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Quarantine Regulations 2000

Statutory Rules 2000 No. 129

129

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Quarantine Act 1908*.

Dated **21 JUN 2000** 2000

WILLIAM DEANE

Governor-General

By His Excellency's Command

WARREN TRUSS

Minister for Agriculture, Fisheries and Forestry



Quarantine Regulations 2000

Statutory Rules 2000 No. *L*¹

129

made under the

Quarantine Act 1908

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2000, *L*

Quarantine Regulations 2000

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Reader's Guide

1 Warning!

1.1 This guide is intended only to help you to understand and use the *Quarantine Regulations 2000* (**these Regulations**). It is not part of the law and is not intended to replace reading these Regulations. It is also not a complete summary of the law of quarantine in Australia.

2 What quarantine is all about

2.1 The quarantine system is designed to prevent the introduction into Australia, the establishment in Australia, or the spread within Australia, of human, animal or plant pests and diseases. Effective and efficient quarantine controls enhance the quality of life of all Australians by protecting public health, contributing to the Australia's comparative advantage in agricultural production, reducing the need to use chemicals to prevent and control pests and diseases, protecting native flora and fauna and promoting Australia as a tourist destination.

2.2 There are Commonwealth, and State and Territory laws regulating quarantine. Under the Constitution the Commonwealth does not have exclusive power to make laws in relation to quarantine, and therefore, Commonwealth and State laws on quarantine co-exist. However, under section 109 of the Constitution, if a State law is inconsistent with a Commonwealth law, the Commonwealth law prevails and the State law is invalid to the extent of the inconsistency. State and Territory laws are not dealt with in this Guide. For information on the law of a State or Territory, refer to the relevant State or Territory agency.

3 Commonwealth legislation

3.1 The basic Commonwealth law is contained in the *Quarantine Act 1908* (the **Quarantine Act**). The Quarantine Act has broad coverage over matters of quarantine concern in Australia. In particular, section 4 of the Act describes the scope of quarantine as follows:

4 Scope of quarantine

In this Act, quarantine includes, but is not limited to, measures:

- (a) for, or in relation to, the examination, exclusion, detention, observation, segregation, isolation, protection, treatment and regulation of vessels, installations, human beings, animals, plants or other goods or things; and
- (b) having as their object the prevention or control of the introduction, establishment or spread of diseases or pests that will or could cause significant damage to human beings, animals, plants, other aspects of the environment or economic activities.

3.2 The Quarantine Act provides for certain matters to be dealt with in regulations, proclamations and determinations.

3.3 These Regulations repeal the *Quarantine (General) Regulations 1956*, the Quarantine (Animals) Regulations and the Quarantine (Plants) Regulations. There are only 2 sets of Regulations now in force, these Regulations and the Quarantine (Cocos Islands) Regulations. For the application of these Regulations to the Territory of Cocos (Keeling) Islands and other external Territories, see paragraph 4 below.

3.4 The *Quarantine Proclamation 1998* (the **Proclamation**) is the only Quarantine Proclamation in force, and has its own Reader's Guide.

3.5 If it is necessary to read a provision of these Regulations together with the Quarantine Act or the Proclamation to fully understand the provision, either the provision itself or a note to the provision will usually refer you to the relevant provision of the Act or the Proclamation.

3.6 The Quarantine Act, the Regulations and the Proclamation can be accessed through the Australian Quarantine and Inspection Service Internet site at www.aqis.gov.au/law/index.htm or from the SCALEplus website (maintained by the Attorney-General's Department) at <http://law.gov.au>. Other laws, such as the *Acts Interpretation Act 1901* and the *Electronic Transactions Act 1999* mentioned below, can also be found at the SCALEplus website.

4 Application to the external Territories

4.1 Section 6 of the Quarantine Act states that the Act extends to the Cocos Islands. Cocos Islands is defined in section 5 of the Act to mean the Territory of Cocos (Keeling) Islands. Subregulation 3 (1) of these Regulations makes it clear that these Regulations do apply to the Cocos Islands.

4.2 Subsection 6AA (1) of the Quarantine Act states that the Act does not extend to the Territory of Christmas Island. This means the Act, these Regulations and other subordinate legislation made under the Act do not apply in the Territory of Christmas Island.

4.3 Under section 6AB of the Quarantine Act, the Act also extends to the Territory of Ashmore and Cartier Islands.

4.4 In conclusion, these Regulations apply to the following external Territories:

- Ashmore and Cartier Islands
- Cocos (Keeling) Islands

but do not apply to the following external Territories:

- Australian Antarctic Territory
- Christmas Island
- Coral Sea Islands
- Heard and McDonald Islands
- Norfolk Island.

4.5 In these Regulations, the word *Australia* does not include the Cocos Islands, but includes the Territory of Ashmore and Cartier Islands. (See subregulation 3 (2) of these Regulations.)

5 What do these Regulations do?

5.1 The power to make regulations under the Quarantine Act comes from section 87 of the Act. Subsection 87 (1) states the matters for which regulations may be made. The power may be expressed in general terms, as in paragraph 87 (1) (a) which gives power to make regulations for regulating the performance of quarantine. (See, for example, Divisions 2 and 3 of Part 4 of these Regulations.) On the other hand, the power may be more specific, as in paragraph 87 (1) (rb) which gives power to prescribe the manner in which permission etc., made under the

Act, the Regulations and the Proclamation, may be produced to a person or body. (See, for example, regulation 78 of these Regulations.)

5.2 The matters mentioned in subsection 87 (1) of the Quarantine Act also include matters which are required by the Act to be prescribed. For example, under subsection 27A (2) of the Act, masters of certain vessels or installations must cause the prescribed information to be given to a quarantine officer. This means detail of the information is to be set out in the regulations. (See, for example, regulation 10 of these Regulations.)

5.3 These Regulations create offences for failing to comply with certain provisions of these Regulations. The penalty for an offence is stated at the bottom of a provision and is expressed as a number of penalty units. As at 23 June 2000, 1 penalty unit is \$110. Penalty unit is defined in subsection 4AA (1) of the *Crimes Act 1914*, and the amount may vary as that subsection is amended from time to time.

6 Meaning of words used in these Regulations

6.1 If a word or term used in these Regulations has a special meaning, it will often be defined in regulation 4 of these Regulations. For example, *illness*, as defined in regulation 4, has a narrower meaning than its meaning normally understood.

6.2 The note in regulation 4 sets out the words and terms used in these Regulations that are defined in the Quarantine Act. Unless these Regulations state or imply otherwise, these words and terms have the same meanings here as they are defined in the Act. For example *vessel* used here means vessel as defined in subsection 5 (1) of the Act which includes an aircraft.

6.3 If in a particular provision a word or term has a special meaning, it will be defined in that provision.

6.4 The *Acts Interpretation Act 1901* might also affect the meaning of some words and terms used in these Regulations. For example, the word *department* is defined in subsection 19A (3) of the *Acts Interpretation Act 1901*. Applying that definition, *department* used here means the Department of Agriculture, Fisheries and Forestry.

7 How are these Regulations arranged?

7.1 These Regulations are arranged so that similar matters are dealt with together.

7.2 These Regulations are organised into Parts, and some of the Parts are divided into Divisions. The Parts are as follows:

- Part 1 — Preliminary
- Part 2 — Vessels and installations
- Part 3 — Persons travelling to Australia or the Cocos Islands
- Part 4 — Performance of quarantine
- Part 5 — Importation of goods
- Part 6 — Infringement notice offences and infringement notices
- Part 7 — Miscellaneous.

7.3 Following Part 7 is Schedule 1, which lists the Acts prescribed by regulation 40 for section 46A of the Quarantine Act. The list is put in Schedule 1 as it cannot be conveniently put into the text of that regulation.

7.4 Part 2 contains provisions relating to vessels and installations, and sets out the requirements imposed on masters of certain vessels and installations (as noted in subparagraph 6.2 above, vessels include aircraft, and masters can mean commanders of aircraft).

7.5 Part 3 contains provisions relating to persons travelling to Australia or the Cocos Islands.

7.6 Part 4 is about performance of quarantine. Matters dealt with in Part 4 include:

- when and how orders into quarantine are to be given (see regulations 36 to 39)
- specific requirements relating to applications for approvals of places under section 46A of the Quarantine Act (see regulation 40)
- the period for which a person must perform quarantine (see regulation 41)
- matters relating to persons under quarantine surveillance (see Division 3).

7.7 Part 5 is about importation of goods. It sets out how notices under subsection 16AC (1) or (2) of the Quarantine Act and certain other notices may be given.

7.8 Part 6 contains provisions relating to infringement notices. An infringement notice may be served on a person who is believed to have contravened certain provisions of the Quarantine Act or these Regulations. An infringement notice may be served as an alternative to prosecuting the person.

7.9 Part 7 contains the miscellaneous provisions. Matters dealt with in Part 7 include:

- permit applications under the Proclamation (see regulations 70 and 71)
- compliance agreements mentioned in section 66B of the Quarantine Act (see Division 2)
- seizure, and notices of seizure, of animals, plants or other goods under section 68 or 69 of the Act (see Division 3)
- generally how notices and information may be given (see Division 4)
- how certain rights and obligations under the *Quarantine (General) Regulations 1956* are affected by the repeal of those Regulations.

