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QUARANTINE AMENDMENT BILL 1984

Date Introduced: 7 March 1984
House: House of Representatives
Presented by: Hon. N. Blewett, M.P., Minister for Health

Short Digest of Bill

Purpose

To increase penalties for offences against the Quarantine Act 1908 to more realistic levels, and to modify quarantine administration in Australia and the Cocos Islands in several respects.

Background

Australia enjoys freedom from a number of animal plagues and plant pests and diseases. This freedom increases the potential loss to highly productive and export-oriented primary industries should an outbreak of disease occur. Immediate effects beyond biological damage, such as the closing of export markets, warrant extensive quarantine protection. Adequacy of Australian quarantine was examined by the Senate Standing Committee on National Resources in 1979.[1] The examination included an assessment of the risks associated with various diseases or parasites which may enter Australia and the impact of their introduction. The Committee considered legal problems of the Quarantine Act and prosecutions launched under it, referred to the extensive use of regulations in moderating its deficiencies and recommended the Act be redrafted.[2] Extensive regulations empowering entry and search on premises for domestic animals in the Cocos Islands are to be repealed and replaced by provisions in the Quarantine Act itself (clauses 20, 21). Clause 26 extends the regulation-making power for controlling storage etc. of certain imported goods allowed to enter the country. Clause 25 permits fees to be set by the Minister rather than by regulation made by the Governor-General. Requirements for tabling in the House, applicable to Regulations, are preserved. The change will assist a policy of cost recovery in respect of quarantine services.
The usefulness of increased penalties in deterring offences was referred to by the Senate Committee. Penalties are significantly increased by the Bill, in Schedule 1 and clause 17, to a maximum of $200,000 for bodies corporate and $50,000 and/or 10 years' imprisonment for a natural person.

Smallpox has been declared by the World Health Organization to have been eradicated and is no longer to be a quarantinable disease in Australia (clause 3).

Main Provisions

Clause 2 provides that clauses 20-22 will commence on a date fixed by Proclamation, allowing convenient repeal of the regulations they effectively replace. New fines apply from the date of Royal Assent, and all other provisions from 28 days later.

Clauses 4-6 permit the Director of Quarantine and other quarantine officers to be appointed by the Minister rather than the Governor-General, and permit temporary quarantine officers to be appointed by the Director rather than the Minister.

Overseas ships arriving in Australia or the Cocos Islands at an unanticipated location may, if free from infection, be granted pratique (permission to disembark passengers and discharge cargo) by a quarantine officer. The Senate Committee considered the costs to shipowners of fumigation etc. of cargo, which treatment may be required even after pratique is granted.[3] Clauses 11-13 provide that the form used for health reports and certificates of pratique is approvable by the Director of Quarantine.

Clause 8 renders subject to quarantine any person unlawfully entering Australia or the Cocos Islands.

Clause 7 permits a high degree of particularity as to conditions and requirements for expected entry in proclamations otherwise prohibiting the entry of goods.

Extension of the territorial sea and changes in the law of the sea are reflected in clause 9's extended prohibition of anchoring in Australian waters, and in clause 18's power of quarantine inspection of a ship up to 9 nautical miles from the limits of the territorial sea. The Seas and Submerged Lands Act 1973 permits the Governor-General to declare a change in the limit of the territorial sea. Clause 18 permits the Governor-General to vary the 9 mile extension to that limit.
Other amendments permit particularity in the location for goods permitted to land, allow certain crew members to leave a ship before it is certified free from infection, and make it an offence to obstruct, hinder or falsely answer a quarantine officer.

For further information, if required, contact:

Law & Government Group
LEGISLATIVE RESEARCH SERVICE

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References
2. op.cit., pp.56.
3. op.cit., p.17.