

1991

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

QUARANTINE AMENDMENT BILL 1991

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Primary Industries and Energy  
the Honourable John Kerin, MP)



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## QUARANTINE AMENDMENT BILL 1991

### **OUTLINE**

This Bill introduces several amendments to the Quarantine Act 1908. The amendments permit:

- . the retention of goods undergoing quarantine and in respect of which charges are owing, even though the quarantine period has ended, until
  - the charges are paid in full;
  - suitable arrangements are made for payment of the charges; or
  - the goods are sold and the proceeds of the sale are applied to the outstanding charges.
- . This power is in addition to the existing provision in section 64(1) of the Commonwealth having a charge over the animals and in section 66 of being able to recover the charges as a debt owing to the Commonwealth in a court of competent jurisdiction.
- . The amendments apply to animals, plants or goods that are in quarantine at present as well as animals, plants or goods that may enter quarantine in the future.

### **FINANCIAL IMPACT STATEMENT**

This Bill has no financial impact but will allow the Commonwealth to more easily enforce payment of charges for quarantine services.

## NOTES ON CLAUSES

### Clause 1 - Short title etc.

1. Provides for citing of this Bill and for references to the "Principal Act" in this Bill to mean references to the Quarantine Act 1908 (hereinafter referred to as the "Act").

### Clause 2 - Commencement

2. Provides for the Bill to commence on 1 September 1991.

### Clause 3 - Quarantine expenses in case of animals and plants

3. This clause allows the Director of Animal and Plant Quarantine to direct, in writing, that animals, plants or goods must not be released from quarantine until:
  - a) all expenses payable to the Commonwealth in respect of quarantine services rendered in respect of those animals, plants or goods have been paid; or
  - b) the owner of the animals, plants or goods has entered into an agreement with the Commonwealth for the payment of those expenses and has taken any action required by the agreement as a precondition for the release of the animals, plants or goods.
4. Without limiting the other matters agreed between the Commonwealth and the owner of the animals, plants or goods, any agreement may provide for:
  - a) the payment of interest at a rate not to exceed 20% per year, and/or
  - b) giving 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 the animals, plants or goods in contravention of a direction given by the Director.

### Clause 4 - Sales of animals, plants or goods to recover expenses

6. Inserts a new section 66A to allow the sale of animals, plants or goods to recover expenses of quarantine and the cost of arranging the sale.
7. New subclause 66A(1) permits the Director of Animal or Plant Quarantine to give the owner of the animals, plants or goods a notice in writing under new subclause 66A(2). The notice must advise the owner that if, at the expiration of 30 days after the notice is given, any expenses relating to the quarantine of the animals,

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plants or goods is owing to the Commonwealth, the animals, plants or goods may be sold.

8. New subclauses 66A(3) and 66A(4) provide that if, at the expiration of 30 days after the giving of the notice under subclause 66A(2), any expenses relating to the quarantine of the animals, plants or goods is owing to the Commonwealth, the animals, plants or goods may be sold by the Commonwealth and the Commonwealth may make and execute all necessary instruments and documents to give full and effective title to the animals, plants or goods free of all encumbrances and interests.
9. New subclause 66A(5) requires that the proceeds of the sale are to be applied only to the expenses of the sale and any expenses relating to the quarantine of the animals, plants or goods owing to the Commonwealth. Any surplus is to be paid to the owner.
10. New subclause 66A(6) provides that the procedure for the sale of animals, plants or goods does not affect any other rights or means the Commonwealth may have to recover the expenses relating to the quarantine of the animals, plants or goods owing to the Commonwealth.







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