8 Electronic transactions

8.1 A number of notes in these Regulations refer to the *Electronic Transactions Act 1999*. Subsection 9 (1) of the *Electronic Transactions Act 1999* states that if, under a law of the Commonwealth, a person is required to give information in writing, that requirement is taken to have been met if the person gives the information by means of an electronic communication under certain circumstances.

8.2 The Quarantine Act, these Regulations, the Quarantine (Cocos Islands) Regulations and the Proclamation are laws of the Commonwealth for the purposes of the *Electronic Transactions Act 1999*. (See subsection 5 (2) of the *Electronic Transactions Act 1999* and the *Electronic Transactions Regulations 2000*.) **Giving information** is given a very broad meaning under subsection 9 (5) of the *Electronic Transactions Act 1999* and includes making an application and giving a notification.

8.3 If you want to communicate with the Australian Quarantine and Inspection Service (AQIS) electronically to give information otherwise required in writing, you will need to check if AQIS requires:

- the information to be given, in accordance with particular information technology requirements, by means of a particular kind of electronic communication
- particular action to be taken by way of verifying the receipt of the information. (See paragraphs 9 (1) (b) and (c) of the *Electronic Transactions Act 1999*.)

Information about these requirements may be obtained at the AQIS website at www.aqis.gov.au.

Part 1 Preliminary

1 Name of Regulations

These Regulations are the *Quarantine Regulations 2000*.

2 Commencement

These Regulations commence on 23 June 2000.

3 Application

- (1) Unless the contrary intention appears, these Regulations apply in, and relate to, both Australia and the Cocos Islands.

Note Under subsection 87 (1A) of the Act, the Regulations may apply in, or relate to, Australia or the Cocos Islands only. This subregulation makes it clear that these Regulations apply in, and relate to, both Australia and the Cocos Islands.

- (2) Unless the contrary intention appears, references in these Regulations to Australia do not include the Cocos Islands.

Note The definition of *Australia* in the Act includes the Territory of Ashmore and Cartier Islands, see subsection 5 (1) of the Act.

4 Definitions

In these Regulations, unless the contrary intention appears:

Act means the *Quarantine Act 1908*.

AQIS means the Australian Quarantine and Inspection Service in the Department.

container has the meaning given by the Customs Convention on Containers, 1972 signed in Geneva on 2 December 1972 as affected by any amendment of the Convention that is in force on 23 June 2000.

Customs has the meaning given by the *Customs Act 1901*.

Customs import entry means a communication to Customs that is mentioned in section 71A of the *Customs Act 1901*.

Regulation 4

deratting, of a vessel or installation, means keeping the vessel or installation free of rats.

Deratting Certificate has the meaning given by Article 53 of the International Health Regulations.

Deratting Exemption Certificate has the meaning given by Article 53 of the International Health Regulations.

disinsection means a treatment to destroy insects.

estimated time means:

- (a) for the arrival of a vessel or installation at a place — the day and time estimated by the master of the vessel or installation to be the day and time when the vessel or installation will reach, or land at, the place; and
- (b) for the departure of a vessel or installation from a place — the day and time estimated by the master of the vessel or installation to be the day and time when the vessel or installation will leave the place.

health administration has the meaning given by the International Health Regulations.

hull proper, of a vessel (other than an aircraft), means its overall length measured from the leading edge to the trailing edge of the hull structural material, excluding anything mounted on the hull.

identifying number includes an alphanumeric code.

illness means a disease produced by the action of a micro-organism on the human body.

international certificate means an international certificate of vaccination or revaccination against yellow fever that:

- (a) is issued for the person under Article 79 of the International Health Regulations; and
- (b) certifies that, on a date stated in the certificate, the person to whom the certificate applies was vaccinated or revaccinated against yellow fever.

International Code of Signals means the International Code of Signals adopted by the Inter-Governmental Maritime Consultative Organization and published by Her Majesty's Stationery Office in 1995, as amended and in force on 23 June 2000.

Regulation 4

International Health Regulations means the third edition of the International Health Regulations published by the World Health Organization, as amended and in force on 23 June 2000.

medical practitioner means a person registered as a medical practitioner under a law of a State or Territory that provides for the registration of medical practitioners.

non-scheduled flight, of an aircraft, has the meaning given by the *Air Navigation Act 1920*.

stores means goods for the use of persons on board a vessel or installation or for the service of a vessel or installation.

waste includes:

- (a) material used to pack or stabilise cargo; and
- (b) galley and food waste; and
- (c) human, animal or plant waste; and
- (d) refuse or sweepings from the holds or decks of a vessel or installation.

World Health Organization has the meaning given by the *World Health Organization Act 1947*.

yellow fever proclaimed place has the meaning given by regulation 32.

Note A number of expressions used in these Regulations are defined in the Act, including:

- | | |
|----------------------------------|-------------------------|
| • aircraft | • Examine |
| • Animal | • exposed |
| • animals, plants or other goods | • First port of entry |
| • Australia | • give |
| • Australian waters | • goods |
| • ballast water | • grant |
| • Cocos Islands | • Imported |
| • commander | • Installation |
| • Commonwealth | • Landing place |
| • compliance agreement | • Master |
| • Director of Quarantine | • Officer |
| • discharge | • officer of Customs |
| • disease | • operator |
| • document | • overseas aircraft |
| | • Overseas installation |

Regulation 5

- overseas vessel
- Package
- Pest
- Plant
- police officer
- port
- premises
- proclaimed place
- Protected Zone
- quarantinable disease
- quarantinable pest
- Quarantine area
- Quarantine officer
- Special Quarantine Zone
- Thing
- Treatment
- Vessel
- Voyage.

5 Persons on vessels include master and crew

In these Regulations, unless the contrary intention appears, a reference to a person who is or was on board a vessel or installation, or who travels on a vessel or installation, includes the master and the crew members of the vessel or installation.

Part 2 Vessels and installations

Division 1 General requirements

6 Prescribed diseases (Act s 22)

- (1) For subsection 22 (2) of the Act, the following diseases are prescribed:

- | | |
|-------------------------|---------------------------------|
| • Cholera | • Measles |
| • Dengue fever | • Meningitis |
| • Diphtheria | • Paratyphoid fever |
| • Dysentery | • Pertussis |
| • Encephalitis | • Plague |
| • Gastroenteritis | • Pneumonia |
| • Haemorrhagic fever | • Polio |
| • Hepatitis A | • Rabies |
| • Influenza | • Relapsing fever (louse-borne) |
| • Legionnaire's disease | • Salmonellosis |
| • Leprosy | • Tuberculosis |
| • Malaria | • Typhoid fever |
| | • Typhus fever |
| | • Yellow fever. |

Note Subsection 22 (2) of the Act provides for notice to be given of every case of prescribed disease on a vessel in port.

- (2) Also, an illness during which a person suffers from glandular swelling is prescribed for subsection 22 (2) of the Act.

Note For the meaning of *illness*, see regulation 4.

7 Quarantine signal during daylight hours (Act s 23)

- (1) For section 23 of the Act, the quarantine signal in daylight is the flag signal for the letter Q in the International Code of Signals.

Regulation 8

- (2) However, the signal is the 2-flag signal for the letters Q Q in the International Code of Signals if:
 - (a) on the day or any of the previous 5 days no person on board the vessel or installation is or was suffering from a quarantinable disease; and
 - (b) during the voyage but before the previous 5 days a person on board the vessel or installation was suffering from a quarantinable disease or there was unusual mortality among rats on board the vessel or installation.
- (3) Also, the signal is the 2-flag signal for the letters Q L in the International Code of Signals if on the day or any of the previous 5 days during the voyage, a person on board the vessel or installation is or was suffering from a quarantinable disease.
- (4) For a vessel (other than an aircraft) or an installation, the signal must be displayed either at the masthead or at another position from which the signal can be seen from any point outside the vessel or installation.

Note An aircraft does not have to display a quarantine signal, see section 73 of the *Quarantine Proclamation 1998*.

8 Quarantine signal outside daylight hours (Act s 23)

- (1) For section 23 of the Act, the quarantine signal other than in daylight is a red light displayed not more than 2 metres above a white light.
- (2) For subregulation (1), the lights, for a vessel (other than an aircraft) or an installation, must be:
 - (a) visible on a clear night for 2 nautical miles in every direction; and
 - (b) displayed in a position as nearly as practicable amidships.

Division 2 Reports

9 Vessels arriving from Special Quarantine and Protected Zones (Act s 27A (1))

For paragraph 27A (1) (d) of the Act, a vessel is a prescribed vessel if it:

- (a) is intended to arrive at a place in Australia, except a place in a Special Quarantine Zone or the Protected Zone, from a place in any of those Zones; and
- (b) has a hull proper of 7 metres or less.

Note For the meaning of *hull proper*, see regulation 4.

