QUARANTINE AMENDMENT BILL 1981

Date Introduced: 9 April 1981
House: House of Representatives
Presented by: Hon. M.J.R. MacKellar MP, Minister for Health

Purpose

The broad purpose of the Bill are to incorporate the Cocos Islands into Australian quarantine arrangements so as to provide a secure off-shore quarantine station, to extend quarantine powers and activities provided for in the Act, and to remove the liability of the Commonwealth to pay compensation for imported livestock and certain other classes of animals destroyed in accordance with the Act where the animal has been in quarantine since importation.

Background

The Bill draws together changes resulting from: the decision to establish an off-shore quarantine station on Cocos (Keeling) Islands which is expected to be completed in September 1981; the findings of the Senate Standing Committee on National Resources in its Report on the Adequacy of Quarantine (1979); and various other measures which the Government considers necessary to continue Australia's geographic isolation from many of the worst human, plant and animal health risks found in nearby and distant countries. Mass international air travel, Australia's participation in large-volume international trade, and the unauthorised landings in Australia of refugees and others have contributed to the growing quarantine risk Australia faces. In economic and/or social terms, the establishment here of particular diseases such as foot and mouth disease, rabies or oriental fruit fly could be disastrous not only for the individuals immediately concerned but also for the community at large. In terms of interrupted production and trade, for example, the Minister for Health stated in 1980 that an outbreak of foot and mouth disease would result in a loss of $2,500 million in rural output in the first year alone. In June 1980, the Government announced a national quarantine publicity campaign intended to inform the one million Australians who travel overseas and the 800,000 visitors who arrive here each year of the need to co-operate with quarantine regulations.
Major Provisions

Clause 3 proposes various definitions, including a number necessitated by clause 4 which inserts a new s.6 which extends the Act to the Cocos Islands. A number of clauses extend the operation of particular sections of the Act to the Cocos Islands, as for in example in clause 2(s.2B), clause 5(s.9A); clause 7(s.13); clause 9(s.15); clause 10(s.16); clause 15(s.20); clause 16(s.20B); clause 13(s.18); clause 32(s.68A); clause 33(s.69A) and others. These clauses propose to extend the general quarantine functions and operations set down in the Act to the Cocos Islands so as to ensure that the offshore station being built there conforms to the functions quarantine and operations established for the Commonwealth of Australia.

Clause 7 extends s.13 so as to allow the Governor-General to prohibit or control by proclamation the importation of animals, plants or goods into Australia or the Cocos Islands from the Cocos Islands, Australia or any other overseas place, and to declare parts of entry.

Clause 8 proposes to amend s.14(b) by including vessels trading exclusively between Cocos Islands and Australia as eligible for exemption by the Governor-General from all or any of the provisions of the Act.

Clause 11 inserts new Division 1A - Application in which proposed s.16A extends Part V to include animals, plants and other goods.

Clause 14 repeals s.19 and inserts a new s.19 which provides that when a vessel, person or goods that ceased to be subject to quarantine when in or about to arrive in the Cocos Islands is about to arrive in Australia, the vessel, person or goods again becomes subject to quarantine. Proposed s.19A provides for such quarantine, unless pratique is granted, to continue until the vessel, persons or goods are released from quarantine. s.20B of the Act relates to the prohibition of entry by air into Australia from proclaimed places, and clause 16 extends the operation of this section to the Cocos Island.

Clause 18 repeals s.33 and inserts a new s.33 which provides for the issue of certificates of pratique to eligible vessels in respect of specified ports and landing places in Australia and the Cocos Islands.
Clause 19A(3) provides that where pratique is granted to a vessel, persons on the vessel cease to be subject to quarantine.

Clause 20 inserts new s.35(1AA) which provides that a quarantine officer may order into quarantine any goods in the Cocos Islands which in his opinion are or are likely to be infected with or a source of infection with a disease affecting animals or plants.

Clause 24 inserts new ss.44A, 44B, 44C and 44D which provides quarantine officers with additional powers to control the movement of and make inspections of goods in quarantine or of goods that have been released from quarantine in either Australia or the Cocos Islands. Under proposed s.44D(2) a quarantine officer may re-order goods into quarantine if the officer is of the opinion that those goods may spread a disease affecting persons, animals or plants. For the purposes of s.44C and 44D, "goods" do not include an animal within the meaning of s.52 or a plant.

Clause 26 provides for the destruction under certain circumstances of abandoned goods in quarantine.

Clause 27 proposes to insert new ss.52, 53, 54 and 55 which provide extended powers to quarantine for the surveillance of animals, plants and goods which have not been released from quarantine in Australia or the Cocos Islands. "Animals" is defined for this clause to mean a live animal or viable animal material.

