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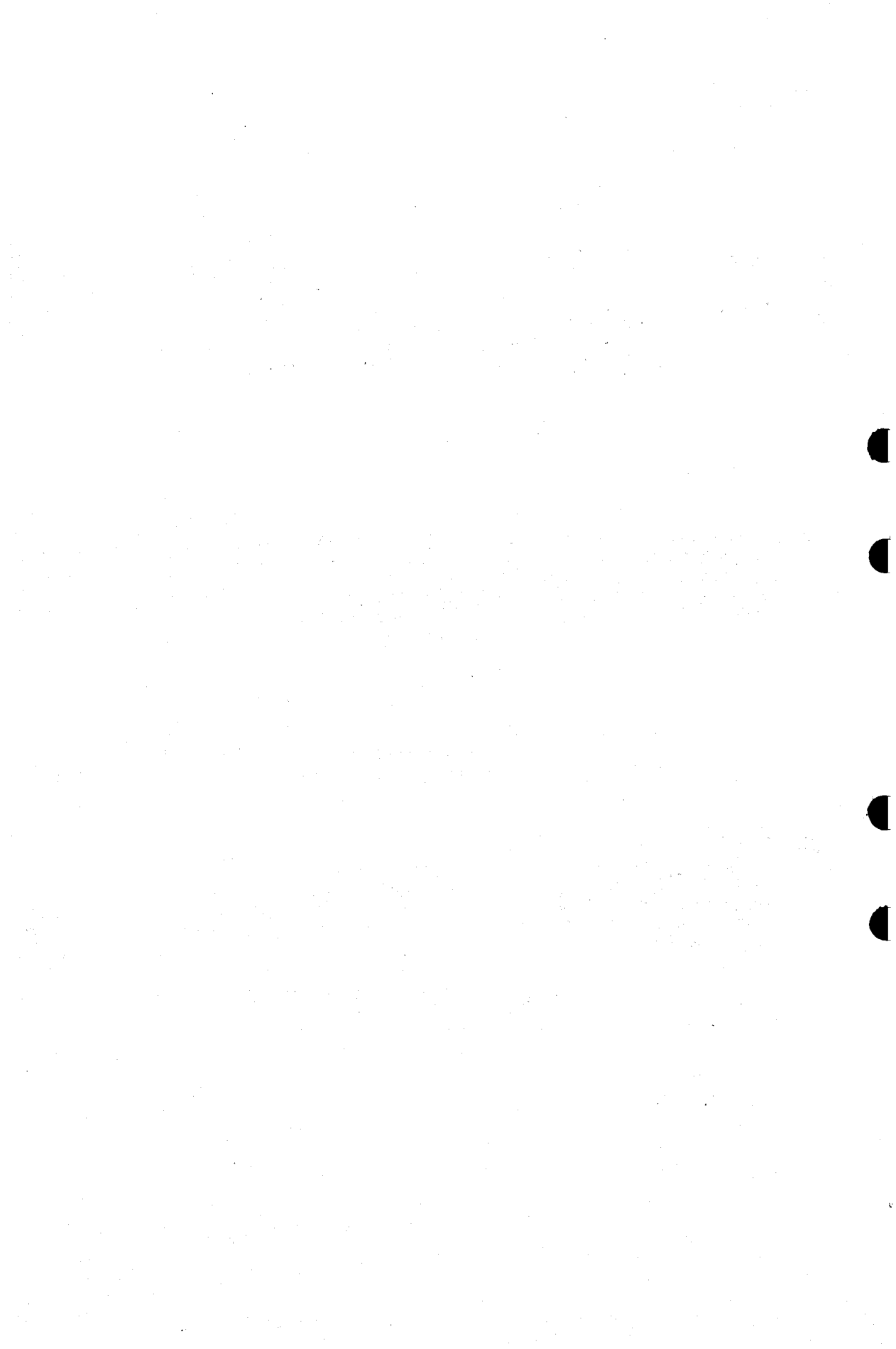
THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Quarantine Amendment Bill 1981