10 Pre-arrival information (except for aircraft)

- (1) For subsection 27A (2) of the Act, the information set out in the following table is prescribed for a vessel the hull proper of which is 25 metres or more, and for an installation:

Item	Information
1	The name, previous name (if any), voyage number, call sign, country of registry and port of registry of the vessel or installation, and the identifying number (if any) allocated to it by the International Maritime Organisation or Lloyds
2	The type, net and gross tonnage and deadweight of the vessel or installation, and its number of cargo holds, tanks and decks
3	The names of the master, owner, operator and ship's manager of the vessel or installation
4	The last 4 ports of call of the vessel or installation or, if any of those ports is in Australia or the Cocos Islands, its last ports of call since it was last in Australia or the Cocos Islands, and the dates of departure from those ports

Regulation 10

Item	Information
5	The place in Australia or the Cocos Islands where the vessel or installation is to arrive, the berth it will arrive at, its estimated times of arrival at, and departure from, the place
6	The next 3 ports of call in Australia or the Cocos Islands of the vessel or installation before it leaves Australia or the Cocos Islands
7	Whether the vessel or installation has been in any Russian ports located between the parallel of Latitude 35° North and the parallel of Latitude 65° North between July and September in the previous 12 months
8	Whether the vessel or installation has carried livestock or grain in the last 6 cargoes
9	The date and place of issue of the Deratting Certificate or the Deratting Exemption Certificate for the vessel or installation
10	If any person on board the vessel or installation died during the voyage, the number of deaths and the cause, or suspected cause, of each death
11	If any person on board the vessel or installation during the voyage is found to be suffering from an illness, the cause, or suspected cause, of the illness, any treatment that the person has had on board the vessel or installation during the voyage, and the number of people who are found to be suffering from the illness
12	If any live animal is on board the vessel or installation, the number of animals on board, and a description, including the health and condition, of the animals
13	If any animal died during the voyage, the number of animals that died and how the animals were disposed of
14	Whether, since leaving the last port of call of the vessel or installation, any bees have been on board
15	The total mass (in tonnes) of ballast on board the vessel or installation and the maximum ballast capacity (in tonnes) of the vessel or installation

Regulation 10

Item	Information
16	The last 3 locations where ballast water was taken up and the dates of the uptakes
17	The mass (in tonnes) of ballast water taken up for each tank at the last location
18	Whether a ballast water management plan applies to the vessel or installation and whether the plan has been implemented during the voyage
19	Any treatments applied to ballast water carried on, or discharged from, the vessel or installation during the voyage
20	If ballast water treatments were not carried out or not fully carried out, reasons for not carrying out treatments
21	Whether ballast water will be discharged while the vessel is in Australia or the Cocos Islands or the installation is in Australian waters, and details of any proposed discharge, including dates, locations and mass (in tonnes) of discharge
22	The name of, and how to contact, the vessel's or installation's agent in Australia or the Cocos Islands

Note For the meaning of *estimated time*, *hull proper* and *illness*, see regulation 4.

- (2) For subsection 27A (2) of the Act, the information set out in the following table is prescribed for a vessel the hull proper of which is less than 25 metres:

Item	Information
1	The name of the vessel
2	The last port of call of the vessel and the date of departure from that port of call
3	The number of persons on board the vessel
4	If any person on board the vessel during the voyage is found to be suffering from an illness, the cause, or suspected cause, of the illness and the number of people who are found to be suffering from the illness

Regulation 11

Item	Information
5	If any live animal is on board the vessel, the number of animals on board, and a description, including the health and condition, of the animals
6	If any animal died during the voyage, the number of animals that died and how the animals were disposed of
7	The estimated time of arrival of the vessel at the port or place

Note For the meaning of *estimated time*, *hull proper* and *illness*, see regulation 4.

11 When and how pre-arrival information (except for aircraft) to be given

- (1) For subsection 27A (2) of the Act, the information must:
- (a) be given:
 - (i) between 48 hours before and 12 hours before the estimated time of arrival of the vessel or installation; or
 - (ii) if a quarantine officer has notified the master of the vessel or installation that the information is to be given within a different period, within that period; and
 - (b) for a vessel the hull proper of which is 25 metres or more or an installation — be in writing and given to a quarantine officer; and
 - (c) for a vessel the hull proper of which is less than 25 metres — be given orally or in writing to a quarantine officer.

Note 1 For the meaning of *estimated time* and *hull proper*, see regulation 4.

Note 2 The information may, in certain circumstances, be given electronically — see the *Electronic Transactions Act 1999*.

- (2) However, if the information changes after it is given, it must be given again as soon as possible.

Regulation 13**12 Pre-arrival information for aircraft**

For subsection 27B (2) of the Act, the information set out in the following table is prescribed:

Item	Information
1	For a non-scheduled flight, the identity of the aircraft, the place in Australia or the Cocos Islands where the aircraft is to arrive and its estimated time of arrival
2	If any person on the aircraft died during the flight or is found to be suffering from an illness, a statement to that effect
3	If arrangements for disinsection of the aircraft in a manner approved by a Director of Quarantine have not been complied with, a statement to that effect
4	If any live animal is on board the aircraft, a statement to that effect
5	If any animal died during the flight, a statement to that effect

Note For the meaning of *estimated time* and *illness*, see regulation 4.

13 When, how and where pre-arrival information for aircraft to be given

(1) For subsection 27B (2) of the Act, the information:

- (a) must be given:
 - (i) after take-off and at least 30 minutes before the aircraft starts its descent to arrive at a place in Australia or the Cocos Islands; or
 - (ii) if a quarantine officer has notified the commander of the aircraft that the information is to be given at a different time, at that time; and
- (b) must be given to a quarantine officer:
 - (i) for an aircraft referred to in paragraph 27B (1) (a) of the Act — at the place or, if there is no quarantine officer at the place, at a landing place; and

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- (ii) for an aircraft referred to in paragraph 27B (1) (b) of the Act — at the place or, if there is no quarantine officer at the place, at a landing place or a first port of entry for vessels other than aircraft.

Note For a list of landing places and first ports of entry, see sections 9 and 17 of the *Quarantine Proclamation 1998*.

- (2) However, if the information changes after it is given, it must be given again as soon as possible.
- (3) For subsection 27B (2) of the Act, the information may be given by radiocommunication or telecommunication.

14 Masters to report prescribed diseases (Act s 27A (4))

For subsection 27A (4) of the Act, the diseases mentioned in subregulation 6 (1) are prescribed.

Note Subsection 27A (4) of the Act provides for additional reporting requirements if any people on a vessel (other than an aircraft) or installation are found to be suffering from a prescribed disease.

15 When masters to report death

- (1) If, during the reporting period, a person on board an overseas vessel or overseas installation dies, the master of the vessel or installation must, as soon as practicable, give to a quarantine officer the name of the person and the date and the cause, or suspected cause, of the person's death.

Penalty: 50 penalty units.

- (2) For subregulation (1), the **reporting period**:
 - (a) starts at the end of the period within which the master was required to give information to a quarantine officer under subsection 27A (2) or 27B (2) of the Act; and
 - (b) ends when the vessel or installation leaves its last port of call before departure from Australia or the Cocos Islands.

Regulation 16**16 Operators to report intended importation of animals**

- (1) This regulation applies to an animal that:
- (a) was alive when it was brought on board the vessel or installation; and
 - (b) is to be imported:
 - (i) into Australia or the Cocos Islands; or
 - (ii) from the Cocos Islands into Australia.
- (2) The operator of an overseas vessel (other than an aircraft) or an overseas installation on which it is intended to import the animal must give to a quarantine officer notice of the intended importation:
- (a) at least 48 hours before the estimated time of arrival of the vessel or installation at the port where the animal is to be landed; or
 - (b) if a quarantine officer has given the operator permission in writing for another time, before that other time.

Penalty: 50 penalty units.

Note Permission may, in certain circumstances, be given electronically — see the *Electronic Transactions Act 1999*.

- (3) The operator of an overseas aircraft on which it is intended to import the animal must give to a quarantine officer notice of the estimated times for the matters mentioned in subregulation (4):
- (a) at least 48 hours before the estimated time of departure of the aircraft from the place where the animal is consigned; or
 - (b) if a quarantine officer has given the operator permission in writing for another time, before that other time.

Penalty: 50 penalty units.

Note Permission may, in certain circumstances, be given electronically — see the *Electronic Transactions Act 1999*.

- (4) For subregulation (3), the matters are:
- (a) the aircraft's departure from the place where the animal is consigned; and

Regulation 17

- (b) the aircraft's arrival at and departure from any place where the aircraft is to call before its arrival at the place where the animal is to be landed; and
- (c) its arrival at the place where the animal is to be landed.

Note 1 For the meaning of *estimated time*, see regulation 4.

Note 2 For notices, see regulation 77.

17 When death or escape of animals to be reported

The master of an overseas vessel or overseas installation must report the death or escape of an animal on the vessel or installation immediately to a quarantine officer if the animal dies or escapes:

- (a) after the period within which the master was required to give information to a quarantine officer under subsection 27A (2) or 27B (2) of the Act; and
- (b) before the vessel or installation leaves its last port of call before departure from Australia or the Cocos Islands.

Penalty: 50 penalty units.

