



Quarantine Amendment Act 1985

No. 2 of 1985

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Quarantine Amendment Act 1985

No. 2 of 1985

An Act to amend the *Quarantine Act 1908*

[Assented to 29 March 1985]

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

Short title, &c.

1. (1) This Act may be cited as the *Quarantine Amendment Act 1985*.
- (2) The *Quarantine Act 1908*¹ is in this Act referred to as the Principal Act.

Commencement

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

Scope of quarantine

3. Section 4 of the Principal Act is amended by omitting “man” and substituting “human beings”.

Interpretation

4. Section 5 of the Principal Act is amended—
 - (a) by inserting after the definition of “By authority” in sub-section (1) the following definition:

“ ‘Chief Quarantine Officer’ means—

 - (a) where the expression is used in a context that relates

- only to human quarantine—a Chief Quarantine Officer (Human Quarantine);
 - (b) where the expression is used in a context that relates only to animals—a Chief Quarantine Officer (Animals);
 - (c) where the expression is used in a context that relates only to plants—a Chief Quarantine Officer (Plants); or
 - (d) in any other case—a Chief Quarantine Officer (Human Quarantine), a Chief Quarantine Officer (Animals) or a Chief Quarantine Officer (Plants);”;
- (b) by inserting after the definition of “Coral Sea area” in sub-section (1) the following definition:
- “ ‘Director of Quarantine’ means—
 - (a) where the expression is used in a context that relates only to human quarantine—the Director of Human Quarantine;
 - (b) where the expression is used in a context that relates only to animals or plants or both—the Director of Animal and Plant Quarantine; or
 - (c) in any other case—the Director of Human Quarantine or the Director of Animal and Plant Quarantine;”;
- (c) by omitting from sub-section (1) the definition of “Quarantine officer” and substituting the following definition:
- “ ‘Quarantine officer’ means—
 - (a) where the expression is used in a context that relates only to human quarantine—a quarantine officer (human quarantine);
 - (b) where the expression is used in a context that relates only to animals—a quarantine officer (animals);
 - (c) where the expression is used in a context that relates only to plants—a quarantine officer (plants); or
 - (d) in any other case—a quarantine officer (human quarantine), a quarantine officer (animals) or a quarantine officer (plants);”.

5. (1) Sections 8A and 9 of the Principal Act are repealed and the following sections are substituted:

Officers responsible for human quarantine

“8A. (1) There shall be a Director of Human Quarantine, who shall, under the Minister, be charged with the execution of this Act, and any regulations and proclamations in force under this Act, in relation to human quarantine.

“(2) There shall be such Chief Quarantine Officers (Human Quarantine) for such divisions of human quarantine as the Minister determines in writing.

“(3) All Chief Quarantine Officers (Human Quarantine) shall perform their functions and exercise their powers under, and subject to the directions of, the Director of Human Quarantine.

“(4) The Director of Human Quarantine has all the functions and powers of a Chief Quarantine Officer (Human Quarantine) or of a quarantine officer (human quarantine) under this Act and the regulations and proclamations referred to in sub-section (1).

“(5) A Chief Quarantine Officer (Human Quarantine) has all the functions and powers of a quarantine officer (human quarantine) under this Act and the regulations and proclamations referred to in sub-section (1).

“(6) Each quarantine officer (human quarantine) shall perform functions or exercise powers under, and subject to the directions of, the Chief Quarantine Officer (Human Quarantine) for the division or divisions of quarantine for which that quarantine officer (human quarantine) is appointed.

“(7) For the purposes of this section, any branch or subject of quarantine in relation to human beings and a territorial division or locality shall be a division of quarantine.

Officers responsible for animal and plant quarantine

“8B. (1) There shall be a Director of Animal and Plant Quarantine, who shall, under the Minister, be charged with the execution of this Act, and any regulations and proclamations in force under this Act, in relation to animal and plant quarantine.

“(2) There shall be such Chief Quarantine Officers (Animals) and Chief Quarantine Officers (Plants) for such divisions of animal quarantine and plant quarantine, respectively, as the Minister determines in writing.

“(3) All Chief Quarantine Officers (Animals) and Chief Quarantine Officers (Plants) shall perform their functions and exercise their powers under, and subject to the directions of, the Director of Animal and Plant Quarantine.

“(4) The Director of Animal and Plant Quarantine has all the functions and powers of a Chief Quarantine Officer (Animals), of a Chief Quarantine Officer (Plants), of a quarantine officer (animals) and of a quarantine officer (plants) under this Act and the regulations and proclamations referred to in sub-section (1).

“(5) A Chief Quarantine Officer (Animals) has all the functions and powers of a quarantine officer (animals) under this Act and the regulations and proclamations referred to in sub-section (1) and a Chief Quarantine Officer (Plants) has all the functions and powers of a quarantine officer (plants) under this Act and the regulations and proclamations referred to in sub-section (1).

