

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 20 November 1985

(Minister for Primary Industry)

A BILL

FOR

An Act relating to fees for services, and payment of expenses, under the *Quarantine Act 1908*

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title

5 1. This Act may be cited as the *Quarantine (Validation of Fees) Act 1985*.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Interpretation

10 3. (1) In this Act—

“amount” includes rate;

“notice A” means the notice under section 86E of the Quarantine Act published in *Gazette* No. S389 of 1 October 1984;

15 “notice B” means the notice under section 86E of the Quarantine Act published on pages 4, 5, 6, 7, 8 and 9 of *Gazette* No. S459 of 6 November 1985;

“Quarantine Act” means the *Quarantine Act 1908*;

“regulations” means the regulations referred to in sub-section 26 (2) of the *Quarantine Amendment Act 1984*, being those regulations as in force immediately before 1 October 1984;

“Schedule 2 to the Regulations” means Schedule 2 to the Quarantine (General) Regulations as in force immediately before 1 October 1984;

“service” means any act or thing in respect of which the amount of a fee may be determined under section 86E of the Quarantine Act.

(2) A reference in this Act to—

(a) a service specified in a notice; or

(b) an amount set out in a notice in respect of a service specified in the notice,

includes a reference to a service, or an amount, as the case may be, that would have been so specified or set out if the notice had been in effect when the service was performed.

(3) A reference in this Act to an amount prescribed by the regulations in respect of a service includes a reference to an amount that would have been so prescribed if the regulations had been in force when the service was performed.

Validation in relation to animal and plant quarantine

4. (1) A fee of an amount specified in sub-section (2) shall be deemed to be, or to have been, payable under the Quarantine Act in respect of a service specified in notice A or notice B that was performed on or after 1 October 1984 and before 7 November 1985.

(2) For the purposes of sub-section (1), the amount of a fee is—

(a) in the case of a service specified in notice A—the amount set out in that notice in respect of the service;

(b) in the case of a service specified in Part I or II of the Schedule to notice B—

(i) where the service was performed before 1 October 1985—the amount prescribed by the regulations in respect of the service; or

(ii) where the service was performed on or after 1 October 1985—the amount set out in notice B in respect of the service; or

(c) in the case of any other service—the amount prescribed by the regulations in respect of the service.

Validation in relation to human quarantine

5. A fee of an amount set out in respect of a service specified in Schedule 2 to the Regulations that was performed on or after 1 October 1984 and before 25 October 1984 shall be deemed to have been payable under the Quarantine Act in respect of the service.

Previous payment of fees in relation to quarantine

5 **6.** An amount paid, or purportedly paid, under the Quarantine Act before the commencement of this Act in respect of a service referred to in sub-section 4 (1) or section 5 shall be deemed to be, and to have been, payment of a corresponding amount payable in respect of that service by virtue of sub-section 4 (1) or section 5, as the case may be.

Expenses incurred in removal, &c., of waste

7. Where—

- 10 (a) before 18 November 1985, the Commonwealth incurred an expense connected with the removal, disposal or destruction of animal waste, organic refuse, galley scraps or waste from an aircraft that had entered Australia from a place outside Australia; and
- 15 (b) the Commonwealth has made, or makes, a claim for payment by the owner, master or agent of the aircraft of an amount in respect of the expense,

the amount so claimed shall be deemed to have been, or to be, an expense payable by that person to the Commonwealth under Part VI of the Quarantine Act.