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Health the
Honourable M.J.R. MacKellar)



OUTLINE

The purpose of this Bill is to amend the Quarantine Act 1908 to -

- A. extend the application of the Act to the Territory of Cocos (Keeling) Islands to provide legislative controls to enable the operation of a high security animal quarantine station within the Territory. (The controls will include the power to make proclamations in respect of importations and regulations to control, prevent or eradicate disease in the Territory);
- B. implement outstanding recommendations for legislative change of the Senate Standing Committee on National Resources in its Report on the Adequacy of Quarantine and make other changes to overcome deficiencies experienced in the administration of the Act and make it more responsive to modern situations;
- C. enable the apprehension, detention and forfeiture of foreign vessels that are used in or in connection with an unauthorised landing in Australia;
- D. 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.

Clause 1: Short Title

The amending Act would be cited as the Quarantine Amendment Act 1981. The clause would also identify the Quarantine Act 1908 as the Principal Act.

Clause 2: Proclamation in event of epidemic

This clause would extend the application of section 2B of the Principal Act to Cocos Islands. That section provides that the Governor-General may declare that a quarantinable disease is epidemic in a part of the Commonwealth or that there is a danger of such an epidemic.

Clause 3: Interpretation

This clause would amend section 5 of the Principal Act which is an interpretative provision. Paragraph (a) would insert a definition of 'Cocos Islands' to mean the Territory of Cocos (Keeling) Islands. As a consequence of the extension of the Act to the Cocos Islands, paragraphs (a), (c) and (d) would insert definitions of 'Cocos Islands vessel', 'First Cocos Islands port of entry' and 'imported' and paragraph (e) would replace the definition of 'Oversea vessel'.

Paragraph 3(b) would insert a definition of 'examine' to put beyond doubt the type of procedures that may be carried out in the examination of goods, animals and plants. These procedures include the carrying out of tests and taking of samples.

Paragraph 3(f) would amend the definition of 'pratique' to provide for the granting of pratique to vessels arriving in the Cocos Islands from a place outside the Cocos Islands. The amended definition omits the reference to a certificate of pratique to enable pratique to be granted to a vessel by radio before the vessel has arrived in port.

New sub-section 5(2) would provide that where 2 or more persons appear to be in charge of a vessel each person may be taken to be in charge of the vessel for purposes of the Act. This amendment will overcome difficulties in serving notices under the Act where no single person is obviously the master of a vessel.

Clause 4: Extension of Act to Cocos Islands

This clause would insert a new section 6 to extend the application of the Act to the Cocos Islands.

Clause 5: Temporary Quarantine Officers

This clause would deem the Cocos Islands to form part of the Commonwealth for the purposes of section 9A which empowers the Minister to appoint temporary Quarantine Officers.

Clause 6: Delegation of authority

This clause would amend section 10 to extend the Minister's power to delegate any of his powers under the Act (except his power of delegation), to any matter or class of matters relating to the Cocos Islands.

Clause 7: Proclamation of ports of entry, &c.

Sub-clause 7(1) would amend section 13 to extend to Cocos Islands the Governor-General's power to make proclamations to prohibit and regulate the importation and removal of goods, animals and plants, and to declare ports, areas, vessels or goods for certain purposes.

