



Quarantine (Cocos Islands) Regulations 1982

Statutory Rules 1982 No. 194 as amended

made under the

Quarantine Act 1908

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1 Name of Regulations [see Note 1]

These Regulations are the *Quarantine (Cocos Islands) Regulations 1982*.

2 Interpretation

In these Regulations, unless the contrary intention appears:

certificate of registration means a certificate of registration issued under these Regulations.

domestic animal includes poultry, any other livestock or any animal kept by a person as a domestic pet or otherwise.

premises includes any land or waters and any structure, vehicle or vessel on, or in, any land or waters.

register means the register kept under these Regulations.

registered means registered under these Regulations.

Registrar means the quarantine officer for the time being in charge of the quarantine station in the Cocos Islands.

registration tag means a tag, disc or other device issued under these Regulations for attachment to a registered animal for the purpose of identifying the animal.

3 Register of domestic animals

The Registrar shall, for the purposes of these Regulations, keep a register of domestic animals.

4 Keeping of unregistered domestic animals

- (1) A person who keeps a domestic animal commits an offence punishable by a fine of 1 penalty unit if:
 - (a) the animal is not registered; or
 - (b) the person is not shown in the register as the animal's keeper.
- (2) A person does not commit an offence against subregulation (1) in respect of a domestic animal if:

- (a) the animal is under the age of 3 months;
- (b) the animal has been kept by that person for less than 14 days; or
- (c) the person has been resident in the Cocos Islands for less than 21 days; or
- (d) the person has a reasonable excuse for the animal not being registered or for the person not being shown in the register as the animal's keeper.

Note A defendant bears an evidential burden in relation to any of the matters mentioned in subregulation (2) — see section 13.3 of the *Criminal Code*.

- (3) An offence under subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

5 Applications for registration of domestic animals

An application by a person for registration of a domestic animal:

- (a) shall be made in writing by the person;
- (b) shall set out:
 - (i) the name and address of the owner of the animal;
 - (ii) the name and address of the keeper of the animal;
 - (iii) the kind of animal that is proposed to be registered;
 - (iv) the total number of animals of that kind kept by the keeper of the animal;
 - (v) the address of the premises where the animal is ordinarily kept;
 - (vi) the sex of the animal;
 - (vii) the age of the animal;
 - (viii) the colour and distinctive markings (if any) of the animal;
 - (ix) the breed, if known, of the animal; and
 - (x) if the breed of the animal is not known — a description of the animal; and
- (c) shall be lodged at the office of the Registrar.

6 Notification of changes in information set out in applications

- (1) If any part of the information set out in an application for the registration of a domestic animal ceases to be true, the keeper of the animal shall notify the Registrar of the changed information within 14 days after the change occurs.

Penalty: 1 penalty unit.

- (2) An offence under subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

7 Matters to be entered in register

Upon receiving an application in accordance with regulation 5 for the registration of a domestic animal, the Registrar shall register the animal by entering in the register:

- (a) the information set out in the application in accordance with paragraph 5 (b); and
- (b) the registration number allocated by the Registrar to the animal.

8 Period of registration

Subject to these Regulations, the registration of a domestic animal remains in force for a period of 1 year.

9 Certificates of registration and registration tags

- (1) Upon registering a domestic animal, the Registrar shall issue to the applicant for registration:
- (a) a certificate of registration; and
 - (b) a registration tag for the animal.
- (2) A certificate of registration of a domestic animal shall set out:
- (a) the name and address of the owner of the animal;
 - (b) the name and address of the keeper of the animal;
 - (c) the kind of animal to which the certificate applies;

- (d) the registration number allocated by the Registrar to the animal; and
 - (e) the date on which the period of registration expires.
- (3) A registration tag for a domestic animal shall bear the registration number allocated by the Registrar to the animal.

10 Registration tags to be attached to domestic animals

- (1) Upon receiving a registration tag for a domestic animal, the applicant for registration of the animal shall cause the tag to be attached to, and remain upon, the animal.
- (2) A person who fails to comply with subregulation (1) commits an offence.

Penalty: 1 penalty unit.

- (3) A person must not remove a registration tag from a domestic animal.

Penalty: 1 penalty unit.

- (4) A person must not cause or permit a domestic animal to bear a registration tag that was not issued for the animal.

Penalty: 1 penalty unit.

- (5) It is a defence to a prosecution under subregulation (2), (3) or (4) if the defendant has a reasonable excuse.

Note A defendant bears an evidential burden in relation to the matter mentioned in this subregulation — see section 13.3 of the *Criminal Code*.

