the instrument; or
- (ii) to take such action of a kind that the executive head of the agency could take and that is specified in the instrument;  
as the person considers necessary, subject to any conditions or limitations specified under subsection (4):
- (iii) to control and eradicate the epidemic; or
- (iv) to remove the danger of the epidemic;  
by quarantine measures or measures incidental to quarantine;  
or
- (b) revoke any authorisation so given.
- (3) If an authorisation is given under subsection (1) or (2) to the holder of a specified office or position, the authorisation is to be taken to be an authorisation of any person from time to time holding, occupying, or performing the duties of, that office or position.
- (4) An authorisation given to a person under subsection (1) or (2) may be expressed to be subject to such conditions or other limitations (if any) as are specified in the authorisation.
- (5) If a person ceases to be the executive head of a national response agency, any authorisation of other persons in force under subsection (2) immediately before the cessation:
- (a) is taken, on and after that cessation, to have been given by the person's successor and, subject to paragraph (b), continues to have effect according to its tenor; and
- (b) may, by writing, be varied or revoked by that successor.

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- (6) An authorisation given to a person under subsection (1) or (2) does not affect any power that the person may be authorised to exercise apart from this section.
- (7) An authorisation given under subsection (1) or (2) in respect of a particular epidemic or danger of an epidemic is taken to be revoked when the proclamation issued under subsection 2B(1) in respect of that epidemic or danger of an epidemic is revoked.
- (8) A direction may be given, or an action taken, by a person under this section despite the provisions of any other Commonwealth law, or of any law of a State or Territory.
- (9) A person is guilty of an offence if:
  - (a) a direction is given to the person under this section; and
  - (b) the person fails to comply with the direction.

Maximum penalty: Imprisonment for 10 years.

- (10) In paragraph (9)(a), strict liability applies to the physical element of circumstance, that the giving of the direction was under this section.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

- (11) For the avoidance of doubt, a person (including the Director of Animal and Plant Quarantine, a Chief Quarantine Officer (Animals), a Chief Quarantine Officer (Plants) or a quarantine officer) is not to be taken, when acting under this Act by virtue of:
  - (a) an authorisation given by the Minister under subsection 3(1);
  - or
  - (b) an authorisation given by the executive head of a national response agency under subsection 3(2);to be acting as, exercising the powers of, or performing the functions of, a quarantine officer.
- (12) In this section, a reference to a person performing duties in an agency includes, but is not limited to:
  - (a) a person performing duties in the agency under a contract; and
  - (b) a person performing duties in the agency as a result of an arrangement for the temporary provision to that agency of the services of persons ordinarily performing other duties in the same or in another jurisdiction; and

- (c) a person performing duties in the agency on a voluntary basis.

Note: Under section 149.1 of the *Criminal Code*, it is an offence to obstruct a person who is taking any action that the person is authorised to take under this section.

#### **4 Scope of quarantine**

- (1) In this Act, *quarantine* includes, but is not limited to, measures:
- (a) for, or in relation to:
    - (i) the examination, exclusion, detention, observation, segregation, isolation, protection, treatment and regulation of vessels, installations, human beings, animals, plants or other goods or things; or
    - (ii) the seizure and destruction of animals, plants, or other goods or things; or
    - (iii) the destruction of premises comprising buildings or other structures when treatment of these premises is not practicable; and
  - (b) having as their object the prevention or control of the introduction, establishment or spread of diseases or pests that will or could cause significant damage to human beings, animals, plants, other aspects of the environment or economic activities.
- (2) Without otherwise limiting the nature of any quarantine measure, or measure incidental to quarantine:
- (a) by way of a direction that a person may be authorised to give; or
  - (b) by way of an action that a person may be authorised to take; either as a result of a Ministerial authorisation under subsection 3(1) or as a result of an authorisation by the executive head of a national response agency under subsection 3(2), that direction or action must be no more than is reasonably appropriate and adapted:
    - (c) to the control and eradication of the epidemic; or
    - (d) to the removal of the danger of the epidemic;
- in respect of which the authorisation was given.

## 5 Interpretation

(1) In this Act, unless the contrary intention appears:

**Adjacent area** means an adjacent area in respect of a State, of the Northern Territory, of the Territory of Ashmore and Cartier Islands, of the Territory of Cocos (Keeling) Islands or of the Territory of Christmas Island, as determined in accordance with section 5 of the Sea Installations Act.

**aircraft** means any machine or craft that can derive support in the atmosphere from the reactions of the air or from buoyancy but does not include an air cushion vehicle.

**analyst** means a person appointed under section 86DA.

**Animal** includes a dead animal and any part of an animal.

**animals, plants or goods** or **animals, plants or other goods** includes, to avoid doubt, any goods as defined by this subsection.

**Area in the vicinity of the Protected Zone** means an area in respect of which a notice is in force under subsection (8).

**area in the vicinity of the Protected Zone** means an area adjacent to the Protected Zone that is declared by the Minister under subsection (8) to be an area in the vicinity of the Protected Zone.

**Australia**, when used in a geographical sense, includes the Territory of Ashmore and Cartier Islands.

**Australian installation** means:

- (a) an Australian resources installation; or
- (b) an Australian sea installation.

**Australian resources installation** means an installation that is deemed to be part of Australia because of the operation of section 16AA.

**Australian seabed** means so much of the seabed adjacent to Australia (other than the seabed within the Joint Petroleum Development Area) as is:

- (a) within the area comprising:
  - (i) the areas described in Schedule 2 to the *Petroleum (Submerged Lands) Act 1967*; and



- (ii) the Coral Sea area; and
- (b) part of:
  - (i) the continental shelf of Australia;
  - (ii) the seabed beneath the territorial sea of Australia (including the territorial sea adjacent to any island forming part of Australia); or
  - (iii) the seabed beneath waters of the sea that are on the landward side of the territorial sea of Australia and are not within the limits of a State or Territory.

***Australian sea installation*** means a sea installation that is deemed to be part of Australia because of the operation of section 16AAA.

***Australian vessel*** means a vessel which does not voyage or ply to or from any place outside Australia.

***Australian waters*** means:

- (a) in relation to a resources installation—waters above the Australian seabed; and
- (b) in relation to a sea installation—waters comprising all of the adjacent areas and the coastal area.

***Authorized person*** means a person authorized by this Act or the regulations, or by the Minister or a quarantine officer, to do the act in relation to which the expression is used.

***ballast water*** means water (including sediment that is or has been contained in water) used as ballast.

***Brought into physical contact*** has the same meaning as in the Sea Installations Act.

***By authority*** means by the authority of the Minister, or of a quarantine officer, or of an officer under this Act doing duty in the matter in relation to which the expression is used.

***Chief Quarantine Officer*** means:

- (a) where the expression is used in a context that relates only to human quarantine—a Chief Quarantine Officer (Human Quarantine);
- (b) where the expression is used in a context that relates only to animals—a Chief Quarantine Officer (Animals);

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- (c) where the expression is used in a context that relates only to plants—a Chief Quarantine Officer (Plants); or
- (d) in any other case—a Chief Quarantine Officer (Human Quarantine), a Chief Quarantine Officer (Animals) or a Chief Quarantine Officer (Plants).

***Christmas Island*** means the Territory of Christmas Island.

***Christmas Island vessel*** means a vessel which does not voyage or ply to or from any place outside Christmas Island.

***Coastal area*** has the same meaning as in the *Customs Act 1901*.

***Cocos Islands*** means the Territory of Cocos (Keeling) Islands.

***Cocos Islands vessel*** means a vessel which does not voyage or ply to or from any place outside the Cocos Islands.

***commander***, in relation to an aircraft, means the person in charge or command of the aircraft.

***Commonwealth***, when used in a geographical sense, includes the Territory of Ashmore and Cartier Islands.

***compliance*** with this Act has the meaning given by subsection 5(1A).

***compliance agreement*** has the meaning given by section 66B.

***Continental Shelf*** has the same meaning as in the *Seas and Submerged Lands Act 1973*.

***contravention*** of this Act has the meaning given by subsection 5(1A).

***Coral Sea area*** has the same meaning as in the *Petroleum (Submerged Lands) Act 1967*.

***declared place*** has the meaning given by section 12.

***Director of Quarantine*** means:

- (a) where the expression is used in a context that relates only to human quarantine—the Director of Human Quarantine;
- (b) where the expression is used in a context that relates only to animals or plants or both—the Director of Animal and Plant Quarantine; or

- (c) in any other case—the Director of Human Quarantine or the Director of Animal and Plant Quarantine.

**discharge**, in relation to a vessel or installation, includes any escape, spilling, leaking, pumping, emptying or other release, however caused, from the vessel or installation.

**disease** includes a micro-organism, a disease agent, an infectious agent and a parasite.

**document** includes a book and any record.

**engage in conduct** has the same meaning as in the *Criminal Code*.

**enter**:

- (a) in relation to a port that is a place at which aircraft can land, includes land at; and
- (b) in relation to a vessel or vehicle, includes go on board.

**environment** includes all aspects of the surroundings of human beings, whether natural surroundings or surroundings created by human beings themselves, and whether affecting them as individuals or in social groupings.

**evidential material** means any of the following things, including such a thing in electronic form:

- (a) a thing with respect to which an offence against this Act has been committed or is suspected, on reasonable grounds, to have been committed;
- (b) a thing that there are reasonable grounds for suspecting will afford evidence as to the commission of an offence against this Act;
- (c) a thing that there are reasonable grounds for suspecting is intended to be used for the purpose of committing an offence against this Act.

**Environment related activity** has the same meaning as in the Sea Installations Act.

**Examine** includes:

- (a) in relation to an animal—carry out tests on, take samples from, or carry out a veterinary procedure on, the animal;

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- (b) in relation to a plant—carry out tests on, take samples from, establish, cultivate, or undertake procedures for the diagnosis of a disease of, the plant; and
- (c) in relation to any other goods—carry out tests on, or take samples from, the goods; and
- (d) in relation to a vessel, installation or premises—carry out tests on, or take samples from, the vessel, installation or premises.

***executing officer***, for a warrant, means the person named in the warrant as being responsible for executing the warrant.

***exposed*** has the meaning given by section 5B.

***first Christmas Island port of entry***, in relation to a vessel, means a first port of entry in Christmas Island for that vessel.

***First port of entry*** in relation to a vessel means a first port of entry for that vessel.

***First Cocos Islands port of entry***, in relation to a vessel, means a first port of entry in the Cocos Islands for that vessel.

***give*** includes grant.

***goods*** includes:

- (a) an animal; and
- (b) a plant (whether moveable or not); and
- (c) any other article, substance or thing (including, but not limited to, any kind of moveable property);

and, to avoid doubt, includes mail of any kind and ballast water.

***grant*** includes give.

***Imported***, in relation to an animal, a plant or other goods, means imported into Australia, into the Cocos Islands or into Christmas Island.

***industry of national significance*** means any primary industry the disruption of which would be a matter of national significance, whether or not the industry is involved in the export trade.

***in quarantine***, in relation to a vessel or installation, has a meaning affected by section 37.

**Installation** means:

- (a) a resources installation; or
- (b) a sea installation.

**Joint Petroleum Development Area** has the same meaning as in the *Petroleum (Timor Sea Treaty) Act 2003*.

**Landing place** means any place declared by proclamation to be a landing place for aircraft.

**level of quarantine risk** has the meaning given by section 5D.

**magistrate** means any magistrate, whether remunerated by salary or not.

**Master** means:

- (a) in relation to a vessel other than an aircraft—the person (other than a ship’s pilot) in charge or command of the vessel; and
- (aa) in relation to an aircraft—the commander of the aircraft; and
- (b) in relation to an installation—the person (other than a ship’s pilot) in charge or command of the installation.

**Medical Officer** in relation to a vessel means any person on the vessel acting as the medical officer, doctor, or surgeon of the vessel.

**national response agency** means:

- (a) the Australian Federal Police and the police force of each of the States and the Northern Territory; and
- (b) if it is declared by the Minister, by notice published in the *Gazette*, to be a national response agency for the purposes of subsection 3(1):
  - (i) any arm or unit of the Australian Defence Force; or
  - (ii) any department, or part of a department, of the Commonwealth, or of a State or Territory; or
  - (iii) any other agency or authority, whether incorporated or not, that is established for a public purpose by or under a law of the Commonwealth, or of a State or Territory.

**Natural resources** means the mineral and other non-living resources of the seabed and its subsoil.

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**occupier** of premises:

- (a) means the person in charge of the premises; and
- (b) in Part VIA, includes the person apparently in charge of the premises.

**offence against this Act** includes:

- (a) an offence against the regulations; and
- (b) an offence against section 6 of the *Crimes Act 1914* or section 11.1, 11.4 or 11.5 of the *Criminal Code* in relation to an offence against this Act or the regulations.

**Officer** means a quarantine officer or other officer appointed under this Act.

**officer assisting**, in relation to a warrant, means:

- (a) a quarantine officer who is assisting in executing the warrant; or
- (b) a person who is not a quarantine officer but has been authorised by the relevant executing officer to assist in executing the warrant.

**officer of Customs** has the same meaning as in the *Customs Act 1901*.

**on**, in relation to premises, includes in.

**operator** means:

- (a) in relation to a vessel (other than an aircraft) or installation that is in the course of, or has completed, a voyage:
  - (i) if a person is or was responsible for the operation of the vessel or installation during the voyage under a charter party or similar agreement—that person; or
  - (ii) otherwise—the owner of the vessel or installation; or
- (b) in relation to an aircraft that is in the course of, or has completed, a flight:
  - (i) if a person is or was responsible for the operation of the aircraft during the flight under an agreement entered into with the owner of the aircraft for the hire or charter of the aircraft—that person; or
  - (ii) otherwise—the owner of the aircraft.

**overseas aircraft** means an overseas vessel that is an aircraft.

**Overseas installation** means:

- (a) an overseas resources installation; or
- (b) an overseas sea installation.

**Overseas resources installation** means a resources installation that:

- (a) is in Australian waters; and
- (b) has been brought into Australian waters from a place (including a place at sea) outside the outer limits of Australian waters for the purpose of becoming attached to the Australian seabed;

but does not include an Australian resources installation.

**Overseas sea installation** means a sea installation that:

- (a) is in an adjacent area or a coastal area;
- (b) has been brought into the adjacent area or coastal area, as the case may be, from a place outside the outer limits of Australian waters;

but does not include an Australian sea installation.

**overseas vessel** means a vessel other than:

- (a) an Australian vessel; or
- (b) a Cocos Islands vessel; or
- (c) a Christmas Island vessel;

and includes a vessel:

- (d) that is on a voyage from Australia to the Cocos Islands or from the Cocos Islands to Australia; or
- (e) that is on a voyage from Australia to Christmas Island or from Christmas Island to Australia; or
- (f) that is on a voyage from the Cocos Islands to Christmas Island or from Christmas Island to the Cocos Islands.

**Package** includes every means by which plants are cased, covered, enclosed, contained, or packed for carriage.

**pest** includes any animal, or any plant, that is a pest.

**Plant** includes a dead plant and any part of a plant.

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**police officer** means:

- (a) a member or special member of the Australian Federal Police; or
- (b) a member of the police force or police service of a State or Territory.

**port** includes:

- (a) in relation to aircraft—any place at which an aircraft can land, whether a landing place or not; and
- (b) in relation to a vessel in respect of which a permission is in force under subsection 20AA(1)—the place to which the vessel may be brought under the permission.

**Port of departure** in relation to a vessel means the port at which the vessel commenced its current voyage.

**Pratique** means:

- (a) in relation to a vessel, other than an overseas aircraft to which subsection 32B(1) applies—pratique granted by a quarantine officer since the last arrival of the vessel from:
  - (i) in the case of a vessel in, or about to arrive in, Australia—places outside Australia; or
  - (ii) in the case of a vessel in, or about to arrive in, the Cocos Islands—places outside the Cocos Islands; or
  - (iii) in the case of a vessel in, or about to arrive in, Christmas Island—places outside Christmas Island;and having effect at the port where the vessel is for the time being or is about to arrive; and
- (aa) in relation to an overseas aircraft to which subsection 32B(1) applies—pratique taken to have been granted under subsection 32B(1) since the last arrival of the aircraft from:
  - (i) in the case of an aircraft in Australia—places outside Australia; or
  - (ii) in the case of an aircraft in the Cocos Islands—places outside the Cocos Islands; or
  - (iii) in the case of an aircraft in Christmas Island—places outside Christmas Island;and having effect at the port where the aircraft is for the time being; and



- (b) in relation to an overseas installation—pratique granted by a quarantine officer since the last arrival of the installation from a place (including a place at sea) outside the outer limits of Australian waters and having effect in the place (including a place at sea) where the installation is for the time being or is about to be taken.

**premises** includes any place (whether enclosed or built on, or not) and, in particular, includes:

- (a) a building, wharf or other structure; and
- (b) a vessel; and
- (c) an Australian installation; and
- (d) a vehicle; and
- (e) a part of premises (including a part of any of the above).

**Protected Zone** means the zone established under Article 10 of the Torres Strait Treaty, being the area bounded by the line described in Annex 9 to that treaty.

**Protected Zone vessel** means a vessel of a kind used in navigation by sea that is owned or operated by a traditional inhabitant.

**protective service officer** means a protective service officer within the meaning of the *Australian Federal Police Act 1979*.

**Quarantinable disease** means any disease declared by the Governor-General, by proclamation, to be a quarantinable disease.

**quarantinable pest** means any pest declared by the Governor-General, by Proclamation, to be a quarantinable pest.

**Quarantine area** means any part of Australia, the Cocos Islands or Christmas Island which, in pursuance of this Act, is declared to be a quarantine area.

**quarantine officer** means a person appointed under subsection 9(2), 9AA(3) or 9A(1).

**Resources installation** means:

- (a) a resources industry fixed structure within the meaning of subsection (3); or
- (b) a resources industry mobile unit within the meaning of subsection (4).

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**Sea installation** has the same meaning as in the Sea Installations Act.

**Sea Installations Act** means the *Sea Installations Act 1987*.

**Secretary** means Secretary to the Department.

**Special Quarantine Zone** means:

- (a) in respect of Australia—an area declared by the Minister under section 5A to be a Special Quarantine Zone in respect of Australia; and
- (b) in respect of Christmas Island—an area declared by the Minister under section 5A to be a Special Quarantine Zone in respect of Christmas Island; and
- (c) in respect of the Cocos Islands—an area declared by the Minister under section 5A to be a Special Quarantine Zone in respect of the Cocos Islands.

**State officer** means:

- (a) an employee of a State or Territory, or an employee of an authority of a State or Territory (including a member of the police force or police service of a State or Territory); or
  - (b) a State or Territory office holder;
- who is covered by an arrangement made under:
- (c) section 11; or
  - (d) section 71 of the *Public Service Act 1999* in respect of quarantine officer powers and functions.

**thing** includes any goods.

**Torres Strait Treaty** means the Treaty between Australia and the Independent State of Papua New Guinea that was signed at Sydney on 18 December 1978.

**Traditional activities** has the same meaning as in the Torres Strait Treaty.

**Traditional inhabitants** has the same meaning as in the *Torres Strait Fisheries Act 1984*.

**treatment** means any process for controlling or eliminating a disease or pest and:

- (a) in relation to a vessel, installation or premises, includes examination, spraying, fumigation, disinfection, denaturing and cleaning; and
- (b) in relation to a person, includes examination, spraying, fumigation, disinfection and cleaning; and
- (c) in relation to an animal, includes examination, disinfection, denaturing, vaccination, testing and veterinary treatment; and
- (d) in relation to a plant or other goods, includes examination, spraying, fumigation, disinfection, denaturing, sorting, cleaning and repacking.

**Unauthorized person** means a person not authorized by this Act or the Regulations, or by the Minister or a quarantine officer, to do the act in relation to which the expression is used.

**under** this Act has the meaning given by subsection 5(1A).

**vector** means anything capable of carrying or transmitting pests, diseases or infections.

**vessel** means:

- (a) a ship, boat or other description of vessel used in navigation by sea; or
  - (b) an aircraft; or
  - (c) an air cushion vehicle; or
  - (d) an off-shore industry mobile unit (being an overseas installation) that is bound for, or is at, a port;
- and includes a part of any of the above.

**voyage**, in relation to a vessel that is an aircraft, means flight.

(1AA) Before declaring any arm or unit of the Australian Defence Force to be a national response agency for the purposes of subsection 3(1), the Minister must consult with the Minister having responsibility for the Defence Force.

(1AB) Before declaring any department or part of a department of the Commonwealth, a State or a Territory, or any other agency or authority established by or under a law of the Commonwealth, a State or a Territory, to be a national response agency for the purposes of subsection 3(1), the Minister must consult with the

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Minister of the Commonwealth, that State or that Territory having responsibility for the department, agency or other authority concerned.

- (1A) In this Act, unless the contrary intention appears, references to *under* this Act, *contravention* of this Act and *compliance* with this Act are taken to be references to under, contravention of, or compliance with, as the case may be:
- (a) this Act, the regulations, a Proclamation under this Act or a term of a compliance agreement; or
  - (b) an order, determination or declaration made, or an approval, direction, authorisation, permission or permit given, under this Act, the regulations, such a Proclamation or a term of such an agreement; or
  - (c) a condition, restriction or requirement imposed under any of the above.
- (2) Where 2 or more persons are, or behave as if they are, in charge of a vessel or installation, each of those persons shall, for the purposes of this Act, be taken to be in charge, and to be the master, of the vessel or installation, but, where a notice or other document is required by this Act to be served on the master of the vessel or installation, it is sufficient compliance with that requirement if the document is served on one of those persons.
- (3) A reference in this Act to a resources industry fixed structure shall be read as a reference to a structure (including a pipeline) that:
- (a) is not able to move or be moved as an entity from one place to another; and
  - (b) is used or is to be used off-shore in or in any operations or activities associated with, or incidental to, exploring or exploiting natural resources.
- (4) A reference in this Act to a resources industry mobile unit shall be read as a reference to:
- (a) a vessel that is used or is to be used wholly or principally in:
    - (i) exploring or exploiting natural resources by drilling the seabed or its subsoil with equipment on or forming part of the vessel or by obtaining substantial quantities of material from the seabed or its subsoil with equipment of that kind; or

- (ii) operations or activities associated with, or incidental to, activities of the kind referred to in subparagraph (i); or
  - (b) a structure (not being a vessel) that:
    - (i) is able to float or be floated;
    - (ii) is able to move or be moved as an entity from one place to another; and
    - (iii) is used or is to be used off-shore wholly or principally in:
      - (A) exploring or exploiting natural resources by drilling the seabed or its subsoil with equipment on or forming part of the structure or by obtaining substantial quantities of material from the seabed or its subsoil with equipment of that kind; or
      - (B) operations or activities associated with, or incidental to, activities of the kind referred to in sub-subparagraph (A).
- (5) A vessel of a kind referred to in paragraph (4)(a) or a structure of a kind referred to in paragraph (4)(b) shall not be taken not to be a resources industry mobile unit by reason only that the vessel or structure is also used or to be used in, or in any operations or activities associated with, or incidental to, exploring or exploiting resources other than natural resources.
- (6) The reference in subparagraph (4)(a)(ii) to a vessel that is used or is to be used wholly or principally in operations or activities associated with, or incidental to, activities of the kind referred to in subparagraph (4)(a)(i) shall be read as not including a reference to a vessel that is used or is to be used wholly or principally in:
- (a) transporting persons or goods to or from a resources installation; or
  - (b) manoeuvring a resources installation, or in operations relating to the attachment of a resources installation to the Australian seabed.
- (7) A resources installation shall be taken to be attached to the Australian seabed if:
- (a) the installation:
    - (i) is in physical contact with, or is brought into physical contact with, a part of the Australian seabed; and

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- (ii) is used or is to be used, at that part of the Australian seabed, wholly or principally in or in any operations or activities associated with, or incidental to, exploring or exploiting natural resources; or
  - (b) the installation:
    - (i) is in physical contact with, or is brought into physical contact with, another resources installation that is taken to be attached to the Australian seabed by virtue of the operation of paragraph (a); and
    - (ii) is used or is to be used, at the place where it is brought into physical contact with the other installation, wholly or principally in or in any operations or activities associated with, or incidental to, exploring or exploiting natural resources.
- (7A) Subject to subsection (7C), for the purposes of this Act, a sea installation shall be taken to be installed in an adjacent area if:
- (a) the installation is in, or is brought into, physical contact with a part of the seabed in the adjacent area; or
  - (b) the installation is in, or is brought into, physical contact with another sea installation that is to be taken to be installed in the adjacent area because of paragraph (a).
- (7B) For the purposes of this Act, a sea installation shall be taken to be installed in an adjacent area at a particular time if the whole or part of the installation:
- (a) is in that adjacent area at that time; and
  - (b) has been in a particular locality:
    - (i) that is circular and has a radius of 20 nautical miles; and
    - (ii) the whole or part of which is in that adjacent area;
- for:
- (iii) a continuous period, of at least 30 days, that immediately precedes that time; or
  - (iv) one or more periods, during the 60 days that immediately precede that time, that in sum amount to at least 40 days.
- (7C) Where a sea installation, being a ship or an aircraft:
- (a) is brought into physical contact with a part of the seabed in an adjacent area; or

- (b) is in, or is brought into, physical contact with another sea installation that is to be taken to be installed in an adjacent area;
- for less than:
- (c) in the case of a ship, or an aircraft, registered under the law of a foreign country—30 days; or
  - (d) in any other case—5 days;
- it shall not be taken to be installed in that adjacent area under subsection (7A).
- (7D) A sea installation shall not be taken to be installed in an adjacent area for the purposes of this Act unless it is to be taken to be so installed under this section.
- (7E) Subject to subsection (7G), for the purposes of this Act, a sea installation shall be taken to be installed in a coastal area if:
- (a) the installation is in, or is brought into, physical contact with a part of the seabed in the coastal area; or
  - (b) the installation is in, or is brought into, physical contact with another sea installation that is to be taken to be installed in the coastal area because of paragraph (a).
- (7F) For the purposes of this Act, a sea installation (other than an installation installed in an adjacent area) shall be taken to be installed in a coastal area at a particular time if the whole or part of the installation:
- (a) is in that coastal area at that time; and
  - (b) has been in a particular locality:
    - (i) that is circular and has a radius of 20 nautical miles; and
    - (ii) the whole or part of which is in that coastal area;
- for:
- (iii) a continuous period, of at least 30 days, that immediately precedes that time; or
  - (iv) one or more periods, during the 60 days that immediately precede that time, that in sum amount to at least 40 days.
- (7G) Where a sea installation, being a ship or an aircraft:
- (a) is brought into physical contact with a part of the seabed in a coastal area; or
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- (b) is in or is brought into, physical contact with another sea installation that is to be taken to be installed in a coastal area; for less than:
  - (c) in the case of a ship, or an aircraft, registered under the law of a foreign country—30 days; or
  - (d) in any other case—5 days;it shall not be taken to be installed in that adjacent area under subsection (7E).
- (7H) A sea installation shall not be taken to be installed in a coastal area for the purposes of this Act unless it is to be taken to be so installed under this section.
- (8) The Minister may, by notice published in the *Gazette*, declare an area adjacent to the Protected Zone to be an area in the vicinity of the Protected Zone for the purposes of this Act.
- (9) A vessel that enters a part of Australia that is in the Protected Zone or in an area in the vicinity of the Protected Zone shall not be taken to be a Protected Zone vessel if the vessel had, at any time during the period of 3 months ending on the day on which the vessel so entered Australia, voyaged to or from a place (other than a place in Australia) that is outside:
  - (a) the Protected Zone; and
  - (b) any area in the vicinity of the Protected Zone.

**5AA References to *quarantine officer***

- (1) A reference to a *quarantine officer* in a context that relates only to human quarantine is a reference to a quarantine officer (human quarantine).
- (2) A reference to a *quarantine officer* in a context that relates only to animals is a reference to a quarantine officer (animals).
- (3) A reference to a *quarantine officer* in a context that relates only to plants is a reference to a quarantine officer (plants).
- (4) A reference to a *quarantine officer* in any other case is a reference to a quarantine officer (human quarantine), a quarantine officer (animals) or a quarantine officer (plants).



**5A Special Quarantine Zones**

The Minister may, by notice published in the *Gazette*, declare an area described in the notice:

- (a) to be a Special Quarantine Zone in respect of Australia; or
- (b) to be a Special Quarantine Zone in respect of the Cocos Islands; or
- (c) to be a Special Quarantine Zone in respect of Christmas Island;

for the purposes of this Act.

**5B When person or thing is taken to have been exposed to another person or thing**

- (1) For the purposes of this Act, a person or thing is taken to have been *exposed* to another person or to a thing if the first-mentioned person or thing has been, or is likely to have been:
  - (a) in physical contact with; or
  - (b) in close proximity to; or
  - (c) exposed to contamination, infestation or infection from;the other person or thing or a person or thing to which the other person or thing is taken by this subsection to have been exposed.
- (2) In this section:  
*thing* includes any vessel, installation, premises, vehicle or goods.

**5C Power or requirement to do or cause a thing to be done**

- (1) To avoid doubt:
  - (a) subject to subsection (2), a person (the *first person*) who has power, or is required, under this Act to do a thing has power to cause another person to do the thing on behalf of the first person or can comply with the requirement by causing another person to do the thing on behalf of the first person, as the case may be; and
  - (b) a person who has power, or is required, under this Act to cause or direct a thing to be done has power to do the thing himself or herself or can comply with the requirement by doing the thing himself or herself, as the case may be.

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- (2) The reference in paragraph (1)(a) to a power or requirement to do a thing does not include a reference to a power or requirement to give a direction.

**5D Level of quarantine risk**

A reference in this Act to a *level of quarantine risk* is a reference to:

- (a) the probability of:
- (i) a disease or pest being introduced, established or spread in Australia, the Cocos Islands or Christmas Island; and
  - (ii) the disease or pest causing harm to human beings, animals, plants, other aspects of the environment, or economic activities; and
- (b) the probable extent of the harm.

**5E References to aircraft and commander of an aircraft**

The express references in this Act to aircraft and the commander of an aircraft do not imply that references in this Act to vessels and the master of a vessel do not also include references to aircraft and the commander of an aircraft, respectively.

**6 Extension of Act to Cocos Islands and Christmas Island**

- (1) This Act extends to the Cocos Islands and to Christmas Island.
- (2) Any references in provisions of this Act to the Cocos Islands do not imply that references to Australia or to the Commonwealth in other provisions of this Act do not also include references to the Cocos Islands.
- (3) Any references in provisions of this Act to Christmas Island do not imply that references to Australia or to the Commonwealth in other provisions of this Act do not also include references to Christmas Island.

Note: Under paragraph 17(a) of the *Acts Interpretation Act 1901*, in any Act *Australia* and *Commonwealth* include the Cocos Islands and Christmas Island unless the contrary intention appears.

**6AB Extension of Act to Ashmore and Cartier Islands**

This Act extends to the Territory of Ashmore and Cartier Islands.

**6A Special provision regarding resources installations in the Joint Petroleum Development Area**

The regulations may provide that this Act, or a specified provision of this Act, has effect in relation to:

- (a) all resources installations attached to the seabed in the Joint Petroleum Development Area; or
- (b) a specified resources installation attached to the seabed in the Joint Petroleum Development Area;

and so has effect:

- (c) to the extent specified in the regulations; or
- (d) subject to such modifications as are specified in the regulations.

**6B Power to make, vary, suspend or revoke various instruments etc.**

(1) If:

- (a) a provision of this Act refers to a Proclamation, order, determination or declaration made, an approval, direction, authorisation, permission or permit given, or any other act done, by the Governor-General, the Minister or the Secretary or by a Director of Quarantine, Chief Quarantine Officer, quarantine officer or another person; and
- (b) there is no other provision of this Act expressly conferring power on the Governor-General, Minister, Secretary, Director of Quarantine, Chief Quarantine Officer, quarantine officer or other person to make such a Proclamation, order, determination or declaration, give such an approval, direction, authorisation, permission or permit or do such an act;

the Governor-General, Minister, Secretary, Director of Quarantine, Chief Quarantine Officer, quarantine officer or other person has power by this subsection to make such a Proclamation, order, determination or declaration, give such an approval, direction, authorisation, permission or permit or do such an act, as the case requires.

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- (2) If the Governor-General, the Minister or the Secretary or a Director of Quarantine, Chief Quarantine Officer, quarantine officer or other person has power under a provision of this Act (including power under subsection (1)) to make a Proclamation, order, determination or declaration, give an approval, direction, authorisation, permission or permit or do any other act, the power may, unless the contrary intention appears, be exercised subject to conditions, restrictions or requirements.
- (3) Unless the contrary intention appears, any power conferred by this Act, by a Proclamation under this Act, by the regulations or by a compliance agreement, to make a Proclamation, order, determination or declaration or give an approval, direction, authorisation, permission or permit includes:
  - (a) the power to suspend (for a period of not more than one year or until the happening of an event occurring within such a period) a Proclamation, order, determination or declaration so made or an approval, direction, authorisation, permission or permit so given and to revoke such a suspension; and
  - (b) the power to vary or revoke a Proclamation, order, determination or declaration so made or an approval, direction, authorisation, permission or permit so given (including the power to vary or revoke at a time when the relevant instrument is suspended under paragraph (a)).
- (4) However, if a provision conferring a power to make a Proclamation, order, determination or declaration, or give an approval, direction, authorisation, permission or permit, allows a suspension, variation or revocation only in particular circumstances, on particular grounds, subject to particular conditions or after taking particular matters into account, subsection (3) only permits a suspension, variation or revocation under the power in those circumstances, on those grounds, subject to those conditions or after taking those matters into account.

**6C Provisions relating to conditions, restrictions or requirements**

If a provision of this Act, the regulations or a Proclamation under this Act allows, or authorises a person to allow, the importation of any thing, or provides for the making of a Proclamation, order, determination or declaration, the giving of an approval, direction, authorisation, permission or permit, or the doing of any other act,

subject to a condition, restriction or requirement, then, unless the contrary intention appears:

- (a) the provision extends to the imposition of such a condition, restriction or requirement either before or after the importation of the thing, or at or after the time of the making of the Proclamation, order, determination or declaration, the giving of the approval, direction, authorisation, permission or permit or the doing of the other act, as the case may be; and
- (b) any reference in the provision to compliance with such a condition, restriction or requirement is a reference to compliance either before or after the importation of the thing, or at or after the time of the making of the Proclamation, order, determination or declaration, the giving of the approval, direction, authorisation, permission or permit or the doing of the other act, as the case may be.

## **7 No appropriation**

Nothing in this Act shall be taken to be an appropriation of any public moneys.

## **Part II—Administration**

### **8A Officers responsible for human quarantine**

- (1) There shall be a Director of Human Quarantine, who shall, under the Minister, be charged with the execution of this Act, and any regulations and proclamations in force under this Act, in relation to human quarantine.
- (2) The Minister may, by writing, determine that there are to be one or more Chief Quarantine Officers (Human Quarantine).
- (3) Each Chief Quarantine Officer (Human Quarantine) is to perform his or her functions and exercise his or her powers under, and subject to the directions of, the Director of Human Quarantine.
- (4) The Director of Human Quarantine has all the functions and powers of a Chief Quarantine Officer (Human Quarantine) or of a quarantine officer (human quarantine) under this Act and the regulations and proclamations referred to in subsection (1).
- (5) A Chief Quarantine Officer (Human Quarantine) has all the functions and powers of a quarantine officer (human quarantine) under this Act and the regulations and proclamations referred to in subsection (1).
- (6) Each quarantine officer (human quarantine) is to perform functions and may exercise powers under, and subject to the directions of, a Chief Quarantine Officer (Human Quarantine) or the Director of Human Quarantine.

### **8B Officers responsible for animal and plant quarantine**

- (1) There shall be a Director of Animal and Plant Quarantine, who shall, under the Minister, be charged with the execution of this Act, and any regulations and proclamations in force under this Act, in relation to animal and plant quarantine.
- (2) The Minister may, by writing, determine that there are to be Chief Quarantine Officers (Animals) or Chief Quarantine Officers

(Plants) for a division or divisions of animal quarantine or plant quarantine, as the case may be, specified in the determination.

- (3) Any Chief Quarantine Officers (Animals) and Chief Quarantine Officers (Plants) shall perform their functions and exercise their powers under, and subject to the directions of, the Director of Animal and Plant Quarantine.
- (4) The Director of Animal and Plant Quarantine has all the functions and powers of a Chief Quarantine Officer (Animals), of a Chief Quarantine Officer (Plants), of a quarantine officer (animals) and of a quarantine officer (plants) under this Act and the regulations and proclamations referred to in subsection (1).
- (5) A Chief Quarantine Officer (Animals) has all the functions and powers of a quarantine officer (animals) under this Act and the regulations and proclamations referred to in subsection (1) and a Chief Quarantine Officer (Plants) has all the functions and powers of a quarantine officer (plants) under this Act and the regulations and proclamations referred to in subsection (1).
- (6) Each quarantine officer (animals) or quarantine officer (plants) is to perform functions and may exercise powers, for a division of quarantine for which he or she is appointed, under, and subject to the directions of:
  - (a) the Chief Quarantine Officer for the division; or
  - (b) if there is no such Chief Quarantine Officer—the Director of Animal and Plant Quarantine.
- (7) For the purposes of this section, any branch or subject in relation to animals or plants and a territorial division or locality shall be a division of quarantine.

## **9 Appointment of officers responsible for human quarantine**

- (1) The Director of Human Quarantine and any Chief Quarantine Officers (Human Quarantine) shall be appointed by the Minister by writing.
- (2) The Director of Human Quarantine may, by writing, appoint to be a quarantine officer (human quarantine):
  - (a) an APS employee; or
  - (b) a State officer; or

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- (c) a police officer; or
  - (d) a protective service officer; or
  - (e) an employee of a body corporate established or continued in existence for a public purpose by or under a Commonwealth law, if the body corporate is prescribed for the purposes of this paragraph.
- (4) A State officer may be appointed to be a Chief Quarantine Officer under this section.

**9AA Appointment of officers responsible for animal and plant quarantine**

- (1) The person for the time being holding, or performing the duties of, the office of Secretary to the Department that deals with animal and plant quarantine shall be the Director of Animal and Plant Quarantine.
- (2) The Minister may, by writing, appoint Chief Quarantine Officers (Animals) or Chief Quarantine Officers (Plants).
- (3) The Director of Animal and Plant Quarantine may, by writing, appoint:
- (a) an APS employee; or
  - (b) a State officer; or
  - (c) a police officer; or
  - (ca) a protective service officer; or
  - (cb) an employee of a body corporate established or continued in existence for a public purpose by or under a Commonwealth law, if the body corporate is prescribed for the purposes of this paragraph;
- to be either or both of the following:
- (d) a quarantine officer (animals);
  - (e) a quarantine officer (plants).
- (4) A person appointed under subsection (3) must be appointed to a division or divisions of animal quarantine, plant quarantine or both, as the case may be, specified in the instrument of appointment.
- (5) A State officer may be appointed to be a Chief Quarantine Officer under this section.



**9A Temporary quarantine officers**

- (1) A Director of Quarantine may, by writing signed by him or her, appoint:
  - (a) an APS employee; or
  - (b) a State officer; or
  - (c) a police officer; or
  - (d) a protective service officer; or
  - (e) an employee of a body corporate established or continued in existence for a public purpose by or under a Commonwealth law, if the body corporate is prescribed for the purposes of this paragraph;to be a temporary quarantine officer for such period as he or she thinks necessary.
- (1A) Where the Governor-General has, in pursuance of section 2B, declared the existence of an epidemic or the danger of an epidemic in any part of the Commonwealth, any person thereto authorized in writing by a Director of Quarantine may, either orally or in writing, authorize any person to act during any specified period as a temporary quarantine officer in that part of the Commonwealth.
- (1B) A person appointed as a temporary quarantine officer under subsection (1) or authorised to act as a temporary quarantine officer under subsection (1A) is, in the performance of his or her functions and in the exercise of his or her powers, subject to the directions of a Chief Quarantine Officer or the relevant Director of Quarantine.
- (2) Temporary quarantine officers shall, for the period of their appointment or authority to act, have all the powers of a quarantine officer appointed under section 9.
- (3) Any appointment made or authority given in pursuance of this section shall not confer on the person appointed or authorized any claim to be permanently appointed in any capacity.

**10 Delegation by Minister**

The Minister may, by signed writing, delegate to the Secretary, a Director of Quarantine or an officer all or any of his or her powers under this Act.

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**10A Delegation by Secretary**

The Secretary may, by signed writing, delegate to a Director of Quarantine or an officer all or any of his or her powers under this Act.

**10B Delegation by Director of Quarantine**

A Director of Quarantine may, by signed writing, delegate to an officer all or any of his or her powers under this Act.

**11 Arrangements with State and Territory Governments to aid in carrying out this Act**

- (1) The Governor-General may enter into an arrangement with the Governor of any State or the Administrator of the Northern Territory with respect to all or any of the following matters:
  - (a) the use of any State or Territory quarantine station or other place in the State or Territory as a quarantine station under this Act, and the control and management of any such quarantine station;
  - (aa) the exercise of functions and powers by State officers who are appointed as quarantine officers or Chief Quarantine Officers;
  - (b) any matters necessary or convenient to be arranged in order to enable the Commonwealth quarantine authorities and the State or Territory health or other authorities to act in aid of each other in preventing the introduction, establishment or spread of diseases or pests;
  - (c) if the Commonwealth is a party to any international agreement requiring the certification of export products—any matters necessary or convenient to be arranged to assist authorities of that State or Territory in the implementation and monitoring, in that State or Territory, of arrangements to enable that certification, and in providing reports to the Commonwealth concerning such arrangements.
- (2) The Prime Minister may enter into an arrangement with the Chief Minister of the Australian Capital Territory with respect to all or any of the following matters:
  - (a) the use of any Australian Capital Territory quarantine station or other place in the Australian Capital Territory as a

quarantine station under this Act, and the control and management of any such quarantine station;

- (b) any matters necessary or convenient to be arranged in order to enable the Commonwealth quarantine authorities and the Australian Capital Territory health or other authorities to act in aid of each other in preventing the introduction, establishment or spread of diseases or pests;
- (c) if the Commonwealth is a party to any international agreement requiring the certification of export products—any matters necessary or convenient to be arranged to assist authorities of the Australian Capital Territory in the implementation and monitoring, in the Australian Capital Territory, of arrangements to enable that certification, and in providing reports to the Commonwealth concerning such arrangements.

Note: Section 71 of the *Public Service Act 1999* also provides for the making of arrangements with a State or Territory for State or Territory officers to perform Commonwealth functions.

## **Part IIA—Proposed decisions affecting the environment**

### **11A Definitions**

In this Part:

*Environment Minister* means the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999*.

### **11B Decisions under this Act not to be regarded as actions for the purposes of the Environment Protection and Biodiversity Conservation Act**

To avoid doubt, a decision to do, or not to do, anything under this Act is taken to be a decision to grant a governmental authorisation for the purposes of subsection 524(2) of the *Environment Protection and Biodiversity Conservation Act 1999*.

### **11C Requirement to seek from Environment Minister advice about proposed decision involving significant risk of environmental harm**

- (1) Before making a decision under this Act, the implementation of which is likely to result in a significant risk of harm to the environment, a Director of Quarantine must comply with the requirements of this section.
- (2) The Director of Quarantine must give written notice to the Environment Minister:
  - (a) stating that consideration is to be given to the making of such a decision; and
  - (b) requesting the Environment Minister to give advice to the Director as to the adequacy of the risk assessment process that is proposed to be followed in assessing the risk of harm to the environment.
- (3) After preliminary findings have been made as a result of the risk assessment process, the Director of Quarantine must give written

notice to the Environment Minister requesting the Environment Minister to give advice to the Director as to the adequacy of the preliminary findings in relation to the protection of the environment.