New paragraph 13(1)(aaa) would empower the Governor-General to declare by proclamation any port in the Cocos Islands to be a first Cocos Islands port of entry for oversea vessels;

Paragraphs 13(1)(aa) and (b) would be amended to allow any place or area in the Cocos Islands to be declared to be a landing place for aircraft, and any port in the Cocos Islands to be a port where animals or plants may be landed;

Paragraph 13(1)(d) would be amended to allow the prohibition of the introduction of any noxious insect, any pest, disease germ or microbe etc., into the Cocos Islands;

Paragraphs 13(1)(e) and (f) would be amended to allow the prohibition of the importation of any articles likely to introduce infectious or contagious disease etc., or any animals or plants etc., into the Cocos Islands;

Paragraph 13(1)(fa) would be amended to allow the prohibition of the bringing of any animals into any port in the Cocos Islands;

Paragraph 13(1)(g) would be amended to allow the prohibition of the removal of any animals, plants or goods etc., from any part of the Cocos Islands to any other part of the Cocos Islands;

Paragraph 13(1)(h) would be amended to allow the declaration as a quarantine area an area in the Cocos Islands in which any quarantinable disease or any disease or pest affecting animals or plants exists or is suspected;

Paragraph 13(1)(i) would be amended to allow the declaration of any vessel, persons, animals, plants or goods in any part of the Cocos Islands in which a quarantinable disease or a disease or pest affecting animals or plants exists to be subject to quarantine;

New sub-section 13(1B) would provide that the power to declare first Cocos Islands ports of entry shall extend to authorise the declaration of a port to be a first Cocos Islands port of entry for all oversea vessels, or for oversea vessels from any particular place, or for any class of oversea vessels;

Sub-section 13(3) would be amended to provide that the limitations in that sub-section shall be exercisable only in relation to the Commonwealth. This will enable the powers under paragraphs 13(1)(g),(h) and (i) to be exercised in relation to the Cocos Islands for the purpose of preventing any disease, and not merely for the purpose of preventing the spread of a quarantinable disease or a disease affecting animals or plants.

Sub-clause 7(2) is a saving provision which will ensure that existing proclamations made under section 13 will not be affected by the amendments.

Clause 8: Exemption of certain vessels and goods

This clause would extend the provisions of section 14 to provide that the Governor-General may exempt from all or any of the provisions of the Act certain vessels trading exclusively between ports in the Cocos Islands and between Australia and the Cocos Islands.

Clause 9: Vessels may be ordered to carry
disinfecting apparatus

This clause would deem the Cocos Islands to form part of the Commonwealth for the purposes of section 15 which requires the owner or master of a vessel operating within the Commonwealth to carry prophylactic agents and disinfecting apparatus when ordered to do so by the Minister.

Clause 10: Cleansing &c., of vessels

This clause would deem the Cocos Islands to form part of the Commonwealth for the purposes of section 16, which requires the owner or master of an Australian vessel or a vessel travelling between ports in the Commonwealth to cause his vessel to be cleansed, disinfected or fumigated when so required by a quarantine officer.

Clause 11: Application of Part IV

Sub-clause 11(1) would insert a new section 16A to put beyond doubt the fact that Part IV of the Act (Quarantine of Vessels, Persons and Goods) applies to animals and plants as well as other goods.

Sub-clause 11(2) will provide that the new section 16A should not be taken to imply that Part IV did not apply to animals and plants before the insertion of the new section.

Clause 12: When vessel subject to quarantine

This clause would extend section 17, which specifies when vessels are subject to quarantine, to include a Cocos Islands vessel on which there is, or on which there is suspected to be, a quarantinable disease. A Cocos Islands vessel is defined as a vessel which does not voyage to a place outside the Cocos Islands.

Clause 13: Persons and goods subject to quarantine

This clause would extend section 18, which specifies when persons and goods are subject to quarantine, to include all persons and goods which are on board, or have been on board, an oversea vessel since her arrival in Cocos Islands, and all persons and goods which are or have been on an

Australian vessel or a Cocos Islands vessel that is subject to quarantine.

Paragraph 18(1)(d) will also be amended to provide that a person who has been in a quarantine area within a period of 21 days is subject to quarantine. The period is at present 14 days.

Clause 14: Revival and continuance of liability for quarantine

This clause would repeal section 19 of the Act and insert new sections 19 and 19A.

New section 19 will provide that when a vessel, person or goods, that has ceased to be subject to quarantine when in or about to arrive in the Cocos Islands or Australia, are about to arrive in Australia or the Cocos Islands, respectively, they again become subject to quarantine.