18 Matters about which masters etc must answer questions

For subsection 28 (1) of the Act, the matters set out in the following table are prescribed:

Item	Information
1	The name, previous name (if any), voyage number, call sign, country of registry and port of registry of the vessel or installation, and the identifying number (if any) allocated to it by the International Maritime Organisation or Lloyds
2	The type, net and gross tonnage and deadweight of the vessel or installation, the hull proper (in metres) of the vessel, and the number of cargo holds, tanks and decks of the vessel or installation
3	The names of the master, owner, operator and ship's manager of the vessel or installation

Regulation 18

Item	Information
4	The last 4 ports of call of the vessel or installation or, if any of those ports is in Australia or the Cocos Islands, its last ports of call since it was last in Australia or the Cocos Islands, and the dates of departure from those ports
5	The estimated time of departure of the vessel or installation from the port or place in Australia or the Cocos Islands at which it has arrived or landed, or is expected to arrive or land
6	The next 3 ports of call in Australia or the Cocos Islands of the vessel or installation before it leaves Australia or the Cocos Islands, its estimated times of arrival at, and departure from, those ports
7	Whether the vessel or installation has been in any Russian ports located between the parallel of Latitude 35° North and the parallel of Latitude 65° North between July and September in the previous 12 months
8	Whether the vessel or installation has carried livestock or grain in the last 6 cargoes
9	The date and place of issue of the Deratting Certificate or the Deratting Exemption Certificate for the vessel or installation
10	The number of persons on board the vessel or installation when it arrived at the port or place, and the name and home address, and proposed address in Australia or the Cocos Islands, of each of those persons
11	If any person on board the vessel or installation died during the voyage, the number of deaths and the cause, or suspected cause, of each death
12	If any person on board the vessel or installation during the voyage is found to be suffering from an illness, the cause, or suspected cause, of the illness, any treatment that the person has had on board the vessel or installation during the voyage, and the number of people who are found to be suffering from the illness

Regulation 18

Item	Information
13	If any live animal is on board the vessel or installation, the number of animals on board, and a description, including the health and condition, of the animals
14	If any animal died during the voyage, the number of animals that died and how the animals were disposed of
15	Whether, since leaving the last port of call of the vessel or installation, any bees have been on board
16	The existence, health and condition of any plants on board the vessel or installation during the voyage
17	The identity and condition of any other goods on board the vessel or installation during the voyage
18	The ports or other places where persons, animals, plants or other goods came on board or were put on board the vessel or installation
19	The existence of any disease or pests at the ports of departure or call, or on board the vessel or installation or in contact with the vessel or installation
20	The sanitary condition and details of any treatment of the vessel or installation, including any treatment for hull fouling, during the voyage
21	The total mass (in tonnes) of ballast on board the vessel or installation and the maximum ballast capacity (in tonnes) of the vessel or installation
22	The last 3 locations where ballast water was taken up and the dates of the uptakes
23	The mass (in tonnes) of ballast water taken up for each tank at the last location
24	Whether a ballast water management plan applies to the vessel or installation and whether the plan has been implemented during the voyage
25	Any treatments applied to ballast water carried on, or discharged from, the vessel or installation during the voyage

Regulation 19

Item	Information
26	If ballast water treatments were not carried out or not fully carried out, reasons for not carrying out treatments
27	Whether ballast water will be discharged while the vessel is in Australia or the Cocos Islands or the installation is in Australian waters, and details of any proposed discharge, including dates, locations and mass (in tonnes) of discharge
28	The name of, and how to contact, the vessel's or installation's agent in Australia or the Cocos Islands

Note 1 Section 28 of the Act deals with requirements for the master, commander, medical officer or agent of the operator to answer questions.

Note 2 For the meaning of *estimated time*, *hull proper* and *illness*, see regulation 4.

19 Other matters that certain vessels must report

- (1) This regulation applies to a vessel (other than an aircraft) the hull proper of which is less than 25 metres that has arrived at a port or place in Australia or the Cocos Islands.

Note For the meaning of *hull proper*, see regulation 4.

- (2) The master of the vessel must report the following matters to a quarantine officer at the port or place:
- (a) any proposed change of moorings of the vessel;
 - (b) the estimated time of departure of the vessel from the port or place, and whether the port or place is the last port of call of the vessel before it leaves Australia or the Cocos Islands.

Note For the meaning of *estimated time*, see regulation 4.

- (3) The master must report the matters mentioned in subregulation (2):
- (a) at least 48 hours before the proposed change or the departure; or
 - (b) if a quarantine officer has given the master permission for another time, before that other time.

Regulation 20

20 Requirement to complete or correct information

- (1) This regulation applies to a person who:
 - (a) is required to give or report information under regulation 15, 16, 17 or 19; or
 - (b) gives information to a quarantine officer that is required to be given or reported under any of those provisions.
- (2) If the person becomes aware that the information is incomplete or inaccurate, the person must give the complete or correct information to a quarantine officer as soon as practicable.

Penalty: 50 penalty units.

21 False or misleading information

- (1) A person must not give or report information or cause information to be given or reported to a quarantine officer under regulation 15, 16, 17, 19 or 20 (whether the requirement to give or report the information is made of the person or another person) that is false or misleading in a material detail.

Penalty: 50 penalty units.

- (2) A person must not give or report information or cause information to be given or reported to a quarantine officer under regulation 15, 16, 17, 19 or 20 (whether the requirement to give or report the information is made of the person or another person), if:
 - (a) the information is false or misleading in a material detail; and
 - (b) the person is negligent as to whether the information is false or misleading in that detail.

Penalty: 40 penalty units.

Division 3 Sanitary and other requirements

22 Requirement to ensure vessels and installations in sanitary condition

The master of an overseas vessel or overseas installation at a port or other place in Australia or the Cocos Islands must take reasonable steps to ensure the vessel or installation is in a sanitary condition and is not carrying diseases or pests.

Penalty: 40 penalty units.

23 Disinsection of overseas aircraft

The commander of an overseas aircraft (or, if the commander is not the operator of the aircraft, the operator of the aircraft) must make arrangements for the disinsection of the aircraft in a manner, and within a time, approved by a Director of Quarantine.

Penalty: 50 penalty units.

24 Deratting certificates

- (1) A quarantine officer must issue a Deratting Certificate for a vessel or installation if:
 - (a) the master or owner of the vessel or installation has applied for a Deratting Certificate; and
 - (b) the officer is satisfied that the deratting of the vessel or installation is completed.
- (2) A quarantine officer must issue a Deratting Exemption Certificate for a vessel or installation if:
 - (a) the master or owner of the vessel or installation has applied for a Deratting Exemption Certificate; and
 - (b) the officer is satisfied that the vessel or installation is free of rats.

Note For the issue of a Deratting Certificate, see Article 53 of the International Health Regulations.

Regulation 25

25 Certificates specifying measures for vessels or installations leaving proclaimed places

- (1) This regulation applies to a vessel or installation if:
- (a) it is about to depart from a proclaimed place in Australia or the Cocos Islands; and
 - (b) measures have been taken by or under the supervision of a quarantine officer to prevent it or a person or goods on it from spreading or causing the spread of a quarantinable disease or a quarantinable pest.

Note For the meaning of **proclaimed place**, see section 12 of the Act. For a list of proclaimed places, see section 22 of the *Quarantine Proclamation 1998*.

- (2) The quarantine officer may give to the operator, master or agent of the vessel or installation a certificate specifying the measures taken.

26 Masters to ensure stores etc are not discharged etc

The master of an overseas vessel or overseas installation that is at a port in Australia or the Cocos Islands must take reasonable measures to prevent any person discharging or removing stores or waste from the vessel or installation without the master's permission.

Penalty: 40 penalty units.

Note **Port** includes, in relation to an aircraft, any place at which an aircraft can land, whether a landing place or not, see subsection 5 (1) of the Act.

27 Stores etc not to be discharged etc

- (1) A person must not discharge or remove stores or waste from an overseas vessel or overseas installation at a port in Australia or the Cocos Islands unless the master of the vessel or installation has given the person permission to do so.

Penalty: 30 penalty units.

Note **Port** includes, in relation to an aircraft, any place at which an aircraft can land, whether a landing place or not, see subsection 5 (1) of the Act.

- (2) Strict liability, within the meaning of section 6.1 of the *Criminal Code*, applies to an offence against subregulation (1).

28 Stores and waste may be secured

- (1) A quarantine officer may secure any stores or waste that are on an overseas vessel or overseas installation at a port in Australia or the Cocos Islands to ensure that regulations 26 and 27 are complied with.
- (2) A person must not interfere with the stores or waste, or the means of its security, without the master's permission.

Penalty: 50 penalty units.

Note **Port** includes, in relation to an aircraft, any place at which an aircraft can land, whether a landing place or not, see subsection 5 (1) of the Act.

29 Master's permission

A permission given by the master under regulation 26, 27 or 28 may be given orally or in writing, and must be expressed to apply for a particular period.

Note Permission may, in certain circumstances, be given electronically — see the *Electronic Transactions Act 1999*.

30 Control of animals that are not to be imported

For subparagraph 68A (b) (ii) of the Act, the master of a vessel or installation to which section 68A of the Act applies must keep an animal to which that section applies on board the vessel or installation while the vessel or installation is in Australia or the Cocos Islands.