**11D Provision of advice by Environment Minister**

- (1) If a Director of Quarantine gives to the Environment Minister a notice in accordance with section 11C requesting advice as to a matter, the Environment Minister may give written advice to the Director about that matter.
- (2) Any such advice is to be given within 28 days after the notice was given.

**11E Director of Quarantine to take advice into account**

If the Director of Quarantine receives any advice from the Environment Minister within 28 days after the notice requesting the advice was given to the Environment Minister in accordance with section 11C, the Director must:

- (a) ensure that the advice is taken into account in making the relevant decision; and
- (b) inform the Environment Minister in writing as to how the advice was taken into account.

## Part III—General provisions

### 12 Declared places

- (1) The Minister may, by notice published in the *Gazette*, declare that a place beyond or in Australia is infected with a quarantinable disease or quarantinable pest, or that a quarantinable disease or quarantinable pest may be brought or carried from or through that place.
- (2) For the purposes of this Act, a place is a *declared place* while the declaration remains in force.

### 12A Minister may take quarantine measures in an emergency

- (1) If, in the opinion of the Minister, an emergency has arisen that requires the taking of action not otherwise authorised under this Act, the Minister may take such quarantine measures, or measures incidental to quarantine, and give such directions, as he or she thinks necessary or desirable for the diagnosis, for the prevention or control of the introduction, establishment or spread, for the eradication, or for the treatment, of any disease or pest.
- (2) A person is guilty of an offence if:
  - (a) a direction is given to the person under subsection (1); and
  - (b) the person fails to comply with the direction.

Maximum penalty: Imprisonment for 10 years.

### 12B Laboratories etc.

The Minister may establish and use laboratories and facilities for the diagnosis of disease for purposes of, or incidental to, quarantine and may:

- (a) lease, rent, purchase or erect premises; or
  - (b) enter into an agreement with any State or with any hospital authority for the use of buildings;
- for the purpose of any such diagnosis.

**13 Proclamation of ports of entry etc.**

- (1) The Governor-General may, by proclamation:
  - (a) declare any ports in Australia to be first ports of entry for overseas vessels; or
  - (aaa) declare any ports in the Cocos Islands to be first Cocos Islands ports of entry for overseas vessels; or
  - (aab) declare any ports in Christmas Island to be first Christmas Island ports of entry for overseas vessels; or
  - (aa) declare any place or area in Australia, the Cocos Islands or Christmas Island to be a landing place for aircraft; or
  - (b) declare any ports in Australia, the Cocos Islands or Christmas Island to be ports where imported animals, plants or other goods, or imported animals, plants or other goods of a particular kind or description or having a particular use, may be landed; or
  - (c) appoint places on land or sea to be quarantine stations for the performance of quarantine by vessels, persons, goods, animals, or plants; or
  - (ca) declare a disease or pest to be a quarantinable disease or quarantinable pest, as the case may be; or
  - (d) prohibit the introduction or importation into Australia, into the Cocos Islands, or into Christmas Island, of any disease or pest or any substance, article or thing containing, or likely to contain, any disease or pest; or
  - (e) prohibit the importation into Australia, into the Cocos Islands, or into Christmas Island, of any articles or things likely, in his or her opinion, to introduce, establish or spread any disease or pest; or
  - (f) prohibit the importation into Australia, into the Cocos Islands, or into Christmas Island, of any animals, plants or other goods, or any parts of animals or plants; or
  - (fa) prohibit the bringing into any port or other place in Australia, the Cocos Islands or into Christmas Island of any animals, plants or other goods, or any parts of animals or plants; or
  - (g) prohibit the removal of any animals, plants or other goods, or any parts of animals or plants:
    - (i) from any part of the Commonwealth to any other part of the Commonwealth; or

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- (ii) from any part of the Cocos Islands to any other part of the Cocos Islands; or
  - (iii) from any part of Christmas Island to any other part of Christmas Island; or
  - (ga) prohibit the removal of any animals, plants or other goods, or any parts of animals or plants:
    - (i) from Australia or a part of Australia to the Cocos Islands or a part of the Cocos Islands; or
    - (ii) from the Cocos Islands or a part of the Cocos Islands to Australia or a part of Australia; or
  - (gb) prohibit the removal of any animals, plants or other goods or any parts of animals or plants:
    - (i) from Australia or a part of Australia to Christmas Island or a part of Christmas Island; or
    - (ii) from Christmas Island or a part of Christmas Island to Australia or a part of Australia; or
  - (gc) prohibit the removal of any animals, plants or other goods, or parts of animals or plants:
    - (i) from the Cocos Islands or a part of the Cocos Islands to Christmas Island or a part of Christmas Island; or
    - (ii) from Christmas Island or a part of Christmas Island to the Cocos Islands or a part of the Cocos Islands; or
  - (h) declare any part of the Commonwealth, of the Cocos Islands, or of Christmas Island in which any disease or pest exists, or is suspected to exist, to be a quarantine area; or
  - (i) declare that any vessel, people, animals, plants or other goods in any quarantine area, or in any part of the Commonwealth, of the Cocos Islands or of Christmas Island in which a disease or pest exists, or is suspected to exist, are to be subject to quarantine.
- (1A) The power to declare first ports of entry shall extend to authorize the declaration of a port to be a first port of entry for all overseas vessels, or for overseas vessels from any particular place, or for any class of overseas vessels.
- (1B) The power to declare first Cocos Islands ports of entry shall extend to authorize the declaration of a port to be a first Cocos Islands port of entry for all overseas vessels, or for overseas vessels from any particular place, or for any class of overseas vessels.



- (1C) The power to declare first Christmas Island ports of entry extends to authorize the declaration of a port to be a first Christmas Island port of entry for all overseas vessels, or for overseas vessels from any particular place, or for any class of overseas vessels.
- (2) The power of prohibition under this section shall extend to authorize prohibition generally or as otherwise provided by the instrument authorising the prohibition, including prohibition either absolutely or subject to any specified conditions or restrictions.
- (2A) A Proclamation under subsection (1):
- (a) prohibiting the introduction into Australia, the Cocos Islands or Christmas Island of any thing; or
  - (b) prohibiting the importation into Australia, the Cocos Islands or Christmas Island of any thing; or
  - (c) prohibiting the bringing into a port or other place in Australia, the Cocos Islands or Christmas Island of any thing; or
  - (d) prohibiting the removal of any thing:
    - (i) from a part of Australia to another part of Australia; or
    - (ii) from a part of the Cocos Islands to another part of the Cocos Islands; or
    - (iii) from Australia or a part of Australia to the Cocos Islands or a part of the Cocos Islands or from the Cocos Islands or a part of the Cocos Islands to Australia or a part of Australia; or
    - (iv) from a part of Christmas Island to another part of Christmas Island; or
    - (v) from Australia or a part of Australia to Christmas Island or a part of Christmas Island or from Christmas Island or a part of Christmas Island to Australia or a part of Australia; or
    - (vi) from Christmas Island or a part of Christmas Island to the Cocos Islands or a part of the Cocos Islands or from the Cocos Islands or a part of the Cocos Islands to Christmas Island or a part of Christmas Island;

may provide that the introduction, importation, bringing or removal of the thing is prohibited unless a permit to introduce, import, bring or remove the thing is granted by a Director of Quarantine.

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- (2AA) A Director of Quarantine may, for the purposes of subsection (2A), grant a permit that relates to a specified act, or a specified class of acts, in relation to a specified thing or a specified class of things.
- (2B) A permit granted pursuant to a proclamation made in accordance with subsection (2A) may be granted subject to compliance with conditions or requirements, either before or after the introduction, importation, bringing or removal of the thing to which the permit relates, by the holder of the permit, being conditions or requirements set out in the permit.
- (2C) If, after the grant of a permit under a Proclamation made in accordance with subsection (2A), a Director of Quarantine is satisfied:
- (a) that the level of quarantine risk in respect of the introduction, importation, bringing or removal of the thing or class of things to which the permit relates has altered; or
  - (b) that the person to whom the permit was granted has breached a condition of the permit;
- that Director of Quarantine may, by notice in writing given to the person to whom the permit was issued, revoke the permit.
- (3) The powers conferred on the Governor-General by this section, in relation to the matters specified in paragraphs (1)(g), (ga), (gb), (gc), (h) and (i), so far as they relate to vessels, people, animals, plants or other goods, or any disease or pest, are exercisable in relation to the Commonwealth, the Cocos Islands or Christmas Island only if the Governor-General is satisfied that the exercise of the powers is necessary for the purpose of preventing the introduction, establishment or spread of a disease or pest.
- (4) Where there is in force a Proclamation (in this subsection referred to as the **relevant Proclamation**) under subsection (1) (whether made before or after the commencement of this subsection) prohibiting the importation into Australia of any animals, plants or other goods, the Governor-General may, by Proclamation (in this subsection referred to as the **exempting Proclamation**), either generally or subject to such conditions or restrictions as are specified in the exempting Proclamation, exempt from the operation of the relevant Proclamation animals, plants or other goods of a kind specified in the exempting Proclamation, being animals, plants or other goods that:

- (a) are brought into a part of Australia that is in the Protected Zone or in an area in the vicinity of the Protected Zone on board a Protected Zone vessel; and
  - (b) are owned by, or are under the control of, a traditional inhabitant who is on board that vessel and have been used, are being used or are intended to be used by him or her in connection with the performance of traditional activities in the Protected Zone or in an area in the vicinity of the Protected Zone.
- (5) A Proclamation made under subsection (1) may, either generally or subject to such conditions or restrictions as are specified in the Proclamation, exempt from the operation of the Proclamation any animals, plants or other goods specified in the Proclamation, being animals, plants or other goods in respect of which an exemption may be granted under subsection (4).
- (6) If there is in force a Proclamation (the *relevant Proclamation*) under subsection (1) (whether made before or after the commencement of this subsection) prohibiting:
- (a) the bringing into a port or other place in Australia of any animals, plants or other goods; or
  - (b) the removal of any animals, plants or other goods:
    - (i) from a part of Australia to another part of Australia; or
    - (ii) from a part of the Cocos Islands to another part of the Cocos Islands; or
    - (iii) from Australia or a part of Australia to the Cocos Islands or a part of the Cocos Islands; or
    - (iv) from the Cocos Islands or a part of the Cocos Islands to Australia or a part of Australia; or
    - (v) from a part of Christmas Island to another part of Christmas Island; or
    - (vi) from Australia or a part of Australia to Christmas Island or a part of Christmas Island; or
    - (vii) from Christmas Island or a part of Christmas Island to Australia or a part of Australia; or
    - (viii) from Christmas Island or a part of Christmas Island to the Cocos Islands or a part of the Cocos Islands; or
    - (ix) from the Cocos Islands or a part of the Cocos Islands to Christmas Island or a part of Christmas Island;

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the Governor-General may, by Proclamation (the *exempting Proclamation*), either generally or subject to such conditions or restrictions as are specified in the exempting Proclamation, exempt from the operation of the relevant Proclamation animals, plants or other goods of a kind specified in the exempting Proclamation, being animals, plants or other goods that:

- (c) are brought or removed, on board a Protected Zone vessel, from a part of Australia that:
    - (i) is in the Protected Zone; or
    - (ii) is in an area in the vicinity of the Protected Zone; or
    - (iii) is in a Special Quarantine Zone; and
  - (d) are owned by, or are under the control of, a traditional inhabitant who is on board that vessel.
- (7) A Proclamation made under subsection (1) may, either generally or subject to such conditions or restrictions as are specified in the Proclamation, exempt from the operation of the Proclamation any animals, plants or other goods specified in the Proclamation, being animals, plants or other goods in respect of which an exemption may be granted under subsection (6).

### 13A Emergency quarantine grounds

The Minister may appoint any place to be a temporary quarantine station for such period as he or she thinks necessary, for the performance of quarantine by any vessel, installation, persons, goods, animals, or plants, and the place so appointed shall be deemed to be a quarantine station accordingly.

### 14 Exemption of certain vessels and goods

The Governor-General may exempt, for such time and subject to such conditions as he or she thinks fit, from all or any of the provisions of this Act:

- (a) any ship of war; and
- (b) any vessels trading exclusively:
  - (i) between Australian ports; or
  - (ia) between Australian ports and Australian installations; or
  - (ii) between ports in the Cocos Islands; or
  - (iii) between Australia and New Zealand; or
  - (iv) between Australia and Fiji; or

- (v) between Australia and the Cocos Islands; or
- (va) between ports in Christmas Island; or
- (vb) between Australia and Christmas Island; or
- (vc) between the Cocos Islands and Christmas Island; or
- (vi) between Australia and another place adjacent to Australia;
- (c) any particular vessel or class of vessels; and
- (d) any persons, animals, plants or goods or any classes of persons, animals, plants or other goods.

#### **14A Exemptions pursuant to Torres Strait Treaty**

- (1) Without limiting the power of the Governor-General to grant exemptions under section 14, the Minister may, by notice published in the *Gazette*, exempt, subject to such conditions (if any) as are specified in the notice, from all of the provisions of this Act, the regulations or a Proclamation under this Act or from so many of those provisions as are specified in the notice:
  - (a) any Protected Zone vessel that enters a part of Australia that is in the Protected Zone or in an area in the vicinity of the Protected Zone, being a vessel:
    - (i) on board which there is at least one traditional inhabitant who is entering that part of Australia in connection with the performance of traditional activities in the Protected Zone or in an area in the vicinity of the Protected Zone; and
    - (ii) no person on board which is a person other than:
      - (A) a person referred to in subparagraph (i); or
      - (B) an employee of the Commonwealth, of Queensland or of Papua New Guinea or of an authority of the Commonwealth, of Queensland or of Papua New Guinea who is entering that part of Australia in connection with the performance of his or her duties;
  - (b) persons on board a vessel of the kind referred to in paragraph (a); or
  - (c) goods on board a vessel of the kind referred to in paragraph (a), being goods that:
    - (i) are owned by, or are under the control of, a traditional inhabitant who is on board that vessel and have been

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used, are being used or are intended to be used by him or her in connection with the performance of traditional activities in the Protected Zone or in an area in the vicinity of the Protected Zone; or

- (ii) are the personal belongings of a person referred to in subparagraph (a)(ii).
- (2) An exemption granted under subsection (1) has effect only while the vessels, persons or goods in respect of which the exemption was granted remain in the Protected Zone or in an area in the vicinity of the Protected Zone.

**15 Vessels may be directed to carry disinfecting equipment**

- (1) A Director of Quarantine may give to the operator or master of:
- (a) a vessel going from one State or part of the Commonwealth to another State or part of the Commonwealth; or
  - (b) a vessel carrying passengers and trading regularly with the Commonwealth; or
  - (c) a vessel coming from, or which has called at, a declared place;
- a direction to cause to be carried on the vessel, for a period specified in the direction, such prophylactic agents, efficient disinfecting apparatus or appliances, and disinfectants, as are so specified.
- (2) A person is guilty of an offence if:
- (a) a Director of Quarantine gives a direction to the person under subsection (1); and
  - (b) the person fails to comply with the direction.

Maximum penalty: 50 penalty units.

- (3) An offence against subsection (2) is an offence of strict liability.

**16AA Certain resources installations to be part of Australia**

- (1) For the purposes of this Act, where:
- (a) an overseas resources installation has been attached to the Australian seabed; and

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- (b) pratique has been granted to the installation or the installation has been released from quarantine;  
the installation shall, subject to subsection (3), be deemed to be part of Australia.
- (2) For the purposes of this Act, a resources installation that:
- (a) not being an overseas resources installation, becomes attached to the Australian seabed after the commencement of this subsection; or
  - (b) is attached to the Australian seabed at the commencement of this subsection;
- shall, subject to subsection (3), be deemed to be part of Australia.
- (3) A resources installation that is deemed to be part of Australia by virtue of the operation of this section shall, for the purposes for this Act, cease to be part of Australia if:
- (a) the installation is detached from the Australian seabed, or from another resources installation that is attached to the Australian seabed, for the purpose of being taken to a place outside the outer limits of Australian waters (whether or not the installation is to be taken to a place in Australia before being taken outside those outer limits); or
  - (b) after having been detached from the Australian seabed otherwise than for the purpose referred to in paragraph (a), the installation is moved for the purpose of being taken to a place outside the outer limits of Australian waters (whether or not the installation is to be taken to a place in Australia before being taken outside those outer limits).

**16AAA Certain sea installations to be part of Australia**

- (1) For the purposes of this Act, where:
- (a) an overseas sea installation has been installed in an adjacent area or in a coastal area; and
  - (b) pratique has been granted to the installation or the installation has been released from quarantine;
- the installation shall, subject to subsection (3), be deemed to be part of Australia.

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- (2) For the purposes of this Act, a sea installation that:
- (a) not being an overseas sea installation, becomes installed in an adjacent area or in a coastal area after the commencement of this subsection; or
  - (b) is installed in an adjacent area or in a coastal area at the commencement of this subsection;
- shall, subject to subsection (3), be deemed to be part of Australia.
- (3) A sea installation that is deemed to be part of Australia because of the operation of this section, shall, for the purposes of this Act, cease to be part of Australia if:
- (a) the installation is detached from its location for the purpose of being taken to a place outside the outer limits of Australian waters; or
  - (b) after having been detached from its location otherwise than for the purpose referred to in paragraph (a), the installation is moved for the purpose of being taken to a place outside the outer limits of Australian waters.

**16AB Certain goods deemed to be imported into Australia**

- (1) For the purposes of this Act, where an overseas resources installation becomes attached to the Australian seabed, any goods, animals or plants that are on board the installation at the time when it becomes so attached, not being goods, animals or plants that have been brought to the installation from a place in Australia, shall be deemed to be imported into Australia at that time.
- (1A) For the purposes of this Act, where an overseas sea installation is installed in an adjacent area or in a coastal area, any goods, animals or plants that are on board the installation at the time when it becomes so installed, not being goods, animals or plants that have been brought to the installation from a place in Australia, shall be deemed to be imported into Australia at that time.
- (2) For the purposes of this Act, where goods, animals or plants are taken from a place other than a place in Australia on to an Australian installation, the goods, animals or plants shall be deemed to have been imported into Australia at the time when they are taken on to the installation.



**16AC Notice of proposed importation of goods**

- (1) If a person proposes to import goods into Australia, the Cocos Islands or Christmas Island, the person, or an agent of the person, may give notice of the proposed importation in accordance with this section.
  - (2) If:
    - (a) a person imports goods into Australia, the Cocos Islands or Christmas Island; and
    - (b) notice of the proposed importation of the goods was not given under subsection (1);the person must, within the period applicable under subsection (2A), cause notice of the importation to be given in accordance with this section.
  - (2A) The period within which notice of the importation of goods is to be given by a person under subsection (2) is 35 days after:
    - (a) the day on which the person or an agent of the person receives notice of the landing of the goods; or
    - (b) if the person or an agent of the person does not receive notice of the landing of the goods before the person or agent receives the goods—the day on which the goods are so received.
  - (2B) A person is guilty of an offence if:
    - (a) the person is required by subsection (2) to cause a notice of the importation of goods to be given in accordance with this section; and
    - (b) the person fails to comply with the requirement.
- Maximum penalty: Imprisonment for 2 years.
- (3) Subsection (2) does not apply to goods imported in circumstances prescribed by the regulations if any conditions prescribed by the regulations are complied with.
  - (4) A notice under subsection (1) or (2) must be given in the manner, and must contain the information relating to the goods, that is prescribed by the regulations.

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- (5) The regulations:
  - (a) may provide for a notice under subsection (1) to be given to:
    - (i) an officer; or
    - (ii) an officer of Customs; and
  - (b) may provide that the lodging of an entry, by electronic means or otherwise, under the *Customs Act 1901* in relation to goods is to constitute:
    - (i) if the goods have not been imported—the giving of a notice of the proposed importation of the goods under subsection (1); or
    - (ii) if the goods have been imported—the giving of a notice of the importation of the goods under subsection (2); and
  - (c) may provide for a notice under this section to be given by electronic means.
- (5A) Without limiting subsection (5), the regulations may provide that the doing of something specified in the regulations is, or is in circumstances or subject to conditions so specified, taken to constitute the giving of a notice under subsection (1) or (2).
- (6) If a notice under this section:
  - (a) is given to an officer of Customs; or
  - (b) is given by the lodging of an entry under the *Customs Act 1901* as mentioned in paragraph (5)(b); or
  - (c) is taken to be given by the doing of something specified in regulations under subsection (5A);a person to whom section 16 of the *Customs Administration Act 1985* applies may, despite that section, give the notice, particulars of the entry, or particulars of the thing the doing of which is taken to constitute the giving of the notice, as the case may be, to a quarantine officer.

**16AD Quarantine officer may require additional information about goods**

- (1) A quarantine officer may, by written notice given to a person who has imported, or proposes to import, goods into Australia, the Cocos Islands or Christmas Island or to an agent of such a person, require the person to whom the notice is given to give any information about the goods that is stated in the notice.

- (2) A notice under subsection (1), and any information given in response to such a notice, may be given by electronic means.
- (3) If a notice under subsection (1) is given by electronic means, the notice is taken to have been given by the principal quarantine officer in the State or Territory in which the notice was sent.
- (4) A person is guilty of an offence if:
  - (a) a notice is given to the person under subsection (1); and
  - (b) the person fails to comply with the notice.

Maximum penalty: 120 penalty units.

Note: This section is subject to the privilege against self incrimination (see subsection 79A(3)).

### **16AE False or misleading information**

A person must not include any information in a notice given under subsection 16AC(1) or (2), or give any information in response to a notice given under subsection 16AD(1), that the person knows to be false or misleading in a material particular.

Maximum penalty: Imprisonment for 2 years.

### **16AF Manner of communicating decisions by quarantine officers**

- (1) If a quarantine officer decides to order goods into quarantine, or to authorise goods to be brought into Australia, the Cocos Islands or Christmas Island (whether by releasing the goods from quarantine, granting a permit, giving an authorisation, or otherwise), the decision may be recorded, and notice of the decision may be given to a person affected by it, by electronic means.
- (2) A notice given to a person under subsection (1) may require the person to do a specified thing for the purpose of giving effect to the decision.
- (3) A person is guilty of an offence if:
  - (a) a notice given to the person under subsection (1) requires the person to do a specified thing; and
  - (b) the person fails to comply with the requirement.

Maximum penalty: Imprisonment for 5 years.

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**16AG Evidence of giving of notices by electronic means**

The regulations may provide for the manner in which evidence may be given in a proceeding for the purpose of proving:

- (a) that a notice of the proposed importation of goods has, or has not, been given under subsection 16AC(1); or
- (b) that a notice of the importation of goods has, or has not, been given under subsection 16AC(2); or
- (c) that a notice has been given under section 16AD requiring a person to give information to a quarantine officer; or
- (d) that information has, or has not, been given as required by a notice under section 16AD; or
- (e) the nature of any information given in response to a notice under section 16AD; or
- (f) that a quarantine officer has authorised goods to be brought into Australia, the Cocos Islands or Christmas Island by releasing the goods from quarantine, granting a permit, giving an authorisation, or otherwise.

**16AH Vessel arriving illegally at a place other than a port**

If a vessel that is at a place in Australia other than a port arrived at the place (whether before or after the commencement of this section) in contravention of this Act, an officer may perform any functions or exercise any powers under this Act in relation to the vessel, its operator, master, crew or passengers, or any goods on it, that he or she could have performed or exercised if the vessel were at a port.

## **Part IV—Quarantine of vessels, persons and goods**

### **Division 1A—Application**

#### **16A Part applies to animals and plants**

Notwithstanding Part V, this Part applies in relation to animals and plants as well as in relation to other goods.

## **Division 1—Liability to quarantine**

### **17 Vessels or installation subject to quarantine**

- (1) The following vessels shall be subject to quarantine:
  - (a) every overseas vessel until pratique has been granted or until it has been released from quarantine;
  - (b) every vessel (whether an Australian vessel, a Cocos Islands vessel, a Christmas Island vessel or an overseas vessel) on board which any quarantinable disease or quarantinable pest, or disease or pest that there is reason to believe or suspect to be a quarantinable disease or a quarantinable pest, has broken out or been discovered (notwithstanding that pratique has been granted or that it has been released from quarantine);
  - (c) every vessel which is ordered into quarantine by a quarantine officer.
- (2) The following installations shall be subject to quarantine:
  - (a) any overseas installation;
  - (b) any Australian installation and any installation that is in Australian waters for the purpose of becoming attached to the Australian seabed, being an installation on board which any quarantinable disease or quarantinable pest, or disease or pest that there is reason to believe or suspect to be a quarantinable disease or a quarantinable pest, has broken out or been discovered;
  - (c) any installation which is ordered into quarantine by a quarantine officer.

### **18 Persons and goods subject to quarantine**

- (1) The following persons shall be subject to quarantine:
  - (a) every person who is on board a vessel subject to quarantine, or who has been on board the vessel (being an overseas vessel) since:
    - (i) in the case of a vessel that has arrived in Australia from a place outside Australia—its arrival in Australia; or

- (ii) in the case of a vessel that has arrived in the Cocos Islands from a place outside the Cocos Islands—its arrival in the Cocos Islands; or
  - (iii) in the case of a vessel that has arrived in Christmas Island from a place outside Christmas Island—its arrival in Christmas Island;
  - (aa) every person who is on board an Australian vessel, a Cocos Islands vessel, or a Christmas Island vessel, subject to quarantine, or who has been on board the vessel since its arrival at the port (if any) at which it is subject to quarantine;
  - (ab) every person who is on board an installation subject to quarantine;
    - (b) every person infected with a quarantinable disease or quarantinable pest;
    - (ba) every person who a quarantine officer reasonably suspects is infected with a quarantinable disease or quarantinable pest;
    - (c) every person who has been in contact with or exposed to, infection from any person or goods subject to quarantine;
    - (d) every person who is, or has been within a period of 21 days, in an area which is a quarantine area;
    - (e) every person who enters Australia, the Cocos Islands or Christmas Island unlawfully;
    - (f) every person who is ordered into quarantine by a quarantine officer.
- (2) The following goods shall be subject to quarantine:
- (a) all goods which are on board an overseas vessel, or which have been on board the vessel since:
    - (i) in the case of a vessel that has arrived in Australia from a place outside Australia—its arrival in Australia; or
    - (ii) in the case of a vessel that has arrived in the Cocos Islands from a place outside the Cocos Islands—its arrival in the Cocos Islands; or
    - (iii) in the case of a vessel that has arrived in Christmas Island from a place outside Christmas Island—its arrival in Christmas Island;
  - (aa) all goods which are on board an Australian vessel, a Cocos Islands vessel, or a Christmas Island vessel, subject to quarantine, or which have been on board the vessel since its arrival at the port (if any) at which it is subject to quarantine;
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- (ab) all goods which are on board an installation subject to quarantine;
- (b) all goods infected with a quarantinable disease or quarantinable pest;
- (ba) all quarantinable pests and quarantinable diseases;
- (c) all goods which have been in contact with or exposed to infection from a quarantinable disease or quarantinable pest or from any person or goods subject to quarantine;
- (d) all animals which are on board an Australian resources installation or a resources installation that is in Australian waters for the purpose of being attached to the Australian seabed, being animals which arrived at the installation otherwise than on board a vessel;
- (e) all animals which are on board an Australian sea installation or a sea installation that is in Australian waters for the purpose of being installed in an adjacent area or in a coastal area, being animals which arrived at the installation otherwise than on board a vessel;
- (f) any goods that are ordered into quarantine by a quarantine officer.

**19 Revival of Quarantine (Cocos Islands)**

- (1) Where a vessel that ceased to be subject to quarantine when in, or about to arrive in, the Cocos Islands is about to arrive in Australia or Christmas Island, the vessel again becomes subject to quarantine.
- (2) Where a person who ceased to be subject to quarantine when in, or about to arrive in, the Cocos Islands is about to arrive in Australia or Christmas Island, the person again becomes subject to quarantine.
- (3) Where goods that ceased to be subject to quarantine when in, or about to arrive in, the Cocos Islands are about to arrive in Australia or Christmas Island, the goods again become subject to quarantine.
- (4) Where a vessel that ceased to be subject to quarantine when in, or about to arrive in, Australia or Christmas Island is about to arrive in the Cocos Islands, the vessel again becomes subject to quarantine.



- (5) Where a person who ceased to be subject to quarantine when in, or about to arrive in, Australia or Christmas Island is about to arrive in the Cocos Islands, the person again becomes subject to quarantine.
- (6) Where goods that ceased to be subject to quarantine when in, or about to arrive in, Australia or Christmas Island are about to arrive in the Cocos Islands, the goods again become subject to quarantine.

#### **19AA Revival of quarantine (Christmas Island)**

- (1) If a vessel that ceased to be subject to quarantine when in, or about to arrive in, Christmas Island is about to arrive in Australia or the Cocos Islands, the vessel again becomes subject to quarantine.
- (2) If a person who ceased to be subject to quarantine when in, or about to arrive in, Christmas Island is about to arrive in Australia or the Cocos Islands, the person again becomes subject to quarantine.
- (3) If goods that ceased to be subject to quarantine when in, or about to arrive in, Christmas Island are about to arrive in Australia or the Cocos Islands, the goods again become subject to quarantine.
- (4) If a vessel that ceased to be the subject to quarantine when in, or about to arrive in, Australia or the Cocos Islands is about to arrive in Christmas Island, the vessel again becomes subject to quarantine.
- (5) If a person who ceased to be subject to quarantine when in, or about to arrive in, Australia or the Cocos Islands is about to arrive in Christmas Island, the person again becomes subject to quarantine.
- (6) If goods that ceased to be subject to quarantine when in, or about to arrive in, Australia or the Cocos Islands are about to arrive in Christmas Island, the goods again become subject to quarantine.

#### **19A Continuance of liability to quarantine**

- (1) Subject to this section, persons who, or vessels, installations or goods that, become subject to quarantine continue to be so subject until they are released from quarantine.

**Part IV** Quarantine of vessels, persons and goods

**Division 1** Liability to quarantine

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- (2) Where pratique is granted to a vessel, the vessel ceases to be subject to quarantine in the port in which the pratique has effect, but:
- (a) if the pratique has effect only from a particular period, the vessel ceases to be subject to quarantine for that period only; and
  - (b) the obligation to comply with measures of quarantine to which the pratique does not relate (if any) is not affected by the vessel ceasing to be subject to quarantine.
- (2A) Where pratique is granted to an installation, the installation ceases to be subject to quarantine at the place at which the pratique has effect, but:
- (a) if the pratique has effect only for a particular period, the installation ceases to be subject to quarantine for that period only; and
  - (b) the obligation to comply with measures of quarantine (if any) to which the pratique does not relate is not affected by the installation ceasing to be subject to quarantine.
- (3) Where pratique is granted to a vessel, persons on the vessel cease to be subject to quarantine.
- (4) Where pratique is granted to an installation, persons on the installation cease to be subject to quarantine.

**20 Vessels to enter only first ports of entry unless permission given**

- (1) The master of an overseas vessel arriving in Australia, the Cocos Islands or Christmas Island is guilty of an offence if the master permits the vessel to enter a place in Australia, the Cocos Islands or Christmas Island other than a port declared to be a first port of entry, a first Cocos Islands port of entry or a first Christmas Island port of entry, as the case may be.

Maximum penalty: Imprisonment for 5 years.

- (1A) Subsection (1) does not apply if the entry is made with the permission of the Minister given under section 20AA.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A) (see subsection 13.3(3) of the *Criminal Code*).

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- (1A) Subsection (1) does not apply if the entry is made with the permission of the Minister given under section 20AA.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A) (see subsection 13.3(3) of the *Criminal Code*).

- (2) The master of an overseas vessel arriving in Australia, the Cocos Islands or Christmas Island is guilty of an offence if the master permits the vessel to be:

(a) beached in Australia, the Cocos Islands or Christmas Island;  
or

(b) moored, anchored or otherwise secured in waters on the landward side of the baseline of the territorial sea of Australia, of the Cocos Islands or of Christmas Island;

otherwise than at a port.

Maximum penalty: Imprisonment for 5 years.

Note: The master will not be guilty of an offence if the prohibited conduct was due to sudden or extraordinary emergency (see section 10.3 of the *Criminal Code*).

**20A Overseas aircraft to land only at landing places unless permission given**

- (1) The commander of an overseas aircraft is guilty of an offence if the commander permits the aircraft to land in Australia, the Cocos Islands or Christmas Island at a place other than a landing place.

Maximum penalty: Imprisonment for 5 years.

Note: The commander will not be guilty of an offence if the landing was due to sudden or extraordinary emergency (see section 10.3 of the *Criminal Code*).

- (2) Subsection (1) does not apply if the landing is made with the permission of the Minister given under section 20AA.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2) (see subsection 13.3(3) of the *Criminal Code*).

**20AA Permission to enter place other than first port of entry**

- (1) The Minister administering the Department that deals with human quarantine may, upon application being made in writing by the master, owner or agent of an overseas vessel, by notice in writing given to the person who made the application, give permission,

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subject to such conditions (if any) as are specified in the notice, for the vessel to be brought to:

- (a) a place in Australia; or
- (b) a place in the Cocos Islands; or
- (c) a place in Christmas Island;

being a place other than a first port of entry, a first Cocos Island port of entry, a first Christmas Island port in entry or a landing place.

- (2) A person is guilty of an offence if:
- (a) the person is, under subsection (1), given a permission that is subject to a condition; and
  - (b) the condition is contravened; and
  - (c) the person is reckless as to whether or not the condition is contravened.

Maximum penalty: Imprisonment for 5 years.

**20B Prohibition of entry by air from proclaimed places**

*Proclamation of place*

- (1) If the Governor-General is of the opinion that there is danger of the introduction into Australia, the Cocos Islands or Christmas Island by aircraft of disease from any place outside Australia, the Cocos Islands or Christmas Island, as the case may be, the Governor-General may, by Proclamation, declare the place to be a place in relation to which this section applies in respect of Australia, the Cocos Islands or Christmas Island, as the case may be.

*Offence by commander of aircraft*

- (2) The commander of any aircraft entering Australia, the Cocos Islands or Christmas Island is guilty of an offence if the commander permits the aircraft to enter from or through a place declared under subsection (1) to be a place in relation to which this section applies in respect of Australia, the Cocos Islands or Christmas Island, as the case may be.

Maximum penalty: Imprisonment for 10 years.

*Offence by operator of aircraft*

- (2A) The operator of any aircraft entering Australia, the Cocos Islands or Christmas Island is guilty of an offence if the operator permits the aircraft to enter from or through a place declared under subsection (1) to be a place in relation to which this section applies in respect of Australia, the Cocos Islands or Christmas Island, as the case may be.

Maximum penalty: Imprisonment for 10 years.

*Offence by operator of aircraft*

- (2A) The operator of any aircraft entering Australia or the Cocos Islands is guilty of an offence if the operator permits the aircraft to enter from or through a place declared under subsection (1) to be a place in relation to which this section applies in respect of Australia or the Cocos Islands, as the case may be.

Maximum penalty: Imprisonment for 10 years.

*Proclamation of conditions of entry*

- (3) The Governor-General may, by Proclamation, declare that a person must not, so long as the Proclamation remains in force, enter Australia, the Cocos Islands or Christmas Island by an aircraft from any place outside Australia, the Cocos Islands or Christmas Island, as the case may be, specified in the Proclamation unless the person has complied with the conditions stated in the Proclamation.

*Conditions that may be proclaimed*

- (4) The conditions stated in a Proclamation under subsection (3) are such conditions as the Governor-General thinks necessary or desirable for avoiding the possibility of the entry into Australia, the Cocos Islands or Christmas Island of people suffering from, or capable of communicating, any disease.

*Offence by person entering in reckless contravention of condition*

- (5) A person is guilty of an offence if:
- (a) the person enters Australia, the Cocos Islands or Christmas Island in contravention of a condition stated in a Proclamation made under subsection (3); and

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- (b) the person is reckless as to whether or not the condition is contravened.

Maximum penalty: Imprisonment for 10 years.

*Meaning of entry from place outside Australia, the Cocos Islands or Christmas Island*

- (6) For the purpose of this section, and of any Proclamation under this section, a person is taken to enter Australia, the Cocos Islands or Christmas Island from a place outside Australia, the Cocos Islands or Christmas Island, as the case may be, if he or she has been in that place within 21 days before his or her arrival in Australia, the Cocos Islands or Christmas Island, as the case may be.

**20C Aircraft landing at places other than landing places**

*Aircraft etc. may be ordered into quarantine*

- (1) If an aircraft that is subject to quarantine makes a landing at any place in Australia, the Cocos Islands or Christmas Island that is not a landing place, the aircraft and any person, animal, plant or other goods on board are taken, for the purposes of this Act, to be ordered into quarantine.

*Direction for dealing with aircraft etc.*

- (2) A Director of Quarantine may give directions as to how an aircraft, a person, an animal, a plant or other goods referred to in subsection (1) are to be dealt with.

*To whom directions may be given*

- (3) A direction under subsection (2) may be given, as appropriate, to:
- (a) the operator or commander of the aircraft; or
  - (b) any person who is on board the aircraft or was on board it when it landed; or
  - (c) the importer of, or any person in control of, the animal, plant or other goods.

*Exception for aircraft landing with permission*

- (4) Subsection (1) does not apply in relation to an aircraft that lands at a place other than a landing place in accordance with the permission of the Minister given under section 20AA.

*Exception not to apply if condition of permission is contravened*

- (5) However, subsection (1) is not precluded by subsection (4) from applying in relation to the aircraft if:
- (a) the permission is subject to a condition; and
  - (b) the condition is contravened.

*Offence for failing to comply with direction*

- (6) A person is guilty of an offence if:
- (a) a direction is given to the person under subsection (2); and
  - (b) the person fails to comply with the direction.

Maximum penalty: Imprisonment for 5 years.

## **20D Animals, plants or other goods to be landed at declared port**

*Goods may only be landed at declared port*

- (1) Except as provided by subsection (2), imported animals, plants or other goods must not be landed at a place in Australia or, the Cocos Islands or Christmas Island other than a port declared by Proclamation to be a port at which they may be landed.

*Exception for goods landed with permission*

- (2) Imported animals, plants or other goods may be landed at a place in Australia or, the Cocos Islands or Christmas Island that is not a port declared by Proclamation to be a port at which they may be landed if:
- (a) they are landed from an overseas vessel; and
  - (b) a Director of Quarantine has, upon application made by the master, owner or agent of the vessel, given the applicant written permission for them to be landed at the place; and
  - (c) where the permission is subject to a condition—the condition is complied with.

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*Offence for landing goods without permission*

- (3) A person is guilty of an offence if:
- (a) the person lands any imported animals, plants or other goods in a place in Australia or, the Cocos Islands or Christmas Island that is not a port declared by Proclamation to be a port at which they may be landed; and
  - (b) no permission is in force under subsection (2) for them to be landed at the place

Maximum penalty: Imprisonment for 10 years.

*Offence for contravening condition of permission*

- (4) A person is guilty of an offence if:
- (a) the person lands any imported animals, plants or other goods at a place in Australia or, the Cocos Islands or Christmas Island that is not a port declared by Proclamation to be a port at which they may be landed; and
  - (b) a permission is in force under subsection (2) for them to be landed at the place; and
  - (c) the permission is subject to a condition that is to be complied with after they are landed; and
  - (d) the condition is contravened; and
  - (e) the person is reckless as to whether or not the condition is contravened.

Maximum penalty: Imprisonment for 10 years.

**21 Quarantine signals on vessels and installations**

- (1) The master of a vessel (other than an aircraft) subject to quarantine is guilty of an offence if he or she:
- (a) fails to display the quarantine signal on the vessel before it comes within 3 nautical miles of any port or within 500 metres of an Australian installation; and
  - (b) fails to keep the quarantine signal displayed on the vessel while it enters, or is in, any port or quarantine station or is at an Australian installation.

Maximum penalty: 50 penalty units.



- (1A) The commander of an aircraft subject to quarantine is guilty of an offence if he or she:
- (b) on arrival at the first landing place in Australia, the Cocos Islands or Christmas Island, or on arrival at an Australian installation and at each landing place afterwards called at, fails to cause the aircraft to come to a stop as near as possible to a spot marked by the prescribed signal on the landing place.
- Maximum penalty: 50 penalty units.
- (2) The master of an installation subject to quarantine shall:
- (a) display the quarantine signal on the installation; and
  - (b) keep the quarantine signal displayed on the installation until pratique is granted or until the installation is released from quarantine.
- Maximum penalty: 50 penalty units.
- (3) An offence against this section is an offence of strict liability.

## **22 Notification of outbreak of a disease**

- (1) Subsection (2) applies if:
- (a) a prescribed symptom presents itself, or a prescribed disease or an infectious disease breaks out, on board a vessel; or
  - (b) the master of a vessel believes or suspects, or has reason to believe or suspect, that a quarantinable disease has broken out, or a quarantinable pest is, on board the vessel.
- (2) The master of the vessel:
- (a) if the vessel is not actually performing quarantine under the supervision of a quarantine officer—must immediately notify a quarantine officer of the presence of the symptom, the breaking out of the disease or the existence of the pest; and
  - (b) if the vessel is not an overseas aircraft—must immediately display the quarantine signal on the vessel and must keep it displayed until he or she is authorised by a quarantine officer to remove it or until the vessel is released from quarantine.

Maximum penalty: Imprisonment for 5 years.

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(4) In this section:

*vessel* includes:

- (a) an Australian resources installation, or another resources installation that is in Australian waters for the purpose of becoming attached to the Australian seabed; and
- (b) an Australian sea installation, or another sea installation that is in Australian waters for the purpose of becoming installed in an adjacent area or in a coastal area.

**23 Signal**

The quarantine signal shall be as prescribed and shall be displayed in the prescribed manner.

**24 Unauthorised person not to board or approach vessel or installation**

(1) An unauthorised person must not:

- (a) go on board or alongside any vessel subject to quarantine or on which the quarantine signal is displayed; or
- (b) approach within 30 metres of any prescribed signal on a landing place.

Maximum penalty: 50 penalty units.

(1A) Subsection (1) does not apply if the person does the things mentioned in that subsection as the master or a member of the crew of a tug that is carrying out operations as a tug.

Note: A defendant bears an evidential burden in relation to the matters in subsection (1A) (see subsection 13.3(3) of the *Criminal Code*).

(2) An unauthorised person must not go on board or alongside any installation subject to quarantine or on which the quarantine signal is displayed.

Maximum penalty: 50 penalty units.

(2A) Subsection (2) does not apply if the person goes on board or alongside the installation as the master or a member of the crew of a tug that is carrying out operations as a tug.

Note: A defendant bears an evidential burden in relation to the matters in subsection (2A) (see subsection 13.3(3) of the *Criminal Code*).

- (3) An offence against this section is an offence of strict liability.

## **25 When required vessel to be brought to**

The master of a vessel shall, on being so required by a quarantine officer, bring the vessel to, and shall by all reasonable means facilitate the boarding of the vessel by the quarantine officer.

Maximum penalty: Imprisonment for 1 year.

## **25A Boarding of installations**

- (1) The master of an Australian resources installation or a resources installation that is in Australian waters to achieve the result of becoming attached to the Australian seabed shall, upon being so required by a quarantine officer, permit the quarantine officer to go on board the installation and shall, by all reasonable means, facilitate the boarding of the installation by the quarantine officer.
- (2) The master of an Australian sea installation or a sea installation that is in Australian waters to achieve the result of becoming installed in an adjacent area or in a coastal area shall, upon being so required by a quarantine officer, permit the quarantine officer to go on board the installation and shall, by all reasonable means, facilitate the boarding of the installation by the quarantine officer.