New section 19A will provide that all vessels, persons and goods subject to quarantine continue to be so subject until they are released from quarantine. The clause further provides that a vessel will be released from quarantine when pratique is granted to the vessel, excepting where the pratique is limited to a particular period or in respect of certain measures of quarantine. Persons on a vessel will cease to be subject to quarantine when pratique is granted to the vessel.

The effect of the proposed section is to provide that goods (including animals and plants) on a vessel do not cease to be subject to quarantine when pratique is granted to the vessel.

Clause 15: Vessels to enter certain ports

This clause would extend to Cocos Islands the application of section 20, which prohibits the master of an oversea vessel from allowing the vessel to enter any port other than a first port of entry excepting from stress of weather or other reasonable cause.

Clause 16: Prohibition of entry by air from proclaimed places

This clause would extend to Cocos Islands the application of section 20B, which relates to the prohibition of entry by

air from a place proclaimed by the Governor-General to be a place to which the section applies where there is a danger of the introduction of disease.

The clause would also amend sub-section (6) to extend the period of 14 days to 21 days. For the purposes of the section a person will be deemed to enter Australia or the Cocos Islands from a proclaimed place if he has been in that place within 21 days before his arrival.

Sub-clause 16(2) is a saving provision which provides that a proclamation, made under section 20B, that was in force immediately before the commencement of the sub-clause will continue to have effect as if it had been made under section 20B as amended by this Act.

Clause 17: Mooring of vessels from proclaimed places

This clause would amend section 32 by removing the reference to a certificate of pratique, and is consequential upon the amendment to section 33 (clause 18) which will enable pratique to be granted by radio as well as by conventional means.

Clause 18: Pratique

This clause would repeal and replace section 33 to make changes to the provisions relating to the granting of pratique.

New sub-section 33(1) would provide that a quarantine officer shall grant pratique to a vessel at or about to arrive at a port if he is satisfied that the vessel is free from infection.

New sub-section 33(2) would provide that pratique may be refused if the quarantine officer suspects that section 75A applies to the vessel. Section 75A would apply to certain specified vessels that are involved in an offence that could result in the forfeiture of the vessel.

New sub-section 33(3) would provide that pratique may be granted by the issuing of a certificate of pratique to the master of the vessel or by giving the master details of the pratique by radio message or other means. If pratique is granted orally a certificate of pratique is to be granted by a quarantine officer as soon as possible after the vessel arrives at port.

New sub-section 33(4) will enable pratique to have effect in all ports or all landing places, or in any specified port or landing place in Australia or Cocos Islands, or in a part of Australia.

New sub-section 33(5) provides that pratique may be granted for a specific period.

New sub-section 33(6) provides that pratique may be expressed to relate to all or any specified measures of quarantine.

Clause 19: Quarantine surveillance

This clause would amend section 34 to remove the reference to 'a certificate of pratique' in paragraph 1(a). This is consequential on the amendment to section 33 which provides that pratique may be granted without the issue of a certificate.

Clause 20: Order to perform quarantine

In addition to the power in 35(1) to order into quarantine goods infected with a quarantinable disease, this clause would authorise a quarantine officer to order into quarantine goods in the Cocos Islands that are or are suspected to be infected with or are a source of infection with a disease affecting animals or plants.

Clauses 21, 22 and 23

These clauses would make machinery amendments to sections 36, 38 and 39 to enable a quarantine officer on Cocos Islands to appoint a place for the performance of quarantine.

Clause 24: Removal from vessels of goods and landed cargo in quarantine, and examination of imported goods

This clause would insert new sections 44A, 44B, 44C and 44D to control the removal of goods from vessels and to enable the examination of imported goods before or after the goods are released from quarantine.

New sub-section 44A(1) would provide that for purposes of the section 'prescribed vessel' means a vessel that is not subject to quarantine.