- (6) An offence under subregulation (2), (3) or (4) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

11 Fees not to be charged for registration of domestic animals

A fee shall not be charged for the registration of a domestic animal, for the issue of a registration tag or on notifying the Registrar in accordance with regulation 6.

12 Domestic animals not to be abandoned

- (1) A person commits an offence if he or she ceases to keep a domestic animal and fails to deliver the animal into the keeping of another person.

Penalty: 1 penalty unit.

- (2) A person may deliver a live domestic animal to a quarantine officer.
- (3) Where a person delivers a live domestic animal to a quarantine officer, the officer may keep it for a quarantine purpose or cause it to be destroyed.
- (4) A fee shall not be charged on delivering an animal to a quarantine officer under this regulation.
- (5) An offence under subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

13 Unregistered domestic animals to be kept for a quarantine purpose or destroyed

- (1) A quarantine officer shall cause any domestic animal that is not registered or does not bear a registration tag to be seized and:
- (a) kept for a quarantine purpose; or
 - (b) destroyed.
- (2) Subregulation (1) does not apply in respect of a domestic animal:
- (a) that is under the age of 3 months; or
 - (b) that is kept by a person who has been resident in the Cocos Islands for less than 21 days.

15 Enquiries concerning health of animals

- (1) Where there are reasonable grounds for believing that a person owns or keeps an animal, a quarantine officer may ask the person any question the answer to which is likely to contribute to the maintenance of the health of the animal or the achievement of a quarantine purpose, including a question

concerning the number, origin, movement, location and health of any other animals that the person owns or keeps.

- (2) A person must not fail to answer a question put to him or her under subregulation (1).

Penalty: 1 penalty unit.

- (3) It is a defence to a prosecution under subregulation (2) if the defendant has a reasonable excuse.

Note A defendant bears an evidential burden in relation to the matter mentioned in this subregulation — see section 13.3 of the *Criminal Code*.

- (4) An offence under subregulation (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

16 Death of domestic animals to be notified

- (1) If a domestic animal dies in circumstances that indicate that it may have been infected with a disease, the person who kept it at the time of its death must immediately tell a quarantine officer about the death.

Penalty: 1 penalty unit.

- (2) It is a defence to a prosecution under subregulation (1) if the defendant has a reasonable excuse.

Note A defendant bears an evidential burden in relation to the matter mentioned in this subregulation — see section 13.3 of the *Criminal Code*.

- (3) An offence under subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

17 Enquiries concerning diseased goods

- (1) Where there are reasonable grounds for believing that goods have been, or are likely to have been:
- (a) infected with a disease;
 - (b) a source of infection; or
 - (c) exposed to infection from goods infected with a disease;

a quarantine officer may ask any person who may have information in respect of the goods any question the answer to which is likely to contribute to the achievement of a quarantine purpose.

- (2) A person must not fail to answer a question put to him or her under subregulation (1).

Penalty: 1 penalty unit.

- (3) It is a defence to a prosecution under subregulation (2) if the defendant has a reasonable excuse.

Note A defendant bears an evidential burden in relation to the matter mentioned in this subregulation — see section 13.3 of the *Criminal Code*.

- (4) An offence under subregulation (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

18 Symptoms of diseases in goods to be notified

- (1) If a person finds, in goods, symptoms that indicate that the goods are, or are likely to be, infected with a disease, the person must immediately tell a quarantine officer of those symptoms, and of the location of the goods.

Penalty: 1 penalty unit.

- (2) It is a defence to a prosecution under subregulation (1) if the defendant has a reasonable excuse.

Note A defendant bears an evidential burden in relation to the matter mentioned in this subregulation — see section 13.3 of the *Criminal Code*.

- (3) An offence under subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

20 Duty to prevent spread of disease — destruction of goods

- (1) Where a quarantine officer certifies, by instrument in writing, that goods:

- (a) are infected with a disease; or
 - (b) have been exposed to infection from goods infected with a disease;
- and that the goods are a source of danger to other goods, he shall:
- (c) take whatever measures are required to prevent the spread of the disease; and
 - (d) if he certifies that the goods ought to be destroyed — cause them to be destroyed.

- (2) For the purposes of this regulation, the measures required to prevent the spread of a disease include the examination, disinfection, fumigation, vaccination, sampling, testing and treatment of the goods notwithstanding that those measures may result in the destruction, or a reduction in the value, of the goods.

21 Power to order goods into quarantine

Where there are reasonable grounds for believing that goods are, or are likely to be, infected with a disease of an animal or a plant, a quarantine officer may, for the purpose of isolating the goods, order the goods into quarantine.