Maximum penalty: Imprisonment for 2 years.

## **26 Limit in port for vessels subject to quarantine**

- (1) The master of a vessel subject to quarantine shall not allow the vessel to be brought into any part of the port within the quarantine line.

Maximum penalty: Imprisonment for 5 years.

- (1A) Subsection (1) does not apply if the master's intention in allowing the vessel to be brought into the port is to comply with section 26A.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A) (see subsection 13.3(3) of the *Criminal Code*).

- (2) The Governor-General may by proclamation fix the position of the quarantine line for any port.

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**26A Vessels to be brought to mooring grounds**

The master of a vessel (other than an aircraft) that is subject to quarantine shall, forthwith on arrival at or near a port, bring the vessel:

- (a) to a place appointed by the Governor-General by proclamation to be a mooring ground in relation to the port for vessels subject to quarantine; or
- (b) with the approval of a quarantine officer and on payment of any fee that is payable in respect of the approval, to such place as is specified in the approval.

Maximum penalty: Imprisonment for 5 years.

**27A Pre-arrival and pre-departure reports by certain vessels (other than aircraft) and installations**

*Vessels from which reports are required*

- (1) This section applies to the master of:
  - (a) an overseas vessel (other than an aircraft) that is intended to arrive at a place in Australia, the Cocos Islands or Christmas Island; or
  - (b) an overseas installation that:
    - (i) is intended to arrive at a place in Australia, the Cocos Islands or Christmas Island from a place outside Australia, the Cocos Islands and Christmas Island; or
    - (ii) is intended to arrive at a place in the Cocos Islands from a place in Australia or in Christmas Island; or
    - (iii) is intended to arrive at a place in Christmas Island from a place in Australia or in the Cocos Islands; or
  - (c) a vessel (other than a overseas vessel or an aircraft), or an installation (other than an overseas installation) that is intended to arrive:
    - (i) at a place in Australia from a place in the Cocos Islands or in Christmas Island; or
    - (ii) at a place in the Cocos Islands from a place in Australia or Christmas Island; or
    - (iii) at a place in Christmas Island from a place in Australia or the Cocos Islands; or

- (d) a vessel (other than an overseas vessel, an aircraft or a prescribed vessel) that is intended to arrive:
  - (i) at a place in Australia (other than a place in a Special Quarantine Zone declared in respect of Australia or the Protected Zone) from a place in any of those zones; or
  - (ii) at a place in the Cocos Islands (other than a place in a Special Quarantine Zone declared in respect of the Cocos Islands) from a place in such a zone; or
  - (iii) at a place in Christmas Island (other than a place in a Special Quarantine Zone declared in respect of Christmas Island) from a place in such a zone.

*Quarantine officer to whom pre-arrival report to be sent*

- (2) The master of the vessel or installation must cause the prescribed information to be given, in a form approved by a Director of Quarantine, in the prescribed manner and during the prescribed period, to a quarantine officer:
  - (a) in respect of a vessel or installation that is intended to arrive at a place in Australia:
    - (i) if that place is a first port of entry for overseas vessels— at that port; or
    - (ii) otherwise—at a port that is declared by Proclamation to be a first port of entry for overseas vessels; or
  - (b) in respect of a vessel or installation that is intended to arrive at a place in the Cocos Islands—at that place; or
  - (c) in respect of a vessel or installation that is intended to arrive at a place in Christmas Island—at that place.

*Action to be taken if report afterwards found to be incomplete or incorrect*

- (3) If, after any of the prescribed information is given to a quarantine officer under subsection (2), the master or operator of the vessel or installation becomes aware that the information is incomplete or incorrect, the master or operator, as the case may be, must cause the additional or correct information to be given to a quarantine officer as soon as practicable.

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*Pre-departure report*

- (4) If:
- (a) after the period within which the master of the vessel or installation was required to cause the prescribed information to be given to a quarantine officer under subsection (2); and
  - (b) before the vessel or installation departs from its last port in Australia, the Cocos Islands or Christmas Island in the course of the relevant voyage;

any people on the vessel or installation are found to be suffering from a disease prescribed for the purposes of this section, the master must immediately cause particulars of the disease, and the number of people suffering from it, to be given to a quarantine officer.

*Failure to give information*

- (5) A person is guilty of an offence if:
- (a) a requirement of this section applies to the person; and
  - (b) the person fails to comply with the requirement.

Maximum penalty: Imprisonment for 2 years.

Note: Subsection (5) is not subject to the privilege against self incrimination but a use derivative-use indemnity applies (see subsections 79A(1) and (2)).

*Knowingly giving false or misleading information*

- (6) A person is guilty of an offence if:
- (a) the person gives information, or causes information to be given, to a quarantine officer under a requirement made by this section (whether the requirement is made of that person or of another person); and
  - (b) the information is false or misleading in a material particular; and
  - (c) the person knows that the information is false or misleading in that particular.

Maximum penalty: Imprisonment for one year.

*Negligently giving false or misleading information*

- (7) A person is guilty of an offence if:
- (a) the person gives information, or causes information to be given, to a quarantine officer under a requirement made by this section (whether the requirement is made of that person or of another person); and
  - (b) the information is false or misleading in a material particular; and
  - (c) the person is negligent as to whether or not the information is false or misleading in that particular.

Maximum penalty for an offence against this subsection:  
Imprisonment for 6 months.

**27B Pre-arrival and pre-departure reports by certain aircraft**

*Aircraft from which reports are required*

- (1) This section applies to the commander of an aircraft (other than a prescribed aircraft) that:
- (a) is intended to arrive at a place in Australia, the Cocos Islands or Christmas Island; or
  - (b) is intended to arrive at a place in Australia (other than a place in a Special Quarantine Zone in respect of Australia or the Protected Zone) from a place in any of those zones; or
  - (c) is intended to arrive at a place in the Cocos Islands (other than a place in a Special Quarantine Zone in respect of the Cocos Islands) from a place in such a zone; or
  - (d) is intended to arrive at a place in Christmas Island (other than a place in a Special Quarantine Zone in respect of Christmas Island) from a place in such a zone.

*Quarantine officer to whom pre-arrival report to be sent*

- (2) The commander of the aircraft must cause the prescribed information to be given, in a form approved by a Director of Quarantine, in the prescribed manner and before the prescribed time, to a quarantine officer located at the place that is applicable in respect of the aircraft under regulations made for the purposes of this subsection.

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*Action to be taken if report afterwards found to be incomplete or incorrect*

- (3) If, after any of the prescribed information is given to a quarantine officer under subsection (2), the commander or operator of the aircraft becomes aware that the information is incomplete or incorrect, the commander or operator, as the case may be, must cause the additional or correct information to be given to a quarantine officer as soon as practicable.

*Failure to give information*

- (4) A person is guilty of an offence if:
- (a) a requirement of this section applies to the person; and
  - (b) the person fails to comply with the requirement.

Maximum penalty: Imprisonment for 2 years.

Note: Subsection (4) is not subject to the privilege against self incrimination but a use derivative-use indemnity applies (see subsections 79A(1) and (2)).

*Knowingly giving false or misleading information*

- (5) A person is guilty of an offence if:
- (a) the person gives information, or causes information to be given, to a quarantine officer under a requirement made by this section (whether the requirement is made of that person or of another person); and
  - (b) the information is false or misleading in a material particular; and
  - (c) the person knows that the information is false or misleading in that particular.

Maximum penalty: Imprisonment for one year.

*Negligently giving false or misleading information*

- (6) A person is guilty of an offence if:
- (a) the person gives information, or causes information to be given, to a quarantine officer under a requirement made by this section (whether the requirement is made of that person or of another person); and



- (b) the information is false or misleading in a material particular;  
and
- (c) the person is negligent as to whether or not the information is false or misleading in that particular.

Maximum penalty for an offence against this subsection:  
Imprisonment for 6 months.

## **28 Quarantine officer may require master and medical officer of vessel or installation to answer questions**

*Quarantine officer may require master or medical officer to answer questions*

- (1) A quarantine officer may require any of the following:
  - (a) the master of an overseas vessel that has arrived, or is expected to arrive, at a port in Australia, the Cocos Islands or Christmas Island;
  - (b) the master of a vessel that has arrived or is expected to arrive:
    - (i) at a place in Australia (other than a place in the Protected Zone or in a Special Quarantine Zone declared in respect of Australia) from a place in any of those zones; or
    - (ii) at a place in the Cocos Islands (other than a place in a Special Quarantine Zone declared in respect of the Cocos Islands) from a place in such a zone; or
    - (iii) at a place in Christmas Island (other than a place in a Special Quarantine Zone declared in respect of Christmas Island) from a place in such a zone;
  - (c) the master of an overseas installation;
  - (d) the commander of an overseas aircraft that has landed, or is expected to land, at a place in Australia, the Cocos Islands or Christmas Island that is not a landing place;
  - (e) if a vessel, installation or aircraft referred to in paragraph (a), (b), (c) or (d) carries a medical officer—that medical officer;
  - (f) the agent of the operator of a vessel, installation or aircraft referred to in paragraph (a), (b), (c) or (d);

to answer questions asked by the quarantine officer about any prescribed matters that are relevant to the vessel, installation or aircraft.

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*How questions to be asked and answers to be given*

- (2) Any questions asked by a quarantine officer under subsection (1) may be oral or in writing and the quarantine officer may:
- (a) require the answers to be given orally; or
  - (b) require the answers to be given in writing.

*Requirement to verify answer by written declaration*

- (3) A quarantine officer may require a person who answers a question to verify the answer by making a written declaration.

*Action to be taken if answer found to be incorrect*

- (4) If, after a person answers a question asked under subsection (1), the person becomes aware that the answer is incorrect, the person must cause the correct answer to be sent to a quarantine officer as soon as possible.

*Failure to answer orally*

- (5) A person is guilty of an offence if:
- (a) the person is asked a question under subsection (1); and
  - (b) the person is required to answer the question orally; and
  - (c) the person fails to comply with the requirement.

Maximum penalty: 50 penalty units.

*Failure to answer in writing*

- (6) A person is guilty of an offence if:
- (a) the person is asked a question under subsection (1); and
  - (b) the person is required to answer the question in writing; and
  - (c) the person fails to comply with the requirement.

Maximum penalty: 50 penalty units.

*Failure to make written declaration*

- (7) A person is guilty of an offence if:
- (a) the person is required to verify an answer to a question by making a written declaration; and
  - (b) the person fails to comply with the requirement.

Maximum penalty: 50 penalty units.

*False or misleading answer*

- (8) A person is guilty of an offence if:
- (a) the person is asked a question under subsection (1); and
  - (b) the person gives an answer that the person knows to be false or misleading in a material particular.

Maximum penalty: Imprisonment for 5 years.

*False or misleading declaration*

- (9) A person is guilty of an offence if:
- (a) the person is asked to verify an answer to a question by making a written declaration; and
  - (b) the person makes a statement in the declaration that the person knows to be false or misleading in a material particular.

Maximum penalty: Imprisonment for 5 years.

*Failure to send correct answer*

- (10) A person is guilty of an offence if:
- (a) subsection (4) applies to the person; and
  - (b) the person fails to comply with that subsection.

Maximum penalty: 50 penalty units.

*Definition*

- (11) In this section:

***making a written declaration***, in relation to an answer to a question, means signing before an officer a written declaration as to the truth of the answer.

Note: The privilege against self incrimination does not apply in respect of requirements made under this section but a use derivative-use indemnity applies (see subsections 79A(1) and (2)).

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**29 People not to leave, or to remove goods from, vessel or installation that is subject to quarantine**

*Master leaving vessel or installation without permission*

- (1) The master of a vessel or installation that is subject to quarantine is guilty of an offence if he or she leaves the vessel or installation.

Maximum penalty: Imprisonment for 5 years.

*Exception*

- (1A) Subsection (1) does not apply if the master leaves the vessel or installation with the written permission of a quarantine officer.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A) (see subsection 13.3(3) of the *Criminal Code*).

*Master knowingly allowing person to leave or remove goods*

- (2) The master of a vessel or installation that is subject to quarantine is guilty of an offence if:
- (a) the master allows a person to leave, or allows a person to remove goods from, the vessel or installation; and
  - (b) the master knows that he or she does not have the written permission of a quarantine officer to allow the person to leave, or to allow the person to remove goods from, as the case may be, the vessel or installation.

Maximum penalty: Imprisonment for 5 years.

*Master negligently allowing person to leave or remove goods*

- (3) The master of a vessel or installation that is subject to quarantine is guilty of an offence if:
- (a) the master allows a person to leave, or allows a person to remove goods from, the vessel or installation; and
  - (b) a quarantine officer has not given written permission to the master to allow the person to leave, or to allow the person to remove the goods from, as the case may be, the vessel or installation; and
  - (c) the master is negligent as to whether or not the written permission has been given.

Maximum penalty: Imprisonment for 2 years.

*Power to give permissions*

- (4) A quarantine officer has power to give to a specified person, or to persons included in a specified class of persons, written permission to do a specified act, or a specified class of acts, during a specified period for the purposes of this section.

*Contravention of condition of permission*

- (5) The master of a vessel or installation is guilty of an offence if:
- (a) a permission that is given by a quarantine officer to the master for the purposes of this section is subject to a condition; and
  - (b) the condition is contravened.

Maximum penalty: Imprisonment for 2 years.

*Power of master to detain person or goods*

- (6) For the purpose of complying with this section, the master of a vessel or installation may detain any person or goods on the vessel or installation and may use any means reasonably necessary for that purpose.

**29A Animal or thing that has been exposed to an animal that has been killed or has died not to be removed from an overseas vessel or an overseas installation without permission**

*Animal or thing exposed to dead animal not to be removed*

- (1) Except as provided by subsection (2), none of the following may be removed from an overseas vessel or an overseas installation that is at a port or other place in Australia, the Cocos Islands or Christmas Island:
- (a) an animal that has been killed, or has died, on the vessel or installation;
  - (b) any thing that has been exposed to an animal that has been so killed or has so died.

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Note: As to the circumstances in which a thing is taken to have been exposed to an animal or a carcase of an animal, see section 5B.

*Animal or thing may be removed with permission*

- (2) Subsection (1) does not apply if a quarantine officer has given permission under subsection (3) for the removal.

*Quarantine officer may give permission*

- (3) A quarantine officer has power to give a written permission for a specified act, or a specified class of acts, to be done during a specified period for the purposes of this section.

*Offences*

- (4) The master of an overseas vessel or overseas installation that is at a port or other place in Australia, the Cocos Islands or Christmas Island is guilty of an offence if:
- (a) the master causes or permits another person to remove any animal or thing referred to in paragraph (1)(a) or (b) from the vessel or installation; or
  - (b) if a permission mentioned in subsection (4A) has been given by a quarantine officer for the removal of any animal or thing from the vessel or installation and the permission is subject to a condition:
    - (i) the condition has not been complied with; and
    - (ii) the master is negligent as to whether or not the condition has been complied with.

Maximum penalty: Imprisonment for 2 years.

*Exception*

- (4A) Paragraph (4)(a) does not apply if the removal is made with the written permission of a quarantine officer.

Note: A defendant bears an evidential burden in relation to the matter in subsection (4A) (see subsection 13.3(3) of the *Criminal Code*).

*Definition*

- (5) In this section:

*overseas vessel* includes:

- (a) in relation to Australia:
  - (i) a vessel that travels to or from a place in Australia that is in the Protected Zone; and
  - (ii) a vessel that travels from or through a Special Quarantine Zone in respect of Australia; and
- (b) in relation to the Cocos Islands—a vessel that travels from or through a Special Quarantine Zone in relation to the Cocos Islands; and
- (c) in relation to Christmas Island—a vessel that travels from or through a Special Quarantine Zone in respect of Christmas Island.

## **29B Directions about animals on vessels or installations**

### *Directions about animals*

- (1) A Director of Quarantine may give to the master of a vessel or installation referred to in subsection (2) that is at a port or other place in Australia, the Cocos Islands or Christmas Island a direction about:
  - (a) the confinement, isolation or control of an animal that is on board the vessel or installation; and
  - (b) the people (if any) who may be granted access to such an animal and the nature and extent of that access; and
  - (c) the disposal of an animal that has been killed, or has died, since it was brought on board the vessel or installation.

### *Vessels or installations at a port or other place in Australia that may be subject to directions*

- (2) The vessels or installations at a port or other place in Australia in respect of which directions may be given under subsection (1) are:
  - (a) an overseas vessel or an overseas installation; or
  - (b) a vessel that travels to or from a place in Australia that is in the Protected Zone; or
  - (c) a vessel that travels from or through a Special Quarantine Zone in respect of Australia; or
  - (d) another vessel or installation on which there are animals subject to quarantine.

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*Vessels or installations at a port or place in the Cocos Islands that may be subject to directions*

- (2A) The vessels or installations at a port or place in the Cocos Islands in respect of which directions may be given under subsection (1) are:
- (a) an overseas vessel or an overseas installation; or
  - (b) a vessel that travels from or through a Special Quarantine Zone in respect of the Cocos Islands; or
  - (c) another vessel or installation on which there are animals subject to quarantine.

*Vessels or installations at a port or place in Christmas Island that may be subject to directions*

- (2B) The vessels or installations at a port or place in Christmas Island in respect of which directions may be given under subsection (1) are:
- (a) an overseas vessel or an overseas installation; or
  - (b) a vessel that travels from or through a Special Quarantine Zone in respect of Christmas Island; or
  - (c) another vessel or installation on which there are animals subject to quarantine.

*Offences*

- (3) A person is guilty of an offence if:
- (a) a direction is given to the person under subsection (1); and
  - (b) the person fails to comply with the direction.

Maximum penalty: Imprisonment for 2 years.

**30 Persons prohibited from quitting vessels, installations and quarantine areas**

- (1) A person (not being a quarantine officer) who is on board a vessel subject to quarantine, or who is in a quarantine area, must not leave the vessel or quarantine area.

Maximum penalty: Imprisonment for 2 years.

- (1A) Subsection (1) does not apply if the person leaves the vessel or quarantine area with the authorisation of a quarantine officer.



Note: A defendant bears an evidential burden in relation to the matter in subsection (1A) (see subsection 13.3(3) of the *Criminal Code*).

- (2) A reference in subsection (1) to a vessel subject to quarantine shall be read as including a reference to an installation subject to quarantine.

### **31 Apprehension of persons liable to quarantine**

- (1) Any police officer or authorized person may, without warrant, apprehend:
- (a) any person who has, in contravention of this Act or the regulations, quitted any vessel subject to quarantine or any quarantine station; or
  - (b) any person subject to quarantine (not being a person who is so subject by reason only of being or having been in a quarantine area or under quarantine surveillance) who is found in any place not being in or part of a quarantine station.
- (1A) Any police officer or authorized person may, without warrant, apprehend any person who is subject to quarantine by reason of having been in a quarantine area and whom he or she believes to have left that area in contravention of this Act.
- (2) Any person apprehended under this section shall be brought before a magistrate or quarantine officer, who may, on proof to his or her satisfaction that the person so brought before him or her is subject to quarantine, order him or her to be taken to the vessel from which he or she has landed or to a quarantine station to perform quarantine, or to be taken to the quarantine area from which he or she came, and may by warrant authorize any police officer or other person to take him or her accordingly, or may order him or her to be dealt with in accordance with the regulations.
- (4) A reference in this section to a vessel subject to quarantine shall be read as including a reference to an installation subject to quarantine.

### **32 Mooring of vessels from declared places**

- (1) A vessel which has arrived at any port from a declared place and which has not been granted pratique having effect in that port shall

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be moored or berthed in the port in accordance with the directions of a quarantine officer (human quarantine) or as prescribed.

- (2) The master of a vessel shall not suffer or permit it to be moored or berthed in any port in contravention of this section.

Maximum penalty: Imprisonment for 5 years.

**32A Vessel coming from declared place may be directed not to enter a port**

- (1) A Director of Quarantine may direct the master of a vessel that:
- (a) is bound for a port in Australia, the Cocos Islands or Christmas Island; and
  - (b) comes from, or calls or lands at, a declared place;
- not to enter any port, or not to enter a specified port, in Australia, the Cocos Islands or Christmas Island.
- (2) The master of a vessel is guilty of an offence if:
- (a) a direction is given to the master under subsection (1); and
  - (b) the master fails to comply with the direction.

Penalty: Imprisonment for 5 years.

**32B Pratique in relation to certain overseas aircraft**

- (1) An overseas aircraft that arrives at a port in Australia, the Cocos Islands or Christmas Island, is taken to have been granted pratique at the time of its arrival.
- (2) However, subsection (1) does not apply, and is taken never to have applied, if:
- (a) the commander of the aircraft has, in accordance with section 22, notified a quarantine officer of the presence of a prescribed symptom, or the breaking out of a prescribed disease or an infectious disease, on board the aircraft; or
  - (b) the commander of the aircraft has given prescribed information, required by section 27B, to a quarantine officer; or
  - (c) the Director of Human Quarantine has given a direction, before the aircraft arrives, that pratique is not taken to have been granted under this section; or

- (d) a quarantine officer (human quarantine) advises the commander of the aircraft, before or after the aircraft arrives, that he or she is not satisfied that the aircraft is free from infection.
- (3) For the purpose of paragraph (2)(c), regulations may prescribe:
  - (a) the circumstances in which the Director of Human Quarantine may give a direction; and
  - (b) considerations the Director must take into account in giving a direction; and
  - (c) if paragraph (b) applies—whether the Director may take other considerations into account in giving the direction.
- (4) Pratique has effect at the port where the overseas aircraft lands, for as long as the aircraft remains at the port.

### **33 Pratique in relation to other overseas vessels**

- (1AA) This section does not apply to an overseas aircraft to which subsection 32B(1) applies.
- (1) Subject to subsection (2), where a quarantine officer (human quarantine) is satisfied that an overseas vessel at, or about to arrive at, a port in relation to which the vessel has not been granted pratique is free from infection, the quarantine officer (human quarantine) shall grant the vessel pratique having effect in that port and such other ports as he or she considers appropriate.
- (1A) Subject to subsection (2), where:
  - (a) an overseas vessel is:
    - (i) in accordance with the permission of the Minister given under section 20AA; or
    - (ii) by reason of stress of weather or other reasonable cause; at, or about to arrive at, a place in Australia, the Cocos Islands or Christmas Island other than a port declared to be a first port of entry, a first Cocos Islands port of entry or a first Christmas Island port of entry, as the case may be; and
  - (b) a quarantine officer (human quarantine) is satisfied that the vessel is free from infection;the quarantine officer (human quarantine) shall grant the vessel pratique having effect in that place and at such ports as he or she considers appropriate.

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- (2) A quarantine officer (human quarantine) may refuse to grant a vessel pratique if the quarantine officer (human quarantine) has reasonable grounds to believe that section 75A applies to the vessel.
- (3) Pratique shall be granted to a vessel by giving the master of the vessel a certificate of pratique in a form approved by the Director of Human Quarantine or by giving the master particulars of the pratique by radio message or otherwise, but, where pratique is granted otherwise than by the giving of a certificate of pratique, a quarantine officer (human quarantine) shall give the master a certificate of pratique in a form approved by the Director of Human Quarantine as soon as practicable after the vessel arrives at the first port or place in which the pratique has effect.
- (4) Pratique may be pratique having effect in:
- (a) all places in Australia, or in the Cocos Islands, or in Christmas Island; or
  - (b) all ports in Australia, or in the Cocos Islands, or in Christmas Island, other than landing places; or
  - (c) all landing places in Australia, or in the Cocos Islands, or in Christmas Island; or
  - (d) all places in a part of Australia, a part of the Cocos Islands, or a part of Christmas Island, that is specified by the quarantine officer (human quarantine) granting the pratique; or
  - (e) all ports in a part of Australia, a part of the Cocos Islands, or a part of Christmas Island, that is specified by the quarantine officer (human quarantine) granting the pratique, other than landing places; or
  - (f) all landing places in a part of Australia, a part of the Cocos Islands, or a part of Christmas Island, that is specified by the quarantine officer (human quarantine) granting the pratique; or
  - (g) a particular port, or particular ports, in Australia, in the Cocos Islands, or in Christmas Island, that are specified by the quarantine officer (human quarantine) granting the pratique; or
  - (h) all Australian installations, or Australian installations specified by the quarantine officer (human quarantine) granting the pratique.

- (5) Pratique may be pratique having effect for a period specified by the quarantine officer (human quarantine) granting it.
- (6) Pratique may relate to all measures of quarantine or to measures of quarantine specified by the quarantine officer (human quarantine) granting the pratique.

### **33A Grant of pratique to installations**

- (1) Where a quarantine officer (human quarantine) is satisfied that an overseas installation is free from infection, the quarantine officer (human quarantine) shall grant the installation pratique having effect in a place at which the installation is, or is to be, attached or installed, as the case requires, and in such other places (including ports) as he or she considers appropriate.
- (2) Pratique shall be granted to an overseas installation by giving the master of the installation a certificate of pratique in a form approved by the Director of Human Quarantine or by giving the master particulars of the pratique by radio message or otherwise, but, where pratique is granted to an installation otherwise than by the giving of a certificate of pratique, the quarantine officer (human quarantine) shall give the master of the installation a certificate of pratique in a form approved by the Director of Human Quarantine as soon as practicable after the installation is:
  - (a) if the installation is an overseas resources installation—attached to the Australian seabed; or
  - (b) if the installation is an overseas sea installation—installed in an adjacent area or in a coastal area.
- (3) Pratique granted under this section may be pratique having effect for a period specified by the quarantine officer (human quarantine) granting it.
- (4) Pratique granted under this section may relate to all measures of quarantine or to measures of quarantine specified by the officer granting the pratique.

### **34 Quarantine surveillance**

- (1) Where a vessel has arrived at any port from a declared place, or is subject to quarantine, and the quarantine officer (human quarantine) is satisfied that no person on board is actually suffering

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from a quarantinable disease, but is not satisfied that the vessel is free from infection, he or she may, subject to this section:

- (a) refrain from granting pratique;
  - (b) permit the vessel to proceed on its voyage without performing quarantine at a quarantine station;
  - (c) permit any passengers for that port and their effects to be landed;
  - (ca) permit any members of the crew and their effects to leave the vessel; or
  - (d) permit any cargo on the vessel for that port to be landed.
- (2) The vessel shall continue to be subject to quarantine until pratique is granted.
- (3) All persons landed in pursuance of this section shall continue subject to quarantine until such period as is prescribed, and, while so subject, shall be under quarantine surveillance and shall comply with the regulations relating to quarantine surveillance.

Maximum penalty: 20 penalty units.

- (4) Any cargo or passengers' effects that are landed under this section are to be treated in such manner as a quarantine officer directs.
- (5) A person who is the importer, or has control, of any cargo or passengers' effects that are landed under this section is guilty of an offence if:
- (a) a direction is given to the person under subsection (4) in relation to the cargo or effects; and
  - (b) the person fails to comply with the direction.

Maximum penalty: 20 penalty units.

- (6) An offence against this section is an offence of strict liability.

## **Division 2—Performance of quarantine**

### **35 Order to perform quarantine**

- (1) A quarantine officer may, by order in writing, order into quarantine any vessel, Australian installation, resources installation that is in Australian waters for the purpose of becoming attached to the Australian seabed, sea installation that is in Australian waters for the purpose of being installed in an adjacent area or in a coastal area, person, or goods (whether subject to quarantine or not), being or likely to be, in his or her opinion, infected with a quarantinable disease or quarantinable pest or a source of infection with a quarantinable disease or quarantinable pest.
- (1AAAA) In deciding whether a person is, or is likely to be, infected with a quarantinable disease or quarantinable pest or a source of infection with a quarantinable disease or quarantinable pest, the quarantine officer may seek an opinion from a medical practitioner.
- (1AAA) A quarantine officer may, by order in writing, order into quarantine any goods that, in his or her opinion, are or are likely to be quarantinable pests or quarantinable diseases.
- (1AA) A quarantine officer may, by order in writing, order into quarantine any goods (whether subject to quarantine or not) in the Cocos Islands that, in his or her opinion, are, or are likely to be, infected with, or a source of infection with, a disease or pest.
- (1AB) A quarantine officer may, by order in writing, order into quarantine any goods (whether subject to quarantine or not) in Christmas Island that, in his or her opinion, are, or are likely to be, infected with, or a source of infection with, a disease or pest.
- (1A) A quarantine officer (human quarantine) may, by order in writing, order into quarantine any person, being a person who is or has been on board an overseas vessel or overseas installation, who fails to satisfy the quarantine officer (human quarantine) that he or she has, within the prescribed period, been successfully vaccinated or inoculated against any prescribed disease.
- (1B) In deciding whether a person has been successfully vaccinated or inoculated against any prescribed disease, the quarantine officer

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(human quarantine) may seek an opinion from a medical practitioner.

- (1C) If a quarantine officer (human quarantine) orders a person into quarantine under subsection (1A), the officer must also:
- (a) inform the person of his or her right to request an independent medical assessment as allowed by section 35C; and
  - (b) notify the Director of Human Quarantine, in writing, of the order as soon as practicable.
- (2) If a vessel has arrived in Australia, the Cocos Islands or Christmas Island from a declared place the quarantine officer shall (except as prescribed) order it into quarantine.
- (2A) After an overseas installation has arrived in Australian waters from a declared place, the quarantine officer shall (except as prescribed) order the installation into quarantine.
- (3) The order may:
- (a) in the case of any vessel or installation, and all persons and goods on board the vessel or installation, be served on the master of the vessel or installation; or
  - (b) in the case of any person, be served on the person; or
  - (c) in the case of any goods, be served on the importer, owner, consignee or any person having possession or custody of the goods.
- (4) When the order has been served in accordance with this section, the vessel or installation, and all persons and goods on board the vessel or installation, or the person or goods, as the case may be, shall be deemed to be ordered into quarantine.
- (5) In this section:

*medical practitioner* means a person who is registered as a medical practitioner in a State or Territory.

**35AA Medical examination for possible pulmonary tuberculosis**

- (1) Where a quarantine officer (human quarantine) is not satisfied that a person, being a non-citizen, is not suffering from active pulmonary tuberculosis, the quarantine officer (human quarantine)
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may, by order in writing served on the person, require him or her to undergo, within a time and at a place specified in the order, a medical examination in accordance with subsection (2).

- (2) The medical examination referred to in subsection (1) shall:
  - (a) be carried out by, or under the supervision of, a person registered as a medical practitioner in a State or Territory, being a person approved by the Minister for the purposes of this section; and
  - (b) be such examination as that person considers necessary to ascertain whether or not the person to be examined is suffering from active pulmonary tuberculosis.
- (3) If a person fails to comply with an order under subsection (1), a quarantine officer (human quarantine) may, by order in writing served on the person, order him or her into quarantine.
- (4) Where a quarantine officer is of the opinion that a person, being a non-citizen, is, or is likely to be, suffering from active pulmonary tuberculosis, the quarantine officer (human quarantine) may, by order in writing served on the person, order the person into quarantine.
- (4A) If a quarantine officer (human quarantine) orders a person into quarantine under subsection (3) or (4), the officer must also:
  - (a) inform the person of his or her right to request an independent medical assessment as allowed by section 35C; and
  - (b) notify the Director of Human Quarantine, in writing, of the order as soon as practicable.
- (5) A quarantine officer (human quarantine) may release under quarantine surveillance a person ordered into quarantine under this section.
- (6) The regulations may provide that this section does not apply to a person included in a prescribed class of persons.
- (7) In this section, ***non-citizen*** has the same meaning as in the *Migration Act 1958*.

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**35A Vessel or installation having a communicable disease on board**

*Circumstances in which section applies*

- (1) This section applies if:
- (a) a vessel or installation has on board any case of communicable disease (the *disease*); and
  - (b) a quarantine officer (human quarantine) certifies that measures of quarantine are necessary to prevent the disease from spreading.

*Direction as to measures of quarantine to be taken*

- (2) The Chief Quarantine Officer (Human Quarantine) or a quarantine officer (human quarantine) may direct:
- (a) the measures to be taken for the treatment of the vessel or installation; and
  - (b) any other measures of quarantine to be taken:
    - (i) in relation to the vessel or installation or any goods on it; or
    - (ii) in relation to any people who are or have been on board the vessel or installation or any of their clothing or personal effects;
- and may give directions as to the persons who are to take the measures.

*People may be ordered into quarantine*

- (3) A quarantine officer (human quarantine) may order into quarantine any people who are or have been on board the vessel or installation and are suffering or suspected to be suffering, or have been exposed to infection, from the disease.

*Medical opinion may be sought*

- (3A) In deciding whether a person is suffering or suspected to be suffering from the disease, a quarantine officer (human quarantine) may seek an opinion from a medical practitioner.

*Director of Human Quarantine to be notified*

- (3B) If a quarantine officer (human quarantine) orders a person into quarantine under subsection (3), the officer must also:
- (a) inform the person of his or her right to request an independent medical assessment as allowed by section 35C; and
  - (b) notify the Director of Human Quarantine, in writing, of the order as soon as practicable.

*People ordered into quarantine may be removed to quarantine station*

- (4) A quarantine officer (human quarantine) may cause any people so ordered into quarantine to be removed to a quarantine station.

*People subject to quarantine*

- (5) People suffering, or suspected to be suffering, from the disease are taken to be subject to quarantine even if the disease has not been proclaimed to be a quarantinable disease.

*Offences for failure to take measures*

- (6) A person is guilty of an offence if:
- (a) a direction is given to the person under subsection (2) to take specified measures; and
  - (b) the person fails to comply with the direction.

Maximum penalty: Imprisonment for 2 years.

*Master knowingly or recklessly permitting person suffering from disease to leave vessel or installation*

- (7) The master of the vessel or installation is guilty of an offence if:
- (a) a person is suffering from the disease or has been exposed to infection from the disease; and
  - (b) the master permits the person to leave the vessel or installation; and
  - (c) the master knows that, or is reckless as to whether or not, the person is suffering from the disease or has been exposed to infection from the disease.

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Maximum penalty: Imprisonment for 5 years.

*Master negligently permitting person suffering from disease to leave vessel or installation*

- (8) The master of the vessel or installation is guilty of an offence if:
- (a) a person is suffering from the disease or has been exposed to infection from the disease; and
  - (b) the master permits the person to leave the vessel or installation; and
  - (c) the master is negligent as to whether or not the person is suffering from the disease or has been exposed to infection from the disease.

Maximum penalty: Imprisonment for 3 years.

*Person suffering from disease leaving vessel or installation without permission*

- (9) A person is guilty of an offence if:
- (a) the person is suffering, or suspects that he or she is suffering, from the disease or from any other communicable disease; and
  - (b) the person leaves the vessel or installation.

Maximum penalty: Imprisonment for 5 years.

*Person in charge of another person allowing the other person to leave the vessel or installation without permission*

- (10) A person (the **first person**) is guilty of an offence if:
- (a) the first person is in charge of another person who is on board the vessel or installation; and
  - (b) the first person allows the other person to leave the vessel or installation; and
  - (c) the first person knows that, or is reckless as to whether or not, the other person is suffering from the disease or from any other communicable disease.

Maximum penalty: Imprisonment for 5 years.

*Exception*

- (10A) Subsections (7), (8), (9) and (10) do not apply if the person leaves the vessel or installation with the permission of a quarantine officer (human quarantine).

Note: A defendant bears an evidential burden in relation to the matter in subsection (10A) (see subsection 13.3(3) of the *Criminal Code*).

*Definition*

- (11) In this section:

***installation*** means:

- (a) an Australian resources installation; or
- (b) a resources installation that is in Australian waters for the purpose of becoming attached to the Australian seabed; or
- (c) an Australian sea installation; or
- (d) a sea installation that is in Australian waters for the purpose of becoming installed in an adjacent area or in a coastal area.

***medical practitioner*** means a person who is registered as a medical practitioner in a State or Territory.

### **35B Release from quarantine**

- (1) A person ordered into quarantine under section 35, 35AA or 35A must be released from quarantine once the person receives a certificate of release from a quarantine officer (human quarantine) authorising his or her release.
- (2) In deciding whether to give a person a certificate of release, a quarantine officer (human quarantine) may seek an opinion from a medical practitioner.
- (3) If a quarantine officer (human quarantine) gives a person a certificate of release, the officer must also notify the Director of Human Quarantine, in writing, of the person's release as soon as practicable.
- (4) In this section:

***medical practitioner*** means a person who is registered as a medical practitioner in a State or Territory.

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**35C Person ordered into quarantine may seek an independent medical assessment**

- (1) A person ordered into quarantine under section 35, 35AA or 35A who is, or is likely to be, suffering from a human quarantinable disease or a communicable disease, may request that a quarantine officer (human quarantine) arrange for a medical practitioner, nominated by the person, to provide the person with a written independent medical assessment of the person's condition.
- (2) The quarantine officer (human quarantine) must arrange for the independent medical assessment to be provided if:
  - (a) the person agrees to pay any fee or other amount required by the medical practitioner for providing the assessment; and
  - (b) the medical practitioner agrees to provide the assessment.
- (3) A person may not make a request under subsection (1) during any period while:
  - (a) a Proclamation by the Governor-General under section 2B declaring the existence of an epidemic is in force; or
  - (b) the Minister is taking quarantine measures, or measures incidental to quarantine, under section 12A.
- (4) A person who has been provided with a medical assessment may not make a further request under subsection (1) unless 72 hours have passed since that assessment was provided.
- (5) In this section:

*medical practitioner* means a person who is registered as a medical practitioner under a State or Territory law.

**35D Chief Quarantine Officer (Human Quarantine) must assess whether a person is to remain in quarantine**

- (1) A Chief Quarantine Officer (Human Quarantine) must assess whether a person is to remain in quarantine if:
  - (a) an independent medical assessment is provided to the person in accordance with section 35C; and
  - (b) the person gives a copy of the assessment to a quarantine officer (human quarantine).

- (2) In making his or her assessment, the Chief Quarantine Officer (Human Quarantine) must take into account the independent medical assessment.
- (3) Subsection (2) does not limit the matters that the Chief Quarantine Officer (Human Quarantine) may take into account.

### **36 Master may be directed to take vessel or installation into quarantine**

*Direction to take vessel or installation to quarantine station or other place*

- (1) When a vessel or installation is ordered into quarantine, a quarantine officer may direct the master of the vessel or installation to cause it, and all people and goods on board it, to be immediately taken to such quarantine station or other place or places as are stated in the direction for the purpose of performing quarantine.

*Direction to take vessel or installation to place for treatment*

- (2) When a vessel or installation ordered into quarantine has to be treated in any way, a quarantine officer may direct the master of the vessel or installation to take it to a place stated in the direction for the purpose of being treated.

*Offence*

- (3) A person is guilty of an offence if:
  - (a) a direction is given to the person under this section; and
  - (b) the person fails to comply with the direction.

Maximum penalty: Imprisonment for 5 years.

### **37 When vessel or installation deemed to be in quarantine**

A vessel or installation ordered into quarantine, although not actually within a quarantine station, shall be deemed to be in quarantine.

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**38 Particulars to be given**

- (1) When the vessel arrives at the appointed quarantine station, the master shall, on request, produce and deliver to the officer in charge of the quarantine station his or her passenger list, log, manifest, journal, and other ship's papers.

Maximum penalty: 50 penalty units.

- (1A) When an installation has been ordered into quarantine the master shall, on request by the quarantine officer, produce and deliver to the officer such documents in his or her possession or control as the officer requests.

Maximum penalty: 50 penalty units.

- (2) Subsection (1) has effect, in relation to a vessel in the Cocos Islands, as if:
- (a) the reference in that subsection to the appointed quarantine station included a reference to the appointed place in the Cocos Islands; and
  - (b) the reference in that subsection to the officer in charge of the quarantine station included a reference to a quarantine officer in the Cocos Islands.
- (3) An offence against this section is an offence of strict liability.

**39 Performance of quarantine by vessel or installation**

- (1) Every vessel in quarantine shall, subject to this Act, perform quarantine at the appointed quarantine station, and for that purpose may be there detained by a quarantine officer or any authorized person until released in accordance with this Act, and whilst so detained shall be subject to the regulations relating to the performance of quarantine and every installation in quarantine shall, subject to this Act, perform quarantine at such place as the quarantine officer directs and whilst performing quarantine, shall be subject to the regulations relating to the performance of quarantine.
- (2) Subsection (1) has effect, in relation to a vessel in the Cocos Islands, as if the reference in that subsection to the appointed quarantine station included a reference to the appointed place in the Cocos Islands.



- (3) Subsection (1) has effect, in relation to a vessel in Christmas Island, as if the reference in that subsection to the appointed quarantine station included a reference to the appointed place in Christmas Island.

#### **40 Vessel or installation in quarantine not to be moved without permission**

- (1) The master of a vessel or installation that is in quarantine is guilty of an offence if he or she allows the vessel or installation to be moved.

Maximum penalty: Imprisonment for 2 years.

- (1A) Subsection (1) does not apply if the vessel or installation is moved with the written permission of a quarantine officer.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A) (see subsection 13.3(3) of the *Criminal Code*).

- (2) A quarantine officer may give permission for a vessel or installation that is in quarantine to be moved.
- (3) The master of a vessel or installation that is in quarantine is guilty of an offence if:
- (a) a permission given by a quarantine officer for the movement of the vessel or installation is subject to a condition; and
  - (b) the condition has not been complied with; and
  - (c) the master is negligent as to whether or not the condition has been complied with.

Maximum penalty: Imprisonment for 2 years.

#### **41 Removal from vessel to perform quarantine**

- (1) For the purpose of the performance of quarantine, any persons on board a vessel subject to quarantine may be removed from the vessel by a quarantine officer at any port (notwithstanding that the port is not their port of destination) and conveyed to and detained in a quarantine station there to perform quarantine.
- (2) All persons removed from a vessel in pursuance of this section shall be entitled to be provided with free passages to their ports of destination forthwith after being released from quarantine.

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#### 42 Power to permit vessel to proceed on voyage

The Minister administering the Department that deals with human quarantine may, if he or she thinks fit, permit any vessel in quarantine to proceed on its voyage with its officers, crew, and passengers, or any of them, without performing quarantine at the quarantine station at the port or landing place at which it then is; but the vessel and its officers, crew, and passengers shall not thereby be released from quarantine, but shall, while in Australia and until released from quarantine, be deemed to be in quarantine, and shall, except as prescribed or as ordered by the Minister administering that Department, be subject to this Act and the regulations to the same extent as if they were performing quarantine at a quarantine station.

#### 44 Goods not to be removed

- (1) When a vessel or installation is in quarantine then, until the vessel or installation is released from quarantine, no unauthorized person shall land or unship, or move with intent to land or unship, any goods from the vessel or installation.

Maximum penalty: Imprisonment for 10 years.

*Penalty for receiving quarantinable goods*

- (2) A person must not receive or have in his or her possession any goods landed or unshipped from any vessel or installation in contravention of this section.

Maximum penalty: Imprisonment for 10 years.

- (3) If a vessel or installation is displaying flags, lights or other signals that clearly indicate that the vessel or installation is in quarantine:
  - (a) any unauthorised person who lands or unships goods from the vessel or installation, or moves goods on the vessel or installation, is presumed, in the absence of evidence to the contrary, to have intended to land or unship the goods, or to have moved the goods in order to land or unship them, as the case may be; and
  - (b) any person who receives or has in his or her possession any goods landed or unshipped from the vessel or installation is presumed, in the absence of evidence to the contrary, to have

known that the goods were landed or unshipped from the vessel or installation.

Note: In a prosecution for an offence against this section, the defendant bears an evidential burden of proof in respect of evidence to the contrary.

