EXPLANATORY STATEMENT

Select Legislative Instrument 2008 No. 101

Issued by the Authority of the Minister for Agriculture, Fisheries and Forestry

Quarantine Act 1908

Quarantine Amendment Regulations 2008 (No. 1)

Section 87 of the Quarantine Act 1908 (the Act) provides, in part, that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters which by the Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Amendment Regulations amend the Quarantine Regulations 2000 (the Principal Regulations) to update a number of references to a document published by the Australian Quarantine and Inspection Service (AQIS) and to Commonwealth and State and Territory laws.

References to AQIS Document

Sub-section 27A(2) of the Act requires the masters of vessels and installations to cause prescribed information for pre-arrival and pre-departure reports to be given. Sub-section 28(1) of the Act provides that a quarantine officer may require the master or medical officer of a vessel or installation to answer questions about any prescribed matters.

Regulations 10 and 18 of the Principal Regulations currently prescribe information for the purposes of sub-sections 27A(2) and 28(1) of the Act. The Amendment Regulations update the date and version number of an AQIS document incorporated by reference in Principal Regulations 10 and 18.

References to laws

Section 46A of the Act provides that a Director of Quarantine may, on application by the owner or occupier of a place and on payment of the prescribed fee, by writing:

(a) approve the place as a place where goods of a specified class that are subject to quarantine may be treated or otherwise dealt with; and
(b) if a place is so approved - approve goods of that class being moved, dealt with or interfered with in a way set out in the approval while they are at that place.

Section 46A also includes a number of provisions relating to disclosure and consideration of whether a person who works with goods that are subject to quarantine has been convicted of an offence against the Commonwealth, State or Territory law prescribed for the purposes of that section

Specifically, section 46A provides, in part, that:

a person who applies for approval of a place for treating or dealing with goods that are subject to quarantine may be required to make and sign a written
declaration stating whether the person has been convicted of an offence against a prescribed law;
- the Director of Quarantine when deciding whether to give an approval must take into account whether a person who manages or controls, or is an occupier of, the place or would be carrying out proposed procedures in relation to goods at the place has, amongst other things, been convicted of an offence against a prescribed law; and
- approval of a place for treating or dealing with goods that are subject to quarantine may be suspended or revoked if a relevant person is convicted of an offence against a prescribed law.

Regulation 40 of the Principal Regulations currently prescribes Commonwealth and State and Territory laws for the purposes of section 46A. The Amendment Regulations make a number of updates to the lists of prescribed Commonwealth and State and Territory laws to reflect changes in Commonwealth and State and Territory laws and add some laws that are not currently prescribed.

The Office of Best Practice Regulation (OBPR) Preliminary Assessment was completed in relation to the updating of the references to the document published by AQIS. The Preliminary Assessment indicated that there would be no additional compliance costs or other impact on business and individuals or the economy, therefore, no further analysis has been undertaken. The OBPR advised that the amendments to Schedule 1 and 2 have no or low impact on business, and appear to impose no or low compliance costs. As the amendments are minor and machinery in nature no consultation has taken place.

The Amendment Regulations are a legislative instrument for the purposes of the Legislative Instruments Act 2003.

The Amendment Regulations commence the day after they are registered on the Federal Register of Legislative Instruments.

Details of the Amendment Regulations are set out below.

Regulation 1 provides that the name of the Amendment Regulations is the Quarantine Amendment Regulations 2008 (No. 1).

Regulation 2 provides that the Amendment Regulations commence the day after they are registered on the Federal Register of Legislative Instruments.

Regulation 3 provides that Schedule 1 amends the Quarantine Regulations 2000.

Schedule 1 – Amendments

Changes to Division 2 - Reports

Item 1 amends item 21 of the table in regulation 10 to reflect the new date and version number of the Australian Ballast Water Management Requirements, which are incorporated by reference. This document has been updated to provide additional information in relation to the requirements that are to be met by the masters of ships intending to visit Australian ports in relation to the management of the ship’s ballast water and is available on the Australian Quarantine and Inspection Service (AQIS) web site.
Item 2 amends item 21 of the table in regulation 18 to reflect the new date and version number of the Australian Ballast Water Management Requirements, which are incorporated by reference. This document has been updated to provide additional information in relation to the requirements that are to be met by the masters of ships intending to visit Australian ports in relation to the management of the ship’s ballast water and is available on the Australian Quarantine and Inspection Service (AQIS) website.