Penalty: 50 penalty units.

Note Under section 68A of the Act, if the master of a vessel or installation fails to comply with any prescribed condition relating to the control or confinement of an animal, a quarantine officer may destroy the animal.

Regulation 31

Part 3 Persons travelling to Australia or the Cocos Islands

Division 1 General requirements

31 When addresses to be given to quarantine officers

- (1) A quarantine officer may give, to a person who travels to a place in Australia or the Cocos Islands on an overseas vessel or overseas installation, a notice requesting the person to tell a quarantine officer at the port where the person disembarks, the address in Australia or the Cocos Islands where the person intends to stay immediately after disembarkation.

- (2) The person must comply with the notice within the period stated in it.

Penalty: 30 penalty units.

- (3) A quarantine officer may give, to a person who travels to a place in Australia or the Cocos Islands on an overseas vessel or overseas installation, a notice requesting the person to tell a quarantine officer at the port where the person disembarks, the person's new address each time the person's address changes during the period ending 14 days after the later of:

- (a) when the person is given the notice; and
- (b) when the person disembarks from the vessel or installation.

- (4) The person must comply with the notice, in respect of each change, within the period after the change stated in the notice.

Penalty: 30 penalty units.

- (5) Strict liability, within the meaning of section 6.1 of the *Criminal Code*, applies to an offence against subregulation (2) or (4).

Note For notices, see regulation 77.

Division 2 Arrival from yellow fever proclaimed places

32 Yellow fever proclaimed places

A *yellow fever proclaimed place* is a place declared under section 12 of the Act to be a place infected with yellow fever, or from or through which yellow fever can be brought or carried.

Note Under section 21 of the *Quarantine Proclamation 1998*, yellow fever is declared to be a quarantine disease. For a list of places declared to be infected with yellow fever, see section 22 of the *Quarantine Proclamation 1998*.

33 Travel from yellow fever proclaimed places

For this Division, a person is taken to have travelled to Australia or the Cocos Islands from a yellow fever proclaimed place if the person was at the yellow fever proclaimed place not more than 6 days before the person arrived in Australia or the Cocos Islands.

34 Requirement for international vaccination certificates

- (1) A person who travels on a vessel or installation from a yellow fever proclaimed place must:
 - (a) on arrival of the vessel or installation at a place in Australia or the Cocos Islands, have an international certificate that complies with regulation 35; and
 - (b) on arriving at the first place where the person disembarks in Australia or the Cocos Islands, show to a quarantine officer or an officer of Customs an international certificate that complies with regulation 35.

Penalty: 30 penalty units.

Note For when a person to whom this regulation applies may be ordered into quarantine, see subsection 35 (1A) of the Act and regulation 38.

- (2) Strict liability, within the meaning of section 6.1 of the *Criminal Code*, applies to an offence against subregulation (1).

Regulation 35

- (3) A person who contravenes subregulation (1) may be prosecuted for an offence under either paragraph (1) (a) or (b), but not both.

35 What international vaccination certificates must contain

- (1) An international certificate issued for a person who travels to Australia or the Cocos Islands from a yellow fever proclaimed place must comply with subregulations (2), (3) and (4).
- (2) The certificate must state the date or dates, within the relevant period, on which the person was vaccinated or revaccinated against yellow fever.
- (3) For subregulation (2), the *relevant period* means the period from 10 years before the day the person arrives in Australia or the Cocos Islands to 10 days before that day.
- (4) For each date when the person is certified as vaccinated or revaccinated against yellow fever, the certificate must:
- (a) be signed personally:
 - (i) for certificates signed in Australia or the Cocos Islands, by a medical practitioner who is approved by a State or Territory public health authority to sign international certificates; or
 - (ii) if subparagraph (i) does not apply, by a person who is authorised by the national health administration of the country where the certificate is signed; and
 - (b) state the office or professional status of the person who signed the certificate; and
 - (c) display the official stamp of a vaccinating centre approved by a national health administration for vaccinating persons against yellow fever in the country where the person was vaccinated or revaccinated; and
 - (d) show that the vaccine with which the person was vaccinated or revaccinated was manufactured by an authority approved by the World Health Organization for manufacturing vaccine for the vaccination of persons against yellow fever.

Note For the meaning of *health administration*, see regulation 4.

Part 4 Performance of quarantine

Division 1 Orders into quarantine

36 Orders must be in writing

An order into quarantine given to a person under the Act or these Regulations must be in writing.

Note The order may, in certain circumstances, be given electronically — see the *Electronic Transactions Act 1999*.

37 Persons to whom orders may be given

- (1) This regulation applies to an order into quarantine under the following provisions:
 - (a) subsection 35A (3) of the Act;
 - (b) paragraph 44C (2) (a) of the Act;
 - (c) subsection 44D (2) or 52 (4) of the Act;
 - (d) paragraph 52A (2) (a) or 53 (2) (a) of the Act;
 - (e) subsection 54 (2) or (3) of the Act;
 - (f) paragraph 55A (1) (b) or 66AA (1) (g) of the Act;
 - (g) regulation 47.
- (2) The order may be given:
 - (a) in relation to a person who has turned 18 and is ordered into quarantine — to the person; and
 - (b) in relation to a person who has not turned 18 — to a parent or guardian of the person; and
 - (c) in relation to an animal or plant, or other goods, ordered into quarantine — to the importer or any person having possession or custody of the animal, plant or other goods; and
 - (d) in relation to a person, animal or plant, or other goods, on board a vessel or installation — to the master of the vessel or installation.

Regulation 38

38 Prescribed disease and period (Act s 35 (1A))

For subsection 35 (1A) of the Act:

- (a) yellow fever is a prescribed disease; and
- (b) the prescribed period is from 10 years before the day the person arrives in Australia or the Cocos Islands to 10 days before that day.

Note Subsection 35 (1A) of the Act provides that a quarantine officer may order a person into quarantine in the circumstances mentioned in the subsection.

39 Vessels and installations arriving from proclaimed places

For subsections 35 (2) and (2A) of the Act, a quarantine officer must not order a vessel or installation into quarantine if the quarantine officer:

- (a) inspects the vessel or installation; and
- (b) makes the inquiries that the officer considers necessary; and
- (c) is satisfied the vessel or installation is not a danger to public health.

Note For the meaning of *proclaimed places*, see section 12 of the Act. For a list of proclaimed places, see section 22 of the *Quarantine Proclamation 1998*.

40 Prescribed Acts (Act s 46A)

For subparagraphs 46A (3) (a) (iii) and (9) (f) (iii) of the Act, the Acts mentioned in Schedule 1 are prescribed.

Note 1 Subparagraph 46A (3) (a) (iii) of the Act provides that a person, who applies for approval of a place for treating or dealing with goods of a specified class, may be required to make and sign a written declaration stating whether the person has been convicted of an offence against a prescribed Act.

Note 2 Subparagraph 46A (9) (f) (iii) of the Act provides that approval of a place for treating or dealing with goods of a specified class that are subject to quarantine may be suspended or revoked if a relevant person is convicted of an offence against a prescribed Act.

Division 2 Performance of quarantine by persons

41 Obligation to perform quarantine

- (1) Subregulation (2) applies to a person who:
 - (a) is ordered into quarantine under subsection 35 (1) of the Act; and
 - (b) is infected or, in the opinion of a quarantine officer, is likely to be infected, with a quarantinable disease.
- (2) The person must perform quarantine for the period mentioned in regulation 42 for the disease.
- (3) Subregulation (4) applies to a person who:
 - (a) is ordered into quarantine under subsection 35 (1A) of the Act; and
 - (b) fails to satisfy a quarantine officer (human quarantine) that the person has, within the period mentioned in regulation 38, been successfully vaccinated or inoculated against yellow fever.
- (4) The person must perform quarantine for the period mentioned in regulation 42 for yellow fever.
- (5) Subregulation (6) applies to a person who:
 - (a) is ordered into quarantine under subsection 35A (3) of the Act; and
 - (b) is suffering from, or is suspected to be suffering from or have been exposed to, infection by a communicable disease.
- (6) The person must perform quarantine until a medical practitioner certifies that the person is no longer capable of spreading the disease to other people.

Regulation 42

Division 3 Quarantine surveillance of persons

42 Periods for which persons are subject to quarantine

- (1) For subsection 34 (3) of the Act, the following periods are prescribed:
- (a) for cholera — 5 days;
 - (b) for plague — 7 days;
 - (c) for viral haemorrhagic fever — 21 days;
 - (d) for yellow fever — 6 days;
 - (e) for rabies — 14 days.

Note Under section 21 of the *Quarantine Proclamation 1998*, cholera, plague, rabies, viral haemorrhagic fevers and yellow fever are declared to be quarantinable diseases.

- (2) A period stated in subregulation (1) in relation to a disease starts at the end of the last day when, in the opinion of a quarantine officer (human quarantine), the person was exposed to infection by the disease.

Note Subsection 34 (3) of the Act provides that certain persons must continue to be subject to quarantine until such period as is prescribed. Under that subsection, the person must comply with the regulations relating to quarantine surveillance.