#### **44A Removal from vessels or installations of goods in quarantine**

- (1) In this section, *prescribed vessel* means a vessel that is not subject to quarantine.
- (2) A person must not remove from a prescribed vessel any goods on the vessel that are subject to quarantine.

Maximum penalty: Imprisonment for 10 years.

- (3) The master of a prescribed vessel must not permit to be removed from the vessel any goods on the vessel that are subject to quarantine.

Maximum penalty: Imprisonment for 10 years.

- (3A) Subsections (2) and (3) do not apply if the goods:
  - (a) form part of the cargo of the vessel that is to be landed in the country, being Australia, the Cocos Islands or Christmas Island, where the vessel is; or
  - (b) are removed with the permission of a quarantine officer or in compliance with this Act or the Regulations.

Note: A defendant bears an evidential burden in relation to the matters in subsection (3A) (see subsection 13.3(3) of the *Criminal Code*).

- (3A) Subsections (2) and (3) do not apply if the goods:
  - (a) form part of the cargo of the vessel that is to be landed in the country, being Australia or the Cocos Islands, where the vessel is; or
  - (b) are removed with the permission of a quarantine officer or in compliance with this Act or the regulations.

Note: A defendant bears an evidential burden in relation to the matters in subsection (3A) (see subsection 13.3(3) of the *Criminal Code*).

- (4) If a quarantine officer so directs, a person shall not land from a prescribed vessel any goods on the vessel that are subject to quarantine and form part of the cargo of the vessel that is to be

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landed in the country, being Australia, the Cocos Islands or Christmas Island, where the vessel is.

Maximum penalty: Imprisonment for 10 years.

- (5) If a person lands from a prescribed vessel any goods that are subject to quarantine and form part of the cargo of the vessel, he or she shall not land them at a place other than:
- (a) a part of the precincts of a wharf or airport that is a part approved for the purposes of this subsection by a Director of Quarantine; or
  - (b) where the vessel has, in accordance with the permission of the Minister given under section 20AA, been brought to an Australian installation—a part of the installation approved for the purposes of this subsection by the Minister.

Maximum penalty: Imprisonment for 10 years.

- (6) Subsection (5) does not apply if the person lands the goods at a place with the permission of a quarantine officer.

Note: A defendant bears an evidential burden in relation to the matter in subsection (6) (see subsection 13.3(3) of the *Criminal Code*).

**44B Landed cargo in quarantine**

*Goods to which section applies*

- (1) This section applies to goods that:
- (a) formed part of the cargo of a vessel; and
  - (b) are landed in Australia, the Cocos Islands or Christmas Island; and
  - (c) are subject to quarantine.

*Actions to which section applies*

- (2) The following are **relevant acts** in relation to goods:
- (a) moving the goods:
    - (i) from the part of the precincts of the wharf or airport, or from the Australian installation, where they were landed; or
    - (ii) from a place to which they have been moved with the consent of a quarantine officer;

- (b) dealing with the goods;
- (c) interfering with the goods.

*Offence for doing act without permission*

- (3) A person is guilty of an offence if:
  - (a) the person does a relevant act in relation to goods; and
  - (b) the person does not have the permission of a quarantine officer under subsection (6) or of a Director of Quarantine under subsection (7) to do the act.

Maximum penalty: Imprisonment for 10 years.

*Offence for doing an act recklessly in contravention of condition of permission*

- (4) A person is guilty of an offence if:
  - (a) the person does a relevant act in relation to goods; and
  - (b) the person has the permission of a quarantine officer under subsection (6) or of a Director of Quarantine under subsection (7) to do the act; and
  - (c) the permission is subject to a condition; and
  - (d) the condition is contravened; and
  - (e) the person is reckless as to whether or not the condition is contravened.

Maximum penalty: Imprisonment for 10 years.

*Defence*

- (5) It is a defence to a prosecution for an offence against subsection (3) or (4) if the defendant proves that the relevant act was done for the purpose of taking the goods, in accordance with conditions specified by a quarantine officer, from the part of the precincts of the wharf or airport where the goods were landed in Australia, the Cocos Islands or Christmas Island to a port at which the goods are permitted to enter Australia, the Cocos Islands or Christmas Island, as the case may be.

Note: A defendant bears a legal burden in relation to a matter mentioned in subsection (5) (see subsection 13.4 of the *Criminal Code*).

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*Permission by quarantine officer*

- (6) A quarantine officer may give permission to a person to do a specified relevant act in relation to specified goods.

*Permission by Director of Quarantine*

- (7) A Director of Quarantine may give permission to a person to do one or more relevant acts in relation to goods included in a specified class of goods.

*No specified criteria for granting permission*

- (8) In deciding whether to give permission, a quarantine officer or a Director of Quarantine may have regard to such matters as he or she thinks relevant.

**44C Examination of goods on importation**

- (1) A quarantine officer or an authorized person may examine any imported goods that have not been released from quarantine.
- (2) The quarantine officer must:
- (a) if he or she is of the opinion that there is an unacceptably high level of quarantine risk in respect of the goods—order the goods into quarantine; or
  - (b) otherwise—release the goods from quarantine.
- (5) In this section, **goods** does not include an animal within the meaning of section 52 or a plant.

**44D Examination of imported goods**

- (1) A quarantine officer or an authorized person may examine any imported goods that have been released from quarantine.
- (2) If, after the examination of the goods under subsection (1), a quarantine officer is of the opinion that there is an unacceptably high level of quarantine risk in respect of the goods, the officer must order the goods into quarantine.
- (3) In this section, **goods** does not include an animal within the meaning of section 52 or a plant.

#### **45 Performance of quarantine by persons**

- (1) All persons ordered into quarantine shall perform quarantine, and for that purpose may:
- (a) be detained on board the vessel or installation;
  - (b) be detained upon the premises upon which they are found;
  - (c) be removed to and detained in a quarantine station; or
  - (d) be removed to and detained in any suitable place or building approved by a quarantine officer (which place or building shall, for the purposes of this Act, be deemed to be a quarantine station);
- until released in accordance with this Act or the regulations; and while so detained shall be subject to the regulations regulating the performance of quarantine and the government of quarantine stations.

##### *Penalty for breach of regulations*

- (2) No person ordered into quarantine shall commit any breach of the regulations regulating the performance of quarantine or the government of quarantine stations.

Maximum penalty: 30 penalty units.

##### *Quarantine surveillance*

- (3) Where a person ordered into quarantine is not, in the opinion of a quarantine officer, actually suffering from a quarantinable disease, the quarantine officer may release the person under quarantine surveillance.
- (3A) A person released under subsection (3) shall, while he or she is under quarantine surveillance, report to such person at such times and places as are directed by a quarantine officer.

Maximum penalty: 50 penalty units.

- (4) Any person who is under quarantine surveillance must comply with the regulations relating to quarantine surveillance.

Maximum penalty: 30 penalty units.

- (5) An offence against this section is an offence of strict liability.

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**46 Release from quarantine**

When quarantine has been performed by any vessel, installation or person in accordance with this Act and the regulations, the vessel, installation or person, as the case may be, shall forthwith be released from quarantine.

**46A Approvals for the purpose of goods subject to quarantine**

*Giving of approvals*

- (1) A Director of Quarantine may, on application by the owner or occupier of a place and on payment of the prescribed fee, by writing:
  - (a) approve the place as a place where goods of a specified class that are subject to quarantine may be treated or otherwise dealt with; and
  - (b) if a place is so approved—approve goods of that class being moved, dealt with or interfered with in a way set out in the approval while they are at that place.

*Applications for approvals*

- (2) Applications for approvals are to contain such information, and be accompanied by such documents, as a Director of Quarantine determines.

*Applicant may be required to make declaration*

- (3) Without limiting subsection (2) but subject to Part VIIC of the *Crimes Act 1914*, a Director of Quarantine may require a person who applies for an approval to make and sign a written declaration before an officer stating:
  - (a) whether the person has been convicted of:
    - (i) an offence against this Act; or
    - (ii) an offence against the *Customs Act 1901* in relation to the importation or movement of, or an interference with, goods; or
    - (iii) an offence against any other law of the Commonwealth prescribed for the purposes of this section; or
    - (iv) an offence against any law of a State or a Territory prescribed for the purposes of this section; and



- (b) whether a previous application under subsection (1) by the person has been granted or refused; and
- (c) whether any approval given under this section or under any other provision of this Act to, or on the application of, the person has been suspended or revoked.

*Criteria for giving approvals*

- (4) In deciding whether to give an approval, the Director of Quarantine must take into account:
  - (a) whether the procedures proposed in the application to be carried out (the *proposed procedures*) in relation to the goods at the place:
    - (i) can be carried out without an unacceptably high level of quarantine risk; and
    - (ii) can be carried out without any contravention of this Act; and
    - (iii) will be capable of being effectively monitored to determine whether this Act is being complied with; and
    - (iv) will be of such a nature as will enable the correctness of any oral or written statements made in connection with the application for the approval to be determined; and
  - (b) whether the proposed arrangements for the management and control of the place and the operational practices proposed to be carried out at the place are adequate, having regard to the nature of the goods, the proposed procedures and the level of quarantine risk; and
  - (c) whether the location of the place is appropriate, and whether the construction of the premises, equipment and other facilities and the services provided at the place are adequate, having regard to the nature of the goods, the proposed procedures and the level of quarantine risk; and
  - (d) whether the place is sufficiently close to the nearest place where duties are regularly performed by quarantine officers who could appropriately be called upon to check whether this Act is being complied with in relation to the place and the goods; and
  - (e) whether the applicant has the capacity to comply with the proposed procedures; and
  - (f) whether any person who manages or controls, or is an occupier of, the place or would be carrying out the proposed

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procedures, has, subject to Part VIIC of the *Crimes Act 1914*, been convicted of:

- (i) an offence against this Act; or
- (ii) an offence against the *Customs Act 1901* in relation to the importation or movement of, or an interference with, goods; or
- (iii) an offence against any other law of the Commonwealth prescribed for the purposes of this section; or
- (iv) an offence against any law of a State or a Territory prescribed for the purposes of this section; and
- (g) any other matters that the Director thinks relevant.

*Period of approval*

- (5) An approval has effect for a period (not exceeding one year) specified in the approval but, subject to subsection (6), may be renewed on one or more occasions.

*When application to be made*

- (6) An application for the renewal of an approval is to be made:
  - (a) within the period of 3 months immediately before the end of the period of approval; or
  - (b) if a Director of Quarantine consents, after the end of the period of approval.

*Renewal given after expiry of approval to have retrospective effect*

- (7) If an approval is renewed at any time after the end of the period of approval, the period for which the renewed approval has effect is taken to have begun at the end of the period of the previous approval.

*Offences for recklessly contravening conditions*

- (8) A person is guilty of an offence if:
  - (a) an approval was given to the person subject to a condition; and
  - (b) the condition is contravened; and
  - (c) the person is reckless as to whether or not the condition is contravened.

Maximum penalty: Imprisonment for 2 years.

*Criteria for suspending or revoking approvals*

- (9) The grounds on which a Director of Quarantine may suspend or revoke an approval are:
- (a) that any of the procedures (the *procedures*) carried out in relation to the goods at the approved place:
    - (i) cannot be carried out without an unacceptably high level of quarantine risk; or
    - (ii) cannot be carried out without a contravention of this Act; or
    - (iii) are not capable of being effectively monitored to determine whether this Act is being complied with; or
    - (iv) are of such a nature as will not enable the correctness of an oral or written statement made in connection with the application for the approval to be determined; or
  - (b) that the arrangements for the management and control of the place or the operational practices carried out at the place are not adequate, having regard to the nature of the goods, the procedures and the level of quarantine risk; or
  - (c) that the location of the place is not appropriate, or the construction of the premises, equipment or other facilities or the nature of the services provided at the place is not adequate, having regard to the nature of the goods, the procedures and the level of quarantine risk; or
  - (d) that the place is not sufficiently close to the nearest place where duties are regularly performed by quarantine officers who could appropriately be called upon to check whether this Act is being complied with in relation to the place and the goods; or
  - (e) that the applicant has not complied with any one or more of the procedures; or
  - (f) that a person who manages or controls, or is an occupier of, the place or is carrying out any of the procedures, has, subject to Part VIIC of the *Crimes Act 1914*, been convicted of:
    - (i) an offence against this Act; or

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- (ii) an offence against the *Customs Act 1901* in relation to the importation or movement of, or an interference with, goods; or
- (iii) an offence against any other law of the Commonwealth prescribed for the purposes of this section; or
- (iv) an offence against any law of a State or a Territory prescribed for the purposes of this section; or
- (g) that a condition to which the approval of the place is subject has been contravened; or
- (h) any other matter that the Director thinks relevant.

*Notice of suspension, variation or revocation*

- (10) If an approval is suspended, varied or revoked, written notice of the suspension, variation or revocation, stating the grounds for it, is to be given as soon as practicable to the person who applied for the approval.

*Action to be taken if approval expires or is suspended or revoked*

- (11) If an approval expires, or is suspended or revoked, a Director of Quarantine:
- (a) may, by written notice given to the person who applied for the approval, require the person to take, within a period stated in the notice:
    - (i) if the approval was an approval of a place—such action with respect to the place or goods at the place as is so stated; or
    - (ii) if the approval was an approval of a class of goods—such action with respect to goods of that class at the place as is so stated; and
  - (b) if the action is not taken within the stated period—may, by written notice given to another person who is able to take the action, direct the other person to take the action within a period stated in the notice.

*Offence for failing to take action*

- (12) A person is guilty of an offence if:
- (a) a notice is given to the person under subsection (11); and
  - (b) the person fails to comply with the notice.

Maximum penalty: Imprisonment for 2 years.

*Application of section to renewal of approval*

- (13) This section applies to an application for, to the giving of, and to the suspension, variation or revocation of, the renewal of an approval in the same way as it applies to an application for, to the giving of, and to the suspension, variation or revocation of, an approval.

*Definition*

- (14) In this section:

**goods** has the meaning given by subsection 5(1), and includes a vessel.

*Interpretation*

- (15) Subsection (14) does not affect the meaning of **goods** in any other provision of this Act.

## **48 Goods ordered into quarantine**

*Power to detain goods*

- (1) A quarantine officer may direct that goods ordered into quarantine:
- (a) are to be detained:
    - (i) on board the vessel or installation, or at the premises, where they are located at the time the direction is given; and
    - (ii) in such manner, and for such period, as a quarantine officer determines; or
  - (b) are to be taken to, and detained at, a quarantine station or other place in such manner, and for such period, as a quarantine officer determines; or
  - (c) are to be exported from Australia in such manner as a quarantine officer determines.

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*Power to treat goods*

- (2) A quarantine officer may:
- (a) cause goods ordered into quarantine to be treated in such manner as he or she determines; or
  - (b) direct a person to cause the goods to be treated in a manner specified in the direction.

*Direction as to movement etc. of goods*

- (3) A quarantine officer may give a direction to a person as to the extent (if any) to which goods that have been ordered into quarantine may be moved, dealt with or interfered with.

*To whom direction may be given*

- (4) A direction under this section may be given to:
- (a) the importer or owner of the goods; or
  - (b) if the goods are on board a vessel or installation—the master of the vessel or installation; or
  - (c) a person who is in control of the goods.

*Contravention of direction to be an offence*

- (5) A person is guilty of an offence if:
- (a) a direction is given to the person under this section; and
  - (b) the person contravenes the direction.

Maximum penalty: Imprisonment for 2 years.

*Further detention of goods*

- (6) If, at the end of the period for which any goods have been detained at a vessel, installation, quarantine station or other place under subsection (1) or this subsection, a Director of Quarantine is of the opinion that the goods cannot be released without an unacceptably high level of quarantine risk, he or she may direct that the goods be detained at the vessel, installation, quarantine station or other place in such manner, and for such further period, as is stated in the direction.

*Definition*

(7) In this section:

***quarantine station***, in relation to any goods, includes a place approved under section 46A in respect of a class of goods in which the goods are included.

**48AA Treatment and destruction of goods**

*Application*

(1) This section applies to any goods that are required under this Act to be treated.

*Power to destroy goods*

(2) Subject to subsection (3), if a quarantine officer believes on reasonable grounds that the goods cannot be effectively treated, he or she may cause them to be destroyed.

*Ministerial approval for destruction of goods*

(3) If the value of any goods to which subsection (2) applies exceeds:  
(a) unless paragraph (b) applies—\$1,000; or  
(b) if a higher amount is prescribed by the regulations—the higher amount;  
the goods must not be destroyed without the written approval of the Minister.

*Request to owner or agent to agree to treatment of goods*

(4) If a quarantine officer believes on reasonable grounds that the goods cannot be effectively treated without damaging them, the quarantine officer must, by notice in writing given to the owner of the goods or the agent of the owner, tell the owner or agent that the treatment is likely to damage the goods and request the owner or agent to agree to the goods being treated.

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*Forfeiture of untreated goods*

- (5) If:
- (a) a notice is given to the owner of goods or the agent of the owner under subsection (4); and
  - (b) the owner or agent does not, before the end of 30 days after the day on which the owner or agent receives the notice, give written notice to a Director of Quarantine stating that the owner or agent agrees to the goods being treated;
- the goods are forfeited to the Commonwealth and a quarantine officer may seize them and cause them to be sold, destroyed, exported from Australia or otherwise disposed of.

**48AB Treatment of things that have been exposed to animals that were subject to quarantine**

*Direction to treat animals or things exposed to an animal subject to quarantine*

- (1) If any animal, plant or other goods have been exposed to an animal at a time when the animal was subject to quarantine, a quarantine officer may direct a person referred to in subsection (2) to treat the animal, plant or other goods in a manner stated in the direction.

Note: For the circumstances in which any animal, plant or other goods are taken to have been exposed to an animal, see section 5B.

*To whom direction may be given*

- (2) A direction under subsection (1) may be given to:
- (a) the importer of the animal, plant or other goods; or
  - (b) a person who is in control of the animal, plant or other goods; or
  - (c) if the animal, plant or other goods have not been removed from the vessel or installation on which they were brought to Australia—the master of the vessel or installation.

*Treatment of vehicle*

- (3) If a vehicle has been exposed to an animal at a time when the animal was subject to quarantine, a quarantine officer may direct:
- (a) the owner of the vehicle; or
  - (b) the person in control of the vehicle;



to treat the vehicle in a manner stated in the direction.

Note: For the circumstances in which a vehicle is taken to have been exposed to an animal, see section 5B.

- (3A) If a vehicle has been exposed to a quarantinable pest or a quarantinable disease, a quarantine officer may direct:
- (a) the owner of the vehicle; or
  - (b) the person in control of the vehicle;
- to treat the vehicle in a manner stated in the direction.

*Treatment of premises*

- (4) If any premises (other than a vehicle) have been exposed to an animal or plant at a time when the animal or plant was subject to quarantine, a quarantine officer may direct:
- (a) the owner of the premises; or
  - (b) if the owner is not the occupier of the premises—the occupier of the premises;
- to treat the premises in a manner stated in the direction.

Note: For the circumstances in which premises are taken to have been exposed to an animal or plant, see section 5B.

- (4A) If any premises (other than a vehicle) have been exposed to a quarantinable pest or a quarantinable disease, a quarantine officer may direct:
- (a) the owner of the premises; or
  - (b) if the owner is not the occupier of the premises—the occupier of the premises;
- to treat the premises in a manner stated in the direction.

*Offence*

- (5) A person is guilty of an offence if:
- (a) a direction is given to the person under this section; and
  - (b) the person fails to comply with the direction.

Maximum penalty: Imprisonment for 2 years.

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*Definition*

(6) In this section:

*subject to quarantine* includes under quarantine surveillance.

**48AC Diseased plant grown from another plant**

(1) If a quarantinable disease is found in a plant (the *relevant plant*) that has been grown from another plant, or grown from a part of, or seed from, another plant, under this Act, a Director of Quarantine may cause, or may give a direction to an appropriate person to cause:

- (a) the relevant plant or any part of that plant; or
- (b) the soil in which the relevant plant was grown; or
- (c) the other plant, or any part of, or seed from, the other plant;  
or
- (d) any plant or part of a plant, or any seed, imported together with the other plant or a seed from the other plant;

to be subjected to such treatment as the Director determines.

Note: See section 48AA, which allows goods that cannot be effectively treated to be destroyed in certain circumstances.

(2) In subsection (1):

*appropriate person* means the person in control of the plant, soil or seed to which the direction relates.

(3) A person is guilty of an offence if:

- (a) a direction is given to the person under subsection (1); and
- (b) the person fails to comply with the direction.

Maximum penalty: Imprisonment for 2 years.

**48AD Packages, packing material and other waste material**

(1) A Director of Quarantine may give to a person who:

- (a) carries on the business of unloading overseas vessels at a place on a wharf or a place at an airport; or
- (b) carries on the business of unpacking imported cargo at a place in respect of which a licence is in force under

section 77G of the *Customs Act 1901* or at a place approved under section 46A; or

(c) is an occupier of a place referred to in paragraph (a) or (b); a direction to treat, or to destroy or otherwise dispose of, any package, packing material or other waste material that is situated at that place.

- (2) A person is guilty of an offence if:
- (a) a direction is given to the person under subsection (1); and
  - (b) the person fails to comply with the direction.

Maximum penalty: Imprisonment for 2 years.

#### **48A Abandoned goods may be destroyed**

- (1) If the owner of goods that are performing quarantine notifies a Director of Quarantine in writing that he or she does not wish to take possession of them, the goods are forfeited to the Commonwealth and a quarantine officer may cause them to be sold, destroyed, exported from Australia or otherwise disposed of.
- (2) Where:
- (a) a quarantine officer has notified the owner of goods ordered into quarantine that the goods may be released from quarantine and collected by the owner; and
  - (b) the owner has failed to collect the goods within 30 days after the date on which the notification was given;
- the goods are forfeited to the Commonwealth and a quarantine officer may cause them to be sold, destroyed, exported from Australia or otherwise disposed of.
- (3) If, after making reasonable inquiries, a quarantine officer has been unable to find out the identity or whereabouts of the owner of goods that are in quarantine and certifies in writing to that effect, the goods are forfeited to the Commonwealth and a quarantine officer may cause them to be sold, destroyed, exported from Australia or otherwise disposed of.

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**49 Unlawful damage by officers**

- (1) An officer must not do an act that results in the destruction of, or damage to, any goods under his or her charge in the performance of quarantine.

Maximum penalty: Imprisonment for 2 years.

- (2) Subsection (1) does not apply if the officer is permitted by this Act or any other law to do the act in respect of the goods.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2) (see subsection 13.3(3) of the *Criminal Code*).

## **Part V—Quarantine of animals and plants**

### **52 Examination of animals on importation**

- (1) A person authorised by a Director of Quarantine may examine an imported animal that has not been released from quarantine.
- (2) Subject to the regulations, where a quarantine officer is of the opinion that there is no reason to suspect that an animal:
  - (a) imported into Australia; or
  - (b) imported into the Cocos Islands otherwise than for the purpose of performing quarantine before being imported into Australia; or
  - (c) imported into Christmas Island otherwise than for the purpose of performing quarantine before being imported into Australia;that has not been released from quarantine is suffering from any disease or is a source of infection of a disease, the quarantine officer may permit the animal to be delivered to the importer of the animal.
- (3) Where, under subsection (2), a quarantine officer permits an animal to be delivered to the importer of the animal, the officer may release the animal from quarantine or release the animal under quarantine surveillance for such period as the Director of Quarantine determines.
- (4) Where a quarantine officer does not permit an imported animal to be delivered to the importer of the animal under subsection (2), the officer shall order the animal into quarantine.
- (5) An animal may be released from quarantine under quarantine surveillance unconditionally or subject to conditions notified by a quarantine officer to the importer of the animal when it is so released or at any time while it is under quarantine surveillance.
- (5A) If an animal is released from quarantine under quarantine surveillance, a quarantine officer may give to the person to whom the animal is delivered directions about any one or more of the following:

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- (a) where the animal is to be kept;
  - (b) how it is to be kept;
  - (c) how it is to be dealt with;
  - (d) the people who may be given access to it and the times and manner of the access;
  - (e) whether it may be moved and, if so, the manner in which, and the place to which, it may be moved;
  - (f) examination of it;
  - (g) how it is to be treated;
  - (h) tests that may be carried out on it.
- (5B) A direction given under subsection (5A) may be given when the animal is released or at any time while it is under quarantine surveillance.
- (5C) A person is guilty of an offence if:
- (a) a condition is notified to the person under subsection (5) or a direction is given to the person under subsection (5A); and
  - (b) the person fails to comply with the condition or direction.

Maximum penalty: Imprisonment for 2 years.

- (6) In this section:

***animal*** means:

- (a) a live animal; or
- (b) viable animal material;

and includes the ovum, semen and embryo of an animal but does not include any other biological product.

***biological product*** means goods that are, are produced from, or the production of which involves the use of, organisms or the tissue or body fluids of organisms, and includes vaccines and toxoids.

**52A Examination of animals or plants on installations**

- (1) A person authorised by a Director of Quarantine may examine any animal or plant that is subject to quarantine and is on board an installation.

- (2) A quarantine officer must:
  - (a) if he or she is of the opinion that there is an unacceptably high level of quarantine risk in respect of the animal or plant—order the animal or plant into quarantine; or
  - (b) otherwise—release the animal or plant from quarantine.
- (5) In this section, *animal* has the same meaning as in section 52.

### **53 Examination of plants on importation**

- (1) A quarantine officer or an authorized person may examine any imported plant that has not been released from quarantine.
- (2) A quarantine officer must:
  - (a) if he or she is of the opinion that there is an unacceptably high level of quarantine risk in respect of the plant—order the plant into quarantine; or
  - (b) otherwise—release the plant from quarantine.

### **54 Examination of imported animals and plants**

- (1) A quarantine officer or an authorized person may examine an imported animal or plant that has been released from quarantine.
- (2) If, after the examination of an animal under subsection (1), a quarantine officer is of the opinion that the animal is suffering from a disease or is a source of infection of a disease, the officer may order the animal into quarantine.
- (3) Where, after the examination of a plant under subsection (1), a quarantine officer is of the opinion that there is danger of the plant spreading a disease, the officer may order the plant into quarantine.
- (4) In this section, *animal* has the same meaning as in section 52.

### **55A Power to order goods into quarantine**

- (1) A quarantine officer may:
  - (a) examine any goods to which this section applies; and
  - (b) order into quarantine any of the goods that, in the officer's opinion:
    - (i) are, or are likely to be, infected with a disease or pest; or

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- (ii) contain, or appear to contain, any disease or pest; or
  - (iii) have been exposed to infection from a disease or pest.
- (2) This section applies to:
- (a) imported animals and plants, whether subject to quarantine or otherwise;
  - (aa) other imported goods, whether subject to quarantine or otherwise; and
  - (b) any other goods that have been or are, or that an officer has reasonable cause to believe have been or are, on board any of the following:
    - (i) an overseas vessel;
    - (ia) a vessel that travels to a place in Australia from or through a place in the Protected Zone;
    - (ib) a vessel that travels to a place in Australia from or through a Special Quarantine Zone in respect of Australia;
    - (ic) a vessel that travels to a place in the Cocos Islands from or through a Special Quarantine Zone in respect of the Cocos Islands;
    - (id) a vessel that travels to a place in Christmas Island from or through a Special Quarantine Zone in respect of Christmas Island;
    - (ii) an overseas installation;
    - (iii) an Australian vessel subject to quarantine;
    - (iv) a Cocos Islands vessel subject to quarantine;
    - (iva) a Christmas Island vessel subject to quarantine;
    - (v) an Australian resources installation, or a resources installation that is in Australian waters for the purpose of becoming attached to the Australian seabed, subject to quarantine;
    - (vi) an Australian sea installation, or a sea installation that is in Australian waters for the purpose of becoming installed in an adjacent area or in a coastal area, subject to quarantine.



**Part VAA—Vector monitoring and control activities****55B Definitions**

In this Part:

***monitoring and control area*** means any of the following areas (but not any area to the extent that it is beyond the outer boundary of the coastal area):

- (a) the area of a port;
- (b) the area within a permissible distance from the outer boundary of a port;
- (c) the area within a permissible distance from a place (other than a port) at which a vessel has landed, is moored or is berthed;
- (d) an area in relation to which the following conditions are satisfied:
  - (i) there is a vector incursion within the permissible distance from the outer boundary of a port, or from a place referred to in paragraph (c);
  - (ii) a quarantine officer (human quarantine) has reasonable cause to suspect that the vector has, or may have, travelled beyond the permissible distance of that boundary or place;
  - (iii) the officer reasonably considers that carrying out vector monitoring and control activities in the area is necessary to ensure that the vector has not spread onto, or is not likely to become established in, that area.

***permissible distance*** means 400 metres or such greater distance as is prescribed by regulations for the purpose of this definition.

***private property*** means property (including premises) that is owned by, or under the control of, someone other than the Commonwealth.

***vector monitoring and control activities*** has the meaning given by the regulations.

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**55C Vector monitoring and control activities (other than on private property)**

A quarantine officer (human quarantine), and other persons acting under his or her supervision or control (if any), may, when necessary, carry out vector monitoring and control activities in a monitoring and control area. However, to enter onto private property that is, or is within, such an area and carry out vector monitoring and control activities, one of sections 55E to 55G must be satisfied.

**55D Private property—direction to owner or controller to carry out vector monitoring and control activities**

- (1) The Director of Quarantine (Human Quarantine) or a Chief Quarantine Officer (Human Quarantine) may, in writing, direct a person who owns, or has control over, private property to carry out vector monitoring and control activities on the property if:
  - (a) the property is, or is within, a monitoring and control area; and
  - (b) the Director or Chief Quarantine Officer has reasonable grounds to believe that carrying out those activities on the property is necessary to ensure that a vector has not spread onto, or is not likely to become established on, the property.
- (2) The person must comply with the direction.

Maximum penalty: Imprisonment for 5 years.

- (3) Subsection (2) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).

**55E Private property—power of quarantine officer (human quarantine) to carry out vector monitoring and control activities with consent**

- (1) A quarantine officer (human quarantine), and other persons acting under his or her supervision or control (if any), may enter onto private property and carry out vector monitoring and control activities if:

- (a) the property is, or is within, a monitoring and control area;  
and
  - (b) a consent given by the person who owns or controls the property covers the officer and those other persons (if any) entering onto the property and carrying out those activities.
- (2) A person's consent is not effective for the purposes of this section unless, before giving the consent, a quarantine officer (human quarantine) informed the person that he or she could refuse to consent.
- (3) A person's consent is not effective for the purposes of this section unless the consent is voluntary.

**55F Private property—power of quarantine officer (human quarantine) to carry out vector monitoring and control activities in emergency**

A quarantine officer (human quarantine), and other persons acting under his or her supervision or control (if any), may enter onto private property and carry out vector monitoring and control activities if:

- (a) the property is, or is within, a monitoring and control area;  
and
- (b) a quarantine officer (human quarantine) has reasonable grounds to believe that the situation is of such seriousness and urgency as to justify carrying out the activities on the property without the consent of the person who owns or controls the property and without the authority of a warrant issued under section 55G.

**55G Private property—power of quarantine officer (human quarantine) to carry out vector monitoring and control activities under warrant**

*Carrying out vector monitoring and control activities under warrant*

- (1) A quarantine officer (human quarantine), and other persons acting under his or her supervision or control (if any), may enter onto private property and carry out vector monitoring and control activities if:
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- (a) the property is, or is within, a monitoring and control area; and
- (b) a warrant in force under this section authorises the quarantine officer (human quarantine), and those other persons (if any), to enter onto the property and carry out the activities.

*Application for warrant*

- (2) A quarantine officer (human quarantine) may apply to a magistrate for a warrant under this section in relation to particular private property.

*Issue of warrant*

- (3) The magistrate may issue the warrant if the magistrate is satisfied, by information on oath, that there are reasonable grounds for suspecting that:
  - (a) the property is, or is within, a monitoring and control area; and
  - (b) entering onto the property and carrying out the activities is necessary to ensure that a vector has not spread onto, or is not likely to become established on, the property.
- (4) However, the magistrate must not issue the warrant unless the officer or some other person has given to the magistrate, either orally or by affidavit, such further information (if any) as the magistrate requires concerning the grounds on which the issue of the warrant is being sought.

*Content of warrant*

- (5) The warrant must:
  - (a) authorise a named quarantine officer (human quarantine), and other persons under the supervision or control of the officer (to the extent that the magistrate considers it appropriate for the warrant to cover such other persons):
    - (i) to enter onto the property; and
    - (ii) to carry out vector monitoring and control activities either generally, or as specified in the warrant; and
  - (b) specify the day (not more than 7 days after the issue of the warrant) on which the warrant ceases to have effect; and

- (c) state whether the entry and carrying out of activities is authorised to be made at any time of the day or night or during specified hours of the day or night.
- (6) Paragraph (5)(b) does not prevent the issue of successive warrants in relation to the same property.
- (7) If the application for the warrant is made under section 66AH, this section applies as if paragraph (5)(b) referred to 48 hours rather than 7 days.

Note: Section 66AH provides for warrants to be granted by telephone or other electronic means.

## **Part VA—Automated entry processing and release of imported goods**

### **56 Automated entry processing and release of imported goods**

#### *Electronic notice*

- (1) An electronic notice under this section may be given to:
  - (a) a person who has imported goods that have not been released from quarantine; or
  - (b) an agent of such a person.
- (2) The notice may do one or more of the following:
  - (a) order the goods into quarantine;
  - (b) release the goods from quarantine;
  - (c) require the person to whom the notice is given (the *recipient*) to cause the goods to be treated in a manner specified in the notice;
  - (d) require the recipient to leave the goods at a place specified in the notice;
  - (e) require the recipient to move the goods to a place specified in the notice;
  - (f) set out the extent (if any) to which the recipient may deal with or interfere with the goods.

However, if the notice orders the goods into quarantine, the notice must also do one or more of the things mentioned in paragraphs (c) to (f).

#### *Director of Animal and Plant Quarantine taken to have given the notice*

- (3) If a notice is given to a person under subsection (1), the Director of Animal and Plant Quarantine is taken to have given the notice.

#### *Operation of the computer program*

- (4) The Director of Animal and Plant Quarantine must take all reasonable steps to ensure that the computer program concerned does not result in electronic notices ordering goods into quarantine

unless there are reasonable grounds to believe there is an unacceptably high level of quarantine risk in respect of the goods.

*Offences*

- (5) A person is guilty of an offence if:
- (a) a notice is given to the person under subsection (1) that orders goods into quarantine and does one or more of the things mentioned in paragraphs (2)(c) to (f); and
  - (b) the person contravenes a requirement in the notice; and
  - (c) the person is reckless as to whether the goods posed a quarantine risk.

Maximum penalty: Imprisonment for 2 years.

- (6) A person is guilty of an offence if:
- (a) a notice is given to the person under subsection (1) that does one or more of the things mentioned in paragraphs (2)(c) to (f) (but does not order the goods into quarantine); and
  - (b) the person contravenes a requirement in the notice.

Maximum penalty: Imprisonment for 2 years.

*Later electronic notices*

- (7) An electronic notice given under this section may vary or revoke an earlier electronic notice given under this section.
- (8) If an electronic notice given under this section is inconsistent with an earlier electronic notice given under this section, the earlier notice is, to the extent of the inconsistency, of no effect.

*This section in addition to other powers*

- (9) This section is in addition to any power of a quarantine officer under this Act.

*Orders or directions under other provisions prevail*

- (10) If an order or direction given by a quarantine officer under this Act is inconsistent with an electronic notice, the notice is, to the extent of the inconsistency, of no effect.

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*Definitions*

(11) In this section:

***electronic notice*** means an electronic notice generated as a result of the operation of a computer program under the control of the Director of Animal and Plant Quarantine.



## **Part VI—Expenses of quarantine**

### **58A Interpretation**

In this Part, a reference to a vessel shall, unless the contrary intention appears, be read as including a reference to an installation.

### **59 Liability of owner etc. for expenses of quarantine**

- (1) The master, owner, and agent, of any vessel ordered into quarantine, or of any vessel from which any person is removed to perform quarantine, shall severally be responsible for:
  - (a) the removal of the passengers and crew to the quarantine station;
  - (b) the care and maintenance of the passengers and crew while detained at the quarantine station;
  - (c) the conveyance of the passengers from the quarantine station to their ports or places of destination;
  - (d) the medical surveillance of persons released under quarantine surveillance;
  - (e) the provision of such medical, nursing and other attendance on the vessel and at the quarantine station for or in respect of the vessel as the Minister considers necessary; and
  - (f) the provision of such launch and patrol services and such supervision as the Minister considers necessary to ensure the satisfactory performance of quarantine by the vessel and the persons and goods thereon;

and shall supply, to the satisfaction of the Minister, all such service, attendance, meals, and other things as are required for those purposes, including domestic and laundry service, medicines, medical comforts, nursing, and attendance for the sick.

- (2) The master, owner, or agent, of the vessel may arrange with the Minister for the carrying out of any responsibility under this section and for the payment of the expenses thereof, but in any case the Minister may take action if he or she thinks it necessary to do so, and any expense incurred must, at the Minister's request, be

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paid by the master, owner, or agent, of the vessel to the Commonwealth.

Provided that the Governor-General may direct that, as regards any vessel trading exclusively:

- (a) between Australian ports; or
- (aa) between Australian ports and Australian installations; or
- (ab) between Australian ports and Australian resources installations; or
- (ac) between Australian ports and Australian sea installations; or
- (b) between ports in the Cocos Islands; or
- (ba) between ports in Christmas Island; or
- (c) between Australia and New Zealand; or
- (d) between Australia and Fiji; or
- (e) between Australia and the Cocos Islands; or
- (ea) between Australia and Christmas Island; or
- (eb) between the Cocos Islands and Christmas Island; or
- (f) between Australia and another place adjacent to Australia;

the expenses of carrying out any responsibility under this section shall be borne by the Commonwealth, and, upon the issue of such direction, the master, owner and agent of any vessel to which the direction relates shall be exempt from liability for the expenses of carrying out that responsibility:

Provided further that the Governor-General may direct that the expenses of overland passengers arising out of regulations relating to human quarantine may be borne by the Commonwealth.

- (3) A passenger shall not be liable to compensate the master, owner, or agent for any cost incurred by the master, owner, or agent under this section, and any contract or stipulation purporting to impose any such liability upon him or her shall to that extent be null and void.

**59A Liability for costs of pilotage, treatment etc.**

- (1) The master and owner of any vessel ordered into quarantine, or ordered to be treated, are jointly and severally liable to pay to the Commonwealth the cost of:
  - (a) the piloting or towing of the vessel; or
  - (b) the removal of cargo or other goods or things from the vessel; or

- (c) the treatment of the vessel or of cargo or other goods or things on the vessel or removed from it.
- (2) Subject to subsection 63AA(1), if:
- (a) a vessel is ordered into quarantine or ordered to be treated; and
  - (b) a person is the agent of the master or owner of the vessel at the time when a service is provided as a result of the vessel's having been so ordered into quarantine or ordered to be so treated;
- that agent is liable to pay to the Commonwealth, on behalf of that master or owner, the expenses connected with the performance of that service.

### **59B Security for carrying out responsibilities**

Before permitting any persons, goods, personal effects, or things to leave or be removed from a vessel ordered into quarantine, the quarantine officer may require the master, owner, or agent, of the vessel to give security to the satisfaction of the quarantine officer that all responsibilities under this Part of the master, owner, and agent, of the vessel in respect of those persons, goods, personal effects, or things shall be faithfully carried out.

### **63 Owners of vessel quarantined liable for services of medical officer**

- (1) When a vessel is ordered into quarantine, the Minister may:
- (a) appoint a medical officer to take charge of the crew and passengers of the vessel while in quarantine; and
  - (b) fix the amount of remuneration to be paid to the medical officer for his or her services.

Such remuneration shall be paid by the owners of the vessel to the Commonwealth.

- (2) Subject to subsection 63AA(1), if:
- (a) the Minister appoints a medical officer to take charge of the crew and passengers of a vessel while in quarantine; and
  - (b) the Minister fixes the amount of remuneration to be paid to the medical officer for his or her services; and
  - (c) a person is the agent of the owner of the vessel at the time when that remuneration is fixed;

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that agent is liable to pay to the Commonwealth, on behalf of that owner, the remuneration so fixed.

**63A Provision of sustenance for animals in quarantine**

- (1) The owner of an animal held, or to be held, in a quarantine station may agree with the Commonwealth, on such terms and conditions as are set out in the agreement, to provide sustenance for the animal during the period, or a part of the period, while the animal is so held.
- (2) A Director of Quarantine may, by notice given to the owner of an animal ordered into quarantine, direct the owner to provide sustenance for the animal during the period, or a part of the period, while the animal is so held.
- (3) A person is guilty of an offence if:
  - (a) a direction is given to the person under subsection (2); and
  - (b) the person fails to comply with the direction.

Maximum penalty: 50 penalty units.

**63AA Additional provisions concerning agent's liability under section 59A or 63**

- (1) If the master or owner of a vessel has met the liability to the Commonwealth:
  - (a) under subsection 59A(1) in respect of expenses connected with the performance of a service referred to in paragraph 59A(1)(a), (b) or (c); or
  - (b) under subsection 63(1) in respect of remuneration to be paid to a medical officer appointed by the Minister;the liability of the agent of that master or owner is thereby discharged.
- (2) The liability of an agent of a master or owner to make a payment to the Commonwealth on behalf of the master or owner:
  - (a) in respect of expenses connected with the performance of a service referred to in paragraph 59A(1)(a), (b) or (c); or
  - (b) in respect of remuneration to be paid to a medical officer appointed by the minister under subsection 63(1);

is not affected by the fact that, at the time the payment is required to be made, the agent had not recovered an amount equivalent to those expenses or that remuneration from the master or owner.

(3) If:

- (a) the agent of a master or owner makes a payment to the Commonwealth on behalf of the master or owner:
  - (i) in respect of expenses connected with the performance of a service referred to in paragraph 59A(1)(a), (b) or (c); or
  - (ii) in respect of remuneration to be paid to a medical officer appointed by the Minister under subsection 63(1); and
- (b) at the time when the payment is made, the agent had not collected an amount equivalent to those expenses or that remuneration from the master or owner;

the agent may recover such an amount from the master or owner as a debt due to the agent.

#### **64 Quarantine expenses in case of animals and plants**

- (1) The importer and owner of any animals, plants or other goods that are subject to quarantine or are under quarantine surveillance are jointly and severally liable to pay to the Commonwealth any expenses connected with:
  - (a) the examination of the animals, plants or other goods; or
  - (b) their transportation; or
  - (c) their detention, maintenance, treatment or movement; or
  - (d) their removal, disposal and destruction under a power conferred, or an order or direction given, under this Act;and those expenses are a charge upon the animals, plants or other goods and may be recovered as provided in this Part.

(1AA) Subject to subsection (1AB), if:

- (a) animals, plants or other goods are subject to quarantine or are under quarantine surveillance; and
- (b) a person is the agent of the importer or owner of those animals, plants or other goods at the time when a service referred to in paragraph (1)(a), (b), (c) or (d) is provided as a result of those animals, plants or other goods being subject to quarantine or under quarantine surveillance;

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the agent must pay to the Commonwealth, on behalf of the importer or owner, any expenses connected with the performance of that service in respect of those animals, plants or other goods.

(1AB) If the importer or owner has met the liability to the Commonwealth under subsection (1) in respect of any expenses connected with the performance of a service referred to in paragraph (1)(a), (b), (c) or (d), the liability of the agent of the importer or owner is thereby discharged.