New sub-sections 44A(2) and (3) would prohibit a person from removing, or a master from permitting the removal of, any goods that are subject to quarantine from a prescribed vessel without the permission of a quarantine officer or in compliance with the Act or regulations unless those goods are part of the cargo of the vessel to be unloaded at that port.

New sub-section 44A(4) would enable a quarantine officer to direct that cargo not be unloaded from a vessel.

New sub-section 44A(5) would make it an offence for a person to land cargo from a prescribed vessel, except with the permission of a quarantine officer, to a place other than a part of the precincts of a wharf or airport approved for the purpose by a Chief Quarantine Officer.

New sub-section 44B(1) would prohibit cargo being moved, without the permission of a quarantine officer or for the purpose of taking it to a place approved by a Chief Quarantine Officer, from the precincts of the wharf or airport, from any place to which they have been moved with the consent of a quarantine officer or from a place approved by a Chief Quarantine Officer, or otherwise dealt with until they cease to be subject to quarantine.

New sub-section 44B(2) would exempt from the provisions of sub-section 44B(1) cargo being moved in accordance with conditions specified by a quarantine officer for transmission to another port for entry into Australia or the Cocos Islands, as the case may be.

New section 44C would authorise a quarantine officer or an authorised person to examine imported goods before they are released from quarantine; to release the goods and permit their delivery to the importer subject to release under the Customs Act 1901, where he is satisfied that there is no risk of bringing a disease affecting persons, animals or plants into Australia or the Cocos Islands; or to order the goods into quarantine. For the purposes of this section 'goods' would not include an animal within the meaning of new section 52 or a plant.

New section 44D would authorise a quarantine officer or an authorised person to examine imported goods released from quarantine and a quarantine officer to order into quarantine, goods which have been examined and which he considers are likely to spread a disease. For the purposes of this section 'goods' would not include an animal within the meaning of new section 52 or a plant.

Clause 25: Goods may be destroyed

This clause would amend section 48 to provide that the power to treat and disinfect goods ordered into quarantine is permissive rather than obligatory as presently required by the section. The clause also puts beyond doubt that the power to destroy goods applies to all goods ordered into quarantine not only those goods ordered into quarantine under Part IV of the Act.

Clause 26: Abandoned goods may be destroyed

This clause would insert a new section 48A to provide that goods in quarantine abandoned by their owner are forfeited to the Commonwealth and may be destroyed or otherwise disposed of.

Clause 27: Examination of animals and plants

This clause would repeal sections 52 to 55 and insert new sections 52 to 54.

New section 52 would authorise a quarantine officer prescribed for the purpose, or a person authorised by such an officer, to examine imported animals that have not been released from quarantine. (Quarantine officers who are veterinary surgeons are prescribed by the Quarantine (Animals) Regulation 5 for this purpose). The proposed section would enable a quarantine officer, where he believes that an imported animal in quarantine is not suffering from disease or is not a source of infection, to release the animal from quarantine or release the animal under quarantine surveillance. For the purpose of the section an animal means a live animal or viable animal material.

New section 53 would authorise a quarantine officer or an authorised person to examine any imported plant before it is released from quarantine, and to release the plant to the importer if the quarantine officer is satisfied that there is no danger of bringing a disease into Australia or the Cocos Islands, provided that such release is authorised under the Customs Act 1901.

New section 54 would authorise a quarantine officer or an authorised person to examine imported animals or plants after they have been released from quarantine, and to order the animals or plants into quarantine if the quarantine officer is of the opinion they are diseased or are a source of infection.

Clause 28: Power to order goods into quarantine

This clause would extend sub-section 55A(2) to enable a quarantine officer to examine and order into quarantine imported animals, plants and goods whether subject to quarantine or otherwise which, in his opinion, are infected with a disease affecting animals or plants (as defined) or appear to contain any insect or pest or disease agent. As a consequence section 55, which requires a proclamation to be made to declare imported animals and plants to be subject to quarantine, will be repealed.