Changes to Schedule 1 – Prescribed Commonwealth laws

Item 3 omits the Companies Act 1981. This Act has been repealed and replaced by the Corporations Act 2001. The Corporations Act 2001 is inserted by this item.

Item 4 omits the reference to the Corporations Law as set out in section 82 of the Corporations Act 1989. The Corporations Act 1989 has been repealed and replaced by the Corporations Act 2001. The Corporations Act 2001 is inserted by item 3.


Item 6 omits the Ozone Protection Act 1989. This Act has been repealed and replaced by the Ozone Protection and Synthetic Greenhouse Gas Management Act 1989. The Ozone Protection and Synthetic Greenhouse Gas Management Act 1989 is inserted by this item.

Item 7 omits the Wildlife Protection (Regulation of Exports and Imports) Act 1982. This Act has been repealed and replaced by the Environment Protection and Biodiversity Conservation Act 1999. The Environment Protection and Biodiversity Conservation Act 1999 is inserted by item 5.

Changes to Schedule 2 – Prescribed state and Territory laws

Part 1 – New South Wales

Item 8 inserts the Biological Control Act 1985. The effect of this insertion is to bring the legislation prescribed for this jurisdiction into line with the other jurisdictions for which similar legislation is already prescribed.

Item 9 omits the Dangerous Goods Act 1975. This Act was repealed by section 4 of the Occupational Health and Safety Amendment (Dangerous Goods) Act 2003 and its provisions were replaced by Chapter 6A of the Occupational Health and Safety Regulation 2001. The Occupational Health and Safety Regulation 2001 (Chapter 6A) is inserted by item 13.

Item 10 omits the Food Act 1989. This Act has been repealed and replaced by the Food Act 2003. The Food Act 2003 is inserted by this item.

Item 11 omits the Food Production (Safety) Act 1998. This Act has been replaced by the Food Act 2003. The Food Act 2003 was inserted item 10.

Item 12 omits the Non-indigenous Animals Act 1987 and insert the Non-Indigenous...
Animals Act 1987 which is the correct title of this Act.

Item 13 inserts the Occupational Health and Safety Regulation 2001 (Chapter 6A). Chapter 6A of this Regulation has replaced components of the Dangerous Goods Act 1975 which was omitted by item 9.

Item 14 omits the Seeds Act 1982. This Act has been repealed and replaced by the Noxious Weeds Act 1993. The Noxious Weeds Act 1993 was inserted by the Quarantine Amendment Regulations 2001 (No. 1).

Item 15 omits the Stock (Artificial Breeding) Act 1985 which has been repealed.

Item 16 omits the Veterinary Surgeons Act 1986. This Act has been repealed and replaced by the Veterinary Practice Act 2003. The Veterinary Practice Act 2003 is inserted by this item.


Part 2 - Victoria

Item 18 inserts the Biological Control Act 1986. The effect of this insertion is to bring the legislation prescribed for this jurisdiction into line with the other jurisdictions for which similar legislation is already prescribed.

Item 19 omits the Occupational Health and Safety Act 1985. This Act has been repealed and replaced by the Occupational Health and Safety Act 2004. The Occupational Health and Safety Act 2004 is inserted by this item.

Part 3 - Queensland

Item 20 omits the Food Act 1981. This Act has been repealed and replaced by the Food Act 2006. The Food Act 2006 is inserted by this item.

Item 21 inserts the Land Protection (Pest and Stock Route Management) Act 2002. This Act has repealed and replaced the Rural Lands Protection Act 1985, which is omitted by item 25.

Item 22 omits the Meat Industry Act 1993. This Act has been repealed.

Item 23 omits the Pharmacy Act 1976. This Act has been repealed and replaced by the Pharmacists Registration Act 2001. The Pharmacists Registration Act 2001 is inserted by this item.