(1AC) The liability of an agent of an importer or owner to make a payment to the Commonwealth on behalf of the importer or owner in respect of any expenses connected with the performance of a service referred to in paragraph (1)(a), (b), (c) or (d) is not affected by the fact that, at the time when the payment is required to be made, the agent has not recovered an amount equivalent to those expenses from the importer or owner.

(1AD) If:

- (a) in accordance with subsection (1AA), the agent for an importer or owner makes a payment to the Commonwealth on behalf of the importer or owner in respect of any expenses connected with the performance of a service referred to in paragraph (1)(a), (b), (c) or (d); and
- (b) at the time when the payment is made, the agent has not collected an amount equivalent to those expenses from the importer or owner;

the agent may recover such an amount from the importer or owner as a debt due to the agent.

(1A) The owner, or any person who is in control, of any animals, plants or other goods that are required to be examined, transported, detained, maintained, treated, moved, removed, disposed of or destroyed as mentioned in subsection (1) may, with the permission of a quarantine officer, provide at the expense of the owner or that person any cartage or labour required in respect of the carrying out of the requirement.

(2) A quarantine officer may refuse to grant a permit for the landing or removal of any animals or plants or goods until security is given to his or her satisfaction for payment of the expenses payable to the Commonwealth under this section.

- (3) If expenses are payable under this section in respect of animals, plants or goods, the Director of Animal and Plant Quarantine may, in writing, direct that the animals, plants or goods must not be released from quarantine until:
  - (a) the expenses have been paid to the Commonwealth; or
  - (b) the owner of the animals, plants or goods, or the agent of that owner, has entered into an agreement with the Commonwealth for the payment of the expenses and has taken any action required by the agreement as a condition for the release of the animals, plants or goods.
- (4) Without limiting the matters that may be included in an agreement mentioned in paragraph (3)(b), an agreement may require the owner of the animals, plants or goods concerned or the agent of that owner to do either or both of the following:
  - (a) pay interest at a rate not exceeding 20% per year on the amount of the expenses from time to time owing to the Commonwealth in respect of the animals, plants or goods;
  - (b) give security for the payment of the expenses and interest (if any) owing to the Commonwealth in respect of the animals, plants or goods.
- (5) A person must not release animals, plants or goods from quarantine in contravention of a direction under subsection (3).

### **65 Expenses to be a charge upon vessel**

Any expenses or charges payable to the Commonwealth under this Part, by the owner or agent of any vessel, shall be a charge upon the vessel, and the vessel may be detained by an officer until the expenses are paid.

### **66 Recovery of expenses**

Any expenses or charges payable to the Commonwealth under this Part may be recovered by action in a court of competent jurisdiction as a debt due to the Commonwealth.

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**66A Sale of animals, plants or goods to recover expenses**

- (1) If:
  - (a) animals, plants or goods have performed quarantine but have not been released from quarantine; and
  - (b) expenses are payable under section 64 in respect of the animals, plants or goods;the Director of Animal and Plant Quarantine may give the owner of the animals, plants or goods a notice under subsection (2).
- (2) A notice must be in writing and advise the owner that the animals, plants or goods may be sold if expenses under section 64 are payable in respect of the animals, plants or goods at the end of 30 days after the notice is given to the owner.
- (3) If, at the end of 30 days after a notice is given to the owner, expenses under section 64 in respect of the animals, plants or goods are payable, the Commonwealth may:
  - (a) sell the animals, plants or goods; and
  - (b) give full and effective title to the animals, plants or goods free of all encumbrances and interests.
- (4) For the purpose of effecting a sale of the animals, plants or goods, the Director of Animal and Plant Quarantine may, on behalf of the Commonwealth:
  - (a) take possession of the animals, plants or goods; and
  - (b) make and execute all necessary instruments and documents.
- (5) The proceeds of sale are to be applied against the expenses of the sale and the expenses payable under section 64 in respect of the animals, plants or goods, and any amount not so applied is to be paid to the owner.
- (6) Nothing in this section affects the right of the Commonwealth to recover expenses by other means.



## **Part VIA—Enforcement**

### **Division 1—General powers**

#### **66AA General powers of quarantine officers in relation to premises**

*Nature of powers*

- (1) The powers that a quarantine officer may exercise under paragraph 66AB(1)(b), subparagraph 66AC(4)(a)(ii) or paragraph 66AE(1)(b) or 66AG(1)(b) in relation to particular premises are as follows:
  - (a) to search the premises and any thing on the premises;
  - (b) to examine any thing on the premises;
  - (c) to take photographs (including video or audio recordings) or to make sketches of the premises or any thing on the premises;
  - (d) to take extracts from, or make copies of, any document on the premises;
  - (e) to secure the premises or any thing on the premises;
  - (f) if tests are to be carried out on samples taken of any thing on the premises and the quarantine officer thinks it is necessary to do so, to remove the samples from the premises for the purpose of conducting the tests;
  - (g) to order into quarantine any infected goods found on the premises;
  - (h) if the quarantine officer has reasonable grounds to suspect that infected goods have been or are on the premises—to carry out prescribed measures for regulating or preventing people, vehicles or goods from entering or leaving the premises, or prescribed measures of quarantine on or relating to the premises, during:
    - (i) the search referred to in paragraph (a) and the examination referred to in paragraph (b); and
    - (ii) the taking of samples of goods found on the premises or the conducting of tests on such samples; and
    - (iii) any period for which infected goods found on the premises remain on the premises, whether because of an

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approval of the premises under section 46A or otherwise; and

- (iv) such period after the treatment of infected goods found on the premises as the quarantine officer considers, on reasonable grounds, to be a period during which there is a danger of the spread of diseases or pests because of those goods having been on the premises;
- (i) to affix on or near the premises notices in relation to quarantine that have been approved by a Director of Quarantine;
- (j) to trap or destroy animals on the premises;
- (k) to exercise any other powers that the quarantine officer has under this Act in respect of the premises or infected goods found on the premises.

*Powers in respect of vehicles*

- (2) If, while a quarantine officer is entitled to exercise powers referred to in subsection (1) in relation to premises, any vehicle leaves the premises without the permission of the quarantine officer, the quarantine officer may exercise those powers, so far as relevant, in relation to the vehicle as if it were part of the premises.

*Extension of meaning of **exposed***

- (3) For the purposes of this section, but without affecting the operation of section 5B:
  - (a) an animal is taken to have been **exposed** to any animal of which it is the progeny; and
  - (b) a plant is taken to have been **exposed** to any plant of which it is the progeny, including any plant of which it was a cutting or from which it was otherwise derived.

*Prescribed measures*

- (4) For the purposes of paragraph (1)(h):
  - (a) each of the following is a **prescribed measure for regulating or preventing people, vehicles or goods from entering or leaving the premises**:
    - (i) stopping a person or vehicle;

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- (ii) prohibiting a person from proceeding, moving goods, or driving or moving a vehicle, beyond a specified point or outside a specified area;
  - (iii) prohibiting a person from entering, moving goods, or driving or moving a vehicle, into a specified area;
  - (iv) requiring a person to proceed, move goods, or drive or move a vehicle, along a specified route or to a specified area;
  - (v) removing a person, a vehicle or goods from any area; and
- (b) each of the following is a *prescribed measure of quarantine*:
- (i) treating any person, premises or goods;
  - (ii) requiring a person to treat himself or herself or any clothes that he or she is wearing or has in his or her possession;
  - (iii) isolating people, premises or goods;
  - (iv) examining an animal for the purpose of determining whether it is infected with a disease or pest;
  - (v) detaining an animal for the purpose of examining it as mentioned in subparagraph (iv);
  - (vi) detaining any goods for the purpose of carrying out any treatment in relation to a disease or pest.

*Infected goods*

- (5) In this section:

*infected goods* means any of the following goods:

- (a) goods infected with a quarantinable disease or quarantinable pest;
- (b) goods that a quarantine officer suspects, on reasonable grounds, are likely to be infected with a quarantinable disease or a quarantinable pest;
- (ba) goods that are quarantinable pests or quarantinable diseases;
- (bb) goods that a quarantine officer suspects, on reasonable grounds, to be quarantinable pests or quarantinable diseases;
- (c) goods that have been exposed to infection with a quarantinable disease or quarantinable pest;
- (d) goods that have been:

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- (i) imported into Australia, the Cocos Islands or Christmas Island; or
  - (ii) brought into, or landed at, any port or other place in Australia, the Cocos Islands or Christmas Island; or
  - (iii) removed from a part of Australia to another part of Australia; or
  - (iv) removed from a part of the Cocos Islands to another part of the Cocos Islands; or
  - (v) removed from Australia to the Cocos Islands; or
  - (vi) removed from the Cocos Islands to Australia;
  - (vii) removed from the Cocos Islands to Christmas Island; or
  - (viii) removed from a part of Christmas Island to another part of Christmas Island; or
  - (ix) removed from Australia to Christmas Island; or
  - (x) removed from Christmas Island to Australia; or
  - (xi) removed from Christmas Island to the Cocos Islands;
- in contravention of this Act;
- (e) goods that have been exposed to, or that a quarantine officer suspects, on reasonable grounds, have been exposed to, goods referred to in paragraph (a), (b), (c) or (d).

## **Division 2—Monitoring powers**

### **66AB The monitoring of premises**

- (1) For the purpose of deciding whether to exercise a power under this Act or finding out whether this Act is being complied with, a quarantine officer, at any time and with any necessary help, may:
    - (a) enter:
      - (i) any premises approved for the purposes of a provision of this Act; or

Note: For premises that have been approved, see for example subsection 44A(5) and section 46A.

    - (ii) a quarantine station; or
    - (iii) any premises at which procedures are authorised under a compliance agreement to be carried out; or
    - (iv) any other premises with the consent of the occupier; and  - (b) exercise the powers set out in section 66AA.
- (2) If the relevant premises are a vessel or a vehicle, a quarantine officer may stop and detain the vessel or vehicle for the purpose of exercising a power conferred by subsection (1).
- (3) For the purpose of examining domestic animals in the Cocos Islands, or in Christmas Island, a quarantine officer, at any time and with any necessary help, may:
  - (a) enter any premises on the Cocos Islands or on Christmas Island, as the case may be, with the consent of the occupier; and
  - (b) search the premises for domestic animals; and
  - (c) if a domestic animal is found on the premises:
    - (i) cause an examination of the animal and of the premises to be carried out to ensure that the animal is healthy and the premises are clean and free from infection; and
    - (ii) take whatever measures are required to improve the health of the animal, including the treatment of the animal; and
    - (iii) take whatever measures are required to treat the premises; and

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- (iv) give to any person on the premises any directions that the quarantine officer considers necessary to enable him or her to exercise the powers referred to in subparagraphs (i), (ii) and (iii).

**66AC Monitoring warrants**

- (1) A quarantine officer may apply to a magistrate for a warrant under this section in relation to particular premises.
- (2) Subject to subsection (3), the magistrate may issue a warrant if satisfied, by information on oath or affirmation, that it is reasonably necessary that the quarantine officer should have access to the premises for the purpose of:
  - (a) deciding whether to exercise a power under this Act; or
  - (b) finding out:
    - (i) whether this Act has been complied with; and
    - (ii) if the premises are in the Cocos Islands or in Christmas Island—whether any domestic animals are on the premises.
- (3) The magistrate must not issue a warrant unless the quarantine officer or another person has given the magistrate, either orally (on oath or affirmation) or by affidavit, such further information as the magistrate requires about the grounds on which the issue of the warrant is being sought.
- (4) The warrant must:
  - (a) authorise a quarantine officer named in the warrant, with such assistance and by such force as is necessary and reasonable, from time to time, while the warrant remains in force:
    - (i) to enter the premises; and
    - (ii) to exercise powers of the kind set out in section 66AA in relation to the premises; and
    - (iii) if the premises are in the Cocos Islands or in Christmas Island—to exercise the powers referred to in paragraphs 66AB(3)(b) and (c) in relation to the premises; and
  - (b) state whether an entry under the warrant is authorised to be made at any time of the day or night or during specified hours of the day or night; and

- (c) specify the day (not more than 6 months after the day on which the warrant is issued) on which the warrant ceases to have effect; and
- (d) state the purpose for which the warrant is issued.

**66AD Seizures without offence-related warrant in emergency situations**

- (1) This section applies when a quarantine officer has entered premises under section 66AB or under a warrant issued under section 66AC.
- (2) If the quarantine officer suspects, on reasonable grounds, that:
  - (a) particular evidential material is on the premises; and
  - (b) it is necessary to seize the evidential material in order to prevent it from being concealed, lost or destroyed; and
  - (c) it is necessary to do so without the authority of a warrant under section 66AF because the circumstances are serious and urgent;the quarantine officer may seize the evidential material if he or she finds it there.

## Division 3—Offence-related searches and seizures

### 66AE Offence-related searches and seizures

- (1) Subject to subsection (2), if a quarantine officer has reasonable grounds for suspecting that there may be, on any premises, particular evidential material, the officer, at any time and with any necessary help, may:
    - (a) enter the premises; and
    - (b) exercise the powers set out in section 66AA; and
    - (c) seize that evidential material, if the officer finds it on the premises.
  - (2) A quarantine officer is not authorised to enter premises under subsection (1) unless:
    - (a) the premises are:
      - (i) premises approved for the purposes of a provision of this Act; or

Note: For premises that have been approved, see for example subsection 44A(5) and section 46A.

    - (ii) a quarantine station; or
    - (iii) premises at which procedures are authorised under a compliance agreement to be carried out; or  - (b) the occupier of the premises has consented to the entry.
- (3) If the relevant premises are a vessel or vehicle, a quarantine officer may stop and detain the vessel or vehicle for the purpose of exercising a power conferred by subsection (1).

### 66AF Offence-related warrants

- (1) A quarantine officer may apply to a magistrate for a warrant under this section in relation to particular premises.
- (2) Subject to subsection (3), a magistrate may issue the warrant if satisfied, by information on oath or affirmation, that there are reasonable grounds for suspecting that there is, or may be within the next 72 hours, any evidential material at the premises.



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- (3) A magistrate must not issue a warrant unless the quarantine officer or some other person has given the magistrate, either orally (on oath or affirmation) or by affidavit, such further information as the magistrate requires about the grounds on which the issue of the warrant is being sought.
- (4) The warrant must:
- (a) state the offence to which the warrant relates; and
  - (b) describe the premises to which the warrant relates; and
  - (c) describe the kinds of evidential material that are to be searched for under the warrant; and
  - (d) state the name of the quarantine officer who is to be responsible for executing the warrant; and
  - (e) state the period for which the warrant remains in force, which must not be more than 7 days; and
  - (f) state whether the warrant may be executed at any time of the day or night or only during specified hours of the day or night.
- (5) The warrant must also state that the warrant authorises the seizure of a thing (other than evidential material of the kind referred to in paragraph (4)(c)) found at the premises in the course of the search that the executing officer or an officer assisting believes on reasonable grounds to be:
- (a) evidential material in relation to an offence to which the warrant relates; or
  - (b) evidential material in relation to another offence against this Act;
- if the executing officer or an officer assisting believes on reasonable grounds that seizure of the thing is necessary to prevent its concealment, loss or destruction or its use in committing an offence against this Act.
- (6) Paragraph (4)(e) does not prevent the issue of successive warrants in relation to the same premises.
- (7) If the application for the warrant is made under section 66AH, this section applies as if:
- (a) subsection (2) referred to 48 hours rather than 72 hours; and
  - (b) paragraph (4)(e) referred to 48 hours rather than 7 days.

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**66AG The things that are authorised by a search warrant**

- (1) A warrant under this Division that is in force in relation to premises authorises the executing officer or an officer assisting:
  - (a) to enter the premises; and
  - (b) to exercise the powers set out in section 66AA; and
  - (c) to search the premises and any thing on the premises for the kinds of evidential material specified in the warrant, and to seize things of those kinds found at the premises; and
  - (d) to seize other things found at the premises in the course of the search that the executing officer or an officer assisting believes on reasonable grounds to be:
    - (i) evidential material in relation to an offence to which the warrant relates; or
    - (ii) evidential material in relation to another offence against this Act;if the executing officer or an officer assisting believes on reasonable grounds that seizure of the thing is necessary to prevent its concealment, loss or destruction or its use in committing an offence against this Act.
- (2) If the warrant states that it may be executed only during particular hours, the warrant must not be executed outside those hours.
- (3) If things are seized under a warrant, the warrant authorises the executing officer to make the things available to officers of other agencies if it is necessary to do so for the purpose of investigating or prosecuting an offence to which the things relate.

## **Division 4—Warrants granted by telephone or other electronic means**

### **66AH Warrants may be granted by telephone or other electronic means**

- (1) A quarantine officer may apply to a magistrate for a warrant under section 55G, 66AC or 66AF by telephone, facsimile or other electronic means:
  - (a) in an urgent case; or
  - (b) if the delay that would occur if an application were made in person would frustrate the effective execution of the warrant.
- (2) The magistrate may require voice communication to the extent that it is practicable in the circumstances.
- (3) An application under this section must include all information required to be provided in an ordinary application for a warrant under section 55G, 66AC or 66AF, as the case requires, but the application may, if necessary, be made before the information is sworn or affirmed.
- (4) If a magistrate to whom an application is made under this section is satisfied:
  - (a) after having considered the information mentioned in subsection (3); and
  - (b) after having received any further information that the magistrate requires about the grounds on which the issue of the warrant is being sought;that there are reasonable grounds for issuing the warrant, the magistrate may complete and sign the same form of warrant as would be issued under section 55G, 66AC or 66AF, as the case requires.
- (5) If a magistrate signs a warrant under subsection (4):
  - (a) the magistrate must notify the quarantine officer, by telephone, facsimile or other electronic means, of the terms of the warrant and the date on which and the time at which it was signed, and write on it the reasons for granting it; and

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- (b) the officer must complete a form of warrant in the terms notified to the officer by the magistrate and write on it the name of the magistrate and the date on which and the time at which it was signed.
- (6) If a quarantine officer completes a form of warrant under subsection (5), the officer must, not later than the day after the day on which the warrant ceased to be in force or was executed, whichever is the earlier, give or send to the magistrate who signed the warrant the form of warrant completed by the officer and, if the information mentioned in subsection (3) was not sworn or affirmed, that information duly sworn or affirmed.
- (7) The magistrate must attach to the documents provided under subsection (6) the warrant signed by the magistrate.
- (8) A form of warrant that has been duly completed by a quarantine officer under subsection (5), and is in accordance with the terms of the warrant signed by the magistrate, is authority for any entry, search, seizure, or other exercise of power, that the warrant so signed authorises.
- (9) If:
  - (a) it is material, in any proceedings, for a court to be satisfied that an exercise of power was authorised under this section; and
  - (b) the warrant signed by the magistrate under this section authorising the exercise of power is not produced in evidence;the court must assume, unless the contrary is proved, that the exercise of power was not authorised by such a warrant.

## **Division 5—Stopping and searching vessels or vehicles**

### **66AI Searches without warrant in emergency situations**

- (1) This section applies if a quarantine officer suspects, on reasonable grounds, that:
  - (a) particular evidential material is in or on a vessel or vehicle; and
  - (b) it is necessary to exercise a power under subsection (2) in order to prevent the evidential material being concealed, lost or destroyed; and
  - (c) it is necessary to exercise the power without the authority of a warrant under section 66AF because the circumstances are serious and urgent.
- (2) The quarantine officer may:
  - (a) stop and detain the vessel or vehicle; and
  - (b) search the vessel or vehicle and any thing in or on it for the evidential material; and
  - (c) seize the evidential material if he or she finds it there.
- (3) If, in the course of searching for the evidential material, the quarantine officer finds other evidential material, the officer may seize the other evidential material if he or she suspects, on reasonable grounds, that:
  - (a) it is necessary to seize it in order to prevent its concealment, loss or destruction; and
  - (b) it is necessary to seize it without the authority of a warrant under section 66AF because the circumstances are serious and urgent.
- (4) The quarantine officer must exercise his or her powers subject to section 66AJ.

### **66AJ How a quarantine officer exercises a power under section 66AI**

When a quarantine officer exercises a power under section 66AI in relation to a vessel or vehicle, he or she:

- (a) may use such assistance as is necessary; and

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- (b) must search the vessel or vehicle in a public place or in some other place to which members of the public have ready access; and
- (c) must not detain the vessel or vehicle for longer than is necessary and reasonable to search it and any thing found in or on it; and
- (d) may use such force as is necessary and reasonable in the circumstances, but must not damage the vessel or vehicle or any thing found in or on it by forcing open a part of the vessel or vehicle or thing unless:
  - (i) the person (if any) apparently in charge of the vessel or vehicle has been given a reasonable opportunity to open that part or thing; or
  - (ii) it is not possible to give that person such an opportunity.

## **Division 6—General rules about premises and warrants**

### **66AK Availability of assistance, and use of force, in executing a warrant**

In executing a warrant:

- (a) the executing officer may obtain such assistance as is necessary and reasonable in the circumstances; and
- (b) the executing officer, or a quarantine officer who is assisting in executing the warrant, may use such force against persons and things as is necessary and reasonable in the circumstances; and
- (c) a person who is not a quarantine officer, but has been authorised to assist in executing the warrant, may use such force against things as is necessary and reasonable in the circumstances.

### **66AL Announcement before entry under warrants**

- (1) The executing officer must, before any person enters premises under a warrant:
  - (a) announce that he or she is authorised by the warrant to enter the premises; and
  - (b) give any person at the premises an opportunity to allow entry to the premises.
- (2) The executing officer does not have to comply with subsection (1) if he or she believes on reasonable grounds that immediate entry to the premises is required to ensure:
  - (a) the safety of a person (including the executing officer); or
  - (b) that the effective execution of the warrant is not frustrated.

### **66AM Details of warrant to be given to occupier etc.**

- (1) If a warrant in relation to premises is being executed and the occupier of the premises, or another person who apparently represents the occupier, is present at the premises, the executing officer or an officer assisting must make a copy of the warrant available to that person.

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- (2) The executing officer must identify himself or herself to the person at the premises.
- (3) The copy of the warrant referred to in subsection (1) need not include the signature of the magistrate who issued the warrant.

**66AN Occupier to be present during search under warrants**

- (1) If a warrant issued in relation to premises is being executed and the occupier of the premises, or another person who apparently represents the occupier, is present at the premises, the person is, subject to Part IC of the *Crimes Act 1914*, entitled to observe the search being conducted.
- (2) The right to observe the search being conducted ceases if the person impedes the search.
- (3) This section does not prevent 2 or more areas of the premises being searched at the same time.

**66AO Use of equipment to examine or process things**

- (1) A person who enters premises under this Part may bring to the premises and use any equipment reasonably necessary for the examination or processing of things found at the premises for the purposes of exercising a power conferred on the person under this Part.
- (2) If:
  - (a) it is not practicable to examine or process the things at the premises; or
  - (b) the occupier of the premises consents in writing;the things may be moved to another place so that the examination or processing can be carried out.
- (3) If things containing electronically stored information are moved to another place under subsection (2), the person referred to in subsection (1) must, if it is practicable to do so:
  - (a) tell the occupier the address of the place and the time at which the examination or processing will be carried out; and
  - (b) allow the occupier, or a representative of the occupier, to be present during the examination or processing.



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- (4) A person who enters premises under this Part may operate equipment already at the premises to carry out the examination or processing of a thing found at the premises for the purpose of exercising a power conferred on the person under this Part, if the person believes on reasonable grounds that:
- (a) the equipment is suitable for the examination or processing; and
  - (b) the examination or processing can be carried out without damage to the equipment or the thing.

**66AP Use of electronic equipment at premises**

- (1) A person who enters premises under this Part may operate electronic equipment at the premises for the purpose of exercising a power conferred on the person under this Part if he or she believes on reasonable grounds that the operation of the equipment can be carried out without damage to the equipment.
- (2) If the person, after operating the equipment, finds that evidential material is accessible by doing so, he or she may:
- (a) seize the equipment and any disk, tape or other associated device; or
  - (b) if the material can, by using facilities at the premises, be put in documentary form—operate the facilities to put the material in that form and seize the documents so produced; or
  - (c) if the material can be transferred to a disk, tape or other storage device:
    - (i) which is brought to the premises; or
    - (ii) which is at the premises and the use of which for the purpose has been agreed to in writing by the occupier of the premises;operate the equipment or other facilities to copy the material to the storage device and take the storage device from the premises.
- (3) A person may seize equipment under paragraph (2)(a) only if:
- (a) it is not practicable to put the material in documentary form as mentioned in paragraph (2)(b) or to copy the material as mentioned in paragraph (2)(c); or
  - (b) possession of the equipment by the occupier could constitute an offence.

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- (4) If the person believes on reasonable grounds that:
- (a) evidential material may be accessible by operating electronic equipment at the premises; and
  - (b) expert assistance is required to operate the equipment; and
  - (c) if he or she does not take action under this subsection, the material may be destroyed, altered or otherwise interfered with;
- he or she may do whatever is necessary to secure the equipment, whether by locking it up, placing a guard or otherwise.
- (5) The person must give notice to the occupier of the premises of his or her intention to secure equipment and of the fact that the equipment may be secured for up to 24 hours.
- (6) The equipment may be secured:
- (a) for a period not exceeding 24 hours; or
  - (b) until the equipment has been operated by the expert;
- whichever happens first.
- (7) If the person believes on reasonable grounds that the expert assistance will not be available within 24 hours, he or she may apply to a magistrate for an extension of that period.
- (8) The person must give notice to the occupier of the premises of his or her intention to apply for an extension, and the occupier is entitled to be heard in relation to the application.

**66AQ Compensation for damage to equipment**

- (1) If:
- (a) equipment is damaged because of being operated as mentioned in section 66AO or 66AP; and
  - (b) the damage was caused by:
    - (i) insufficient care being exercised in selecting the person who was to operate the equipment; or
    - (ii) insufficient care being exercised by the person (other than the occupier or a person employed by the occupier) operating the equipment;
- compensation for the damage is payable to the owner of the equipment.

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- (2) Compensation is payable out of money appropriated by the Parliament for the purpose.
- (3) In determining the amount of compensation payable, regard is to be had to whether the occupier of the premises and the employees and agents of the occupier, if they were available at the time, had provided any warning or guidance as to the operation of the equipment that was appropriate in the circumstances.

**66AR Copies of seized things to be given**

- (1) Subject to subsection (2), if a person who enters premises under this Part seizes:
  - (a) a document, film, computer file or other thing that can readily be copied; or
  - (b) a storage device the information in which can readily be copied;the person must, if asked to do so by the occupier of the premises or another person who apparently represents the occupier and is present when the seizure takes place, give a copy of the thing or the information to that person as soon as practicable after the seizure.
- (2) Subsection (1) does not apply if:
  - (a) the thing has been seized under paragraph 66AP(2)(b) or taken under paragraph 66AP(2)(c); or
  - (b) possession by the occupier of the document, film, computer file, thing or information could constitute an offence.

**66AS Retention of things that are seized**

- (1) Subject to any contrary order of a court, if a person seizes a thing under this Part, the person must return it if:
  - (a) the reason for its seizure no longer exists or it is decided that it is not to be used in evidence; or
  - (b) the period of 60 days after its seizure ends;whichever first occurs, unless the thing is forfeited or forfeitable to the Commonwealth or is the subject of a dispute as to ownership.
- (2) At the end of the 60 days specified in paragraph (1)(b), the person must take reasonable steps to return the thing to the person from whom it was seized (or to the owner if that person is not entitled to possess it) unless:

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- (a) proceedings in which the thing may be used in evidence were begun before the end of the 60 days and have not been completed (including an appeal to a court in relation to those proceedings); or
- (b) the person may retain the thing because of an order under section 66AT; or
- (c) the person is otherwise authorised or required (by a law, or an order of a court, of the Commonwealth, of a State or of a Territory) to retain, destroy or dispose of the thing.

**66AT Magistrate may permit a thing to be kept**

- (1) If a person seizes a thing under this Part; and:
  - (a) before the end of 60 days after the seizure; or
  - (b) before the end of a period previously stated in an order of a magistrate under this section;proceedings in which the thing may be used in evidence have not been brought, the person may apply to a magistrate for an order that he or she may keep the thing for a further period.
- (2) If the magistrate is satisfied that it is necessary for the person to continue to keep the thing:
  - (a) for the purpose of an investigation as to whether an offence has been committed; or
  - (b) to enable evidence of an offence to be secured for the purposes of a prosecution;the magistrate may order that the person may keep the thing for a period stated in the order.
- (3) Before making the application, the person must:
  - (a) take reasonable steps to discover who has an interest in the retention of the thing; and
  - (b) if it is practicable to do so, give notice of the proposed application to everyone who the person believes has such an interest.
- (4) A function of making an order conferred on a magistrate by this section is conferred on the magistrate in a personal capacity and not as a court or a member of a court.

- (5) Without limiting the generality of subsection (4), an order made by a magistrate under this section has effect only by this Act and is not taken, by implication, to be made by a court.
- (6) A magistrate performing a function of, or connected with, making an order under this section has the same protection and immunity as if he or she were performing that function as, or as a member of, a court (being the court of which the magistrate is a member).
- (7) The Governor-General may make arrangements with the Governor of a State or the Administrator of the Northern Territory for the performance, by all or any of the people who from time to time hold office as magistrates in that State or Territory, of the function of making orders under this section.
- (8) The Prime Minister may make arrangements with the Chief Minister for the Australian Capital Territory for the performance, by all or any of the people who from time to time hold office as magistrates of that Territory, of the function of making orders under this section.

#### **66AU Release of seized goods**

The Secretary may authorise any evidential material seized under this Part to be released to the owner, or to the person from whose possession it was seized, either unconditionally or on any conditions that the Secretary thinks fit.

#### **66AV Quarantine officer must produce identity card**

A quarantine officer may not exercise any powers under this Part in relation to premises (other than premises entered under a warrant) if:

- (a) the occupier of the premises has required the officer to produce his or her identity card for inspection by the occupier; and
- (b) the officer fails to comply with the requirement.

#### **66AW Giving of consent**

- (1) Before obtaining the consent of a person for the purposes of entering premises under section 66AB or 66AE, a quarantine

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officer must tell the person that the person may refuse to give consent.

- (2) An entry by a quarantine officer in consequence of the consent of a person is not lawful unless the person voluntarily consented to the entry.

**66AX Receipts for things seized or moved**

- (1) If a thing is seized under this Part, or moved under subsection 66AO(2), a quarantine officer must provide a receipt for it.
- (2) If 2 or more things are seized or moved, they may be covered in the one receipt.

## **Part VII—Miscellaneous**

### **66B Compliance agreements**

- (1) A Director of Quarantine may, on behalf of the Commonwealth, enter into an agreement (a *compliance agreement*) with a person in connection with:
  - (a) the application of particular procedures in respect of goods; and
  - (b) the supervision, monitoring and testing of the person's compliance with those procedures.
- (2) The terms of a compliance agreement must be in accordance with this section and the regulations.
- (3) A compliance agreement may provide that, in circumstances stated in the agreement, a Director of Quarantine may, by written notice given to a party to the agreement other than the Commonwealth, cancel or vary the agreement or suspend its operation for a period, or until the happening of an event, stated in the notice.
- (4) A quarantine officer may notify a party to a compliance agreement other than the Commonwealth in writing of procedures to which the agreement is to extend in addition to those specifically referred to in the agreement and, if such a notification is given, the agreement has effect as if those procedures were referred to in it.
- (5) The regulations may require a compliance agreement to include provision for the giving of security for the proper observance of the agreement by a party other than the Commonwealth and, if security is so given under such a provision, the security may be enforced or forfeited regardless of any liability or penalty to which a person may be subject under this Act or the regulations.
- (6) A quarantine officer may release goods to which a compliance agreement applies from quarantine on the basis of a certificate or assurance, given by a person authorised under the agreement to give such a certificate or assurance, that all the procedures to which the agreement refers have been complied with in respect of the goods.

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- (7) A party to a compliance agreement other than the Commonwealth is guilty of an offence if that party fails to ensure that any requirements imposed on that party under the agreement are complied with.

Maximum penalty: Imprisonment for 10 years.

- (8) In this section:

**goods** has the meaning given by subsection 5(1), and includes a vessel.

**procedures** includes:

- (a) the doing of anything under this Act; and
  - (b) the doing of anything in connection with activities carried out in the performance of functions related to quarantine.
- (9) The definition of **goods** in subsection (8) does not affect the meaning of **goods** in any other provision of this Act.

## 67 Penalties for certain acts done in contravention of Act

### *Basic illegal importation offence*

- (1) A person is guilty of an offence against this subsection if:
- (a) the person imports, introduces, or brings into any port or other place in Australia, the Cocos Islands or Christmas Island any thing; and
  - (b) the person knows that the thing is:
    - (i) a disease or pest; or
    - (ii) a substance or article containing a disease or pest; or
    - (iii) an animal, plant or other goods; and
  - (c) the importation, introduction or bringing in of the thing is in contravention of this Act.

Maximum penalty: Imprisonment for 10 years.

### *Strict liability applies to paragraph (1)(c)*

- (2) For the purposes of an offence against subsection (1), strict liability applies to paragraph (1)(c).



*Aggravated illegal importation offence*

- (3) A person is guilty of aggravated illegal importation if:
- (a) the person imports, introduces, or brings into any port or other place in Australia, the Cocos Islands or Christmas Island any thing; and
  - (b) the person knows that the thing is:
    - (i) a disease or pest; or
    - (ii) a substance or article containing a disease or pest; or
    - (iii) an animal, plant or other goods; and
  - (c) the importation, introduction or bringing in of the thing is in contravention of this Act; and
  - (d) the person obtains, or is likely to obtain, a commercial advantage over the person's competitors or potential competitors.

## Maximum penalty:

- (a) if the offender is an individual—imprisonment for 10 years or a fine of 2,000 penalty units, or both; and
- (b) if the offender is a body corporate—a fine of 10,000 penalty units.

*Examples of commercial advantage*

- (4) The following are examples of a commercial advantage as referred to in subsection (3):
- (a) the avoidance of business costs associated with obtaining an import permit or meeting quarantine requirements; or
  - (b) the avoidance of delays necessarily involved in compliance with applicable quarantine measures.

*Strict liability applies to paragraph (3)(c)*

- (4A) For the purposes of an offence against subsection (3), strict liability applies to paragraph (3)(c).

*Illegal removal offence*

- (4B) A person is guilty of an offence against this subsection if:
- (a) the person removes any thing:
    - (i) from a part of Australia to another part of Australia; or

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- (ii) from a part of the Cocos Islands to another part of the Cocos Islands; or
  - (iii) from Australia to the Cocos Islands; or
  - (iv) from the Cocos Islands to Australia; or
  - (v) from a part of Christmas Island to another part of Christmas Island; or
  - (vi) from Australia to Christmas Island; or
  - (vii) from Christmas Island to Australia; or
  - (viii) from Christmas Island to the Cocos Islands; and
- (b) the person knows that the thing is an animal, plant or other goods; and
- (c) the removal of the thing is in contravention of this Act.

Maximum penalty: Imprisonment for 10 years.

*Strict liability applies to paragraph (4B)(c)*

- (4C) For the purposes of an offence against subsection (4B), strict liability applies to paragraph (4B)(c).

*Non-compliance with condition of permit granted under Proclamation*

- (5) A person is guilty of an offence if:
- (a) the person fails to comply with a condition or restriction set out in a permit granted under a Proclamation made in accordance with subsection 13(2A); and
  - (b) the person is reckless as to whether or not the condition or restriction is complied with.

Maximum penalty: Imprisonment for 10 years.

*Hindering compliance with Act*

- (6) A person is guilty of an offence if the person:
- (a) does any act that hinders or prevents another person from complying with this Act; and
  - (b) is reckless as to whether or not the doing of that act hinders or prevents the other person from complying with this Act.

Maximum penalty: Imprisonment for 10 years.

**67A Liability of master or owner of vessel for importation of prohibited animals**

The master or owner of a vessel shall not bring, or permit to be brought, in the vessel, any animal into any port or place in Australia, the Cocos Islands or Christmas Island in contravention of this Act, the regulations or any proclamation under this Act.

Maximum penalty: Imprisonment for 10 years.

**68 Effect of unlawful importation etc.**

*Circumstances in which section applies*

- (1) This section applies if:
- (a) any animals, plants or other goods are imported or introduced into, or brought into any port or other place in, Australia, the Cocos Islands or Christmas Island; or
  - (b) any animals, plants or other goods are removed:
    - (i) from a part of Australia to another part of Australia; or
    - (ii) from a part of the Cocos Islands to another part of the Cocos Islands; or
    - (iii) from Australia to the Cocos Islands; or
    - (iv) from the Cocos Islands to Australia; or
    - (v) from a part of Christmas Island to another part of Christmas Island; or
    - (vi) from Australia to Christmas Island; or
    - (vii) from Christmas Island to Australia; or
    - (viii) from Christmas Island to the Cocos Islands; or
    - (ix) from the Cocos Islands to Christmas Island; or
  - (c) any animals, plants or other goods are moved, interfered with or dealt with;
- in contravention of this Act.

*Seizure of goods*

- (2) A quarantine officer may seize the animals, plants or goods and, if they are seized:
- (a) they are forfeited to the Commonwealth; and

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- (b) the quarantine officer must give a notice to a person referred to in subsection (4) stating that they have been seized and forfeited to the Commonwealth and that they will be sold, destroyed, exported from Australia, the Cocos Islands or Christmas Island or otherwise disposed of in any way that a Director of Quarantine thinks appropriate; and
- (c) a Director of Quarantine may cause the animals, plants or goods to be sold, destroyed, exported from Australia, the Cocos Islands or Christmas Island or otherwise disposed of.

*Notice by Director of Quarantine where goods not seized*

- (3) If the animals, plants or goods have not been seized under subsection (2), a Director of Quarantine may give a notice to a person referred to in subsection (4) stating that they will be seized, sold, destroyed, exported from Australia, the Cocos Islands or Christmas Island or otherwise disposed of in any way that the Director thinks appropriate unless, within a period set out in the notice:
  - (a) they are destroyed, exported from Australia, the Cocos Islands or Christmas Island, as the case may be, or otherwise dealt with in a way set out in the notice; and
  - (b) any other requirements set out in the notice relating to the animals, plants or goods are complied with.

*Person to whom notice may be given*

- (4) A notice under subsection (2) or (3) may be given:
  - (a) in respect of animals, plants or other goods imported or introduced into, or brought into any port or other place in, Australia, the Cocos Islands or Christmas Island—to the importer or consignee of the goods; or
  - (b) otherwise—to the owner, or the person in possession or control, of the animals, plants or goods.

*Notice must not require action involving unacceptably high level of risk*

- (5) A Director of Quarantine must not give a notice under subsection (3) if the Director is not satisfied that:

- (a) if the animals, plants or goods are dealt with in the way set out in the notice, there will be no unacceptably high level of quarantine risk; or
- (b) the person will either comply with the notice or tell the Director within the period set out in the notice that the person does not wish to deal with the goods as required by the notice.

*Authorised action will not contravene Act*

- (6) If, the animals, plants or goods have not been released from quarantine, any movement of, interference with, or dealing with, them that is necessary to comply with the notice is not a contravention of this Act.

*Liability for things done before notice not affected*

- (7) Any civil or criminal liability of the person to whom a notice is given because of a contravention of this Act that occurred in relation to the animals, plants or goods before the notice is given is not affected by the giving of the notice.

*Further notice may be given*

- (8) At any time before the person to whom a notice under subsection (3) is given complies with the notice, a Director of Quarantine may give a further notice to the person amending or revoking the notice. If the notice is amended, this section applies to the notice as amended in the same way as it applied to the original notice.

*If notice is not complied with*

- (9) If a notice is given to a person under subsection (3) within the period prescribed by the regulations for the purposes of this subsection, but the person:
  - (a) does not comply with the notice within the period specified in it; or
  - (b) tells a Director of Quarantine within that period that the person does not wish to deal with the goods as required by the notice;

the following provisions have effect:

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- (c) the animals, plants or goods are forfeited to the Commonwealth; and
- (d) an officer or an officer of Customs may seize them; and
- (e) a Director of Quarantine may cause them to be sold, destroyed, exported from Australia, the Cocos Islands or Christmas Island or otherwise disposed of.

**68A Destruction of certain animals**

If:

- (a) an animal has been brought into a port or other place in Australia, the Cocos Islands or Christmas Island but the animal was not intended, or is not permitted, to be imported into Australia, the Cocos Islands or Christmas Island, as the case may be; and
  - (b) the master of a vessel or installation fails to comply with:
    - (i) a direction given by a Director of Quarantine with respect to the animal; or
    - (ii) any of the prescribed conditions relating to the giving of reports about the animal, or relating to the control or confinement of, or the giving of access to, the animal;
- a quarantine officer may destroy the animal.

**69 Seizure of animals, plants or other goods**

- (1) If any animals, plants or other goods that are subject to quarantine are found at a place other than a quarantine station:
  - (a) any officer or police officer may seize them; and
  - (b) if an officer or police officer does so—he or she must take them to a quarantine station or to such other place as a Director of Quarantine directs.
- (2) If an animal that is required to be kept under quarantine surveillance at a particular place (the *place of surveillance*) is found at another place:
  - (a) any officer or police officer may seize it; and
  - (b) if an officer or police officer does so—he or she must take it back to the place of surveillance or to such other place as a Director of Quarantine directs.

(3) In this section:

*quarantine station*, in relation to an animal, plant or other goods, includes:

- (a) a place approved under section 46A in relation to a class of animals, plants or other goods in which the animal, plant or other goods are included; and
- (b) any other place where the animal, plant or other goods may be detained under this Act.