43 Medical examination

- (1) A quarantine officer may, by notice to a person subject to quarantine, require the person to submit to a medical examination by a medical practitioner identified in the notice within the period stated in the notice.

Note For notices, see regulation 77.

- (2) The person must:
- (a) comply with the notice within the period stated in the notice; and

Regulation 45

- (b) if a symptom of illness or other disease appears in the person, immediately report the symptom to the medical practitioner.

Note 1 For the meaning of *illness*, see regulation 4.

Note 2 For the penalty for non-compliance with this regulation by persons who are subject to quarantine and under quarantine surveillance, see subsection 34 (3) or 45 (4) of the Act.

44 Cost of medical services

- (1) The Commonwealth is not liable to pay medical expenses incurred for:
- (a) the attendance of the person before the medical practitioner mentioned in regulation 43; or
 - (b) the examination of the person by the medical practitioner; or
 - (c) any other medical service received by the person from the medical practitioner.
- (2) However, if a person fails to pay the amount, or part of the amount, of medical expenses mentioned in subregulation (1) incurred by the person, the Minister may pay that amount, or that part of the amount, for the person out of money made available for the purpose by the Parliament.
- (3) An amount paid for a person under subregulation (2) is a debt due to the Commonwealth and may be recovered from the person by action in a court of competent jurisdiction.

45 Change of residence

A person under quarantine surveillance must not change his or her residence, or leave the State or Territory in which the person is located, unless a quarantine officer has given the person permission in writing to do so.

Note 1 Permission may, in certain circumstances, be given electronically — see the *Electronic Transactions Act 1999*.

Note 2 For non-compliance with this regulation by persons who are subject to quarantine and under surveillance, see subsection 34 (3) or 45 (4) of the Act.

Regulation 46

46 Conditions of release under surveillance

- (1) A quarantine officer may, by written notice given to a person released under quarantine surveillance, impose conditions for the release.
- (2) A person mentioned in subregulation (1) must comply with any condition imposed for the release by the quarantine officer.

Note For non-compliance with this regulation by persons who are subject to quarantine and under surveillance, see subsection 34 (3) or 45 (4) of the Act.

47 Failure to comply with Act and Regulations

A quarantine officer may order a person into quarantine if:

- (a) the person is released under quarantine surveillance; and
- (b) the person fails to comply with the requirements of the Act, or these Regulations, in relation to quarantine surveillance; and
- (c) the officer is satisfied that if the person were not ordered into quarantine there would be a danger to public health.

Part 5 Importation of goods

Division 1 Preliminary

48 Definitions for Part 5

In this Part:

goods imported into Australia includes goods imported into Australia from the Cocos Islands.

goods imported into the Cocos Islands does not include goods imported into the Cocos Islands from Australia.

Regulation 49

Division 2 Notice of importation

49 Exempt goods

For subsection 16AC (3) of the Act, subsection 16AC (2) of the Act does not apply to goods imported:

- (a) as the accompanied baggage of a person who travels to Australia or the Cocos Islands on an overseas vessel or installation; or
- (b) in mail, if the goods:
 - (i) are not goods of a kind that are prescribed under paragraph 68 (1) (e) of the *Customs Act 1901*; and
 - (ii) have a value of not more than \$1 000, or such other amount as is prescribed for subparagraph 68 (1) (e) (ii) of the *Customs Act 1901*.

Note Section 16AC of the Act deals with giving notice of proposed importation of goods into Australia or the Cocos Islands.

50 Manner of giving notice and information required

- (1) For subsection 16AC (4) of the Act, notice under subsection 16AC (1) or (2) of the Act must be given in writing to a quarantine officer or an officer of Customs.

Note The notice may, in certain circumstances, be given electronically — see the *Electronic Transactions Act 1999*.

- (2) The information that, subject to regulations 51 and 52, must be given in the notice is set out in the following table:

Item	Information
1	The name and address of the owner of the goods
2	The name and address of the importer of the goods (if the owner is not the importer)
3	The name of the supplier of the goods
4	The country of origin of the goods
5	The time of arrival, or estimated time of arrival, of the goods

Regulation 50

Item	Information
6	The identification of the vessel or installation that conveyed the goods to Australia or the Cocos Islands
7	The port where the vessel or installation first arrives in Australia or the Cocos Islands (if known)
8	The overseas port of loading
9	The port where the goods are unloaded or discharged
10	The port of intended final destination of the goods
11	The number of bill of lading, master airway bill or house bill for the goods
12	The number of packages of the goods
13	The type of package or packages
14	The shipping marks (if any) for the goods
15	The container number or numbers (if any) of each container containing the goods
16	Customs import entry number (if any) of the goods
17	The description of the goods including the predominant material from which the goods are made
18	The port of lodgment of the Customs import entry (if any)
19	The Harmonised Tariff Item Statistical Code (HTISC) (if known) for the goods
20	The name of the brokerage company (if any) for the importation
21	The reference number of the brokerage company (if any)
22	The registration number (if any) allocated by a Director of Quarantine for an overseas treatment provider for the goods

Regulation 51

51 Low-value goods

- (1) This regulation applies in relation to goods (other than goods prescribed for paragraph 68 (1) (f) of the *Customs Act 1901*) imported into Australia or the Cocos Islands that:
- (a) are consigned (otherwise than by post) by one person to another; and
 - (b) are transported to Australia or the Cocos Islands in the same vessel or installation; and
 - (c) have a value not exceeding \$1 000, or such other amount as is prescribed for subparagraph 68 (1) (f) (iii) of the *Customs Act 1901*.
- (2) Notice under subsection 16AC (1) or (2) of the Act must be given in writing by giving to a quarantine officer or an officer of Customs:
- (a) a notice mentioned in regulation 50; or
 - (b) a notice containing the matters mentioned in the following table:

Item	Information
1	The name and address of the importer of the goods
2	The name and address of the owner of the goods (if the owner is not the importer)
3	The identification of the vessel or installation that conveyed the goods to Australia or the Cocos Islands, or its voyage number
4	The name of the place from where the vessel or installation brought the goods to Australia or the Cocos Islands
5	The port where the vessel or installation first arrives in Australia or the Cocos Islands (if known)
6	The port where the goods are unloaded or discharged
7	The port of intended final destination of the goods
8	The date of arrival of the vessel or installation
9	The name and address of the owner of the goods
10	The description of the goods including the predominant material from which the goods are made

Regulation 52

Item	Information
11	The Harmonised Tariff Item Statistical Code (HTISC) (if known) for the goods
12	The signature of the importer or the importer's agent
13	The location of the place nominated for the inspection of the goods

Note The notice may, in certain circumstances, be given electronically — see the *Electronic Transactions Act 1999*.

52 Goods imported for the Olympics

For goods described in regulation 125A of the *Customs Regulations 1926*, notice under subsection 16AC (1) or (2) of the Act must be given in writing by giving to a quarantine officer or an officer of Customs:

- (a) a notice mentioned in regulation 50; or
- (b) a notice containing the matters mentioned in the following table:

Item	Information
1	The name and address of the importer of the goods
2	The name and address of the owner of the goods (if the owner is not the importer)
3	The identification of the vessel or installation that conveyed the goods to Australia or the Cocos Islands, or its voyage number
4	The name of the place from where the vessel or installation brought the goods to Australia or the Cocos Islands
5	The port where the vessel or installation first arrives in Australia or the Cocos Islands (if known)
6	The port where the goods are unloaded or discharged
7	The port of intended final destination of the goods
8	The description of the goods including the predominant material from which the goods are made

Regulation 53

Item	Information
9	The quantity or mass of the goods
10	The signature of the importer or the importer's agent
11	The location of the place nominated for inspection of the goods

Note 1 Regulation 125A of the *Customs Regulations 1926* deals with goods imported on a temporary basis for the Sydney 2000 Olympic Games.

Note 2 The notice may, in certain circumstances, be given electronically — see the *Electronic Transactions Act 1999*.

53 When lodgment of entry constitutes giving notice

For subsection 16AC (5) of the Act, for goods imported into Australia or the Cocos Islands, entering the goods for home consumption, warehousing or transshipment constitutes giving notice under subsection 16AC (1) or (2) of the Act for the goods if the entry:

- (a) is made or transmitted under section 71A of the *Customs Act 1901*; and
- (b) is communicated to Customs under section 71K or 71L of that Act; and
- (c) contains the information required by Customs to be included in an entry of that kind including a document or information required under section 71D of that Act.

54 Certain manifests taken to constitute notice of importation into Australia or the Cocos Islands

- (1) Subregulation (2) applies to:
 - (a) empty containers; and
 - (b) goods imported as the unaccompanied baggage of a person who travels to Australia or the Cocos Islands on an overseas vessel or installation.

Regulation 55

- (2) For subsection 16AC (5) of the Act, giving a copy of the manifest of the vessel or installation on which the containers or goods are imported is taken to constitute giving notice under subsection 16AC (1) or (2) of the Act for the containers or goods if the manifest:
- (a) is given to a quarantine officer; and
 - (b) is complete and accurate in its information about the containers or goods.

Note For the meaning of *container*, see regulation 4.