“(6) Each quarantine officer (animals) or quarantine officer (plants) shall perform functions or exercise powers under, and subject to the directions of, the Chief Quarantine Officer for the division or divisions of quarantine for

which that quarantine officer (animals) or quarantine officer (plants) is appointed.

“(7) For the purposes of this section, any branch or subject in relation to animals or plants and a territorial division or locality shall be a division of quarantine.

Appointment of officers responsible for human quarantine

“9. (1) The Director of Human Quarantine and the Chief Quarantine Officers (Human Quarantine) shall be appointed by the Minister by writing.

“(2) The Director of Human Quarantine may, by writing, appoint a person to be a quarantine officer (human quarantine).

“(3) A quarantine officer (human quarantine) shall be appointed to a division or divisions of quarantine for which a Chief Quarantine Officer (Human Quarantine) is appointed.

Appointment of officers responsible for animal and plant quarantine

“9AA. (1) The person for the time being holding, or performing the duties of, the office of Secretary to the Department that deals with animal and plant quarantine shall be the Director of Animal and Plant Quarantine.

“(2) The Chief Quarantine Officers (Animals) and the Chief Quarantine Officers (Plants) shall be appointed by the Minister by writing.

“(3) The Director of Animal and Plant Quarantine may, by writing, appoint a person to be a quarantine officer (animals) or a quarantine officer (plants).

“(4) A quarantine officer (animals) or a quarantine officer (plants) shall be appointed to a division or divisions of quarantine for which a Chief Quarantine Officer (Animals) or a Chief Quarantine Officer (Plants), as the case may be, is appointed.”.

(2) The person who held office immediately before the commencement of this Act as the Director of Quarantine under the Principal Act shall, upon the commencement of this Act, be deemed to have been appointed as the Director of Human Quarantine under sub-section 9 (1) of the Principal Act as amended by this Act.

(3) A person who held office immediately before the commencement of this Act as a Chief Quarantine Officer under the Principal Act shall, upon the commencement of this Act—

- (a) if the person was appointed for a division of quarantine relating to human quarantine—be deemed to have been appointed under sub-section 9 (1) of the Principal Act as amended by this Act as a Chief Quarantine Officer (Human Quarantine) for that division;
- (b) if the person was appointed for a division of quarantine relating to animals—be deemed to have been appointed under sub-section

9AA (2) of the Principal Act as amended by this Act as a Chief Quarantine Officer (Animals) for that division; or

- (c) if the person was appointed for a division of quarantine relating to plants—be deemed to have been appointed under sub-section 9AA (2) of the Principal Act as amended by this Act as a Chief Quarantine Officer (Plants) for that division.

(4) A person who held office immediately before the commencement of this Act as a quarantine officer under the Principal Act shall, upon the commencement of this Act—

- (a) if the person was appointed to a division of quarantine relating to human quarantine—be deemed to have been appointed under sub-section 9 (2) of the Principal Act as amended by this Act as a quarantine officer (human quarantine) to that division;
- (b) if the person was appointed to a division of quarantine relating to animals—be deemed to have been appointed under sub-section 9AA (3) of the Principal Act as amended by this Act as a quarantine officer (animals) to that division; or
- (c) if the person was appointed to a division of quarantine relating to plants—be deemed to have been appointed under sub-section 9AA (3) of the Principal Act as amended by this Act as a quarantine officer (plants) to that division.

6. After section 10A of the Principal Act the following section is inserted:

Delegation by Director of Quarantine

“10B. (1) A Director of Quarantine may, either generally or as otherwise provided by the instrument of delegation, by writing signed by that Director of Quarantine, delegate to a person all or any of the powers of that Director of Quarantine under this Act, the regulations or any proclamation or other instrument under this Act or the regulations, other than this power of delegation.

“(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Director of Quarantine by whom the power was delegated.

“(3) A delegation under this section does not prevent the exercise of a power by a Director of Quarantine.”.

Proclamation of ports of entry, &c.

7. Section 13 of the Principal Act is amended by omitting from sub-section (2A) “the Director” (wherever occurring) and substituting “a Director”.

Permission to enter place other than first port of entry

8. Section 20AA of the Principal Act is amended by omitting “The Minister” and substituting “The Minister administering the Department that deals with human quarantine”.

Health reports

9. Section 27 of the Principal Act is amended—

- (a) by inserting “(human quarantine)” after “quarantine officer” (wherever occurring); and
- (b) by inserting “Human” after “Director of”.

Mooring of vessels from proclaimed places

10. Section 32 of the Principal Act is amended by inserting in sub-section (1) “(human quarantine)” after “quarantine officer”.

Pratique

11. Section 33 of the Principal Act is amended—

- (a) by inserting “(human quarantine)” after “quarantine officer” (wherever occurring); and
- (b) by inserting in sub-section (3) “Human” after “Director of” (wherever occurring).