### **69A Compensation for destroyed goods**

- (1) Subject to this section, where any goods (including any animal or plant) or any premises comprising buildings or other structures are destroyed under or in accordance with this Act, the Minister may, if he or she considers it appropriate to do so, approve the payment of compensation under this section in respect of those goods or premises.
- (2) The Minister shall not approve the payment of compensation under this section in respect of:
  - (a) goods unlawfully imported into Australia, the Cocos Islands or Christmas Island; or
  - (b) goods lawfully imported into Australia, the Cocos Islands or Christmas Island that were in quarantine at all times between their importation and destruction, other than a prescribed animal destroyed at a quarantine station.
- (3) The Minister shall not approve the payment of compensation under this section in respect of goods or premises where the Minister is satisfied, on reasonable grounds, that:
  - (a) the goods or premises were destroyed by reason of an act or omission in contravention of a law of the Commonwealth, a law of a State or a law of a Territory; and
  - (b) a person who had, or was a member of a partnership that had, an interest in the goods or premises at the time of their destruction:
    - (i) was a party to, or was in any way directly or indirectly concerned in, the act or omission;
    - (ii) had an interest in the goods or premises at the time when the act or omission occurred and, at an earlier time, knew, ought to have known, or had reasonable

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- grounds for suspecting, that the act or omission would occur; or
- (iii) acquired an interest in the goods or premises after the act or omission occurred and, at the time when he or she acquired that interest, knew, ought to have known, or had reasonable grounds for suspecting, that the act or omission had occurred.
- (4) Where an animal destroyed at a quarantine station had been lawfully imported into Australia, the Cocos Islands or Christmas Island and had been in quarantine at all times between its importation and destruction, the Minister shall not approve the payment of compensation under this section in respect of the animal if he or she is satisfied, on reasonable grounds, that, before the animal left its place of origin for exportation to Australia, the Cocos Islands or Christmas Island, the animal was infected, or was likely to be infected, with a disease or pest for reasons relating to which the animal was destroyed.
- (5) Subject to this section, compensation approved under this section in respect of goods or premises shall:
- (a) where there is only one owner of the goods or premises—be paid to the owner; or
- (b) where there are 2 or more owners of the goods or premises—be divided among those owners in accordance with their interests in the goods or premises at the time of their destruction.
- (6) If a quarantine officer or other person who causes goods or premises to be destroyed under this Act knows, at the time of the destruction of the goods or premises, the name and address of the owner or any of the owners of the goods or premises, the quarantine officer or other person must give written notice of the destruction of the goods or other premises to that owner or each of those owners, either personally or by post.
- (7) An owner is not entitled to compensation under this section in respect of goods or premises unless a claim for compensation in respect of the goods or premises is made by or on behalf of the owner within 12 months after:



- (a) if under subsection (6) notice of the destruction of the goods or premises is required to be given to him or her—that notice is given; or
  - (b) in any other case—the goods or premises are destroyed.
- (8) A claim for compensation under subsection (7) shall be in a form approved by the Minister and shall be accompanied by such documents as are required by that form to accompany the claim.
- (9) The compensation payable under this section in respect of goods or premises is an amount equal to:
  - (a) except where paragraph (b) or (c) applies—the market value of the goods or premises immediately before their destruction;
  - (b) in the case of an animal (other than an animal to which paragraph (c) applies) destroyed by reason of the animal being infected, or suspected of being infected, with a disease or pest—the market value that the animal would have had at the time of its destruction if it had not been infected or suspected of being infected; or
  - (c) in the case of an animal imported into Australia, the Cocos Islands or Christmas Island that was in quarantine at all times between its importation and destruction—the sum of the market value of the animal in the country of export at the time of export and the charges for freight, maintenance or similar expenses in respect of the animal incurred after the animal left its place of origin for exportation to Australia, the Cocos Islands or Christmas Island and before its destruction.
- (10) If the Minister and the owner or the owners entitled to compensation under this section in respect of goods or premises do not agree as to the market value or sum that, in accordance with subsection (9), is to be the amount of that compensation, that market value or sum shall be determined by a person agreed upon by the Minister and by the owner or owners entitled to that compensation.
- (11) Where the Minister approves the payment of compensation under this section in respect of goods or premises and:
  - (a) the Minister and the owner or owners entitled to be paid that compensation agree on the market value or sum that, in

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accordance with subsection (9), is to be the amount of that compensation; or

- (b) that market value or sum is determined in accordance with subsection (10);

that amount of compensation is payable to the owner or owners so entitled and the amount so payable to the owner or an owner may be recovered by him or her by action against the Commonwealth in a court of competent jurisdiction.

- (12) A person is guilty of an offence if:
  - (a) the person makes a statement that is false or misleading in a material particular; and
  - (b) the statement is made with the intention of obtaining pecuniary benefit for the person or for another person under this section; and
  - (c) the person knows the statement to be false or misleading in that particular.

Maximum penalty: Imprisonment for 5 years.

- (12A) A person is guilty of an offence if:
  - (a) the person makes a statement that is false or misleading in a material particular; and
  - (b) the statement is made with the intention of obtaining pecuniary benefit for the person or for another person under this section; and
  - (c) the person is reckless as to whether or not the statement is false or misleading in that particular.

Maximum penalty: Imprisonment for 2 years.

- (12B) A person is guilty of an offence if:
  - (a) the person does a fraudulent act; and
  - (b) the act is done with the intention of obtaining pecuniary benefit for the person or for another person under this section.

Maximum penalty: Imprisonment for 5 years.

- (13) For the purposes of this section:
  - (a) goods subject to quarantine or ordered into quarantine shall be taken to be in quarantine;

- (b) where goods imported into Australia, the Cocos Islands or Christmas Island on a vessel are ordered into quarantine on, or soon after, the granting of pratique in relation to that vessel, the goods shall be deemed to have continued to be subject to quarantine during the period commencing when pratique was granted in relation to the vessel and ending when the goods were ordered into quarantine; and
  - (c) where goods subject to quarantine or ordered into quarantine are released from quarantine for the purpose of exportation, the goods shall be deemed to continue to be in quarantine.
- (14) In this section, *owner*, in relation to goods or premises that have been destroyed, means a person who, or a partnership which, had an interest in the goods or premises at the time of their destruction, but does not include a person who had such an interest by reason only that he or she was entitled to the benefit of a mortgage or other charge, or a lien, in respect of the goods or premises unless he or she was in possession of the goods or occupying, or otherwise in control of, the premises, at that time.
- (15) In this section, *prescribed animal* means an animal other than any of the following, that is to say:
- (a) a horse, an ass, a mule or a pig;
  - (b) a ruminant;
  - (c) an animal imported for the purposes of a zoo or circus; or
  - (d) an animal imported by an organization engaged in scientific research for the purposes of that research.

## **70 Power to board vessels and examine things found on them**

- (1) A quarantine officer may board any vessel that:
- (a) is in a port or place in Australia, the Cocos Islands or Christmas Island; or
  - (b) is:
    - (i) on the seaward side of the outer limits of the territorial sea of Australia, the Cocos Islands or Christmas Island and is within 9 nautical miles, or such greater distance as the Governor-General, by proclamation, declares, of those outer limits; and

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- (ii) bound for a port or place in Australia, the Cocos Islands or Christmas Island;
- and may, after boarding the vessel:
- (c) enter and examine any part of the vessel;
  - (d) examine any animals, plants or other goods on board the vessel; and
  - (e) examine the passenger list, log, manifest, journal and any other papers relating to the vessel or to any persons, animals, plants or other goods on board the vessel.
- (2) The master of a vessel is guilty of an offence if:
- (a) he or she is required by a quarantine officer to produce to him or her for examination the papers referred to in paragraph (1)(e); and
  - (b) he or she fails to comply with the requirement.

Maximum penalty: 60 penalty units.

Note: Subsection (2) is not subject to the privilege against self incrimination but a use derivative-use indemnity applies (see subsections 79A(1) and (2)).

- (2A) An offence against subsection (2) is an offence of strict liability.
- (3) A person authorized in writing by a Director of Quarantine to act under this subsection may board any vessel that:
- (a) is in a port or place in Australia, the Cocos Islands or Christmas Island; or
  - (b) is:
    - (i) on the seaward side of the outer limits of the territorial sea of Australia, the Cocos Islands or Christmas Island and is within 9 nautical miles, or such greater distance as the Governor-General, by proclamation, declares, of those outer limits; and
    - (ii) bound for a port or place in Australia, the Cocos Islands or Christmas Island;
- and may, after boarding the vessel, enter and examine any part of the vessel and all animals, plants or other goods on board the vessel.

**70AA Power to board installations and examine things found on them**

- (1) This section applies in relation to:
  - (a) any Australian installation or any overseas installation; and
  - (b) any installation (other than an Australian installation or an overseas installation) on which a quarantine officer has reasonable grounds to believe there are any persons who are, or any animals, plants or other goods that are, subject to quarantine.
- (2) A quarantine officer may board an installation to which this section applies and:
  - (a) enter and examine any part of the installation;
  - (b) examine any animals, plants or other goods on board the installation; and
  - (c) examine any log, manifest, journal and any other papers related to the installation or to any persons, animals, plants or other goods on board the installation.
- (3) The master of an installation to which this section applies is guilty of an offence if:
  - (a) he or she is required by a quarantine officer to produce to him or her for examination the papers referred to in paragraph (2)(c); and
  - (b) he or she fails to comply with the requirement.

Maximum penalty: 60 penalty units.

Note: Subsection (3) is not subject to the privilege against self incrimination but a use derivative-use indemnity applies (see subsections 79A(1) and (2)).

- (3A) An offence against subsection (3) is an offence of strict liability.
- (4) A person authorized in writing by a Director of Quarantine to act under this subsection may board an installation to which this section applies and may enter and examine any part of the installation and any animals, plants or other goods on board the installation.

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**70A Power to search goods**

- (1) A quarantine officer may search and examine any goods which, or which a quarantine officer believes on reasonable grounds:
  - (a) are about to be placed on, are on, or have been taken off or out of, an overseas vessel; or
  - (b) are on, or are about to be placed on, a vessel or installation in the Protected Zone or a Special Quarantine Zone that is about to travel to a place in Australia; or
  - (c) are on, or have been taken off or out of, a vessel or installation that has travelled to a place in Australia from or through a place in the Protected Zone or a Special Quarantine Zone.
- (2) A quarantine officer may ask a person who owns, is carrying or is otherwise associated with, or appears to the quarantine officer to be associated with, goods that the quarantine officer is searching or examining or entitled to search or examine under subsection (1) any question in respect of the goods relating to matters within the functions, duties or powers of the quarantine officer.
- (3) A person is guilty of an offence if:
  - (a) the person is asked a question under subsection (2); and
  - (b) the person fails to answer the question.

Maximum penalty: 60 penalty units.

- (4) A person is guilty of an offence if:
  - (a) the person answers a question asked under subsection (2); and
  - (b) the answer contains a statement that the person knows to be false or misleading in a material particular.

Maximum penalty: Imprisonment for 2 years.

- (5) An offence against subsection (3) is an offence of strict liability.

Note: This section is subject to the privilege against self incrimination (see subsection 79A(3)).

**70B Powers of officers in relation to goods**

- (1) In this section, *prescribed goods* means goods that:
  - (a) are, or have been, subject to quarantine; or

- (b) a quarantine officer believes, on reasonable grounds, are, or have been, subject to quarantine.
- (2) A quarantine officer may ask a person who the officer believes on reasonable grounds has information in respect of prescribed goods any question in respect of the goods relating to matters within the functions, duties or powers of the officer.
- Note 1: It is an offence to fail to answer a question asked under this subsection (see section 74C).
- Note 2: It is an offence to give false or misleading information in answer to a question asked under this subsection (see section 137.1 of the *Criminal Code*).
- (3) A quarantine officer may require a person who the officer believes on reasonable grounds has the custody or control of documents in respect of prescribed goods relating to matters within the functions, duties or powers of the officer to produce to the officer such of those documents as are specified by the officer.
- Note 1: It is an offence to fail to produce a document (see section 74C).
- Note 2: It is an offence to produce a document knowing that the document is false or misleading unless the document is accompanied by a written statement acknowledging that the document is false or misleading (see section 137.2 of the *Criminal Code*).
- (4) A quarantine officer may require a person who the officer believes on reasonable grounds is the owner, or the agent of the owner, of prescribed goods or of goods that have been, or that the quarantine officer suspects, or believes on reasonable grounds, have been, exposed to prescribed goods, to deliver to the officer samples of such of those goods owned by him or her or by his or her principal as are specified by the officer.
- Note: It is an offence to fail to deliver a sample required to be delivered under this subsection (see section 74C).
- (5) A quarantine officer may make copies of, or take extracts from, any documents produced under subsection (3) and, for the purpose of making a copy of, or taking an extract from, a document, may remove the document from the place at which it was produced.
- (6) A quarantine officer may carry out tests on any samples delivered under subsection (4).

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**70BA Carrying out tests on samples**

If a quarantine officer has power under this Act to carry out tests on any samples, the officer has power to carry out tests that result in the destruction, or reduce the value, of the samples or of a package or goods associated with the samples.

**70BB Officers may be assisted by animals**

- (1) A quarantine officer is entitled to be accompanied by, and make use of, an animal to help the officer in:
  - (a) exercising the power to enter and search a quarantine station, a quarantine area, a place approved under section 46A or another place at which animals, plants or other goods may be detained under this Act; or
  - (b) examining or inspecting any vessel, installation, premises, vehicle, animals, plants or other goods.
- (2) Subsection (1) does not apply unless:
  - (a) the quarantine officer is authorised by a Director of Quarantine to handle animals in the performance of his or her functions or duties; and
  - (b) the animal is under the effective control of the quarantine officer.
- (3) If the quarantine officer is exercising a power under a warrant, subsection (1) does not apply unless the use of the animal is authorised by the warrant.

**70C Offences in relation to goods or vessel**

*False or misleading statement*

- (1) A person is guilty of an offence if:
  - (a) the person makes a statement to a quarantine officer in respect of goods; and
  - (b) the person knows that the statement is false or misleading in a material particular.

Maximum penalty: Imprisonment for 2 years.



*Concealment of condition of vessel or nature of goods*

- (2) A person is guilty of an offence if the person conceals from a quarantine officer the condition of a vessel or the nature of any goods, or any fact or matter relating to the condition of a vessel or the nature of any goods.

Maximum penalty: Imprisonment for 2 years.

*Possession or conveyance of illegally imported goods*

- (3) A person is guilty of an offence if:
- (a) the person has in his or her possession, or conveys, any goods; and
  - (b) the goods have been imported, introduced or otherwise brought into Australia, the Cocos Islands or Christmas Island in contravention of this Act.

Maximum penalty: Imprisonment for 2 years.

**70CA False or misleading statements about approvals, permits, compliance agreements etc.***Making of statements known to be false or misleading*

- (1) A person is guilty of an offence if:
- (a) the person makes an oral or written statement:
    - (i) that an instrument under this Act has been given to, or on the application of, the person; or
    - (ii) that an instrument under this Act given to, or on the application of, the person is in force; or
    - (iii) as to the terms of an instrument under this Act given to, or on the application of, the person; or
    - (iv) as to any conditions to which an instrument mentioned in subparagraph (iii) is subject; or
    - (v) that the person is a party to a compliance agreement; or
    - (vi) as to the terms of a compliance agreement to which the person is a party; or
    - (vii) as to any conditions to which a compliance agreement mentioned in subparagraph (vi) is subject; and

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- (b) the statement is false or misleading in a material particular;  
and
- (c) the person knows that the statement is false or misleading in that particular.

Maximum penalty: Imprisonment for one year.

*Negligently making false or misleading statements*

- (2) A person is guilty of an offence if:
  - (a) the person makes an oral or written statement:
    - (i) that an instrument under this Act has been given to, or on the application of, the person; or
    - (ii) that an instrument under this Act given to, or on the application of, the person is in force; or
    - (iii) as to the terms of an instrument under this Act given to, or on the application of, the person; or
    - (iv) as to any conditions to which an instrument mentioned in subparagraph (iii) is subject; or
    - (v) that the person is a party to a compliance agreement; or
    - (vi) as to the terms of a compliance agreement to which the person is a party; or
    - (vii) as to any conditions to which a compliance agreement mentioned in subparagraph (vi) is subject; and
  - (b) the statement is false or misleading in a material particular;  
and
  - (c) the person is negligent as to whether or not the statement is false or misleading in that particular.

Maximum penalty: Imprisonment for 6 months.

*Definition*

- (3) In this section:

***instrument under this Act*** means an approval, authorisation, permission or permit under this Act.

**70D Directions relating to the movement of persons and goods subject to quarantine**

- (1) A quarantine officer may give to a person who is subject to quarantine:
  - (a) a direction to remain at a particular place;
  - (b) a direction to go to a place specified by the quarantine officer; or
  - (c) any other directions relating to the movement of the person from a place to another place.
- (2) A quarantine officer may give to a person who is in control of goods that are subject to quarantine:
  - (a) a direction to leave the goods at a particular place;
  - (b) a direction to move the goods to a place specified by the quarantine officer; or
  - (c) any other directions relating to the movement of the goods.
- (3) A person is guilty of an offence if:
  - (a) a direction is given to the person under subsection (1) or (2); and
  - (b) the person fails to comply with the direction.

Maximum penalty: Imprisonment for 2 years.

**70E Directions to people in a quarantine station**

- (1) For the purpose of achieving the object referred to in section 4, a quarantine officer who is in charge of a quarantine station may give directions to a person in the quarantine station.
- (2) For the purpose of achieving the object referred to in section 4, a quarantine officer may give directions to a person who is in a place approved under section 46A.
- (3) Without limiting subsections (1) and (2), the directions that may be given under either of those subsections to a person in a quarantine station or a place approved under section 46A may include either or both of the following:
  - (a) a direction to leave the quarantine station or place;
  - (b) a direction to subject himself or herself to such treatment as is required by the direction.

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- (4) A person is guilty of an offence if:
- (a) a direction is given to the person under this section; and
  - (b) the person fails to comply with the direction.

Maximum penalty: Imprisonment for 2 years.

**71 Boarding vessel or installation**

- (1) A quarantine officer who boards a vessel:
- (a) may remain on it for such period as the officer thinks necessary or desirable for the purpose of performing his or her duties; and
  - (b) may direct the master to provide suitable and sufficient food and sleeping accommodation for the officer.

- (1A) The master of a vessel is guilty of an offence if:
- (a) a direction is given to the master under paragraph (1)(b); and
  - (b) the master fails to comply with the direction.

Maximum penalty: 10 penalty units.

- (1B) An offence against subsection (1A) is an offence of strict liability.

- (2) If the vessel is a passenger vessel, the quarantine officer shall be entitled to all the privileges and accommodation extended to a first-class passenger.
- (3) A reference in this section to a vessel shall be read as including a reference to an installation to which section 70AA applies.

**72 Medical inspections and examinations**

- (1) A quarantine officer may require the master of a vessel to cause all or any of the persons on the vessel to be informed that, for the purposes of quarantine inspection, a muster of those persons will be held at a time, and at a place on or in the vicinity of the vessel, specified by the quarantine officer.
- (2) The master of a vessel shall comply with a requirement made by a quarantine officer under subsection (1) and, whether or not such a requirement is made, shall, by all reasonable means, facilitate the inspection by a quarantine officer of persons on the vessel.

Maximum penalty: 50 penalty units.

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- (3) A person on a vessel must attend a muster of which he or she is informed in pursuance of a requirement made under subsection (1).

Maximum penalty: 20 penalty units.

- (4) If so required by a quarantine officer, a person on a vessel must attend, for the purpose of quarantine inspection, at a time, and at a place on or in the vicinity of the vessel, specified by the quarantine officer.

Maximum penalty: 20 penalty units.

- (4A) Subsections (3) and (4) do not apply if the person is prevented from attending by illness or some other cause.

Note: A defendant bears an evidential burden in relation to the matter in subsection (4A) (see subsection 13.3(3) of the *Criminal Code*).

- (5) A person on a vessel, or a person who attends at a place in the vicinity of a vessel in pursuance of subsection (3) or (4), shall answer truly to the best of his or her knowledge all questions asked him or her by a quarantine officer concerning his or her personal health and the likelihood of his or her having been exposed to infection.

Maximum penalty: 50 penalty units.

Note: This subsection is subject to the privilege against self incrimination (see subsection 79A(3)).

- (6) A person on a vessel, or a person who attends at a place in the vicinity of a vessel in pursuance of subsection (3) or (4), shall, if required by a quarantine officer, submit to a medical examination.

Maximum penalty: 50 penalty units.

- (6A) An offence against subsection (2), (3), (4) or (6) is an offence of strict liability.

- (7) A reference in this section to a vessel shall be read as including a reference to an installation to which section 70AA applies.

### **73 Quarantine officer may make inquiries at any time**

- (1) A quarantine officer may ask the master or medical officer of any vessel any questions he or she thinks fit to ask concerning any sickness on board the vessel or the sanitary condition of the vessel,

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and the master or medical officer shall, to the best of his or her knowledge, information, and belief, truly answer the questions asked him or her by the quarantine officer.

Maximum penalty: Imprisonment for 2 years.

- (2) A quarantine officer may ask any person subject to quarantine any questions concerning his or her personal health or liability to infection, and the person shall, to the best of his or her knowledge, information, and belief, truly answer the questions asked him or her by the quarantine officer.

Maximum penalty: Imprisonment for one year.

- (3) A quarantine officer may, if he or she thinks fit, require a person, who has been asked questions in pursuance of this section, to verify, by statutory declaration, the answers given to the questions.

- (3A) A person is guilty of an offence if:

- (a) a requirement is made of the person under subsection (3); and
- (b) the person fails to comply with the requirement.

Maximum penalty: 50 penalty units.

- (3B) An offence against subsection (3A) is an offence of strict liability.

Note: This section is subject to the privilege against self incrimination (see subsection 79A(3)).

- (4) A reference in this section to a vessel shall be read as including a reference to an installation to which section 70AA applies.

#### 74 Power to affix notices

- (1) A quarantine officer may affix any notices relating to quarantine that have been approved by a Director of Quarantine:
- (a) on any part of a vessel subject to quarantine; and
  - (b) on any goods subject to quarantine; and
  - (c) at or near any quarantine station or any place approved under section 46A; and
  - (d) in any quarantine area; and
  - (e) in any other place approved for the purposes of this Act or a provision of this Act.

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- (2) An unauthorised person must not engage in conduct that results in the interference with, removal or defacement of, any notice affixed under this section.

Maximum penalty: 50 penalty units.

- (2A) An offence against subsection (2) is an offence of strict liability.
- (3) A reference in this section to a vessel shall be read as including a reference to an installation to which section 70AA applies.

**74AA Quarantine information to be given to travellers to Australia**

- (1) Where a vessel leaves a place outside Australia to travel to a port in Australia or to an Australian installation without stopping at any other place outside Australia, the master of the vessel shall give notice, or cause notice to be given, to all persons travelling on the vessel (including members of the crew) of the quarantine measures required under the laws of the Commonwealth, being notice the content and form of which have been approved by the Director of Human Quarantine and the Director of Animal and Plant Quarantine.

Maximum penalty: 50 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.

**74BB Identity cards**

- (1) A Director of Quarantine may cause an identity card to be issued to an officer.
- (2) An identity card:
- (a) is to incorporate a recent photograph of the officer to whom it is issued; and
  - (b) is to contain:
    - (i) the officer's signature; or
    - (ii) a unique number assigned to the officer by the Director who issued the identity card; and
  - (c) is to state that the officer is an officer appointed under this Act.

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- (3) A person who ceases to be a quarantine officer must, as soon as practicable after so ceasing, return his or her identity card to a Director of Quarantine.
- (4) A person is guilty of an offence if:
  - (a) an identity card was issued to the person; and
  - (b) the person has ceased to be a quarantine officer; and
  - (c) the person fails to return the identity card as required by subsection (3).

Maximum penalty: One penalty unit.

**74BC Power to require information after entering premises with consent or under warrant**

- (1) Subject to subsection (2), a quarantine officer who has entered premises under subparagraph 66AB(1)(a)(iv) or paragraph 66AE(2)(b) or under a warrant under section 66AC, 66AF or 66AH may, to the extent that it is reasonably necessary for the purpose of deciding whether to exercise any power under this Act or finding out whether this Act has been complied with:
  - (a) require a person to answer questions relating to the movement of people, vehicles or goods to or from the premises or otherwise relating to the prevention or control of the introduction, establishment or spread of a disease or pest; or
  - (b) require a person to produce any documents relating to the movement of people, vehicles or goods to or from the premises or otherwise relating to the prevention or control of the introduction, establishment or spread of a disease or pest, and inspect any documents so produced.
- (2) A quarantine officer is not entitled to make a requirement of a person under subsection (1) unless the officer produces his or her identity card for inspection by the person.

Note: This section is subject to the privilege against self incrimination (see subsection 79A(3)).



**74C Non-compliance with requirements***Failure to answer question or produce document*

- (1) A person is guilty of an offence if:
  - (a) the person is asked a question or required to produce a document under subsection 70B(2) or (3) or 74BC(1); and
  - (b) the person fails to answer the question or produce the document.

Maximum penalty: Imprisonment for one year.

*Failure to deliver sample*

- (2) A person is guilty of an offence if:
  - (a) the person is required under subsection 70B(4) to deliver a sample; and
  - (b) the person fails to deliver the sample.

Maximum penalty: Imprisonment for one year.

Note: Subsections (1) and (2) are subject to the privilege against self incrimination (see subsection 79A(3)).

**74D Powers relating to vessels and vehicles**

- (1) If a quarantine officer believes on reasonable grounds that a vessel or vehicle is carrying, or will carry, infected goods or goods subject to quarantine in a manner that could result in the introduction, establishment or spread of a disease or pest, the officer may give the master of the vessel or the person in control of the vehicle directions to take measures in respect of the vessel or vehicle, or the goods, that the officer thinks necessary to prevent the introduction, establishment or spread of the disease or pest.
- (2) The directions that may be given under subsection (1) include, without limiting the generality of that subsection, any of the following:
  - (a) directions relating to the movement of the vessel or vehicle (including a direction to cause the vessel or vehicle to stop);
  - (b) directions for the performance of work on the vessel or vehicle;
  - (c) directions for the treatment of the vessel, vehicle or goods.

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- (3) A person is guilty of an offence if:
- (a) a direction is given to the person under subsection (1); and
  - (b) the person fails to comply with the direction.

Maximum penalty: Imprisonment for 5 years.

- (4) In this section:

*infected goods* has the same meaning as in section 66AA.

**74DA Master or owner of vessel or installation ordered into quarantine may be directed to help officers**

- (1) A quarantine officer may direct the master or owner of a vessel or installation:
- (a) that is subject to quarantine; or
  - (b) on which a person is performing quarantine;
- to provide such help as is reasonable, and is stated in the direction, to any officer performing functions or duties or exercising powers under this Act in relation to the vessel or installation or in relation to any person who, or thing that, is on the vessel or installation.
- (2) A person is guilty of an offence if:
- (a) a direction is given to the person under this section; and
  - (b) the person fails to comply with the direction.

Maximum penalty: Imprisonment for 6 months.

**74E Persons to assist officers**

- (1) A person in control of imported goods shall, if requested by a quarantine officer to do so, provide reasonable assistance to the officer in the performance of the functions, the carrying out of the duties, or the exercise of the powers, of the officer under this Act in relation to those goods.

Maximum penalty: Imprisonment for 6 months.

- (2) A reference in subsection (1) to a person in control of imported goods shall be read as including a reference to:
- (a) the owner of the goods;
  - (b) the person who imported the goods; and

(c) an agent of a person referred to in paragraph (a) or (b).

### **75 Persons may be vaccinated**

(1) A quarantine officer may require a person who is subject to quarantine or performing quarantine to submit himself or herself to vaccination or inoculation with any prophylactic or curative vaccine.

(1A) A person is guilty of an offence if:

- (a) a requirement is made of the person under subsection (1); and
- (b) the person fails to comply with the requirement.

Maximum penalty: 20 penalty units.

(1B) An offence against subsection (1A) is an offence of strict liability.

(2) A quarantine officer shall not require any person to be vaccinated or inoculated unless, in his or her opinion, vaccination or inoculation is necessary for the prevention of the spread of a quarantinable disease.

(3) The Minister may take such action as he or she thinks fit to ensure the manufacture or importation of any prophylactic vaccine or other biological product required for the prevention or treatment of disease.

### **75A Vessels involved in certain offences**

(1) In this section, unless the contrary intention appears:

*approved person* means:

- (a) a quarantine officer; or
- (b) an officer of Customs; or
- (c) a police officer; or
- (e) a person (who may be a member of the Defence Force) authorized in writing by the Minister administering the Department that deals with human quarantine or the Minister administering the Department that deals with animal and plant quarantine or a quarantine officer to be an approved person for the purposes of this section.

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*prescribed vessel* means:

- (a) a vessel used in navigation by sea the maximum overall length of the hull proper of which is 45 metres or less; or
  - (b) an aircraft.
- (2) This section applies to:
- (a) a prescribed vessel in relation to which its master has committed an offence against section 20; and
  - (b) a prescribed vessel, being an aircraft, in relation to which its master has committed an offence against section 20A; and
  - (c) a prescribed vessel in relation to which its master has committed an offence against section 29, other than at the first port of entry, the first Cocos Islands port of entry or the first Christmas Island port of entry, of the vessel; and
  - (d) a prescribed vessel in relation to which its master has committed an offence against section 30, other than at the first port of entry, the first Cocos Islands port of entry or the first Christmas Island port of entry, of the vessel; and
  - (e) a prescribed vessel from which a person has landed animals or plants in contravention of section 20D, other than at the first port of entry, the first Cocos Islands port of entry or the first Christmas Island port of entry, of the vessel; and
  - (f) a prescribed vessel in relation to which a person has committed an offence against section 67, other than at the first port of entry, the first Cocos Islands port of entry or the first Christmas Island port of entry of the vessel; and
  - (g) a prescribed vessel in relation to which its master or owner has committed an offence against section 67A, other than at the first port of entry, the first Cocos Islands port of entry or the first Christmas Island port of entry, of the vessel.
- (3) Where an approved person has reasonable grounds to believe that this section applies to a vessel, that person may board the vessel.
- (4) Where an approved person has reasonable grounds to believe that this section applies to a vessel, that person may:
- (a) detain the vessel, or cause the vessel to be detained, at the place where a vessel is found; or
  - (b) bring the vessel, or cause the vessel to be brought, to such other place or such other places as:

- (i) where the approved person is a quarantine officer—the approved person; or
  - (ii) in any other case—a quarantine officer;
- from time to time deems appropriate and detain the vessel or cause the vessel to be detained at that place or at those places.
- (5) For the purposes of the detention and other lawful dealings with a vessel, a person authorized under this section to detain the vessel is entitled to take with him or her, and to have the assistance of, any members of the Defence Force or other persons that he or she may think necessary.
  - (6) A person (other than an approved person or a person assisting an approved person under subsection (5)) who moves a vessel from the place at which it is detained under subsection (4) is guilty of an offence.

Maximum penalty: Imprisonment for 10 years.

- (6A) Subsection (6) does not apply if the person moves the vessel with the written permission of an approved person.

Note: A defendant bears an evidential burden in relation to the matter in subsection (6A) (see subsection 13.3(3) of the *Criminal Code*).

- (7) Where an approved person detains a vessel under subsection (4), that person shall, as soon as practicable, give the Minister particulars of the detention.
- (8) Where a vessel has been detained under subsection (4), the Minister shall, as soon as practicable after being given particulars of the detention, direct the person detaining the vessel:
  - (a) if the Minister is not satisfied that this section applies to the vessel—to deliver the vessel to the master or owner of the vessel;
  - (b) if the Minister is satisfied that this section applies to the vessel but, after considering the offence or offences by reason of the commission of which the section would so apply and any other relevant matters, is satisfied that it would be inappropriate for the vessel to be forfeited under this section—to deliver the vessel to the master or owner of the vessel as soon as all things required to be done in relation to the vessel for the purposes of this Act have been done; or

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- (c) in any other case—to continue to detain the vessel and to serve on the master or owner of the vessel, either personally or by post, a notice in writing:
  - (i) stating that the vessel has been detained under this section;
  - (ii) giving particulars of the offence by reason of which the vessel is alleged to be a vessel to which this section applies; and
  - (iii) setting out the terms of the provisions of subsections (9) and (10);

and, subject to the *Customs Act 1901*, the person detaining the vessel shall comply with that direction.

- (9) Where a notice under paragraph (c) of subsection (8) is served in respect of a vessel, the owner of the vessel may, within one month after the service of the notice, bring an action in a court of competent jurisdiction for the delivery of the vessel to him or her on the ground that the vessel is not a vessel to which this section applies, and:
  - (a) where the owner of the vessel brings such an action within that period:
    - (i) if the court finds that this section applies to the vessel—the court shall order the vessel to be forfeited to the Crown; or
    - (ii) if the action is discontinued—the vessel is forfeited to the Crown; or
  - (b) where the owner of the vessel does not bring such an action within that period—the vessel is forfeited to the Crown.
- (10) In any action in a court brought under subsection (9) for the delivery of a vessel, the court may find that a person committed an offence if, and only if:
  - (a) in the case of a person who has been tried for the offence—the person has been convicted of the offence; or
  - (b) in any other case—the court is satisfied beyond reasonable doubt that the person committed the offence.
- (11) A vessel ordered to be forfeited to the Crown under subparagraph (9)(a)(i) or forfeited to the Crown under subparagraph (9)(a)(ii) or under paragraph (9)(b) becomes the

property of the Commonwealth and shall be dealt with and disposed of in accordance with the directions of the Minister.

- (12) For the purposes of the application of section 29 of the *Acts Interpretation Act 1901* to the service by post on the master or owner of a vessel of a notice referred to in paragraph (8)(c), such a notice posted as a letter addressed to him or her at:
- (a) where he or she has given the person detaining the vessel an address in Australia, the Cocos Islands or Christmas Island for the purposes of this subsection—that address; or
  - (b) in any other case—his or her last address in Australia, the Cocos Islands or Christmas Island known to the person detaining the vessel;
- shall be deemed to be properly addressed.
- (13) For the purposes of this section, goods on, and the fittings and equipment of, a vessel detained under this section shall be deemed to be part of the vessel.
- (14) An approved person may destroy:
- (a) any animals or plants; or
  - (b) any goods (other than animals or plants) that he or she considers could be a source of infection;
- that are on board, or that he or she believes on reasonable grounds have been on board, a vessel detained in Australia, the Cocos Islands or Christmas Island under this section.
- (15) An approved person shall be taken to be an authorized person for the purpose of the application of section 31 in relation to a prescribed vessel.

### **75B Animals on boats**

- (1) An approved person may destroy any animal on board a prescribed overseas vessel in Australia, the Cocos Islands or Christmas Island, being an animal that he or she believes on reasonable grounds has travelled on that vessel, unless, in his or her opinion, arrangements exist or are to be made to ensure that while the vessel is in Australia, the Cocos Islands or Christmas Island, as the case may be, the animal will not leave the vessel except, in the case of an animal to be lawfully imported, when being landed for the purpose of importation.

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(2) In this section:

*approved person* has the same meaning as in section 75A.

*prescribed overseas vessel* means an overseas vessel (other than a vessel detained under section 75A or an overseas aircraft) the maximum overall length of the hull proper of which is 45 metres or less.

**76 Unauthorised entry on quarantine station etc.**

*Definition*

(1) In this section:

*relevant act* means any of the following:

- (a) entering or trespassing on, or leaving, a quarantine station or quarantine area;
- (b) taking any animal, plant or other goods into or out of a quarantine station or quarantine area;
- (c) interfering with any animals, plants or other goods that are subject to quarantine.

*Offence to act without permission*

(2) A person is guilty of an offence if:

- (a) the person does a relevant act; and
- (b) the person does not have the written permission of a quarantine officer to do the act.

Maximum penalty: Imprisonment for 2 years.

*Offence to contravene condition of permission*

(3) A person is guilty of an offence if:

- (a) the person does a relevant act; and
- (b) the person has the written permission of a quarantine officer to do the act; and
- (c) the permission is subject to a condition; and
- (d) the condition is contravened; and
- (e) the person is reckless as to whether or not the condition is contravened.



Maximum penalty: Imprisonment for 2 years.

*Power to give permissions*

- (4) A quarantine officer has power to give to a specified person, or to persons included in a specified class of persons, written permission to do one or more relevant acts or to do one or more relevant acts during a specified period.

*Power to detain unauthorised persons*

- (5) If an unauthorised person:
- (a) enters a quarantine station while anyone is performing quarantine at the station; or
  - (b) enters a quarantine area;
- a quarantine officer may:
- (c) detain the person at the quarantine station for the performance of quarantine, or detain the person in the quarantine area, as the case may be, and use any means reasonably necessary to detain the person; and
  - (d) give such directions to the person as are necessary to prevent or control the introduction, establishment or spread of a disease or pest.
- (6) A person is guilty of an offence if:
- (a) a direction is given to the person under subsection (5); and
  - (b) the person fails to comply with the direction.

Maximum penalty: Imprisonment for 2 years.

### **77 Pilot wrongly conducting vessel subject to quarantine**

A pilot who conducts a vessel that is subject to quarantine into a place that is not the proper place for a vessel subject to quarantine is guilty of an offence.

Maximum penalty: Imprisonment for 5 years.

Note: The pilot will not be guilty of an offence if the conducting of the vessel to the place was due to sudden or extraordinary emergency (see section 10.3 of the *Criminal Code*).

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**78 Master not to allow vessel to enter port other than first port of entry if quarantinable disease or pest on board**

The master of a vessel is guilty of an offence if:

- (a) the master knows that a quarantinable disease or quarantinable pest exists on the vessel; and
- (b) the master causes or permits the vessel to enter a port other than a port declared to be a first port of entry.

Maximum penalty: Imprisonment for 10 years.

Note: The master will not be guilty of an offence if the entry of the vessel to the port was due to circumstances of sudden or extraordinary emergency (see section 10.3 of the *Criminal Code*).

**78A Treatment of vessels and installations that are believed to be in an insanitary condition or to be likely to be carrying diseases or pests**

(1) In this section:

*installation* means:

- (a) an Australian installation; or
- (b) a resources installation which is in Australian waters for the purpose of becoming attached to the Australian seabed; or
- (c) a sea installation which is in Australian waters for the purpose of becoming installed in an adjacent area or in a coastal area.

*internal waters*, in relation to a State or an internal Territory, means the area comprising the waters of the sea within the limits of the State or the internal Territory and includes the space above or below that area.

*vessel* means:

- (a) an Australian vessel; or
- (b) a Cocos Islands vessel; or
- (ba) a Christmas Island vessel; or
- (c) an overseas vessel that is:
  - (i) in the coastal area or the internal waters of a State or an internal Territory; and
  - (ii) is travelling to a port or a place in the Commonwealth; or

- (d) a vessel in any port or other place in the Commonwealth.
- (2) If a quarantine officer believes, on reasonable grounds, that a vessel or installation is in an insanitary condition, or is likely to be carrying diseases or pests, the quarantine officer may give a direction to the owner or master of the vessel or installation requiring a specified process to be carried out in respect of the vessel or installation in the manner specified in the direction.
- (3) Without limiting subsection (2):
  - (a) the process that may be specified in a direction given under that subsection includes:
    - (i) subjecting the vessel or installation to specified treatment; and
    - (ii) storing, discharging, removing, treating or disposing of refuse, organic waste, dunnage, sweepings from the hold or ballast water; and
    - (iii) keeping food in a hygienic condition; and
    - (iv) treating any thing on the vessel or installation; and
    - (v) moving any people on the vessel or installation to a different part of the vessel or installation or causing them to disembark; and
    - (vi) embarking people on to the vessel or installation; and
    - (vii) moving or securing any goods on the vessel or installation or causing them to be unloaded; and
    - (viii) loading goods on to the vessel or installation; and
    - (ix) producing samples of, or exchanging or treating, ballast water in the vessel; and
  - (b) the direction may specify where the specified process is to be carried out.
- (4) A person is guilty of an offence if:
  - (a) the person is given a direction under subsection (2); and
  - (b) the person fails to comply with the direction.

Maximum penalty: Imprisonment for 2 years.

### **78AA Treatment of vessel or installation subject to quarantine**

- (1) If:
    - (a) a vessel or installation is subject to quarantine; or
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- (b) a person who is subject to quarantine is on board a vessel or installation;
- a quarantine officer may give to the master of the vessel or installation a direction requiring a specified process to be carried out in respect of the vessel or installation in the manner specified in the direction.
- (2) Without limiting subsection (1):
- (a) the process that may be specified in a direction under that subsection includes:
- (i) subjecting the vessel or installation to specified treatment; and
  - (ii) storing, discharging, removing, treating or disposing of refuse, organic waste, dunnage, sweepings from the hold or ballast water; and
  - (iii) keeping food in a hygienic condition; and
  - (iv) treating any thing on the vessel or installation; and
  - (v) moving any people on the vessel or installation to a different part of the vessel or installation or causing them to disembark; and
  - (vi) embarking people on to the vessel or installation; and
  - (vii) moving or securing any goods on the vessel or installation or causing them to be unloaded; and
  - (viii) loading goods on to the vessel or installation; and
  - (ix) producing samples of, or exchanging or treating, ballast water in the vessel; and
- (b) the direction may specify where the specified process is to be carried out.
- (3) A person is guilty of an offence if:
- (a) a direction is given to the person under subsection (1); and
  - (b) the person fails to comply with the direction.

Maximum penalty: Imprisonment for 2 years.

**78B Mooring of insanitary vessels**

- (1) If, in the opinion of a quarantine officer, a vessel in a port is in an insanitary condition favourable to the spread of communicable disease, the officer may, instead of exercising his or her powers under subsection 78A(2) or 78AA(1), direct the master of the

vessel to moor the vessel at a place in the port specified by the officer.

- (2) If a direction is given under subsection (1), the master of the vessel:
- (a) must cause the vessel to be taken to, and moored at, the place in the port specified by the officer; and
  - (b) if the vessel is moored in compliance with paragraph (a), must not move the vessel, or allow the vessel to be moved, from that place.

Maximum penalty: Imprisonment for 2 years.

- (3) Paragraph (2)(a) does not apply if the vessel immediately leaves the port.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2) (see subsection 13.3(3) of the *Criminal Code*).

- (4) Paragraph (2)(b) does not apply if the master moves the vessel:
- (a) with the intention of taking the vessel out of the port; or
  - (b) by reason of stress of weather or for other reasonable cause; or
  - (c) with the permission of a quarantine officer.

Note: A defendant bears an evidential burden in relation to the matters in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).

### **78C Moving an insanitary vessel**

- (1) If a quarantine officer believes, on reasonable grounds, that:
- (a) a vessel that is in a port or other place is in an insanitary condition or is carrying diseases or pests; and
  - (b) if quarantine measures are not taken there will be an unacceptably high level of quarantine risk;
- the officer may do either or both of the following:
- (c) cause the vessel to be moved to another place;
  - (d) cause cargo or other goods or any other thing on the vessel to be removed from the vessel to another place.
- (2) A person is guilty of an offence if:
- (a) either of the following happens:
    - (i) a vessel is moved to a place under paragraph (1)(c);

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- (ii) cargo or other goods or any other thing on a vessel is removed from the vessel to a place under paragraph (1)(d); and
- (b) the person causes the vessel to be moved from the place mentioned in subparagraph (a)(i) or causes the cargo or other goods or other thing on the vessel to be removed from the place mentioned in subparagraph (a)(ii), as the case may be.

Maximum penalty: Imprisonment for 2 years.

- (2A) Subsection (2) does not apply if the person does the things mentioned in paragraph (2)(b) with the permission of a quarantine officer.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2A) (see subsection 13.3(3) of the *Criminal Code*).

**79A Exclusion of privilege against self incrimination in certain circumstances**

*Person not entitled to refuse to give information or documents under certain provisions of the Act*

- (1) A person is not entitled to refuse to answer a question, give information or produce a document that he or she is required to answer, give or produce by or under section 27A, 27B or 28 or subsection 70(2) or 70AA(3) on the ground that the answer, the information or the production of the document, as the case may be, might tend to incriminate him or her.

*Use derivative-use indemnity applies to information or documents*

- (2) However, any answer or information so given or the production of such a document, and any information or thing (including any document) obtained as a direct or indirect result of the giving of the answer or information or the production of the document, is not admissible in evidence against the person in:
- (a) any criminal proceedings other than a proceeding for:
    - (i) an offence against subsection 27A(6) or (7), 27B(5) or (6), 28(8) or (9); or
    - (ii) an offence against section 137.2 of the *Criminal Code* that relates to this Act; or
  - (b) any civil proceedings.

*Privilege not otherwise affected*

- (3) Except as provided by subsection (1), nothing in this Act affects the right of a person to refuse to answer a question, give information, or produce a document or thing, on the ground that the answer to the question, the information, or the production of the document or thing, might tend to incriminate him or her or make him or her liable to a penalty.

**80 Penalty for desertion**

Any officer who:

- (a) deserts from his or her duty; or
- (b) unlawfully permits any person, vessel, animal, plant, or goods to depart from or be conveyed out of any quarantine station where they are detained;

shall be guilty of an offence against this Act punishable upon conviction by imprisonment for a period not exceeding 5 years.