Clause 29: Performance of quarantine

This clause would make a machinery amendment to section 56 as a consequence of the proposed amendments to section 48.

Clause 30: Liability of owner or agent
for expenses of quarantine

This clause would extend sub-section 59(2) to enable the Governor-General to exempt vessels trading exclusively between ports in the Cocos Islands or between Australia and the Cocos Islands from liability for certain quarantine expenses.

Clause 31: Penalty for importing &c., contrary
to proclamation

This clause would -

- (a) extend the penalty provided under sub-section 67(1), which makes it an offence to knowingly import certain goods or other material in contravention of the Act or any proclamation under the Act, to a contravention of the regulations; and
- (b) extend to the Cocos Islands sub-section 67(1A) which provides a penalty for moving goods from a part of the Commonwealth to another part of the Commonwealth in contravention of any proclamation under the Act.

Clause 32: Destruction of certain animals

This clause would extend to the Cocos Islands the application of section 68A, which relates to the destruction

in certain circumstances of an animal that is not intended or permitted to be imported into Australia but has been brought into a port or place in Australia.

Clause 33: Compensation for destroyed goods

This clause would extend to Cocos Islands the application of section 69A which relates to the payment of compensation by the Commonwealth in respect of goods that have been destroyed after having been ordered into quarantine.

The section would also be amended by this clause to exclude compensation for animals such as ruminants, horses and pigs, etc. which are destroyed in a quarantine station where the animals have been continuously quarantined since importation.

Clause 34: Powers of officers and offences
in relation to goods

This clause would insert new sections 70B, 70C and 70D into the Act to clarify and extend the powers of quarantine officers, to specify offences in relation to imported goods and to enable a quarantine officer to give directions relating to the movement of persons and goods subject to quarantine.

New sub-section 70B(1) will extend the control of quarantine officers to include goods which are, or have been, subject to quarantine or which a quarantine officer believes on reasonable grounds are, or have been, subject to quarantine.

New sub-sections 70B(2) and 70B(3) would require a person to provide information or produce documents or other records to a quarantine officer.

New sub-section 70B(4) will enable a quarantine officer to require the owner of prescribed goods, or the agent of the owner, to deliver to him a sample of those goods.

New sub-section 70B(5) will enable a quarantine officer to copy, or take extracts from documents or records.

New sub-section 70B(6) will enable tests to be carried out on samples of the goods, including tests that result in destruction or reduce the value of the goods.

New sub-section 70C(1) will make a person who refuses or fails to answer a question, produce a document or other record, or deliver a sample, in contravention of the proposed section 70B liable to a fine of \$2,000.

New sub-section 70C(2) will make a person who makes a false statement about imported goods to a quarantine officer, attempts to conceal from a quarantine officer the nature of any imported goods, or has in his possession, or conveys, goods brought into Australia or the Cocos Islands in contravention of the Act, liable to a fine of \$5,000 or two years imprisonment.

New section 70D will enable a quarantine officer to give directions to a person subject to quarantine, or a person in control of goods subject to quarantine, to remain, or leave the goods, at a particular place; to go, or move the goods, to a place specified by the quarantine officer; or any other directions relating to the movement of the person or goods. The section will provide a penalty for a person who fails to comply with a direction without reasonable excuse.

Clause 35

This clause would insert sections 74AA and 74AB into the Principal Act.

New section 74AA will require the master of an oversea vessel travelling to Australia to give notice to persons on the vessel of the quarantine measures required by Australian law. The content and form of the notice would be approved by the Director of Quarantine.

New section 74AB will enable a quarantine officer to enter premises with the consent of the occupier or by warrant issued by a Justice of the Peace, for the purpose of examining goods in pursuance of those provisions of the Act which authorise such examination.

Clause 36: Quarantine Warrants, &c.