55 Certain manifests taken to constitute notice of importation into Cocos Islands

- (1) Subregulation (2) applies to:
- (a) goods imported into the Cocos Islands from Australia; and
 - (b) goods mentioned in regulation 51 or 52 or in paragraph 54 (1) (a) or (b) that are imported into the Cocos Islands.
- (2) For subsection 16AC (5) of the Act, giving a copy of the manifest of the vessel or installation on which the goods are imported is taken to constitute giving notice under subsection 16AC (1) or (2) of the Act if the manifest:
- (a) is given to a quarantine officer in the Cocos Islands; and
 - (b) is complete and accurate in its information about the goods.

Regulation 56

Division 3 Processing of release of goods

56 Division does not apply to certain baggage and mail

This Division does not apply to goods mentioned in regulation 49.

57 Release and examination

- (1) A notice that goods are released from quarantine, or released under quarantine surveillance, must be given in writing.

Note The notice may, in certain circumstances, be given electronically — see the *Electronic Transactions Act 1999*.

- (2) A notice that further information, or an examination of the goods, is required before the goods are released from quarantine, or released under quarantine surveillance, must be given in writing.

Note 1 The notice may, in certain circumstances, be given electronically — see the *Electronic Transactions Act 1999*.

Note 2 For a notice that further information is required, see section 16AD of the Act.

Part 6 Infringement notice offences and infringement notices

Division 1 Infringement notice offences

58 False or misleading Incoming Passenger and Master and Crew Declaration Cards

- (1) A person must not give, to a question about a quarantine matter on an Incoming Passenger Card or a Master and Crew Declaration Card, a false or misleading answer (even if the answer is in relation to somebody else).

Penalty: 10 penalty units.

- (2) Strict liability, within the meaning of section 6.1 of the *Criminal Code*, applies to an offence against subregulation (1).
- (3) For subregulation (1):

answer includes an answer given by marking a square printed on a card for that purpose.

Incoming Passenger Card means a card in the form approved from time to time as the Incoming Passenger Card by a Director of Quarantine.

Master and Crew Declaration Card means a card in the form approved from time to time as the Master and Crew Declaration Card by a Director of Quarantine.

- (4) Nothing in subregulation (3) prevents the approval, as an Incoming Passenger Card or a Master and Crew Declaration Card, of a card in a form that:
- (a) is also approved for another purpose under a law of the Commonwealth; or
 - (b) contains questions about matters arising under a law of the Commonwealth other than the Act or these Regulations.

Division 2 Infringement notices

59 Definitions for Division 2

In this Division:

infringement notice means a notice under regulation 60.

infringement notice offence means:

- (a) a contravention, by a person who travelled to Australia or the Cocos Islands on an overseas vessel, of subsection 70A (3) or (4) of the Act at a landing place, a section 20AA place or a first port of entry; or
- (b) a contravention of subregulation 58 (1).

Note For a list of landing places, see sections 9 and 17 of the *Quarantine Proclamation 1998*. For a list of first ports of entry, see sections 8, 9, 16 and 17 of the *Quarantine Proclamation 1998*.

prescribed penalty means:

- (a) in relation to an infringement notice offence involving goods that:
 - (i) are prohibited for importation into Australia or the Cocos Islands by a Proclamation under section 13 of the Act; and
 - (ii) are subject to forfeiture under section 68 of the Act — 1 penalty unit; or
- (b) in any other case — half a penalty unit.

quarantine clearance area means an area where functions under the Act or these Regulations are performed at a landing place, a section 20AA place or a first port of entry.

section 20AA place means a place specified in a notice given under section 20AA of the Act.

60 When infringement notices may be served

- (1) If there are reasonable grounds to believe that a person has committed an infringement notice offence, a quarantine officer may cause an infringement notice to be served on the person.

Regulation 63

- (2) However, if a person who is alleged to have contravened subsection 70A (3) or (4) of the Act leaves the port, place of entry or section 20AA place where the contravention is alleged to have occurred without an infringement notice being served on him or her for the contravention, an infringement notice for the contravention must not be served on him or her later.

61 Name and address of persons on whom infringement notices are served

If an infringement notice is served on a person, a quarantine officer may require the person:

- (a) to give to the quarantine officer the person's name and address in Australia or the Cocos Islands; and
- (b) to show to the quarantine officer evidence of the person's identity.

62 Withdrawal of infringement notices

If an infringement notice is served on a person, a quarantine officer may withdraw the notice by notice in writing served on the person, at any time before:

- (a) the person leaves the quarantine clearance area; or
- (b) if a further period has been allowed under subregulation 64 (2), the end of that period.

Note The withdrawal notice may, in certain circumstances, be given electronically — see the *Electronic Transactions Act 1999*.

63 What must be in infringement notices

- (1) An infringement notice must:
- (a) be identified by a unique identifying number; and
 - (b) give the name of, and be signed by, the quarantine officer who issued the notice; and
 - (c) state the date of issue of the notice; and
 - (d) if the quarantine officer knows the name and address in Australia or the Cocos Islands of the person to whom the notice is issued, state the person's name (or surname and initials) and address in Australia or the Cocos Islands; and

Regulation 63

- (e) give brief details of the offence alleged to have been committed, including:
 - (i) the date of the offence; and
 - (ii) where the offence happened; and
 - (iii) the provision of the Act, or these Regulations, to which the offence relates; and
- (f) state the prescribed penalty payable under the notice; and
- (g) state where and how the penalty must be paid; and
- (h) tell the person to whom the notice is issued that if he or she is prosecuted in court and found guilty of the offence, he or she may be convicted of the offence and ordered to pay a penalty and costs, and be subject to any other order made by the court; and
- (i) tell the person the greatest penalty that a court could impose for the offence; and
- (j) tell the person that, if he or she does not wish to have the matter dealt with by a court, he or she must (unless a quarantine officer allows the person more time to pay) pay the prescribed penalty before leaving the quarantine clearance area; and
- (k) tell the person that he or she can ask a quarantine officer for more time to pay; and
- (l) tell the person that if he or she pays the penalty before leaving the quarantine clearance area, or before any later time allowed for the purpose by a quarantine officer (unless the infringement notice is later withdrawn):
 - (i) the person's liability (if any) for the offence will be discharged; and
 - (ii) the person cannot be prosecuted in a court for the offence; and
 - (iii) the person will not be taken to have been convicted of the offence; and
- (m) set out how the notice can be withdrawn, and state that, if the notice is withdrawn:
 - (i) any amount of penalty paid under the notice must be refunded; and
 - (ii) the person may be prosecuted in a court for the offence.

Regulation 65

- (2) An infringement notice may contain any other information that the quarantine officer who serves the notice reasonably considers to be necessary.

64 When prescribed penalty to be paid

- (1) The person on whom an infringement notice is served must pay the prescribed penalty payable under the notice before he or she leaves the quarantine clearance area.
- (2) However, if a quarantine officer reasonably considers that it is proper to allow the person more time to pay, the officer may do so (whether or not the person has asked for more time to pay).
- (3) The officer may do so whether or not the person has left the quarantine area.
- (4) If the officer allows more time, the officer must tell the person, in writing, that the officer has done so, and when the time so allowed ends.

Note The officer may, in certain circumstances, tell the person electronically — see the *Electronic Transactions Act 1999*.

65 What happens if prescribed penalty is paid

If the person on whom an infringement notice is served pays the prescribed penalty payable under the notice before he or she leaves the quarantine clearance area, or any later time allowed by an officer under subregulation 64 (2), then, unless the notice is later withdrawn:

- (a) the person's liability (if any) in respect of the offence alleged in the notice is discharged; and
- (b) no further proceedings may be taken against the person for the alleged offence; and
- (c) the person is not taken to have been convicted of the offence.

Regulation 66

66 Refund of prescribed penalty if notices are withdrawn

If:

- (a) an infringement notice has been served on a person; and
- (b) the person has paid the prescribed penalty in accordance with the notice; and
- (c) the notice is later withdrawn;

a quarantine officer must arrange for the refund to the person of an amount that is equal to the amount paid by the person.

67 Multiple infringement notices for single offence

This Part does not prevent more than one infringement notice being served on a person for the same infringement notice offence, but regulation 65 applies to the person if the person pays the prescribed penalty in accordance with one of the infringement notices.

68 Payments made by cheque

If a cheque is offered as payment of all or part of the amount of a prescribed penalty stated in an infringement notice, payment is taken not to have been made unless the cheque is honoured upon presentation.

69 Effect of Part on institution and prosecution of proceedings

Nothing in this Part:

- (a) requires an infringement notice to be served on a person in relation to an infringement notice offence; or
- (b) affects the liability of a person to be prosecuted for an infringement notice offence if the person does not comply with an infringement notice; or
- (c) affects the liability of a person to be prosecuted for an infringement notice offence if an infringement notice is not served on the person in relation to the offence; or

Regulation 69

- (d) affects the liability of a person to be prosecuted for an infringement notice offence if an infringement notice is served and withdrawn; or
- (e) limits the amount of the fine that may be imposed by a court on a person convicted of an infringement notice offence.

Regulation 70

Part 7 Miscellaneous

Division 1 Permits required under *Quarantine Proclamation 1998*

70 Permit applications

- (1) An application for a permit under the *Quarantine Proclamation 1998* must be in writing in a form approved by a Director of Quarantine.