**82 Protection from civil proceedings**

- (1) The Minister, a Director of Quarantine, an officer, an analyst, an authorised person or an approved person referred to in section 75A or 75B is not liable to any action, suit or other civil proceeding for or in relation to anything done or omitted to be done in good faith (whether negligently or not) by the Minister, Director, officer, authorised person or approved person in the performance or purported performance of any function or duty, or the exercise or purported exercise of any power, conferred on the Minister, Director, officer, authorised person or approved person under this Act.
- (1A) A person authorised under subsection 3(1) or (2) to give such directions, and to take such action, as the person considers necessary to control and eradicate an epidemic or to remove the danger of an epidemic, is not liable to any action, suit or other civil proceedings for or in relation to anything done or omitted to be done in good faith (whether negligently or not) by the person:
- (a) in the performance or purported performance of any function or duty; or
  - (b) in the exercise or purported exercise of any power; conferred on the person under that authorisation.

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- (2) A quarantine officer is not liable to any action, suit or other civil proceeding in relation to:
- (a) anything done by an animal used by the officer; or
  - (b) anything done or omitted to be done (whether negligently or not) by a person providing or purporting to provide help as a result of a request made by the officer;
- in the performance or purported performance of any function or duty, or the exercise or purported exercise of any power, conferred on the officer under this Act.
- (3) A person who is requested or directed by a quarantine officer to provide help to the officer:
- (a) in the performance or purported performance of any function or duty; or
  - (b) in the exercise or purported exercise of any power;
- conferred on the officer under this Act is not liable to any action, suit or other civil proceeding for or in relation to anything done or omitted to be done in good faith (whether negligently or not) by the person in the provision or purported provision of the help.

**83 Master, medical officer or agent misleading quarantine officer**

The master, a medical officer or an agent of:

- (a) a vessel; or
  - (b) an Australian installation; or
  - (c) a resources installation that is in Australian waters for the purpose of becoming attached to the Australian seabed; or
  - (d) a sea installation that is in Australian waters for the purpose of becoming installed in an adjacent area or in a coastal sea;
- is guilty of an offence if the master, medical officer or agent, as the case may be:
- (e) makes, in an answer to a question asked of him or her by a quarantine officer under this Act, a statement that he or she knows to be false or misleading in a material particular; or
  - (f) misleads a quarantine officer who is performing duty as such an officer.

Maximum penalty: Imprisonment for 5 years.



**84 Maliciously ordering vessel etc. into quarantine**

A quarantine officer who maliciously orders any vessel, installation or person, or any animal, plant or other goods, into quarantine is guilty of an offence.

Maximum penalty: Imprisonment for 5 years.

**86A Venue in summary prosecution**

Proceedings in a court of summary jurisdiction may be instituted either in the State or part of the Commonwealth where the offence was committed, or in the State or part of the Commonwealth in which the defendant is found.

**86B Jurisdiction of courts**

- (1) A provision of the *Judiciary Act 1903* by which a court of a State is invested with federal jurisdiction has effect, in relation to matters arising under this Act, as if that jurisdiction were so invested without limitation as to locality other than the limitation imposed by section 80 of the Constitution.
- (2) Subject to the Constitution, jurisdiction is conferred on the several courts of the Territories within the limits of their several jurisdictions, other than limits as to locality, with respect to matters arising under this Act.

**86C Power to administer oaths or take declarations**

All quarantine officers who are authorized in that behalf by the regulations or by the Minister are hereby authorized to administer oaths or affirmations and to take declarations in all cases in which any answers to questions asked in pursuance of this Act are by this Act or the regulations required to be verified by oath, affirmation, or declaration.

**86DA Evidence of analyst***Appointment of analyst*

- (1) The Secretary may appoint a person to be an analyst for the purposes of this Act.

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*Analyst's certificate to be evidence*

- (2) Subject to subsection (4), in any proceedings for an offence against this Act, a certificate of an analyst in a form approved by a Director of Quarantine stating, in respect of any substance or thing in relation to which the offence is alleged to have been committed, all or any of the following matters:
- (a) that the analyst signing the certificate is appointed under subsection (1);
  - (b) when and from whom the substance or thing was received;
  - (c) what, if any, labels or other means of identifying the substance or thing accompanied it when it was received;
  - (d) what container or containers the substance or thing was contained in when it was received;
  - (e) a description, and the weight, of the substance or thing received;
  - (f) when the substance or thing, or a portion of it, was analysed;
  - (g) a description of the method of analysis;
  - (h) the results of the analysis;
  - (i) how the substance or thing was dealt with after handling by the analyst, including details of:
    - (i) the quantity retained; and
    - (ii) the name of the person, if any, to whom any retained quantity was given; and
    - (iii) measures taken to secure any retained quantity;
- is admissible as prima facie evidence of the matters in the certificate and of the correctness of the result of the analysis.

*Proof of certificate*

- (3) For the purposes of this section, a document purporting to be a certificate referred to in subsection (2) is, unless the contrary is established, to be taken to be such a certificate and to have been duly given.

*Copy of certificate to be given to defendant or defendant's solicitor*

- (4) A certificate must not be admitted in evidence under subsection (2) in proceedings for an offence unless the person charged with the offence or a solicitor who has appeared for the person in those proceedings has, at least 14 days before the certificate is sought to

be so admitted, been given a copy of the certificate together with reasonable notice of the intention to produce the certificate as evidence in the proceedings.

*Analyst may be required to attend for cross-examination*

- (5) Subject to subsection (6), if, under subsection (2), a certificate of an analyst is admitted in evidence in proceedings for an offence, the person charged with the offence may require the analyst to be called as a witness for the prosecution and the analyst may be cross-examined as if he or she had given evidence of the matters stated in the certificate.

*Notice to be given to prosecutor*

- (6) Subsection (5) does not entitle a person to require an analyst to be called as a witness for the prosecution unless:
- (a) the prosecutor has been given at least 4 days notice of the person's intention to require the analyst to be so called; or
  - (b) the Court, by order, allows the person to require the analyst to be so called.

## **86E Fees and deposits**

- (1A) In this section:

*basic fee* has the meaning given by subsection (2B).

*late payment fee* has the meaning given by subsection (2B).

*payment day*, in relation to a basic fee or a deposit in respect of a quarantine service, means the last day of the period within which the fee or deposit is required to be paid.

*quarantine service* means anything referred to in paragraph (1)(a), (b), (c) or (d).

- (1B) The Minister may, by notice published in the *Gazette*, make determinations for the purposes of this section.

- (1) A determination may require fees of amounts set out in the determination to be paid for or in relation to the doing of anything in connection with:

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- (a) specified examinations or services carried out or provided under this Act; and
  - (b) the issue by quarantine officers of specified certificates under this Act; and
  - (c) the management and maintenance of animals at a quarantine station in Australia, in the Cocos Islands or in Christmas Island or at a place approved under section 46A; and
  - (d) the giving of approvals by a Director of Quarantine under subsection 44A(5) or 46A(1); and
  - (e) the giving of permissions and permits under this Act; and
  - (f) the entering into compliance agreements.
- (2) A determination may specify the persons by whom fees are payable.
- (2AA) The Minister may remit the whole or a part of a fee payable by a person in respect of a quarantine service if he or she is satisfied that it is appropriate to do so having regard to:
- (a) the total amount of fees collected in the financial year that immediately precedes the financial year in which the quarantine service is provided; and
  - (b) the total cost of providing quarantine services in the financial year that immediately precedes the financial year in which the quarantine service is provided; and
  - (c) the total amount of fees that the Minister estimates will be collected in the financial year in which the quarantine service is provided; and
  - (d) the amount that the Minister estimates will be the total cost of providing quarantine services in the year referred to in paragraph (c); and
  - (e) the total amount of fees that the Minister estimates will be paid by the person in the year referred to in paragraph (c).
- (2AB) The Minister may remit a part of a fee payable by a person in respect of a quarantine service if he or she is satisfied that it is appropriate to do so having regard to the fact that, during the whole or a part of the period that an animal was held in a quarantine station, the person provided sustenance for the animal under section 63A.

- (2A) A determination may:
- (a) except to the extent that the determination relates to a quarantine service to which paragraph (b) applies—state the period within which fees are to be paid; and
  - (b) to the extent that the determination relates to a quarantine service for which the fees can be worked out before the provision of the service:
    - (i) make provision for an intended recipient of the service and if there is a person who is known to the agent of the intended recipient, that agent, to be informed of the fees before the service is provided; and
    - (ii) permit a quarantine officer to withhold the provision of the service until the payment of the fees.
- (2B) If a determination states a period within which a fee (the *basic fee*) is to be paid, a determination may also require an additional fee (a *late payment fee*) to be paid if the basic fee is not paid on or before the payment day.
- (2C) A late payment fee may be either or both of the following:
- (a) a fee of a stated amount;
  - (b) a fee of a stated amount in respect of each day after the payment day and before the day on which the basic fee is paid.
- (2CA) Without limiting the generality of paragraph (2C)(b), the reference to a fee as set out in that paragraph includes a reference to a fee that is a percentage per annum of the basic fee, worked out on a daily basis, for each day after the payment day on which the basic fee remains unpaid.
- (2D) The Minister may remit the whole or a part of a late payment fee if he or she is satisfied that it is appropriate to do so having regard to all the circumstances.
- (2E) A determination may, in respect of the reservation of space at a quarantine station or at a place approved under section 46A for an animal in respect of a period, require the payment of either or both of the following:
- (a) a booking fee;

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- (b) a deposit on account of the basic fee that will be payable for the management and maintenance of the animal at the station or place.
- (2F) A determination may make provision for or in relation to:
- (a) the forfeiture, in circumstances referred to in the determination, of the whole or a part of a deposit paid under a requirement mentioned in subsection (2E); and
  - (b) the return or other application, in circumstances referred to in the determination, of such a deposit less any costs worked out in accordance with the determination that are associated with the return or other application of the deposit.
- (2G) If:
- (a) the basic fee payable for a quarantine service, or a deposit payable on account of the basic fee for a quarantine service referred to in paragraph (1)(c), is not paid on or before the payment day; or
  - (b) a late payment fee that is payable in respect of a quarantine service is not paid;
- a Director of Quarantine may direct that no quarantine service is to be provided, or a particular quarantine service or kind of quarantine service is not to be provided, for the person who failed to make the payment until the basic fee, the deposit or the late payment fee, as the case may be, is paid.
- (3) A determination under subsection (1) takes effect on the day on which the notice of the determination is published in the *Gazette*.
  - (4) The provisions of section 48 (other than paragraphs (1)(a) and (b) and subsection (2)) and sections 48A, 48B, 49 and 50 of the *Acts Interpretation Act 1901* apply in relation to determinations under this section as if:
    - (a) references in those provisions to regulations were references to determinations and references to a regulation were references to a provision of a determination; and
    - (b) references in those provisions to the repeal of a regulation were references to the revocation of a determination or of a provision of a determination, as the case requires.
  - (5) A Director of Quarantine may determine that a fee is not payable, in circumstances set out in the determination, for or in relation to

the doing of anything in connection with a quarantine service. A determination has effect according to its terms.

**86EA Commonwealth etc. not liable to pay fees**

- (1) The Commonwealth is not liable to pay quarantine fees that are payable under this Act. However, it is the Parliament's intention that the Commonwealth should be notionally liable to pay quarantine fees.
- (2) The Finance Minister may give such written directions as are necessary or convenient for carrying out or giving effect to subsection (1) and, in particular, may give directions in relation to the transfer of money within an account, or between accounts, operated by the Commonwealth.
- (3) Directions under subsection (2) have effect, and must be complied with, despite any other Commonwealth law.
- (4) Directions under subsection (2) are not legislative instruments.
- (5) In this section:

**Commonwealth** includes:

- (a) an Agency (within the meaning of the *Financial Management and Accountability Act 1997*); and
  - (b) a Commonwealth authority (within the meaning of the *Commonwealth Authorities and Companies Act 1997*);
- that cannot be made liable to taxation by a Commonwealth law.

**Finance Minister** means the Minister who administers the *Financial Management and Accountability Act 1997*.

**quarantine fees** means the fees specified in determinations made under subsection 86E(1B).

**86F Compensation for acquisition of property**

- (1) If:
  - (a) the operation of this Act results in the acquisition of property from a person; and
  - (b) the Commonwealth and the person agree on an amount of compensation for the acquisition;

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the Commonwealth must pay the person the agreed amount of compensation.

- (2) If:
- (a) the operation of this Act results in the acquisition of property from a person; and
  - (b) the Commonwealth and the person do not agree on an amount of compensation for the acquisition;
- the Commonwealth must pay the person the amount of compensation (if any) that is determined by a court of competent jurisdiction.
- (3) This section does not affect the operation of section 69A.
- (4) In this section:

*acquisition of property* means an acquisition of property within the meaning of paragraph 51(xxxi) of the Constitution.

**86G Application of the *Criminal Code***

Chapter 2 of the *Criminal Code* applies to all offences against this Act.

**87 Regulations**

- (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, without limiting the generality of the foregoing, may make regulations concerning the following matters:
- (a) for regulating the performance of quarantine;
  - (b) for regulating and protecting quarantine stations, quarantine areas and places approved under section 46A and for prescribing measures of quarantine within any such stations, areas and places;
  - (c) for regulating or preventing the entry of persons into, or the exit of persons from, quarantine stations, quarantine areas and places approved under section 46A;



- (d) for regulating or preventing the taking of animals, plants, goods or things into, or out of, quarantine stations, quarantine areas and places approved under section 46A;
- (e) for requiring notification to a quarantine officer of each case of a quarantinable disease which arises, or of a quarantinable pest which occurs, in Australia, the Cocos Islands or Christmas Island or within any specified part of Australia, the Cocos Islands or Christmas Island or within any quarantine area;
- (f) for prescribing the precautions to be taken to prevent the ingress to or egress from a vessel of rats, mice, mosquitoes or other vermin or species or kinds of animals or insects liable to convey disease or pests;
- (g) for prescribing the measures to be taken by the masters or owners of vessels to destroy rats, mice, mosquitoes or other vermin or species or kinds of animals or insects liable to convey disease or pests, which may exist on the vessels;
- (h) for prescribing and for establishing and maintaining on vessels or within any quarantine area of conditions unfavourable to, and to the migration of, rats, mice, mosquitoes or other vermin or species or kinds of animals or insects liable to convey disease or pests, for fixing the time limit for the completion of any work necessary for the purpose of establishing such conditions, and for empowering the Minister, in case of default by the owner or master, to carry out any such work at the expense of the owner or master;
- (j) for prescribing the precautions to be taken by masters of vessels in respect of their vessels and the crews, passengers and cargoes of their vessels:
  - (i) at declared places; and
  - (ii) on voyages from declared places; and
  - (iii) on voyages between Australian ports; and
  - (iv) on voyages between ports in the Cocos Islands; and
  - (iva) on voyages between ports in Christmas Island; and
  - (v) on voyages between Australian ports and Australian installations;to prevent the introduction into Australia, the Cocos Islands or Christmas Island, or the establishment or spread, of quarantinable diseases or quarantinable pests;

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- (k) for regulating the discharge or removal from a vessel of any thing, for example, ballast water, refuse, and equipment or things used for purposes associated with the transportation of animals, plants or other goods;
- (l) for regulating and controlling the sanitary conditions of:
  - (i) vessels in, or on, ports or landing places;
  - (ii) wharf areas and landing places which are, or are situated in, places which are declared places by virtue of section 12 (including buildings and stores on any such wharf areas and landing places) and refuse dumps on or adjacent to any such wharf areas and landing places; and
  - (iii) Australian installations;
- (la) for prescribing measures to be taken (including measures relating to the examination of animals, plants, goods or things, or of any equipment or thing used for purposes associated with the transportation of animals, plants, goods or any other thing and to the sampling of ballast water) for the diagnosis and prevention of disease or pests for purposes of, or incidental to, quarantine;
- (lb) for requiring, or requiring arrangements to be made for, the treatment of, or the taking of other measures of quarantine in relation to, aircraft before or after they land in Australia, the Cocos Islands or Christmas Island;
- (m) for providing for the examination by quarantine officers of animals or plants for export from Australia, from the Cocos Islands or from Christmas Island;
- (n) for providing for the granting of certificates by quarantine officers in relation to any vessels, animals, plants, or goods examined or treated by them or under their supervision;
- (p) for prescribing the movements of any person subject to quarantine;
- (q) for prescribing measures of disinfection, fumigation, and other measures of quarantine which persons or goods subject to quarantine shall carry out or be subjected to;
- (qa) for prescribing methods of controlling the storage, use, movement and disposal in Australia, the Cocos Islands or Christmas Island of goods that:
  - (i) have been imported into Australia, the Cocos Islands or Christmas Island, being goods the importation of which

- without the approval of the Minister or a Director of Quarantine is prohibited by a proclamation under section 13 or the importation of which without a permit granted pursuant to a proclamation made in accordance with subsection 13(2A) is prohibited; or
- (ii) are disease agents or pests produced in Australia from goods of the kind referred to in subparagraph (i);
- (r) for prescribing the conditions under which any prophylactic or curative vaccine or serum may be prepared and offered for sale;
- (ra) for prescribing matters relating to:
- (i) the making of an application for any of the following (however described), a permission, permit, authorisation or approval under this Act, the regulations, a Proclamation under this Act or a compliance agreement; and
  - (ii) the procedures for consideration of such an application and the grant or refusal of the application; and
  - (iii) the making of an order, determination or declaration under this Act, the regulations, a Proclamation under this Act or a compliance agreement; and
  - (iv) the giving of a notice or direction, or the making of any other requirement, under this Act, the regulations, a Proclamation under this Act or a compliance agreement;
- (rb) for prescribing the manner in which any permission, permit, authorisation, approval, notice, direction, requirement or other instrument granted or given, or any order, determination, declaration or other instrument made, under this Act, the regulations, a Proclamation under this Act or a compliance agreement may be produced to a person or body;
- (s) for prescribing penalties not exceeding 50 penalty units for breaches of the regulations;
- (sa) enabling a person who is alleged to have contravened a provision of this Act or of the regulations to pay to the Commonwealth, as an alternative to prosecution, a penalty of not more than 10 penalty units;
- (t) for regulating for the purposes of this Act and the Regulations, navigation by air;
- (u) for prescribing the circumstances in which reports are to be made in relation to vessels, the matters to be covered in those
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reports, and the persons by whom, and the manner in which, those reports are to be made;

- (v) for regulating inter-state traffic and prescribing measures of quarantine in relation to inter-state traffic for the prevention of the occurrence or spread of diseases or pests.

(1A) Regulations made under subsection (1) may:

- (a) apply in, or relate to, Australia, the Cocos Islands and Christmas Island; or
- (b) apply in, or relate to, Australia only; or
- (c) apply in, or relate to, the Cocos Islands only; or
- (d) apply in, or relate to, Christmas Island only.

(1B) Without limiting the generality of subsection (1), regulations may be made under that subsection for the purpose of preventing the spread of diseases or pests to, or from, quarantine stations in the Cocos Islands or for the purpose of preventing, eradicating or controlling diseases or pests in the Cocos Islands, including regulations:

- (a) conferring functions and powers, and imposing duties, upon quarantine officers, including:
  - (i) powers to enter, search and examine premises;
  - (ii) powers to question persons; and
  - (iii) powers to examine animals and plants;
- (b) prohibiting the entry of animals into areas adjoining quarantine stations in the Cocos Islands;
- (c) requiring the registration of live-stock and other domestic animals in the Cocos Islands;
- (d) prohibiting the abandonment of animals in the Cocos Islands;
- (e) requiring the notification of diseases or pests in animals and plants in the Cocos Islands;
- (f) regulating the disposal of dead animals in the Cocos Islands;
- (g) providing for the eradication of vermin in the Cocos Islands;
- (h) prohibiting the growing of particular plants in the Cocos Islands or in parts of the Cocos Islands;
- (j) providing for the destruction of animals or plants in the Cocos Islands; or
- (k) providing for the payment of compensation to the owners of any animals or plants destroyed in pursuance of the regulations.

- (1BA) Without limiting the generality of subsection (1), regulations may be made under that subsection for the purpose of preventing the spread of disease or pests to, or from, quarantine stations in Christmas Island or for the purpose of preventing, eradicating or controlling diseases or pests in Christmas Island, including regulations:
- (a) conferring functions and powers, and imposing duties, on quarantine officers, including:
    - (i) powers to enter, search and examine premises; and
    - (ii) powers to question persons; and
    - (iii) powers to examine animals and plants; and
  - (b) prohibiting the entry of animals into areas adjoining quarantine stations in Christmas Island; and
  - (c) requiring the registration of live-stock and other domestic animals in Christmas Island; and
  - (d) prohibiting the abandonment of animals in Christmas Island; and
  - (e) requiring the notification of diseases or pests in animals and plants in Christmas Island; and
  - (f) regulating the disposal of dead animals in Christmas Island; and
  - (g) providing for the eradication of vermin in Christmas Island; and
  - (h) prohibiting the growing of particular plants in Christmas Island or in parts of Christmas Island; and
  - (i) providing for the destruction of animals or plants in Christmas Island; and
  - (j) providing for the payment of compensation to the owners of any animals or plants destroyed in pursuance of the regulations.
- (1C) Notwithstanding the generality of section 12 of the *Cocos (Keeling) Islands Act 1955*, an Ordinance of the Cocos Islands has effect to the extent only that it is capable of operating concurrently with this Act and the regulations.
- (1D) Despite the generality of section 8 of the *Christmas Island Act 1958*, an ordinance of Christmas Island has effect to the extent only that it is capable of operating concurrently with this Act and the regulations.
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- (2) Regulations made under paragraph (1)(v):
  - (a) shall be published in the *Gazette*;
  - (b) shall come into force only in pursuance of an order made by the Minister;
  - (c) shall be in force in such State, Territory, place, area, or locality within the Commonwealth as the Minister by order directs; and
  - (d) shall remain in force for such time as is specified in the order, but may from time to time, by a further order, be renewed for a further specified period for the same locality or part thereof.
- (3) Any order made by the Minister in pursuance of subsection (2) shall set forth the regulations to which the order relates.
- (4) A reference in this section to a vessel includes a reference to:
  - (a) an Australian resources installation or a resources installation that is in Australian waters for the purposes of becoming attached to the Australian seabed; and
  - (b) an Australian sea installation or a sea installation that is in Australian waters for the purpose of becoming installed in an adjacent area or in a coastal area.

**Table of Acts****Notes to the *Quarantine Act 1908*****Note 1**

The *Quarantine Act 1908* as shown in this compilation comprises Act No. 3, 1908 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 30 June 1997 is not included in this compilation. For subsequent information *see* Table A.

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Quarantine Act 1908</i>	3, 1908	30 Mar 1908	1 July 1909 (see <i>Gazette</i> 1909, p. 1175)	
<i>Quarantine Act 1912</i>	15, 1912	6 Nov 1912	6 Nov 1912	—
<i>Quarantine Act 1915</i>	42, 1915	15 Nov 1915	15 Nov 1915	—
<i>Quarantine Act 1920</i>	47, 1920	2 Dec 1920	2 Dec 1920	—
<i>Quarantine Act 1924</i>	30, 1924	26 Sept 1924	26 Sept 1924	—
<i>Quarantine Act 1947</i>	19, 1947	4 June 1947	4 June 1947	—
<i>Quarantine Act (No. 2) 1947</i>	92, 1947	11 Dec 1947	11 Dec 1947	—
<i>Statute Law Revision Act 1950</i>	80, 1950	16 Dec 1950	31 Dec 1950	S. 16
<i>Quarantine Act 1961</i>	61, 1961	24 Oct 1961	24 Oct 1961	—
<i>Quarantine Act 1966</i>	12, 1966	13 May 1966	1 Aug 1968 (see <i>Gazette</i> 1968, p. 4213)	—
<i>Quarantine Act 1969</i>	1, 1969	14 Mar 1969	14 Mar 1969	S. 7(2)
<i>Statute Law Revision Act 1973</i>	216, 1973	19 Dec 1973	31 Dec 1973	Ss. 9(1) and 10
<b>as amended by</b>				
<i>Statute Law Revision Act 1974</i>	20, 1974	25 July 1974	31 Dec 1973	—
<i>Quarantine Amendment Act 1979</i>	1, 1979	27 Feb 1979	27 Feb 1979	S. 7
<i>Quarantine Amendment Act (No. 2) 1979</i>	105, 1979	25 Oct 1979	25 Oct 1979	—
<i>Australian Federal Police (Consequential Amendments) Act 1979</i>	155, 1979	28 Nov 1979	19 Oct 1979 (see s. 2 and <i>Gazette</i> 1979, No. S206)	—
<i>Australian Federal Police (Consequential Amendments) Act 1980</i>	70, 1980	28 May 1980	28 May 1980	—

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Quarantine Amendment Act 1981</i>	54, 1981	25 May 1981	22 June 1981	Ss. 7(2), 11(2) and 16(2)
<i>Off-shore Installations (Miscellaneous Amendments) Act 1982</i>	51, 1982	16 June 1982	Part VII (ss. 52–112): 14 July 1982 (a)	—
<i>Migration (Miscellaneous Amendments) Act 1983</i>	84, 1983	14 Nov 1983	Part IX (ss. 28, 29): 2 Apr 1984 (b)	—
<i>Quarantine Amendment Act 1984</i>	19, 1984	26 Apr 1984	Ss. 1, 2 and 27: Royal Assent Ss. 20–21: 1 Aug 1984 (see <i>Gazette</i> 1984, No. 291) Remainder: 24 May 1984	Ss. 4(2), 5(2), 6(2) and 26(2)
<b>as amended by</b>				
<i>Statute Law (Miscellaneous Provisions) Act (No. 2) 1984</i>	165, 1984	25 Oct 1984	S. 3: (c)	Ss. 2(32) and 6(1)
<i>Torres Strait Treaty (Miscellaneous Amendments) Act 1984</i>	22, 1984	26 Apr 1984	15 Feb 1985 (see s. 2 and <i>Gazette</i> 1985, No. S538)	—
<i>Quarantine Amendment Act 1985</i>	2, 1985	29 Mar 1985	29 Mar 1985	Ss. 5(2)–(4), 25 and 26
<i>Sea Installations (Miscellaneous Amendments) Act 1987</i>	104, 1987	6 Nov 1987	Parts I–V (ss. 1–30) and Part VIII (s. 57): 15 Oct 1987 Remainder: 6 Nov 1987 (see s. 2(2))	—
<b>as amended by</b>				
<i>Community Services and Health Legislation Amendment Act (No. 2) 1988</i>	155, 1988	26 Dec 1988	S. 41(3): 6 Nov 1987 (d)	—
<i>Statute Law (Miscellaneous Provisions) Act 1987</i>	141, 1987	18 Dec 1987	S. 3: Royal Assent (e)	S. 5(1)
<i>Statutory Instruments (Tabling and Disallowance) Legislation Amendment Act 1988</i>	99, 1988	2 Dec 1988	2 Dec 1988	—
<i>Petroleum (Australia-Indonesia Zone of Cooperation) (Consequential Provisions) Act 1990</i>	37, 1990	7 June 1990	18 Feb 1991 (see s. 2 and <i>Gazette</i> 1991, No. S47)	—



**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Quarantine Amendment Act 1991</i>	134, 1991	2 Sept 1991	1 Sept 1991	Ss. 4 and 6
<i>Territories Law Reform Act 1992</i>	104, 1992	30 June 1992	S. 24: 1 July 1992 (f)	—
<i>Maritime Legislation Amendment Act 1994</i>	20, 1994	15 Feb 1994	1 Aug 1994 (see <i>Gazette</i> 1994, No. S289)	—
<i>Primary Industries and Energy Legislation Amendment Act 1994</i>	94, 1994	29 June 1994	Ss. 3–10: Royal Assent (g)	Ss. 4, 5(2), 6 and 8
<i>Quarantine Amendment Act 1994</i>	169, 1994	16 Dec 1994	16 Dec 1994	—
<i>Statute Law Revision Act 1996</i>	43, 1996	25 Oct 1996	Schedule 5 (items 126–132): Royal Assent (h)	—
<i>Primary Industries and Energy Legislation Amendment Act (No. 2) 1996</i>	59, 1996	20 Nov 1996	Schedule 7: Royal Assent (i)	—
<i>Primary Industries and Energy Legislation Amendment Act (No. 2) 1997</i>	94, 1997	30 June 1997	Schedule 7: 22 Oct 1997 (see <i>Gazette</i> 1997, No. S418) (j)	Sch. 7 (items 5, 24) [see Table A]
<i>Environment, Sport and Territories Legislation Amendment Act 1997</i>	118, 1997	7 July 1997	Schedule 1 (items 58, 59): Royal Assent (k)	—
<i>Quarantine Amendment Act 1999</i>	196, 1999	23 Dec 1999	Schedule 1 (items 1-85, 87-327): 23 June 2000 Schedule 1 (item 86): 16 July 2000 (see s. 2(2)) Remainder: Royal Assent	Sch. 1 (items 43, 50, 65, 68, 73, 76, 81, 83, 85, 91, 93, 96, 98, 112, 114, 119, 143, 160, 165, 174, 180, 193, 201, 226, 265, 271, 290, 317, 320, 323) [see Table A]
<i>Timor Gap Treaty (Transitional Arrangements) Act 2000</i>	25, 2000	3 Apr 2000	Ss. 4–6 and Schedule 2 (item 41): (l)	Ss. 4–6 [see Table A]
<i>Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2000</i>	121, 2000	5 Oct 2000	Schedule 2 (item 8): 11 Nov 1999 Remainder: 5 Dec 2000 (see <i>Gazette</i> 2000, No. S612)	Ss. 4–7 [see Table A]

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000</i>	137, 2000	24 Nov 2000	Ss. 1–3 and Schedule 1 (items 1, 4, 6, 7, 9–11, 32): Royal Assent Remainder: 24 May 2001	Sch. 2 (items 418, 419) [see Table A]
<i>Quarantine Amendment Act 2002</i>	17, 2002	4 Apr 2002	Schedule 1 (items 1–17A): 4 Oct 2002 Schedule 1 (item 18): 2 May 2002 Remainder: Royal Assent	Sch. 1 (item 17A) [see Table A]
<i>Petroleum (Timor Sea Treaty) (Consequential Amendments) Act 2003</i>	10, 2003	2 Apr 2003	Schedule 1 (items 1–52, 54–75, 78–82): 20 May 2002 Remainder: Royal Assent	—
<i>Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2003</i>	38, 2003	2 May 2003	Schedule 4 (items 1, 2, 6–22, 24–33) and Schedule 5 (items 4–7): 30 May 2003 Schedule 4 (items 3–5, 23): (m)	S. 2(1) (am. by 139, 2004, Sch. 3 [items 1–3]) S. 2(3) (am. by 139, 2004, Sch. 3 [item 4])
<b>as amended by</b> <i>Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 2) 2004</i>	139, 2004	13 Dec 2004	Schedule 3 (items 1–6): (ma)	—
<i>Crimes Legislation Enhancement Act 2003</i>	41, 2003	3 June 2003	Schedule 3 (item 35): (n) Schedule 3 (item 42): Royal Assent	Sch. 3 (item 42) [see Table A]
<i>Quarantine Amendment (Health) Act 2003</i>	91, 2003	26 Sept 2003	Schedule 1 (items 1–43): 26 Mar 2004 Schedule 1 (items 44, 45): (o) Remainder: Royal Assent	Sch. 1 (items 7, 11, 13, 33, 38, 40) [see Table A] S. 2(1) (am. by 54, 2004, Sch. 4 [item 1])

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<b>as amended by</b>				
<i>Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2004</i>	54, 2004	27 Apr 2004	(see 54, 2004 below)	—
<i>Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2004</i>	54, 2004	27 Apr 2004	Schedule 1 (items 1–143): 27 Oct 2004 Schedule 1 (item 157): (p) Apr 2004 Schedule 3: 27 Apr 2004 Schedule 4: (p) Remainder: 28 Apr 2004	Sch. 1 (items 9, 14, 19, 24, 33, 35, 37, 40, 70, 86, 91, 95, 167) [see Table A] S. 2(1) (am. by 139, 2004, Sch. 3 [item 7])
<b>as amended by</b>				
<i>Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2003</i>	38, 2003	2 May 2003	Schedule 5 (items 1–3): (q)	—
<i>Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 2) 2004</i>	139, 2004	13 Dec 2004	Schedule 3 (item 7): (r)	—
<i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006</i>	17, 2006	29 Mar 2006	Schedule 2 (items 97, 98): [see Note 2]	—
<i>Agriculture, Fisheries and Forestry Legislation Amendment (Export Control and Quarantine) Act 2006</i>	94, 2006	5 Sept 2006	Schedule 2: 6 Sept 2006	Sch. 2 (item 2) [see Table A]

## Act Notes

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- (a) The *Quarantine Act 1908* was amended by Part VII (sections 52–112) only of the *Off-shore Installations (Miscellaneous Amendments) Act 1982*, subsection 2(1) of which provides as follows:
- (1) Subject to subsection (2), this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (b) The *Quarantine Act 1908* was amended by Part IX (sections 28 and 29) only of the *Migration (Miscellaneous Amendments) Act 1983*, subsection 2(1) of which provides as follows:
- (1) Subject to subsection (2), this Act shall come into operation on the day on which the *Migration Amendment Act 1983* comes into operation.
- (c) The *Quarantine Amendment Act 1984* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984*, subsection 2(22) of which provides as follows:
- (22) The amendment of the *Quarantine Amendment Act 1984* made by this Act shall be deemed to have come into operation on 26 April 1984.
- (d) The *Sea Installations (Miscellaneous Amendments) Act 1987* was amended by subsection 41(3) only of the *Community Services and Health Legislation Amendment Act (No. 2) 1988*, subsection 2(7) of which provides as follows:
- (7) Subsection 41(3) shall be taken to have commenced on 6 November 1987.
- (e) The *Quarantine Act 1908* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act 1987*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (f) The *Quarantine Act 1908* was amended by section 24 only of the *Territories Law Reform Act 1992*, subsection 2(3) of which provides as follows:
- (3) The remaining provisions of this Act commence on 1 July 1992.
- (g) The *Quarantine Act 1908* was amended by sections 3–10 only of the *Primary Industries and Energy Legislation Amendment Act 1994*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (h) The *Quarantine Act 1908* was amended by Schedule 5 (items 126–132) only of the *Statute Law Revision Act 1996*, subsection 2(1) of which provides as follows:
- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.
- (i) The *Quarantine Act 1908* was amended by Schedule 7 only of the *Primary Industries and Energy Legislation Act (No. 2) 1996*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (j) The *Quarantine Act 1908* was amended by Schedule 7 only of the *Primary Industries and Energy Legislation Amendment Act (No. 2) 1997*, subsection 2(4) of which provides as follows:
- (4) The items of Schedules 4, 6, 7 and 8 commence on a day or days to be fixed by Proclamation.
- (k) The *Quarantine Act 1908* was amended by Schedule 1 (items 58 and 59) only of the *Environment, Sport and Territories Legislation Amendment Act 1997*, subsection 2(1) of which provides as follows:
- (1) Subject to subsections (2), (3) and (4), this Act commences on the day on which it receives the Royal Assent.
- (l) The *Quarantine Act 1908* was amended by Schedule 2 (item 41) only of the *Timor Gap Treaty (Transitional Arrangements) Act 2000*, subsection 2(2) of which provides as follows:
- (2) Sections 3 to 7 and Schedules 1 and 2 (other than items 18 to 25 of Schedule 2) are taken to have commenced at the transition time. [see Table A]

**Act Notes**

(m) Subsection 2(1) (items 4 and 6) of the *Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2003* provide as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

**Commencement information**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
4. Schedule 4, items 3 to 5	The later of: (a) the start of the 28th day after the day on which this Act receives the Royal Assent; and (b) immediately after the commencement of item 1 of Schedule 1 to the <i>Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2004</i> .	27 October 2004 (paragraph (b) applies)
6. Schedule 4, item 23	The later of: (a) the start of the 28th day after the day on which this Act receives the Royal Assent; and (b) immediately after the commencement of item 1 of Schedule 1 to the <i>Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2004</i> .	27 October 2004 (paragraph (b) applies)

(ma) Subsection 2(1) (item 3) of the *Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 2) 2004* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
3. Schedule 3, Part 1	Immediately after the commencement of section 2 of the <i>Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2003</i> .	2 May 2003

(n) Subsection 2(1) (item 24) of the *Crimes Legislation Enhancement Act 2003* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
24. Schedule 3, item 35	Immediately after the commencement of item 221 of Schedule 1 to the <i>Quarantine Amendment Act 1999</i>	23 June 2000

**Act Notes**

(o) Subsection 2(1) (item 3) of the *Quarantine Amendment (Health) Act 2003* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
3. Schedule 1, Part 2	The later of: (a) immediately after the commencement of the provisions covered by item 2 of this table; and (b) the commencement of items 1 to 113 of Part 1 of Schedule 1 to the <i>Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2004</i>	27 October 2004 (paragraph (b) applies)

(p) Subsection 2(1) (items 5B and 8) of the *Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2004* provide as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
5B. Schedule 1, item 157	The later of: (a) the time immediately after the time that the provision(s) covered by table item 5A commence; and (b) the commencement of item 2 of Schedule 2 to the <i>Australian Federal Police and Other Legislation Amendment Act 2004</i> .	1 July 2004 (paragraph (b) applies)

8. Schedule 4	Immediately after the commencement of section 2 of the <i>Quarantine Amendment (Health) Act 2003</i> .	26 September 2003
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(q) Subsections 2(1) [item 8] and (3) of the *Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2003* provide as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
8. Schedule 5, items 1 to 3	Immediately before the commencement of item 1 of Schedule 1 to the <i>Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2004</i> , subject to subsection (3)	27 October 2004

- (3) If item 1 of Schedule 1 to the *Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2004* commences before the commencement of item 1 of Schedule 4 to this Act, Schedule 5 does not commence at all.