This clause would extend to the Cocos Islands the application of section 74A which empowers a quarantine officer to enter premises, that he has reason to believe contain infected goods, with the consent of the occupier or by warrant and to exercise the functions of a quarantine officer specified in the section.

Clause 37: Powers relating to vehicles and persons to assist officers

This clause would insert new sections 74D and 74E into the Act.

New section 74D will authorise a quarantine officer to direct (including to stop or detain) a person in control of a vehicle carrying infected goods and goods subject to quarantine to take measures in respect of the vehicle or goods to prevent the spread of disease.

New section 74E requires the owner or importer, an agent of the owner or importer, or a person in control of, imported goods, if so requested by a quarantine officer, to provide reasonable assistance to the officer in the performance of his functions in relation to those goods.

Clause 38: Vessels involved in certain offences

This clause would insert new sections 75A and 75B into the Act to provide that certain vessels which are believed to be in breach of certain sections of the Act may be apprehended and detained, for the forfeiture and disposal of such vessels where a breach of the Act has been committed, and for the destruction of goods that may spread disease and of animals and plants on such vessels.

New sub-section 75A(1) defines 'approved person' to mean a quarantine officer, a Customs officer, a member of the Australian Federal Police, a member of the Police Force of a State or Territory, an authorised member of the Defence Force, and 'prescribed vessel' to mean a ship or boat of 45 metres length or less or an aircraft.

New sub-section 75A(2) provides that the section applies to a prescribed vessel in relation to which an offence causing serious quarantine risk has been committed against certain sections of the Act, other than at a first port of entry or a first Cocos Islands port of entry.

New sub-section 75A(3) will authorise the boarding of a vessel by an approved person who has reasonable grounds to believe that this section applies to that vessel.

New sub-section 75A(4) empowers an approved person to detain, or cause to be detained, a vessel believed to be a vessel in relation to which an offence has been committed. Such a vessel may be detained at the place where it is found or brought to and detained at such other place or places as a quarantine officer deems appropriate.

New sub-section 75A(5) empowers an authorised person to take with him and to have the assistance of any members of the Defence Force or other persons that he may think necessary for the purposes of the detention and other

lawful dealings with a vessel.

New sub-section 75A(6) makes it an offence for a person (not being an approved person or a person assisting an approved person) to move or assist a person in moving a vessel from the place at which it is detained except with the permission in writing of an approved person. An offence under this sub-section is punishable, upon conviction, by a fine not exceeding \$10,000 or imprisonment for a period not exceeding 5 years.

New sub-section 75A(7) provides that an approved person detaining a vessel shall, as soon as practicable, give the Minister particulars of the detention.

New sub-section 75A(8) will provide that where a vessel is detained, the Minister shall as soon as practicable after receiving notification -

- (a) if he is not satisfied that the section applies to the vessel, direct that the vessel be delivered to the master or owner of the vessel;
- (b) if he is satisfied that the section applies to the vessel but, after considering the offence, offences or other relevant matters, is satisfied that it would be inappropriate for the vessel to be forfeited, direct that the vessel be delivered to the master or owner, subject to all things required by the Act having been done in relation to the vessel; or
- (c) if he has reasonable grounds to believe that the vessel is a vessel in relation to which an offence has been committed, direct that the vessel continue to be detained and serve on the master or owner, a notice giving particulars of the offence. The notice must also give particulars of the provisions of sub-sections (9) and (10).

A vessel to which this section applies shall also be subject to the Customs Act 1901.

New sub-section 75A(9) will provide that where a notice under paragraph 75(8)(c) is served in respect of a vessel, the owner of that vessel may within one month, bring an action in a court of competent jurisdiction for the delivery of the vessel to him on the grounds that section 75A does not apply to the vessel. Where the court finds that section 75A applies to the vessel or the action is discontinued, the vessel is forfeited to the Crown. Where the owner of the vessel fails to bring such action within the stated time, the vessel is forfeited to the Crown.

