

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 31 May 1991 a.m.

(Minister for Primary Industries and Energy)

A BILL

FOR

An Act to amend the *Quarantine Act 1908*

The Parliament of Australia enacts:

Short title etc.

1. (1) This Act may be cited as the *Quarantine Amendment Act 1991*.

5 (2) In this Act, “Principal Act” means the *Quarantine Act 1908*¹.

Commencement

2. This Act commences on 1 September 1991.

Quarantine expenses in case of animals and plants

10 3. Section 64 of the Principal Act is amended by adding at the end the following subsections:

“(3) If expenses are payable under subsection (1) 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:

15 (a) the expenses have been paid to the Commonwealth; or

- (b) the owner of the animals, plants or goods 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 to do either or both of the following: 5

- (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; 10
- (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).” 15

4. After section 66 of the Principal Act the following section is inserted in Part VI:

Sale of animals, plants or goods to recover expenses

“66A. (1) If: 20

- (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). 25

“(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. 30

“(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. 35

“(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 40
- (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.

- 5 “(6) Nothing in this section affects the right of the Commonwealth to recover expenses by other means.”.
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NOTE

1. No. 3, 1908, as amended. For previous amendments, see No. 15, 1912; No. 42, 1915; No. 47, 1920; No. 30, 1924; Nos. 19 and 92, 1947; No. 80, 1950; No. 61, 1961; No. 12, 1966; No. 1, 1969; No. 216, 1973 (as amended by No. 20, 1974); No. 37, 1976; Nos. 1, 105 and 155, 1979; No. 70, 1980; No. 54, 1981; No. 51, 1982; No. 84, 1983; No. 19, 1984 (as amended by No. 165, 1984); No. 22, 1984; No. 2, 1985; No. 104, 1987 (as amended by No. 155, 1988); No. 141, 1987; and No. 99, 1988.



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