Item 24 omits the Radioactive Substances Act 1958. This Act been repealed and replaced by the Radiation Safety Act 1999. The Radiation Safety Act 1999 is inserted by this item.

Item 25 omits the Rural Lands Protection Act 1985. This Act has been repealed and replaced by the Land Protection (Pest and Stock Route Management) Act 2002. The Land Protection (Pest and Stock Route Management) Act 2002 is inserted by item 21.
Part 4 - Western Australia

Item 26 inserts the *Criminal Code*. The effect of this insertion is to bring the legislation prescribed for this jurisdiction into line with the other jurisdictions for which similar legislation is already prescribed.

Item 27 inserts the *Veterinary Chemical Control and Animal Feeding Stuffs Act 1976*. This Act has been incorrectly cited as the *Veterinary Preparations and Animal Feedings Stuffs Act 1976*. The *Veterinary Preparations and Animal Feedings Stuffs Act 1976* is omitted by this item.

Part 5 - South Australia

Item 28 omits the *Agricultural Chemicals Act 1955*. This Act has been repealed and replaced by the *Agriculture and Veterinary Products (Control of Use) Act 2002*. The *Agriculture and Veterinary Products (Control of Use) Act 2002* is inserted by this Item.

The *Agriculture and Veterinary Produces (Control of Use) Act 2002* also repealed and replaced the *Stock Foods Act 1941*, which is omitted by item 37, and the *Stock Medicines Act 1939*, which is omitted by item 38.

Item 29 omits the *Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986*. This Act has been repealed and replaced by the *Natural Resources Management Act 2004*. The *Natural Resources Management Act 2004* is inserted by item 33.

Item 30 omits the *Food Act 1985*. This Act has been repealed and replaced by the *Food Act 2001*. The *Food Act 2001* is be inserted by this item.

Item 31 omits the *Meat Hygiene Act 1994*. This Act has been repealed and replaced by the *Primary Produce (Food Safety Schemes) Act 2004*. The *Primary Produce (Food Safety Schemes) Act 2004* is inserted by item 35.

Item 32 inserts the *Natural Resources Management Act 2004*. This Act has replaced the *Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986*. The *Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986* was omitted by item 29.

Item 33 inserts the *Noxious Insects Act 1934*. This Act has been incorrectly cited as the *Noxious Insects Act 1934-1974*. The *Noxious Insects Act 1934-1974* is omitted by this item.

Item 34 omits the *Pharmacists Act 1991*. This Act has been repealed and replaced by the *Pharmacy Practice Act 2007*. The *Pharmacy Practice Act 2007* is inserted by this item.

Item 35 inserts the *Primary Produce (Food Safety Schemes) Act 2004*. This Act has replaced the *Meat Hygiene Act 1994*. The *Meat Hygiene Act 1994* was omitted by item 31.

Item 36 omits the *Seeds Act 1979*. This Act was repealed by the *Seeds Act Repeal Act 2002*. 

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Item 37 omits the *Stock Foods Act 1941*. This Act was repealed and replaced by the *Agricultural and Veterinary Products (Control of Use) Act 2002*. The *Agricultural and Veterinary Products (Control of Use) Act 2002* was inserted by item 28.

Item 38 omits the *Stock Medicines Act 1939*. This Act has been repealed and replaced by the *Agricultural and Veterinary Products (Control of Use) Act 2002*. The *Agricultural and Veterinary Products (Control of Use) Act 2002* was inserted by item 28.

Item 39 omits the *Veterinary Surgeons Act 1985*. This Act has been repealed and replaced by the *Veterinary Practice Act 2003*. The *Veterinary Practice Act 2003* is inserted by this item.

**Part 6 - Tasmania**

Item 40 inserts the *Medical Radiation Science Professionals Registration Act 2000*. This Act has replaced the *Radiographers Registration Act 1971*. The *Radiographers Registration Act 1971* is omitted by item 45.

Item 41 omits the *National Parks and Wildlife Act 1970*. This Act has been repealed and replaced by the *National Parks and Reserves Management Act 2002*. The *National Parks and Reserves Management Act 2002* is inserted by this item.