Clause 28 amends s.55A by extending the power of a quarantine officer to examine and order into quarantine any imported animals, plants or goods that are or are reasonably suspected of having been on an overseas, Australian or Cocos Island vessel, whether or not those animals plants or goods are under quarantine.

Clause 33 amends s.69A by adding ss.(15) which excludes from compensation certain livestock, animals imported for a zoo or circus, or animals imported for research purposes if those animals are destroyed at a quarantine station under the Act and had been in quarantine for the period between their importation and destruction.

Clause 34 inserts new s.70B which empowers quarantine officers to ask questions, seek documents and other records, and take samples of goods from certain persons. The officer may make copies of or take extracts from documents and records, and may remove them from the place where they were produced. The officer may also carry out tests on any samples delivered pursuant to paragraph
New s.70(C) provides penalties for persons who fail to comply with this section ($2,000) or who make false or misleading statements, who attempt to conceal relevant matters or who have in their possession or who convey goods or otherwise brought into Australia or the Cocos Islands, goods in contravention of this Act ($5,000 or 2 years imprisonment).

Under proposed s.70D, quarantine officers may give directions controlling the movement of persons and goods under quarantine, and failure to comply with these directions without reasonable excuse may be punished by a penalty of $2,000 or imprisonment for one year.

Clause 35 proposes s.74AA which provides that masters of vessels travelling directly to Australia from a place outside Australia shall give or cause to be given to all travellers on the vessel (including crew) notice in an approved form of Australian quarantine laws. A penalty of $2,000 is provided for failure to do so. Proposed s.74AB provides that quarantine officers following specified procedures may enter premises (which includes an area of land not associated with a building, a vessel or a vehicle) to examine goods in pursuance of a prescribed provision of this Act.

Clause 37 inserts new s.74D and 74E. Proposed s.74D provides for a quarantine officer to require disinfection or other work to be carried out on vehicles which are or will carry infected goods or goods subject to quarantine so as to prevent the spread of disease. Proposed s.74E requires persons in control of imported goods to provide reasonable co-operation with quarantine officers in the performance of their duties in connexion with these imported goods. A penalty of $2,000 is provided for failure to comply with reasonable directions given under this section.

Clause 38 inserts new s.75A which permits quarantine officers and other specified persons to board vessels the masters of which have committed prescribed offences under ss.20, 20A, 29, 30, 50, 67 or 67A and to detain such vessels where found; or bring the vessels to an appropriate place of detention and to have the assistance of any other necessary persons, including members of the Defence Force, for the execution of these purposes. Proposed s.75A(1) defines a "vessel" as a ship of 45 metres length or less, or an aircraft. Under proposed s.75A(7), the Minister shall as soon as practicable be informed of the detention. Under proposed s.75A(8), as soon as practicable after the Minister has been given particulars of the detention, he shall direct the person detaining the vessel to deliver the vessel to the master or owner: if he is not
satisfied that this section applies to the vessel; if he is satisfied that this section applies to the vessel, but that the forfeiture of the vessel would be inappropriate, but after all things have been done in relation to the vessel for the purposes of this Act. In any other case, the vessel shall be detained, the master or owner so informed in writing in which the alleged offences are detailed and in which the processes of appeal against possible forfeiture of the vessel under s.75A(9) are set out. A vessel ordered to be forfeited under s.75A(9) becomes Commonwealth property and may be disposed of by the Minister under s.75A(11). Under s.75A(13) an approved person may destroy animals, plants or goods which he considers could be a source of infection on board, or that he believes, on reasonable grounds, to have been on board a vessel detained in Australia or the Cocos Islands under this section.

Proposed s.75B(1) provides that an approved person may destroy any animal on board a prescribed overseas vessel (being a ship of 45 metres length or less, other than a vessel detained under s.75A) if he believes on reasonable grounds that the animal has travelled on that vessel unless it is an animal to be lawfully imported into Australia or the Cocos Islands or that arrangements are made to ensure that the animal will not otherwise leave the vessel while it is in Australia or the Cocos Islands.

Clause 39 inserts s.78B which provides an alternative form of action to be taken in connexion with insanitary vessels to that provided for in s.78A. The proposed alternative requires the master of an insanitary vessel to moor at a specified place and not to move the vessel without permission of the quarantine officer except to take the vessel out of the port or to avoid stress of weather or some other such reasonable cause, under penalty of $5,000 or imprisonment for 2 years.

Clause 40 amends s.87 to enable the Governor-General to make regulations not inconsistent with this Act in connexion with the proposed amendments.