Grant of pratique to installations

12. Section 33A of the Principal Act is amended—

- (a) by inserting “(human quarantine)” after “quarantine officer” (wherever occurring); and
- (b) by inserting in sub-section (2) “Human” after “Director of” (wherever occurring).

Quarantine surveillance

13. Section 34 of the Principal Act is amended by inserting in sub-section (1) “(human quarantine)” after “quarantine officer”.

Order to perform quarantine

14. Section 35 of the Principal Act is amended by inserting in sub-section (1A) “(human quarantine)” after “quarantine officer” (wherever occurring).

Medical examination for possible pulmonary tuberculosis

15. Section 35AA of the Principal Act is amended by inserting “(human quarantine)” after “quarantine officer” (wherever occurring).

Vessel or installation having communicable disease on board

16. Section 35A of the Principal Act is amended by inserting “(human quarantine)” after “quarantine officer” (wherever occurring).

Power to permit vessel to proceed on voyage

17. Section 42 of the Principal Act is amended—

- (a) by inserting “administering the Department that deals with human quarantine” after “Minister” (first occurring); and
- (b) by inserting “administering that Department” after “Minister” (last occurring).

Goods ordered into quarantine

18. Section 48 of the Principal Act is amended by omitting from paragraph (6) (b) “the Director” and substituting “a Director”.

Liability of owner or agent for expenses of quarantine

19. Section 59 of the Principal Act is amended by omitting from the second proviso to sub-section (2) “quarantine regulations” and substituting “regulations relating to human quarantine”.

Powers of inspection

20. Section 70 of the Principal Act is amended by omitting from sub-section (3) “the Director” and substituting “a Director”.

Inspection of installations

21. Section 70AA of the Principal Act is amended by omitting from sub-section (4) “the Director” and substituting “a Director”.

Quarantine information to be given to travellers to Australia

22. Section 74AA of the Principal Act is amended by omitting “the Director of Quarantine” and substituting “the Director of Human Quarantine and the Director of Animal and Plant Quarantine”.

Vessels involved in certain offences

23. Section 75A of the Principal Act is amended by omitting from paragraph (e) of the definition of “approved person” in sub-section (1) “the Minister” and substituting “the Minister administering the Department that deals with human quarantine or the Minister administering the Department that deals with animal and plant quarantine”.

Regulations

24. Section 87 of the Principal Act is amended by omitting from sub-paragraph (1) (qa) (i) “the Director” and substituting “a Director”.

Transitional interpretative provisions

25. (1) Where an expression that was used in any regulations or any proclamation or other instrument in force under the Principal Act immediately before the commencement of this Act is also used in the Principal Act as amended by this Act, then, after that commencement, that expression has, in those regulations or that proclamation or other instrument, unless the contrary intention appears, the same meaning as that expression has in the Principal Act as amended by this Act.

(2) A reference in any regulations or any proclamation or other instrument in force under the Principal Act immediately before the commencement of this Act to the Director of Quarantine shall, except in relation to matters that occurred before that commencement, be construed after that commencement as a reference to a Director of Quarantine.

(3) Nothing in this section prevents the making, after the commencement of this Act, of regulations under the Principal Act as amended by this Act amending regulations referred to in sub-section (1) or (2) or of a proclamation or other instrument amending a proclamation or other instrument referred to in sub-section (1) or (2).

Transitional provisions relating to instruments

26. (1) Any instrument made, granted, approved or given by a Minister pursuant to a provision of the Principal Act and in force immediately before the commencement of this Act continues in force after that commencement as if made, granted, approved or given by the appropriate Minister pursuant to the corresponding provision of the Principal Act as amended by this Act.

(2) Any instrument made, granted, approved or given by the Director of Quarantine pursuant to a provision of the Principal Act and in force immediately before the commencement of this Act continues in force after that commencement as if made, granted, approved or given by the appropriate Director of Quarantine pursuant to the corresponding provision of the Principal Act as amended by this Act.

(3) Any instrument made, granted, approved or given by a Chief Quarantine Officer pursuant to a provision of the Principal Act and in force immediately before the commencement of this Act continues in force after that commencement as if made, granted, approved or given by the appropriate Chief Quarantine Officer pursuant to the corresponding provision of the Principal Act as amended by this Act.

(4) Any instrument made, granted, approved or given by a quarantine officer pursuant to a provision of the Principal Act and in force immediately before the commencement of this Act continues in force after that commencement as if made, granted, approved or given by the appropriate quarantine officer pursuant to the corresponding provision of the Principal Act as amended by this Act.

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; No. 37, 1976; Nos. 1, 105 and 155, 1979; No. 70, 1980; No. 54, 1981; No. 51, 1982; No. 84, 1983; and Nos. 19, 22 and 165, 1984.

[*Minister's second reading speech made in—
House of Representatives on 22 February 1985
Senate on 28 February 1985*]