Item 42 omits the *Noxious Insects and Molluscs Act 1951* and the *Noxious Weeds Act 1964*. The *Noxious Insects and Molluscs Act 1951* has been repealed and the *Noxious Weeds Act 1964* has been repealed and replaced with the *Weed Management Act 1999*. The *Weed Management Act 1999* is inserted by item 46.

Item 43 omits the *Pharmacy Act 1908*. This Act has been repealed and replaced by the *Pharmacists Registration Act 2001*. The *Pharmacists Registration Act 2001* is inserted by this item.

Item 44 omits the *Radiation Control Act 1977*. This Act has been repealed and replaced by the *Radiation Protection Act 2005*. The *Radiation Protection Act 2005* is inserted by this item.

Item 45 omits the *Radiographers Registration Act 1971*. This Act has been repealed and replaced by the *Medical Radiation Science Professionals Registration Act 2000*. The *Medical Radiation Science Professionals Registration Act 2000* is inserted by item 40.

Item 46 inserts the *Weed Management Act 1999*. This Act has replaced the *Noxious Weeds Act 1964*. The *Noxious Weeds Act 1964* was omitted by item 42.

**Part 7 – Australian Capital Territory**

Item 47 omits the *Animal Diseases Act 1993*. This Act has been repealed and replaced by the *Animal Diseases Act 2005*. The *Animal Diseases Act 2005* is inserted by this item.

Item 48 inserts the *Criminal Code 2002*. The effect of this insertion is to bring the legislation prescribed for this jurisdiction into line with the other jurisdictions for which similar legislation is already prescribed.
Item 49 omits the *Dangerous Goods Act 1984*. This Act has been repealed and replaced by the *Dangerous Substances Act 2004*. The *Dangerous Substances Act 2004* is inserted by this item.

Item 50 omits the *Food Act 1992*. This Act has been repealed and replaced by *Food Act 2001*. The *Food Act 2001* is inserted by this item.

Item 51 inserts the *Health Professionals Act 2004*. This Act has replaced the *Pharmacy Act 1931* is omitted by item 53.

Item 52 omits the *Meat Act 1931*. This Act has been repealed and replaced by the *Food Act 2001*. The *Food Act 2001* is inserted by item 50.

Item 53 omits the *Pharmacy Act 1931*. This Act has been repealed and replaced by the *Health Professionals Act 2004*. The *Health Professionals Act 2004* was inserted by item 51.

Item 54 omits the *Plant Diseases Act 1934*. This Act has been repealed and replaced by the *Plant Diseases Act 2002*. The *Plant Diseases Act 2002* is inserted by this item.

Item 55 omits the *Radiation Act 1983*. This Act has been replaced by the *Radiation Protection Act 2006*. The *Radiation Protection Act 2006* is inserted by this item.

Item 56 omits the *Stock Act 1991*. This Act has been replaced by the *Stock Act 2005*. The *Stock Act 2005* is by this item.

Item 57 omits the *Veterinary Surgeons Act 1965*. This Act has been repealed and replaced by the *Health Professionals Act 2004*. The *Health Professionals Act 2004* was inserted by item 51.

**Part 8 - Northern Territory**

Item 58 inserts the *Health Practitioners Act*. This Act has replaced the *Pharmacy Act*. The *Pharmacy Act* is inserted by item 60.

Item 59 omits the *Noxious Weeds Act*. This Act has been repealed and replaced by the *Weeds Management Act 2001*. The *Weeds Management Act 2001* is inserted by item 62.

Item 60 omits the *Pharmacy Act*. This Act been repealed and replaced by the *Health Practitioners Act*. The *Health Practitioners Act* was inserted by item 58.

Item 61 omits the *Plant Diseases Control Act*. This Act has been repealed and replaced by the *Plant Diseases Control Act*. The *Plant Diseases Control Act* is inserted by this item.

Item 62 inserts the *Weeds Management Act 2001*. This Act has been repealed and replaced the *Noxious Weeds Act*. The *Noxious Weeds Act* was omitted by item 59.