Note The application may, in certain circumstances, be made electronically — see the *Electronic Transactions Act 1999*.

- (2) An application mentioned in subregulation (1) must be made to a Director of Quarantine.

71 Numbering for permits

If a permit is granted under the *Quarantine Proclamation 1998*, a Director of Quarantine must:

- (a) mark an identifying number on the permit and give the permit to the applicant; or
(b) allocate an identifying number to the permit and give the number to the applicant.

Division 2 Compliance agreements

72 Documentation and undertakings

- (1) For subsection 66B (2) of the Act, a compliance agreement must:
- (a) describe the records that must be created, and the documents that must be kept, by the other party for:
 - (i) the procedures for goods mentioned in the agreement; and
 - (ii) supervising, monitoring, and testing the compliance with, those procedures by the other party; and
 - (b) describe the examinations or services that are to be conducted by the Commonwealth under the agreement to monitor and test compliance with the agreement by the other party, for which the Commonwealth will charge a fee; and
 - (c) require the other party:
 - (i) to keep records and documents mentioned in paragraph (a) at the premises where the procedures authorised by the agreement are conducted; or
 - (ii) to provide the records and documents to a quarantine officer on request by the officer within such time as is allowed under the agreement, subject to any other conditions set out in the agreement.
- (2) In this regulation:
- other party* means a party, except the Commonwealth, to the compliance agreement.

73 Who may sign compliance agreements

A compliance agreement may be signed for a body corporate by a director, manager or senior executive of the body corporate who:

- (a) has responsibility for the business operations of the body corporate; and
- (b) is authorised to enter into contracts for the body corporate.

Regulation 74

74 Other provisions of compliance agreements not affected

The provisions of a compliance agreement mentioned in this Division are in addition to any other provision of the agreement.

Division 3 Forfeiture and seizure of animals, plants and other goods

75 Prescribed period (Act s 68 (9))

For subsection 68 (9) of the Act, notice must be given within 60 days after a Director of Quarantine first becomes aware that section 68 of the Act applies to the goods.

Note Section 68 of the Act deals with animals, plants or other goods imported, introduced, brought into port or removed in contravention of the Act.

76 Notice of seizure

- (1) An officer or a police officer who seizes an animal, plant or other goods under section 69 of the Act must as soon as practicable give a notice to the importer, owner or person in control of the animal, plant or other goods.
- (2) The notice must:
 - (a) state that the animal, plant or other goods have been seized; and
 - (b) identify the place where they have been, or will be, taken.

Note For notices, see regulation 77.

Regulation 77

Division 4 Giving information and producing documents

77 Notices generally

Unless the contrary intention appears, notice given to a person under these Regulations must be in writing.

Note Notices may, in certain circumstances, be given electronically — see the *Electronic Transactions Act 1999*.

78 Information given to Director or officers

- (1) Information in writing that is required or permitted to be given to a Director of Quarantine, an officer or a quarantine officer is taken to have been given to the Director or officer if the information or document is left at, or sent by pre-paid post to, the principal office of the Department in a State, the Australian Capital Territory, the Northern Territory or the Cocos Islands.
- (2) If the information referred to in subregulation (1) is given by means of an electronic communication, it is taken to have been given to the Director or officer if the information is communicated to AQIS.

Note For further rules about giving documents to persons, see section 28A of the *Acts Interpretation Act 1901*.

79 Information given to masters of vessels or installations

Information that, for the Act or these Regulations, is required or permitted to be given to the master of a vessel or installation is taken to have been given to the master:

- (a) where there is no person apparently in charge of the vessel or installation — if it is left on the vessel or installation with a person who appears to be a crew member of the vessel or installation aged at least 16; or

Regulation 79

- (b) where it is not required to be in writing — if it is sent to the vessel or installation by an internationally recognised, or other appropriate, means of communication.

Note If there is more than 1 person apparently in charge of a vessel or installation, see subsection 5 (2) of the Act.

Regulation 80

Division 5 Saving, transitional and repeal provisions

80 Saving and Transitional

- (1) Despite the repeal by these Regulations of the *Quarantine (General) Regulations 1956*, an authorisation under subregulation 34 (1) of those Regulations that is in force immediately before the commencement of this regulation continues to have effect, and regulations 27 and 28 of these Regulations do not apply to an action taken in accordance with the authorisation.
- (2) An action mentioned in column 1 in the following table that is taken under the provision of the *Quarantine (General) Regulations 1956* mentioned in column 2 of the table, as in force immediately before the commencement of this regulation, is taken to be the corresponding action mentioned in column 3 of the table taken under the provision of these Regulations mentioned in column 4 of the table:

Column 1	Column 2	Column 3	Column 4
<i>Quarantine (General) Regulations 1956</i>		These Regulations	
Action	Provision	Action	Provision
Direction	subregulation 45 (1)	Notice	subregulation 43 (1)
Permission	subregulation 48 (1)	Permission	regulation 45
Approval	regulation 66	Approval	regulation 23

- (3) An infringement notice served under regulation 86 of the *Quarantine (General) Regulations 1956*, and in relation to which, immediately before the commencement of this regulation, the prescribed penalty has not been paid is taken to be an infringement notice served under regulation 60 of these Regulations.

81 Repeal of *Quarantine (General) Regulations 1956*

The following Statutory Rules are repealed:

- 1956 No. 114
- 1957 No. 13
- 1958 No. 34
- 1965 Nos. 80 and 188
- 1972 Nos. 82, 129 and 190
- 1973 No. 252
- 1976 No. 193
- 1978 No. 167
- 1979 Nos. 15 and 286
- 1980 Nos. 51 and 116
- 1981 Nos. 10, 42, 215 and 277
- 1984 No. 26
- 1985 No. 345
- 1986 No. 37
- 1987 No. 193
- 1988 No. 328
- 1990 No. 352
- 1994 No. 274
- 1997 No. 85
- 1999 No. 308.

82 Repeal of *Quarantine (Animals) Regulations*

The following Statutory Rules are repealed:

- 1935 No. 71
- 1936 No. 37
- 1937 No. 69
- 1938 No. 95
- 1939 No. 139
- 1941 No. 83
- 1942 No. 61
- 1944 No. 184
- 1946 No. 17
- 1950 No. 95
- 1953 No. 15
- 1955 No. 10
- 1956 Nos. 36, 65 and 111
- 1958 Nos. 35 and 36
- 1959 Nos. 72 and 87
- 1960 No. 85
- 1961 No. 23
- 1966 Nos. 14, 109, 117 and 155
- 1969 No. 98
- 1971 No. 72
- 1973 No. 179
- 1974 No. 260
- 1976 Nos. 83 and 206
- 1977 No. 182
- 1978 No. 174
- 1979 No. 64
- 1980 Nos. 16 and 117
- 1981 Nos. 168, 276 and 342
- 1982 No. 60
- 1983 Nos. 70, 200 and 299

Regulation 83

- 1984 Nos. 25 and 28
- 1985 Nos. 313 and 364
- 1986 No. 283
- 1987 Nos. 69, 194, 269 and 303
- 1988 No. 192
- 1989 No. 272
- 1993 No. 229
- 1995 No. 246.

83 Repeal of Quarantine (Plants) Regulations

The following Statutory Rules are repealed:

- 1935 No. 91
- 1936 No. 36
- 1937 Nos. 30 and 116
- 1939 No. 20 and 49
- 1940 No. 43
- 1948 Nos. 63 and 92
- 1950 Nos. 27 and 78
- 1953 No. 4
- 1954 No. 3
- 1955 No. 71
- 1956 Nos. 24 and 66
- 1957 No. 75
- 1959 No. 73
- 1961 No. 29
- 1963 No. 110
- 1964 No. 117
- 1965 No. 82
- 1966 No. 13
- 1967 No. 45
- 1968 No. 86
- 1969 No. 106
- 1973 No. 157
- 1975 No. 29
- 1977 No. 130
- 1980 No. 118
- 1982 No. 178
- 1984 No. 27
- 1988 No. 193.

Schedule 1 Prescribed Acts

(regulation 40)

Agricultural and Veterinary Chemicals Code Act 1994

Australian Meat and Live-stock Industry Act 1997

Biological Control Act 1984

Commerce (Trade Descriptions) Act 1905

Companies Act 1981

Company Law Review Act 1998

Corporations Law of the Capital Territory

Crimes Act 1914

Endangered Species Protection Act 1992

Environment Protection (Sea Dumping) Act 1981

Export Control Act 1982

Great Barrier Reef Marine Park Act 1975

Hazardous Waste (Regulation of Exports and Imports) Act 1989

Imported Food Control Act 1992

National Parks and Wildlife Conservation Act 1975

Ozone Protection Act 1989

Primary Industries Levies and Charges Collection Act 1991

Protection of the Sea (Prevention of Pollution from Ships) Act 1983

Therapeutic Goods Act 1989

Trade Practices Act 1974

Wildlife Protection (Regulation of Exports and Imports) Act 1982

Note

1. Made by the Governor-General on 2000, and notified in 21 June
the *Commonwealth of Australia Gazette* on 2000. 22 June