(r) Subsection 2(1) (item 4) of the *Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 2) 2004* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

**Act Notes**

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<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
4. Schedule 3, Part 2	Immediately after the commencement of section 2 of the <i>Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2004</i> .	28 April 2004

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**Table of Amendments****Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
<b>Part I</b>	
S. 2A .....	ad. No. 47, 1920 am. No. 43, 1996
S. 2B .....	ad. No. 92, 1947 am. No. 54, 1981; No. 19, 1984; No. 43, 1996; No. 196, 1999; No. 17, 2002
S. 3.....	rs. No. 61, 1961 rep. No. 216, 1973 ad. No. 17, 2002
S. 4.....	am. No. 15, 1912; No. 42, 1915; No. 51, 1982; No. 2, 1985; No. 94, 1997 rs. No. 196, 1999 am. No. 17, 2002
S. 5.....	am. No. 15, 1912; No. 47, 1920; No. 30, 1924; Nos. 19 and 92, 1947; No. 1, 1969; No. 54, 1981; No. 51, 1982; Nos. 19 and 22, 1984; No. 2, 1985; No. 104, 1987 (as am. by No. 155, 1988); No. 37, 1990; No. 20, 1994; No. 94, 1997; No. 196, 1999; No. 25, 2000; No. 17, 2002; Nos. 10, 38 and 91, 2003; No. 54, 2004
S. 5AA.....	ad. No. 54, 2004
S. 5A .....	ad. No. 196, 1999 rs. No. 54, 2004
Ss. 5B, 5C.....	ad. No. 196, 1999
S. 5D .....	ad. No. 196, 1999 am. No. 54, 2004
S. 5E .....	ad. No. 196, 1999
Heading to s. 6.....	rs. No. 54, 2004
S. 6.....	rep. No. 15, 1912 ad. No. 54, 1981 am. No. 196, 1999; No. 54, 2004
Note to s. 6.....	rs. No. 54, 2004
S. 6AA .....	ad. No. 104, 1992 am. No. 118, 1997 rep. No. 54, 2004
S. 6AB .....	ad. No. 118, 1997 rs. No. 196, 1999
Heading to s. 6A.....	am. No. 10, 2003
S. 6A .....	ad. No. 37, 1990 am. No. 10, 2003
S. 6B .....	ad. No. 196, 1999
S. 6C .....	ad. No. 196, 1999 am. No. 121, 2000
S. 8.....	rep. No. 47, 1920

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
<b>Part II</b>	
S. 8A .....	ad. No. 15, 1912 am. No. 47, 1920; No. 216, 1973; No. 19, 1984 rs. No. 2, 1985 am. No. 196, 1999; No. 91, 2003
S. 8B .....	ad. No. 2, 1985 am. No. 196, 1999
S. 9 .....	rs. No. 19, 1984; No. 2, 1985 am. No. 196, 1999; No. 91, 2003; No. 54, 2004
S. 9AA .....	ad. No. 2, 1985 am. No. 196, 1999; No. 121, 2000; No. 54, 2004
S. 9A .....	ad. No. 47, 1920 am. No. 92, 1947; No. 1, 1979; No. 54, 1981; No. 19, 1984; No. 43, 1996; No. 196, 1999; No. 91, 2003; No. 54, 2004
S. 10 .....	am. No. 54, 1981; No. 51, 1982; No. 43, 1996 rs. No. 196, 1999
S. 10A .....	ad. No. 47, 1920 rs. No. 196, 1999
S. 10B .....	ad. No. 2, 1985 rs. No. 196, 1999
S. 11 .....	rs. No. 196, 1999 am. No. 17, 2002; No. 54, 2004
Note to s. 11 .....	ad. No. 54, 2004
<b>Part IIA</b>	
Part IIA .....	ad. No. 196, 1999
Ss. 11A–11E .....	ad. No. 196, 1999
<b>Part III</b>	
S. 12 .....	am. No. 196, 1999 rs. No. 91, 2003
S. 12A .....	ad. No. 92, 1947 am. No. 1, 1969; No. 1, 1979; No. 19, 1984; No. 43, 1996 rs. No. 196, 1999
S. 12B .....	ad. No. 92, 1947
S. 13 .....	am. No. 15, 1912; No. 42, 1915; No. 47, 1920; No. 30, 1924; Nos. 19 and 92, 1947; No. 216, 1973 (as am. by No. 20, 1974); No. 54, 1981; Nos. 19 and 22, 1984; No. 2, 1985; No. 43, 1996; No. 94, 1997; No. 196, 1999; No. 54, 2004
S. 13A .....	ad. No. 15, 1912 am. No. 51, 1982; No. 43, 1996
S. 14 .....	am. No. 54, 1981; No. 51, 1982; No. 43, 1996; No. 196, 1999; No. 54, 2004
S. 14A .....	ad. No. 22, 1984 am. No. 43, 1996; No. 121, 2000
S. 15 .....	am. No. 15, 1912; No. 1, 1969; No. 1, 1979; No. 54, 1981; No. 19, 1984; No. 43, 1996 rs. No. 196, 1999 am. No. 91, 2003

**Table of Amendments**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision affected	How affected
S. 15A .....	ad. No. 15, 1912 am. No. 47, 1920; No. 92, 1947; No. 1, 1969; No. 1, 1979; No. 54, 1981; No. 19, 1984; No. 43, 1996 rep. No. 196, 1999
S. 16.....	am. No. 47, 1920; No. 1, 1969; No. 1, 1979; No. 54, 1981; No.19, 1984; No. 43, 1996 rep. No. 94, 1997
S. 16AA .....	ad. No. 51, 1982 am. No. 104, 1987
S. 16AAA.....	ad. No. 104, 1987
S. 16AB .....	ad. No. 51, 1982 am. No. 104, 1987
Ss. 16AC, 16AD.....	ad. No. 94, 1994 am. No. 196, 1999; No. 54, 2004
S. 16AE .....	ad. No. 94, 1994 am. No. 196, 1999
S. 16AF .....	ad. No. 94, 1994 am. No. 196, 1999; No. 54, 2004
S. 16AG.....	ad. No. 94, 1994 am. No. 54, 2004
S. 16AH.....	ad. No. 196, 1999
<b>Part IV</b>	
<b>Division 1A</b>	
Div. 1A of Part IV.....	ad. No. 54, 1981
S. 16A .....	ad. No. 54, 1981
<b>Division 1</b>	
S. 17.....	am. No. 15, 1912; No. 54, 1981; No. 51, 1982; No. 43, 1996; No. 196, 1999; No. 54, 2004
S. 18.....	am. No. 92, 1947; No. 54, 1981; No. 51, 1982; No. 19, 1984; No. 104, 1987; No. 43, 1996; No. 196, 1999; No. 121, 2000; No. 91, 2003; No. 54, 2004
S. 18A .....	ad. No. 92, 1947 am. No. 1, 1969; No. 1, 1979 rep. No. 105, 1979
Heading to s. 19.....	rs. No. 54, 2004
S. 19.....	rs. No. 54, 1981 am. No. 54, 2004
S. 19AA .....	ad. No. 54, 2004
S. 19A .....	ad. No. 54, 1981 am. No. 51, 1982
S. 20.....	am. No. 1, 1969; No. 1, 1979; No. 54, 1981; No. 51, 1982; No. 19, 1984 rs. No. 196, 1999 am. No. 38, 2003; No. 54, 2004
S. 20A .....	ad. No. 47, 1920 am. No. 1, 1969; No. 1, 1979; No. 54, 1981; No. 51, 1982; No. 19, 1984 rs. No. 196, 1999; No. 38, 2003

**Table of Amendments**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision affected	How affected
S. 20AA .....	ad. No. 51, 1982 am. No. 2, 1985; No. 196, 1999; No. 54, 2004
S. 20B .....	ad. No. 92, 1947 am. No. 1, 1969; No. 1, 1979; No. 54, 1981; No. 19, 1984; No. 43, 1996 rs. No. 196, 1999 am. No. 38, 2003; No. 54, 2004
S. 20C .....	ad. No. 92, 1947 am. No. 54, 1981; No. 51, 1982 rs. No. 196, 1999 am. No. 54, 2004
S. 20D .....	ad. No. 196, 1999 am. No. 54, 2004
S. 21 .....	am. No. 47, 1920; No. 92, 1947; No. 1, 1969; No. 1, 1979; No. 54, 1981; No. 51, 1982; No. 19, 1984; No. 43, 1996; No. 196, 1999; No. 91, 2003; No. 54, 2004
S. 22 .....	am. No. 15, 1912; No. 47, 1920; No. 1, 1969; No. 1, 1979; No. 51, 1982; No. 19, 1984; No. 104, 1987; No. 43, 1996; No. 196, 1999; No. 91, 2003
S. 23 .....	am. No. 47, 1920
S. 24 .....	am. No. 47, 1920; No. 92, 1947; No. 1, 1969; No. 1, 1979; No. 51, 1982; No. 19, 1984; No. 196, 1999; No. 38, 2003
S. 25 .....	am. No. 1, 1969; No. 1, 1979; No. 19, 1984; No. 196, 1999
S. 25A .....	ad. No. 51, 1982 am. No. 19, 1984; No. 104, 1987; No. 196, 1999; No. 38, 2003
S. 26 .....	am. No. 1, 1969; No. 1, 1979; No. 19, 1984; No. 196, 1999; No. 38, 2003
S. 26A .....	ad. No. 15, 1912 am. No. 47, 1920 rs. No. 1, 1969 am. No. 1, 1979; No. 19, 1984; No. 196, 1999
S. 27 .....	am. No. 1, 1969; No. 1, 1979; No. 54, 1981 rs. No. 51, 1982 am. No. 19, 1984; No. 2, 1985 rep. No. 196, 1999
S. 27A .....	ad. No. 15, 1912 am. No. 47, 1920 rep. No. 92, 1947 ad. No. 196, 1999 am. No. 54, 2004
S. 27B .....	ad. No. 196, 1999 am. No. 54, 2004
S. 28 .....	am. No. 15, 1912; No. 42, 1915; No. 19, 1947; No. 1, 1969; No. 1, 1979; No. 54, 1981; No. 51, 1982; No. 19, 1984; No. 43, 1996 rs. No. 196, 1999 am. No. 54, 2004

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
S. 29 .....	am. No. 1, 1969; No. 1, 1979; No. 51, 1982; No. 19, 1984; No. 43, 1996; No. 94, 1997 rs. No. 196, 1999 am. No. 38, 2003
S. 29A .....	ad. No. 196, 1999 am. No. 38, 2003; No. 54, 2004
S. 29B .....	ad. No. 196, 1999 am. No. 54, 2004
S. 30 .....	rs. No. 92, 1947 am. No. 1, 1969; No. 1, 1979; No. 51, 1982; No. 19, 1984; No. 196, 1999; No. 38, 2003
S. 31 .....	am. No. 92, 1947; No. 1, 1969; No. 216, 1973; No. 155, 1979; No. 70, 1980; No. 51, 1982; No. 43, 1996; No. 196, 1999; No. 91, 2003
Heading to s. 32 .....	am. No. 91, 2003
S. 32 .....	am. No. 1, 1969; No. 1, 1979; No. 54, 1981; No. 19, 1984; No. 2, 1985; No. 43, 1996; No. 196, 1999; No. 91, 2003
Heading to s. 32A .....	am. No. 91, 2003
S. 32A .....	ad. No. 196, 1999 am. No. 91, 2003; No. 54, 2004
S. 32B .....	ad. No. 91, 2003 am. No. 91, 2003
Heading to s. 33 .....	rs. No. 91, 2003
S. 33 .....	am. No. 15, 1912 rs. No. 54, 1981 am. No. 51, 1982; No. 19, 1984; No. 2, 1985; No. 43, 1996; No. 196, 1999; No. 91, 2003; No. 54, 2004
S. 33A .....	ad. No. 51, 1982 am. No. 19, 1984; No. 2, 1985; No. 104, 1987; No. 43, 1996
S. 34 .....	am. No. 1, 1969; No. 1, 1979; No. 54, 1981; No. 19, 1984; No. 2, 1985; No. 43, 1996; No. 196, 1999; No. 91, 2003
<b>Division 2</b>	
S. 35 .....	am. Nos. 19 and 92, 1947; No. 54, 1981; No. 51, 1982; No. 2, 1985; No. 104, 1987; No. 43, 1996; No. 196, 1999; No. 121, 2000; No. 91, 2003; No. 54, 2004
S. 35AA .....	ad. No. 12, 1966 am. No. 216, 1973; No. 1, 1979; No. 84, 1983; No. 19, 1984; No. 2, 1985; No. 43, 1996; No. 91, 2003
S. 35A .....	ad. No. 15, 1912 am. No. 42, 1915; No. 47, 1920; No. 1, 1969; No. 1, 1979; No. 51, 1982; No. 19, 1984; No. 2, 1985; No. 104, 1987 rs. No. 196, 1999 am. Nos. 38 and 91, 2003
Ss. 35B–35D .....	ad. No. 91, 2003
S. 36 .....	am. No. 15, 1912; No. 1, 1969; No. 1, 1979; No. 54, 1981; No. 51, 1982; No. 19, 1984 rs. No. 196, 1999
S. 37 .....	am. No. 51, 1982

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
S. 38.....	am. No. 92, 1947; No. 1, 1969; No. 1, 1979; No. 54, 1981; No. 51, 1982; No. 19, 1984; No. 43, 1996; No. 196, 1999
S. 39.....	am. No. 54, 1981; No. 51, 1982; No. 54, 2004
S. 40.....	am. No. 1, 1969; No. 1, 1979; No. 51, 1982; No. 19, 1984; No. 43, 1996 rs. No. 196, 1999 am. No. 38, 2003
S. 42.....	am. No. 92, 1947; No. 2, 1985; No. 43, 1996
S. 43.....	am. No. 92, 1947; No. 1, 1969; No. 1, 1979; No. 51, 1982; No. 19, 1984; No. 43, 1996 rep. No. 196, 1999
S. 44.....	am. No. 1, 1969; No. 1, 1979; No. 51, 1982; No. 19, 1984; No. 43, 1996; No. 196, 1999; No. 38, 2003
S. 44A.....	ad. No. 54, 1981 am. No. 51, 1982; No. 19, 1984; No. 43, 1996; No. 196, 1999; No. 38, 2003; No. 54, 2004
S. 44B.....	ad. No. 54, 1981 am. No. 51, 1982; No. 19, 1984 rs. No. 196, 1999 am. No. 54, 2004
S. 44C.....	ad. No. 54, 1981 am. No. 43, 1996; No. 196, 1999
S. 44D.....	ad. No. 54, 1981 am. No. 196, 1999
S. 45.....	am. No. 42, 1915; No. 47, 1920; No. 92, 1947; No. 1, 1969; No. 1, 1979; No. 51, 1982; No. 19, 1984; No. 43, 1996; No. 196, 1999; No. 91, 2003
S. 46.....	am. No. 51, 1982; No. 141, 1987
Heading to s. 46A.....	am. No. 121, 2000
S. 46A.....	ad. No. 1, 1969 am. No. 1, 1979; No. 19, 1984 rs. No. 196, 1999 am. No. 121, 2000
S. 47.....	am. No. 51, 1982 rep. No. 196, 1999
S. 48.....	am. No. 1, 1969; Nos. 1 and 105, 1979; No. 54, 1981; No. 19, 1984; No. 2, 1985; No. 43, 1996 rs. No. 196, 1999 am. No. 121, 2000
S. 48AA.....	ad. No. 196, 1999
S. 48AB.....	ad. No. 196, 1999 am. No. 121, 2000
S. 48AC.....	ad. No. 196, 1999
S. 48AD.....	ad. No. 196, 1999
S. 48A.....	ad. No. 54, 1981 am. No. 43, 1996; No. 196, 1999
S. 49.....	am. No. 1, 1969; No. 1, 1979; No. 19, 1984; No. 43, 1996; No. 196, 1999 rs. No. 38, 2003

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
S. 50.....	am. No. 15, 1912; No. 1, 1969; No. 1, 1979; No. 54, 1981; No. 51, 1982; No. 19, 1984 rep. No. 196, 1999
S. 51.....	am. No. 1, 1969; No. 1, 1979; No. 51, 1982; No. 19, 1984 rep. No. 196, 1999
<b>Part V</b>	
S. 52.....	am. No. 47, 1920; No. 1, 1969; No. 1, 1979 rs. No. 54, 1981 am. No. 196, 1999; No. 54, 2004
S. 52A.....	ad. No. 51, 1982 am. No. 43, 1996; No. 196, 1999
S. 53.....	am. No. 15, 1912 rs. No. 54, 1981 am. No. 43, 1996; No. 196, 1999
S. 54.....	rs. No. 54, 1981
S. 55.....	rep. No. 54, 1981
S. 55A.....	ad. No. 15, 1912 am. No. 1, 1969; No. 216, 1973 (as am. by No. 20, 1974); No. 54, 1981; No. 51, 1982; No. 104, 1987; No. 43, 1996; No. 196, 1999; No. 54, 2004
<b>Part VAA</b>	
Part VAA.....	ad. No. 91, 2003
Ss. 55B–55G.....	ad. No. 91, 2003
<b>Part VA</b>	
Part VA.....	ad. No. 121, 2000
S. 56.....	am. No. 15, 1912; No. 92, 1947; No. 54, 1981 rep. No. 196, 1999 ad. No. 121, 2000
S. 57.....	am. No. 92, 1947 rep. No. 105, 1979
S. 58.....	am. No. 15, 1912; No. 47, 1920; No. 43, 1996 rep. No. 196, 1999
<b>Part VI</b>	
S. 58A.....	ad. No. 51, 1982
S. 59.....	rs. No. 15, 1912 am. No. 47, 1920; No. 54, 1981; No. 51, 1982; No. 2, 1985; No. 104, 1987; No. 43, 1996; No. 91, 2003; No. 54, 2004
S. 59A.....	ad. No. 15, 1912 am. No. 47, 1920 rs. No. 196, 1999 am. No. 54, 2004
S. 59B.....	ad. No. 15, 1912
S. 60.....	rep. No. 196, 1999
S. 61.....	am. No. 51, 1982 rep. No. 54, 2004
S. 62.....	am. No. 43, 1996 rep. No. 91, 2003

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
S. 63.....	am. No. 43, 1996; No. 54, 2004
S. 63A .....	ad. No. 94, 1997 am. No. 196, 1999
S. 63AA .....	ad. No. 54, 2004
S. 64.....	am. No. 15, 1912; No. 47, 1920; No. 1, 1979; No. 134, 1991; No. 43, 1996; No. 196, 1999; No. 54, 2004
S. 66.....	am. No. 1, 1979
S. 66A .....	ad. No. 134, 1991
<b>Part VIA</b>	
Part VIA.....	ad. No. 196, 1999
<b>Division 1</b>	
S. 66AA .....	ad. No. 196, 1999 am. No. 121, 2000; No. 54, 2004
<b>Division 2</b>	
Ss. 66AB, 66AC .....	ad. No. 196, 1999 am. No. 54, 2004
S. 66AD .....	ad. No. 196, 1999
<b>Division 3</b>	
S. 66AE .....	ad. No. 196, 1999 am. No. 121, 2000
S. 66AF .....	ad. No. 196, 1999
S. 66AG.....	ad. No. 196, 1999
<b>Division 4</b>	
S. 66AH.....	ad. No. 196, 1999 am. No. 91, 2003
<b>Division 5</b>	
Ss. 66AI, 66AJ .....	ad. No. 196, 1999
<b>Division 6</b>	
Ss. 66AK–66AM.....	ad. No. 196, 1999
S. 66AN.....	ad. No. 196, 1999 am. No. 41, 2003
Ss. 66AO–66AX.....	ad. No. 196, 1999
<b>Part VII</b>	
S. 66B .....	ad. No. 94, 1994 am. No. 196, 1999; No. 121, 2000
S. 67.....	am. No. 19, 1947; No. 1, 1969; No. 1, 1979; No. 54, 1981; No. 19, 1984 rs. No. 196, 1999 am. No. 17, 2002; No. 54, 2004
S. 67A .....	ad. No. 92, 1947 am. No. 1, 1969; No. 1, 1979; No. 54, 1981; No. 19, 1984; No. 196, 1999; No. 54, 2004
S. 68.....	am. No. 19, 1947; No. 1, 1969; No. 54, 1981 rs. No. 196, 1999 am. No. 121, 2000; No. 54, 2004



**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
S. 68A .....	ad. No. 19, 1947 am. No. 54, 1981 rs. No. 196, 1999 am. No. 54, 2004
S. 69 .....	rs. No. 196, 1999
S. 69A .....	ad. No. 105, 1979 am. No. 54, 1981; No. 19, 1984; No. 43, 1996; No. 196, 1999; No. 17, 2002; No. 54, 2004
Heading to s. 70 .....	rs. No. 196, 1999
S. 70 .....	am. No. 92, 1947; No. 61, 1961; No. 1, 1969; No. 1, 1979; No. 54, 1981; No. 19, 1984; No. 2, 1985; No. 43, 1996; No. 196, 1999; No. 54, 2004
Heading to s. 70AA .....	rs. No. 196, 1999
S. 70AA .....	ad. No. 51, 1982 am. No. 19, 1984; No. 2, 1985; No. 196, 1999
S. 70A .....	ad. No. 105, 1979 am. No. 51, 1982; No. 19, 1984; No. 141, 1987; No. 43, 1996 rs. No. 196, 1999
S. 70B .....	ad. No. 54, 1981 am. No. 43, 1996; No. 196, 1999
Note to s. 70B(2) .....	ad. No. 196, 1999 rep. No. 137, 2000
Notes 1, 2 to s. 70B(2) .....	ad. No. 137, 2000
Note to s. 70B(3) .....	ad. No. 196, 1999 rep. No. 137, 2000
Notes 1, 2 to s. 70B(3) .....	ad. No. 137, 2000
Note to s. 70B(4) .....	ad. No. 196, 1999
Ss. 70BA, 70BB .....	ad. No. 196, 1999
S. 70C .....	ad. No. 54, 1981 am. No. 19, 1984; No. 43, 1996 rs. No. 196, 1999 am. No. 54, 2004
S. 70CA .....	ad. No. 196, 1999
S. 70D .....	ad. No. 54, 1981 am. No. 19, 1984; No. 43, 1996; No. 196, 1999
S. 70E .....	ad. No. 196, 1999
S. 71 .....	am. No. 1, 1969; No. 1, 1979; No. 51, 1982; No. 19, 1984; No. 43, 1996; No. 196, 1999
S. 72 .....	am. No. 15, 1912 rs. No. 61, 1961 am. No. 1, 1969; No. 1, 1979; No. 51, 1982; No. 19, 1984; No. 43, 1996; No. 196, 1999; No. 38, 2003
Note to s. 72(5) .....	ad. No. 196, 1999
S. 73 .....	am. No. 42, 1915; No. 1, 1969; No. 1, 1979; No. 51, 1982; No. 19, 1984; No. 43, 1996; No. 196, 1999
S. 74 .....	am. No. 92, 1947; No. 1, 1969; No. 1, 1979; No. 51, 1982; No. 19, 1984; No. 196, 1999; No. 38, 2003

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
S. 74AA .....	ad. No. 54, 1981 am. No. 51, 1982; No. 19, 1984; No. 2, 1985; No. 196, 1999
S. 74AB .....	ad. No. 54, 1981 am. No. 51, 1982 rep. No. 196, 1999
S. 74A .....	ad. No. 105, 1979 am. No. 54, 1981; No. 51, 1982 rep. No. 196, 1999
S. 74B .....	ad. No. 105, 1979 am. No. 19, 1984 rep. No. 196, 1999
S. 74BA .....	ad. No. 19, 1984 am. No. 43, 1996 rep. No. 196, 1999
S. 74BB .....	ad. No. 196, 1999
S. 74BC .....	ad. No. 196, 1999
S. 74C .....	ad. No. 105, 1979 am. No. 19, 1984; No. 43, 1996 rs. No. 196, 1999 am. No. 137, 2000
S. 74D .....	ad. No. 54, 1981 am. No. 51, 1982; No. 19, 1984; No. 43, 1996 rs. No. 196, 1999
S. 74DA .....	ad. No. 196, 1999
S. 74E .....	ad. No. 54, 1981 am. No. 19, 1984; No. 196, 1999
S. 75 .....	am. No. 47, 1920; No. 92, 1947; No. 1, 1969; No. 1, 1979; No. 19, 1984 (as am. by No. 165, 1984); No. 43, 1996; No. 196, 1999
S. 75A .....	ad. No. 54, 1981 am. No. 19, 1984; No. 2, 1985; No. 43, 1996; No. 196, 1999; No. 38, 2003; No. 54, 2004
S. 75B .....	ad. No. 54, 1981 am. No. 43, 1996; No. 196, 1999; No. 54, 2004
S. 76 .....	am. No. 92, 1947; No. 1, 1969; No. 1, 1979; No. 19, 1984 rs. No. 196, 1999
S. 77 .....	am. No. 1, 1969; No. 1, 1979; No. 19, 1984 rs. No. 196, 1999
S. 78 .....	am. No. 92, 1947; No. 1, 1969; No. 1, 1979; No. 19, 1984; No. 43, 1996 rs. No. 196, 1999
Heading to s. 78A .....	rs. No. 196, 2000
S. 78A .....	ad. No. 15, 1912 am. No. 42, 1915; No. 92, 1947; No. 1, 1969; No. 1, 1979; No. 54, 1981; No. 51, 1982; No. 19, 1984; No. 104, 1987; No. 43, 1996 rs. No. 94, 1997 am. No. 196, 1999; No. 54, 2004

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
S. 78AA .....	ad. No. 196, 1999
S. 78B .....	ad. No. 54, 1981 am. No. 19, 1984; No. 43, 1996; No. 196, 1999 rs. No. 38, 2003
S. 78C .....	ad. No. 196, 1999 am. No. 38, 2003
S. 79 .....	am. No. 1, 1969; No. 1, 1979 rep. No. 137, 2000
S. 79A .....	ad. No. 196, 1999 am. No. 137, 2000
S. 80 .....	am. No. 1, 1969; No. 1, 1979; No. 19, 1984; No. 43, 1996; No. 196, 1999
Heading to s. 81 .....	rs. No. 196, 1999 rep. No. 137, 2000
S. 81 .....	am. No. 47, 1920; No. 1, 1969; No. 1, 1979; No. 19, 1984; No. 43, 1996; No. 196, 1999 rep. No. 137, 2000
S. 82 .....	am. No. 1, 1969; No. 1, 1979; No. 19, 1984; No. 43, 1996 rs. No. 196, 1999 am. No. 17, 2002
S. 83 .....	am. No. 1, 1969; No. 1, 1979; No. 51, 1982; No. 19, 1984; No. 104, 1987; No. 43, 1996 rs. No. 196, 1999
S. 84 .....	am. No. 1, 1969; No. 1, 1979; No. 51, 1982 rs. No. 196, 1999
S. 85 .....	rep. No. 80, 1950 ad. No. 1, 1969 am. No. 1, 1979; No. 19, 1984 rep. No. 196, 1999
S. 86 .....	rep. No. 80, 1950
S. 86A .....	ad. No. 15, 1912
S. 86B .....	ad. No. 15, 1912 rep. No. 1, 1969 ad. No. 51, 1982
S. 86C .....	ad. No. 15, 1912
S. 86D .....	ad. No. 47, 1920 rep. No. 196, 1999
S. 86DA .....	ad. No. 196, 1999
S. 86E .....	ad. No. 47, 1920 am. No. 1, 1969; No. 1, 1979 rs. No. 19, 1984 am. No. 99, 1988; Nos. 94 and 169, 1994; No. 94, 1997; No. 196, 1999; No. 54, 2004

**Table of Amendments**

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ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
S. 86EA .....	ad. No. 94, 2006
S. 86F.....	ad. No. 94, 1997
S. 86G .....	ad. No. 196, 1999
S. 87 .....	am. No. 15, 1912; No. 42, 1915; No. 47, 1920; No. 30, 1924; No. 92, 1947; No. 1, 1969; No. 1, 1979; No. 54, 1981; No. 51, 1982; No. 19, 1984; No. 2, 1985; No. 104, 1987; No. 94, 1994; No. 59, 1996; No. 94, 1997; No. 196, 1999; No. 91, 2003; No. 54, 2004

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**Note 2**

**Note 2**

*Offshore Petroleum (Repeals and Consequential Amendments) Act 2006*  
(No. 17, 2006)

The following amendments commence on proclamation:

**Schedule 2**

**97 Subsection 5(1) (subparagraph (a)(i) of the definition of *Australian seabed*)**

Omit “Schedule 2 to the *Petroleum (Submerged Lands) Act 1967*”, substitute “Schedule 1 to the *Offshore Petroleum Act 2006*”.

**98 Subsection 5(1) (definition of *Coral Sea area*)**

Omit “the *Petroleum (Submerged Lands) Act 1967*”, substitute “section 7 of the *Offshore Petroleum Act 2006*”.

As at 7 September 2006 the amendments are not incorporated in this compilation.

**Table A**

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**Table A**

**Application, saving or transitional provisions**

*Primary Industries and Energy Legislation Amendment Act (No. 2) 1997*  
(No. 94, 1997)

**Schedule 7**

**5 Saving provision**

If:

- (a) a Proclamation made under subsection 13(1) of the *Quarantine Act 1908* before the day on which items 3 and 4 of this Schedule commence prohibited the importation into Australia or the Cocos Islands of any thing unless a permit granting permission to import that thing was granted by a Director of Quarantine or a person authorised in writing by a Director of Quarantine; and
- (b) that Proclamation was not revoked before that day;

then, on and after that day:

- (c) the Proclamation continues to have effect as if it were a Proclamation made in accordance with subsection 13(2A)(a) of that Act as amended by this Act; and
- (d) any permit granted under that Proclamation and not revoked before that day has effect as if it were a permit granted under the Proclamation as so continued in force.

**24 Saving of regulations**

Any regulation made, or purportedly made, for the purposes of a paragraph of subsection 87(1) of the *Quarantine Act 1908*, before the day on which items 15 to 23 of this Schedule commence that has not been revoked, or purportedly revoked, immediately before that day continues in force, on and after that day, as if it had been made under that paragraph of that subsection of the *Quarantine Act 1908* as amended by this Act.

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**Table A**

*Quarantine Amendment Act 1999* (No. 196, 1999)

**Schedule 1****43 Transitional provision relating to overseas vessels**

A reference to an overseas vessel in any Proclamation, order, determination, declaration or other document that was in force under the *Quarantine Act 1908* immediately before the commencement of this Schedule is taken to be a reference to an overseas vessel.

**50 Saving of Proclamations**

A Proclamation made by the Governor-General for the purposes of the definition of *quarantinable disease* in subsection 5(1) of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force and is taken to have been made for the purposes of that definition as amended by item 49.

**65 Saving of determinations**

A determination made under subsection 8A(2) of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force as if it had been made under subsection 8A(2) substituted by item 64.

**68 Saving of determinations**

A determination made under subsection 8B(2) of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force as if it had been made under subsection 8B(2) substituted by item 67.

**73 Saving of appointments**

An appointment of a quarantine officer (human quarantine) made under section 9 of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force as if it had been made under that section as amended by this Schedule.

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**Table A**

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**76 Saving of appointments**

An appointment of a quarantine officer (animals) or a quarantine officer (plants) made under section 9AA of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force as if it had been made under that section as amended by this Schedule.

**81 Saving of appointments and authorities**

An appointment of a person as, or an authority of a person to act as, a temporary quarantine officer made under section 9A of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force as if it had been made under that section as amended by this Schedule.

**83 Saving of delegations**

- (1) A delegation given by the Minister under section 10 of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force and is taken to have been given under section 10 substituted by item 82.
- (2) A delegation given by a Director of Quarantine under section 10B of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force and is taken to have been given under section 10B substituted by item 82.

**85 Saving of arrangements**

An arrangement entered into under section 11 of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force and is taken to have been entered into under subsection 11(1) substituted by item 84.

**91 Saving of Proclamations**

A Proclamation made under paragraph 13(1)(aa) of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force as if it had been made under that paragraph as amended by this Schedule and as if references in the Proclamation to vessels engaged in navigation by air were references to aircraft.



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**Table A****93 Saving of Proclamations**

A Proclamation made under paragraph 13(1)(b) of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force as if it had been made under paragraph 13(1)(b) substituted by item 92.

**96 Saving of Proclamations**

A Proclamation made under paragraph 13(1)(d) of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force as if it had been made under paragraph 13(1)(d) substituted by item 95.

**98 Saving of Proclamations**

A Proclamation made under paragraph 13(1)(e) of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force as if it had been made under paragraph 13(1)(e) substituted by item 97.

**112 Saving of exemptions**

If:

- (a) an exemption was in force under section 14 or 14A of the *Quarantine Act 1908* immediately before the commencement of this Schedule in respect of a provision of that Act as in force at that time; and
- (b) the provision is repealed by this Schedule and a corresponding provision is inserted in the *Quarantine Act 1908* by this Schedule;

the exemption continues in force as if it had been granted under that section on that commencement in respect of the corresponding provision.

**114 Orders taken to be directions**

If an order made by the Minister under subsection 15(1) of the *Quarantine Act 1908* (the **repealed subsection**) was in force immediately before the commencement of this Schedule:

- (a) the order continues in force as if it were a direction given by a Director of Quarantine under subsection 15(1) substituted by item 113; and

**Table A**

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- (b) any prophylactic agents that were prescribed, or disinfecting apparatus or appliances, or disinfectants, that were approved by the Minister, at that time for the purposes of the repealed subsection are taken to be specified in the direction; and
- (c) the period that was prescribed at that time for the purposes of the repealed subsection is taken to be specified in the direction.

**119 Saving of regulations**

A regulation purporting to make a provision of a kind mentioned in subsection 16AC(5A) substituted by item 118 that purported to be in force immediately before the commencement of this Schedule is as valid as it would have been if it had been made after that commencement.

**143 Saving of regulations**

Any regulation prescribing a signal for the purposes of paragraph 21(1)(c) of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force as if it prescribed that signal for the purposes of subsection 21(1A) inserted by item 142.

**160 Saving of requirements**

Any requirement made by a quarantine officer under section 28 of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force as if it had been made under section 28 substituted by item 159.

**165 Existing section 31 to continue to apply to people apprehended before making of amendments**

Section 31 of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues to apply in relation to any person who was apprehended under that section and brought before a Justice of the Peace before that commencement.

**Table A****174 Matters in existing regulations taken to be included in direction**

Any matters relating to the treatment of cargo or passengers' effects that were prescribed for the purposes of subsection 34(4) of the *Quarantine Act 1908* immediately before the commencement of this Schedule are taken, in relation to cargo or passengers' effects landed before that commencement, to be specified in a direction, to the person who is the importer, or has control, of the cargo or passengers' effects, given by a Director of Quarantine for the purposes of subsection 34(4) substituted by item 173.

**180 Saving of instruments***Saving of certificates*

- (1) Any certificate given under subsection 35A(1) of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force as if it had been given under paragraph 35A(1)(b) substituted by item 179.

*Saving of orders*

- (2) An order into quarantine made under subsection 35A(1) of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force as if it had been made under subsection 35A(3) substituted by item 179.

*Saving of directions*

- (3) Any direction relating to measures of quarantine given by a quarantine officer (human quarantine) under subsection 35A(1) of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force and has effect as if:
- (a) it were a direction given by the Chief Quarantine Officer (Human Quarantine) under subsection 35A(2) substituted by item 179; and
  - (b) the measures of quarantine contained in the direction included any measures of quarantine that were prescribed for the purposes of subsection 35A(1) of the *Quarantine Act 1908* immediately before that commencement.

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**Table A**

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*Saving of permissions*

- (4) Any permission given for the purposes of subsection 35A(3) or (4) of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force as if it had been given for the purposes of subsection 35A(9) or (10), as the case may be, substituted by item 179.

**193 Saving of instruments**

Any permission, consent, approval, or specification of conditions, under a provision of section 44B of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force as if it were a permission, consent, approval or specification of conditions, as the case may be, under the corresponding provision of section 44B substituted by item 192.

**201 Saving of approvals**

An approval of a place that a quarantine officer purported to give under subsection 46A(1) of the *Quarantine Act 1908* and that purported to be in force immediately before the commencement of this Schedule has effect as if:

- (a) it were an approval duly given by a Director of Quarantine under paragraph 46A(1)(a) substituted by item 200; and
- (b) any conditions to which the approval purported to be subject were validly imposed for the purposes of section 46A substituted by that item.

**226 Saving of agreements**

An agreement purporting to have been entered into under section 66B of the *Quarantine Act 1908* and to be in force immediately before the commencement of this Schedule has effect as if:

- (a) it had been duly entered into by a Director of Quarantine under that section as amended by this Schedule; and
- (b) a reference in the agreement to the Secretary to the Department were a reference to a Director of Quarantine.

**265 Saving of notices**

A notice prescribed for the purposes of subsection 74(1) of the *Quarantine Act 1908* immediately before the commencement of this Schedule is taken to have been approved by a Director of Quarantine for the purposes of subsection 74(1) substituted by item 264.

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**Table A****271 Saving of warrants, consents and notices**

- (1) A warrant issued under section 74AB, 74A, 74B or 74BA of the *Quarantine Act 1908* that was in force immediately before the repeal of that section continues in force, and may be executed, as if that section had not been repealed.
- (2) A consent given by the occupier of any premises under section 74AB, 74A, 74B or 74BA of the *Quarantine Act 1908* before the repeal of that section that had not been revoked before that repeal is taken to have been given under the corresponding section of Part VIA of that Act inserted by this Schedule.
- (3) A notice prescribed for the purposes of paragraph 74A(4)(d) of the *Quarantine Act 1908* immediately before the repeal of section 74A of that Act is taken to have been approved by a Director of Quarantine for the purposes of paragraph 66AA(1)(i) of that Act inserted by this Schedule.

**290 Saving of orders**

An order given under section 78A of the *Quarantine Act 1908* that was in force immediately before the commencement of this Schedule continues in force as if it were a direction given under that section as amended by this Schedule.

**317 Saving of regulations**

Any regulations made under paragraph 87(1)(k) of the *Quarantine Act 1908* that were in force immediately before the commencement of this Schedule continue in force as if they had been made under paragraph 87(1)(k) substituted by item 316.

**320 Saving of regulations**

Any regulations made under paragraph 87(1)(lb) of the *Quarantine Act 1908* that were in force immediately before the commencement of this Schedule continue in force as if they had been made under paragraph 87(1)(lb) substituted by item 319.

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**Table A**

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**323 Saving of regulations**

Any regulations made under paragraph 87(1)(ra) or (rb)) of the *Quarantine Act 1908* that were in force immediately before the commencement of this Schedule continue in force as if they had been made under paragraph 87(1)(ra) or (rb), as the case may be, substituted by item 322.

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*Timor Gap Treaty (Transitional Arrangements) Act 2000* (No. 25, 2000)

**4 The transition time**

In this Act:

***transition time*** means 1.23 am Australian Central Standard Time on 26 October 1999.

Note: This time corresponds to the time in New York when the United Nations Security Council adopted Resolution 1272 (1999), which established UNTAET and gave it responsibility for the administration of East Timor. In 2000 the text of the Resolution was available in the Library of the Department of Foreign Affairs and Trade and accessible on the Internet through the Department's or the United Nations' world-wide web site.

**5 Validity of things done by the Ministerial Council and the Joint Authority**

- (1) Any thing done by the Ministerial Council or the Joint Authority, during the period commencing on the transition time and ending on 5.55 pm Australian Central Standard Time on 10 February 2000, is not invalid:
- (a) merely because the Republic of Indonesia ceased to be a party to the Treaty, and UNTAET became a party to the Treaty, at the transition time; or
  - (b) merely because of an invalidity in the membership of the Ministerial Council or the Joint Authority.
- (2) In this section:

***Joint Authority*** and ***Ministerial Council*** have the meanings given them by subsection 5(1) of the *Petroleum (Timor Gap Zone of Cooperation) Act 1990*.

**Table A**

*Treaty* has the meaning given by subsection 5(1) of the *Petroleum (Australia-Indonesia Zone of Cooperation) Act 1990* (as in force immediately before the transition time).

*UNTAET* means the United Nations Transitional Administration in East Timor.

**6 Protection against retrospective criminal liability**

A person does not commit an offence if the person would not have committed the offence had the amendments made by the items in Schedules 1 and 2 (other than items 18 to 25 of Schedule 2) commenced on the day on which this Act received the Royal Assent (rather than commencing at the transition time).

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*Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2000*  
(No. 121, 2000)

**4 Application provision—approval of places for treating goods**

The amendments made by items 7 and 8 of Schedule 1 apply to applications for approvals made after the commencement of this section.

**5 Application provision—detaining goods**

The amendment made by item 11 of Schedule 1 applies to goods ordered into quarantine after the commencement of this section.

**6 Saving and validation of appointments**

- (1) The amendments made by items 2 and 3 of Schedule 1 do not affect the validity of an appointment made under section 9AA of the *Quarantine Act 1908* before the commencement of this section.
- (2) An appointment of a person as a quarantine officer (animals) and a quarantine officer (plants) purporting to have been made under section 9AA of the *Quarantine Act 1908* before the commencement of this section is taken to have been validly made.

## **Table A**

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### **7 Validation of agreements**

An agreement purporting to have been entered into under section 66B of the *Quarantine Act 1908* before the commencement of this section in respect of vessels is taken to have been validly entered into.

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*Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences)  
Act 2000 (No. 137, 2000)*

### **Schedule 2**

#### **418 Transitional—pre-commencement offences**

- (1) Despite the amendment or repeal of a provision by this Schedule, that provision continues to apply, after the commencement of this item, in relation to:
- (a) an offence committed before the commencement of this item; or
  - (b) proceedings for an offence alleged to have been committed before the commencement of this item; or
  - (c) any matter connected with, or arising out of, such proceedings;
- as if the amendment or repeal had not been made.
- (2) Subitem (1) does not limit the operation of section 8 of the *Acts Interpretation Act 1901*.

#### **419 Transitional—pre-commencement notices**

- If:
- (a) a provision in force immediately before the commencement of this item required that a notice set out the effect of one or more other provisions; and
  - (b) any or all of those other provisions are repealed by this Schedule; and
  - (c) the first-mentioned provision is amended by this Schedule;



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**Table A**

the amendment of the first-mentioned provision by this Schedule does not affect the validity of such a notice that was given before the commencement of this item.

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*Quarantine Amendment Act 2002* (No. 17, 2002)

**Schedule 1****17A Amendments made by items 1 to 17 cease to have effect in certain circumstances**

The amendments made by items 1 to 17 of this Schedule cease to operate at the expiration of 18 months after the commencement of this Part unless the Commonwealth, within that period:

- (a) has developed, in consultation with all of the States, the Australian Capital Territory and the Northern Territory, agreed guidelines for a cooperative approach between the Commonwealth, those States and those Territories, for the control and eradication of epidemics, and the removal of the danger of epidemics, including guidelines for the exercise of quarantine measure or measures incidental to quarantine in accordance with the *Quarantine Act 1908* for that purpose; and
- (b) has laid a copy of the guidelines before each House of the Parliament.

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*Crimes Legislation Enhancement Act 2003* (No. 41, 2003)

**Schedule 3****42 Saving provision**

- (1) The amendments made by this Schedule do not invalidate:
  - (a) an instrument made under, or referring to, a Part of the *Crimes Act 1914* whose heading is repealed and substituted by this Schedule; or
  - (b) anything done under such an instrument or such a Part.

## **Table A**

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- (2) Subitem (1) has effect whether the instrument was made, or the thing was done, before or after this Act received the Royal Assent.

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*Quarantine Amendment (Health) Act 2003* (No. 91, 2003)

## **Schedule 1**

### **7 Saving of determinations**

A determination made under subsection 8A(2) of the *Quarantine Act 1908* that was in force immediately before the commencement of item 6 of this Schedule continues in force, on and after that commencement, as if the determination had been made under subsection 8A(2) as amended by item 6.

### **11 Saving of appointments**

An appointment made under section 9 of the *Quarantine Act 1908* that was in force immediately before the commencement of item 10 of this Schedule continues in force, on and after that commencement, as if the appointment had been made under section 9 as amended by item 10.

### **13 Saving of appointments and authorisations**

An appointment or authorisation made under section 9A of the *Quarantine Act 1908* that was in force immediately before the commencement of item 12 of this Schedule continues in force, on and after that commencement, as if the appointment or authorisation had been made under section 9A as amended by item 12.

### **33 Application of sections 35B and 35C**

Sections 35B and 35C, as inserted by item 32, apply whether a person is ordered into quarantine under section 35, 35AA or 35A before or after the commencement of that item.

### **38 Application of item 37**

The amendment made by item 37 applies to expenses incurred on and after the day on which this item commences.

**Table A****40 Application of item 39**

The amendment made by item 39 does not apply to costs incurred before the day on which this item commences.

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*Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2004*  
(No. 54, 2004)

**Schedule 1****9 Transitional provision relating to overseas vessels**

A reference to an overseas vessel in any regulation, Proclamation, order, determination, declaration or other document that was in force under the *Quarantine Act 1908* immediately before the date of commencement of item 8 of this Schedule is taken, on and after that date, to be a reference to an overseas vessel within the meaning of that Act as amended by that item.

**14 Saving of declarations**

A declaration made under section 5A of the *Quarantine Act 1908* that was in force immediately before the date of commencement of item 13 of this Schedule continues in force, on and after that date, as if:

- (a) the declaration had been made under section 5A of that Act as amended by that item; and
- (b) that declaration had provided that the area described was a Special Quarantine Zone in respect of Australia.

**19 Transitional provision—continuance of old quarantine law**

- (1) If a person, vessel, animal, plant or other goods arrive at Christmas Island before the date of commencement of the amendment of subsection 6(1) of the *Quarantine Act 1908* by item 16 of this Schedule, then, despite that amendment, the quarantine law in force before that date continues to apply in relation to that person, vessel, animal, plant or other goods for 2 months commencing on that date as if that amendment had not been made.
- (2) If, before the end of the 2 months referred to in subitem (1), the Minister is satisfied that it is necessary that the quarantine law in force before the amendment of subsection 6(1) of the *Quarantine Act 1908* by

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**Table A**

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item 16 of this Schedule should continue to have effect as provided in that subitem for a specified period after the end of that 2 months:

- (a) the Minister may, by notice published in the *Gazette*, make a declaration to that effect; and
  - (b) subitem (1) has effect as if there were substituted for the reference to 2 months a reference to 2 months as extended of that specified period.
- (3) For the purposes of this item, the reference to the quarantine law in force before the date of commencement of the amendment of subsection 6(1) of the *Quarantine Act 1908* by item 16 of this Schedule is a reference to the Quarantine and Prevention of Disease Ordinance of the Colony of Singapore in its application to Christmas Island.

**24 Saving of Proclamations**

A Proclamation made under paragraph 13(1)(aa) of the *Quarantine Act 1908* that was in force immediately before the commencement of item 23 of this Schedule continues in force, on and after that date, as if it had been made under paragraph 13(1)(aa) of that Act as amended by that item.

**33 Saving of Proclamations**

A Proclamation made under paragraph (13)(1)(f) of the *Quarantine Act 1908* that was in force immediately before the date of commencement of item 31 of this Schedule continues in force, on and after that date, as if it had been made under paragraph 13(1)(f) of that Act as amended by that item.

**35 Saving of Proclamations**

A Proclamation made under paragraph 13(1)(fa) of the *Quarantine Act 1908* that was in force immediately before the date of commencement of item 34 of this Schedule continues in force, on and after that date, as if it had been made under paragraph 13(1)(fa) of that Act as amended by that item.

**37 Saving of Proclamations**

A Proclamation made under paragraph 13(1)(g) or (ga) of the *Quarantine Act 1908* that was in force immediately before the date of commencement of item 36 of this Schedule continues in force, on and after that date, as if it had been made under paragraph 13(1)(g) or (ga) of that Act as amended by that item.

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**Table A****40 Saving of Proclamations**

A Proclamation made under paragraph 13(1)(h) of the *Quarantine Act 1908* that was in force immediately before the date of commencement of item 39 of this Schedule continues in force, on and after that date, as if it had been made under paragraph 13(1)(h) of that Act as amended by that item.

**70 Saving of Proclamations**

A Proclamation made under subsection of 20B(1) of the *Quarantine Act 1908* that was in force immediately before the date of commencement of item 69 of this Schedule continues in force on and after that date, as if it had been made under subsection 20B(1) of that Act as substituted by that item.

**86 Saving of requirements**

Any requirement made by a quarantine officer under subsection 28(1) of the *Quarantine Act 1908* that was in force immediately before the date of commencement of items 83, 84 and 85 of this Schedule continues in force, on and after that date, as if it had been made under subsection 28(1) of that Act as amended by those items.

**91 Saving of directions**

A direction given by a Director of Quarantine under section 29B of the *Quarantine Act 1908* that was in force immediately before the date of commencement of items 89 and 90 of this Schedule continues in force, on and after that date, as if it had been given under section 29B of that Act as amended by those items.

**95 Transitional provision**

A pratique granted by a quarantine officer (human quarantine) under section 33 of the *Quarantine Act 1908* that was in force immediately before the date of commencement of items 93 and 94 of this Schedule continues to have effect, according to its tenor, on and after that date, as if it had been granted under section 33 of that Act as amended by those items.

**Table A**

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**167 Savings**

The amendments made by items 162, 164 and 166 do not affect the appointment of a quarantine officer that was in force immediately before the commencement of this item.

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*Agriculture, Fisheries and Forestry Legislation Amendment (Export Control and Quarantine) Act 2006* (No. 94, 2006)

**Schedule 2**

**2 Application**

The amendment made by item 1 of this Schedule applies to quarantine fees that are incurred on or after the commencement of this Schedule.