New sub-section 75A(10) will provide that in an action for recovery of a vessel by an owner, a court may find that an offence has been committed only if charges have been laid, a person has been convicted of the offence or, if charges have not been laid, the court is satisfied beyond reasonable doubt that a person has committed the offence.

New sub-section 75A(11) will provide that a vessel forfeited to the Crown becomes the property of the Commonwealth and is to be dealt with and disposed of in accordance with the directions of the Minister.

New sub-section 75A(12) will provide that notices required to be served on the owner or master of a detained vessel may be sent to that person's last known address in Australia or the Cocos Islands. This will satisfy the requirements of section 29 of the Acts Interpretation Act which provides that service of a notice is effected by properly addressing, prepaying and posting the document as a letter.

New sub-section 75A(13) will provide that, for purposes of section 75A, goods on, and the fittings and equipment of, a vessel detained under the section shall be deemed to be part of the vessel.

New sub-section 75A(14) will provide that an approved person may destroy any animal or plant on board a vessel detained in Australia or the Cocos Islands under section 75A.

New sub-section 75A(15) will provide that an approved person under section 75A shall be taken to be an authorised person in relation to a prescribed vessel for the purposes of the application of section 31. This will enable an authorised person to apprehend, without warrant, a person who has quitted a prescribed vessel, subject to quarantine, in contravention of the Act or the regulations.

New section 75B will provide that an approved person may destroy a live animal found on a prescribed sea vessel as described in section 75A, unless satisfactory arrangements exist, or could be made, to ensure that the animal cannot leave the vessel while it is in Australia or the Cocos Islands.

Clause 39: Mooring of insanitary vessels

This clause inserts new section 78B which authorises a quarantine officer to give the master of an insanitary vessel directions as to where he is to moor his vessel in a port. Such

a vessel should not be removed from its mooring, except to leave the port, by reason of stress of weather or for other reasonable cause, or with the authority of the quarantine officer. The penalty for breach of this section is a fine of \$5,000 or imprisonment for 2 years.

Clause 40: Regulations

This clause would amend section 87 of the Principal Act to extend the Governor-General's power to make regulations to the Cocos Islands and to insert new provisions consequential upon the extension of the Act to the Cocos Islands.

New paragraph 87(1)(j) would replace and extend to the Cocos Islands paragraph 87(1)(i) which relates to the prescribing of precautions to be taken in respect of vessels to prevent the introduction into Australia of quarantinable diseases.

Paragraph 87(1)(m) would be amended to extend to Cocos Islands this provision which enables regulations to be made for the examination of animals or plants for export.

New paragraph 87(1)(oa) would enable regulations to be made for prescribing fees for the management and maintenance of animals at the quarantine station in the Cocos Islands.

New sub-section 87(1A) would provide that regulations made under sub-section (1) may apply in or relate to both Australia and the Cocos Islands, Australia only or the Cocos Islands only.

New sub-section 87(1B) would provide that regulations may be made in relation to the Cocos Islands for the purpose of preventing the spread of animal or plant diseases to or from quarantine stations or for the purpose of preventing, eradicating or controlling animals or plant diseases.

New sub-section 87(1C) would provide that an Ordinance made in pursuance of section 12 of the Cocos (Keeling) Islands Act 1955 will have effect only insofar as it operates concurrently with the Quarantine Act and the Regulations.

New sub-section 87(1D) would provide that the Minister may, by notice published in the Gazette, vary a fee prescribed for the management of animals at a quarantine station in the Cocos Islands. The varied fees would not apply in respect of any animal which has left its place

of origin for exportation to Australia or the Cocos Islands before the Minister's determination of the varied fee. The fees would cease to apply either when a fee is prescribed for the management of animals or six months after the notice determining the fee is published in the Gazette whichever first occurs.

Clause 41: Additional amendments

This clause would amend the Principal Act to make machinery amendments, listed in the Schedule, that are consequential on the extension of the Act to the Cocos Islands.