22 Notification of owner of, or agent for, goods

Where the address of an owner, or of an agent for an owner, of goods in respect of which a quarantine officer has taken action in accordance with regulation 20 or 21 is, at the time of that action, known to the quarantine officer, the quarantine officer shall cause notice in writing of the action so taken to be given to that owner or agent, either personally or by post.

23 Prohibited areas — domestic animals

- (1) For the purposes of this regulation, a prohibited area is an area:
 - (a) that is within 200 metres from a fence or other structure that marks the boundary of the quarantine station in the Cocos Islands; and

(b) that is marked, by means of signs erected by authority of a quarantine officer, as an area from which domestic animals may be required to be removed.

- (2) A person in charge of a domestic animal that is within a prohibited area shall, if required to do so by a quarantine officer, cause the animal to be removed from the prohibited area.

Penalty: 1 penalty unit.

- (2A) An offence under subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (3) Where a domestic animal is within a prohibited area in contravention of a requirement made under subregulation (2), a quarantine officer may cause the animal to be seized and shall cause it to be:
- (a) removed from the area;
 - (b) kept for a quarantine purpose; or
 - (c) destroyed.
- (4) Where a domestic animal bearing a registration tag is removed, kept or destroyed under subregulation (3), the Registrar shall notify the person who is registered as the owner of the animal and the person who is registered as the keeper of the animal of that removal, keeping or destruction.
- (5) The writing on the signs referred to in paragraph (1) (b) shall be written in the English and Cocos Malay languages.

24 Prohibited areas — plants

- (1) A person shall not cause or permit a plant included in a prohibited class of plants to grow in a prohibited area.

Penalty: 1 penalty unit.

- (2) For the purposes of this regulation:
- (a) an area is a prohibited area in respect of the growth in that area of a plant included in a class of plants if it is an area (that may be the whole of the Territory) that is declared by

the Minister, by notice published in the *Gazette*, to be a prohibited area in respect of the growth in that area of a plant included in that class of plants; and

- (b) a class of plants is a prohibited class of plants in relation to a prohibited area if it is a class of plants that is declared by the Minister, in a notice referred to in paragraph (a) that refers to that prohibited area, to be a prohibited class of plants in relation to that prohibited area.

- (3) An offence under subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

25 Wild animals

A quarantine officer may, for a quarantine purpose, seize, keep or destroy any animal that is not a domestic animal.

26 Records to be kept of goods destroyed

The Registrar shall keep a record of the quantity and kinds of goods destroyed under these Regulations and of the purpose for which they were destroyed.

27 False or misleading statements

- (1) A person must not, in answer to a question put to him under these Regulations, make a statement to a quarantine officer that is false or misleading in a material particular.

Penalty: 1 penalty unit.

- (2) Strict liability applies to whether a question was put under these Regulations.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

28 Compensation for goods destroyed or damaged

- (1) Subject to this regulation, where goods are destroyed or damaged by virtue of action taken under these Regulations, compensation is payable for the destruction, or loss in value, of the goods.

- (2) The compensation payable under this regulation for goods destroyed is an amount equal to the market value that the goods would have had at the time of their destruction if they had not been infected with a disease or exposed to infection.
- (3) The compensation payable under this regulation for goods damaged is an amount equal to the amount of the loss in the market value of the goods that occurs by reason of that damage, being the market value that the goods would have had at the time when they were damaged if they had not been infected with a disease or exposed to infection.
- (4) Compensation payable under this regulation for goods shall:
 - (a) where only one person owns the goods — be paid to that person;
 - (b) where 2 or more persons have interests in the goods — be divided among those persons in proportion to the value of each person's interest in the goods at the time of destruction.
- (5) Where the Minister and the persons entitled under this regulation to compensation for goods do not agree as to the amount of compensation payable under these Regulations, that amount shall be determined:
 - (a) by a person agreed upon by the Minister and those persons; or
 - (b) in the absence of an agreement referred to in paragraph (a) — by the Supreme Court.
- (6) Compensation is not payable under this regulation to a person for goods in respect of which the person, or a keeper of the goods, has been convicted of an offence under these Regulations.

Table of Statutory Rules

Notes to the *Quarantine (Cocos Islands) Regulations 1982*

Note 1

The *Quarantine (Cocos Islands) Regulations 1982* (in force under the *Quarantine Act 1908*) as shown in this compilation comprise Statutory Rules 1982 No. 194 amended as indicated in the Tables below.

Table of Statutory Rules

Year and number	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
1982 No. 194	18 Aug 1982	18 Aug 1982	
1984 No. 174	1 Aug 1984	1 Aug 1984	—
2002 No. 60	5 Apr 2002	5 Apr 2002	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 1	rs. 2002 No. 60
R. 4	am. 2002 No. 60
Note to r. 4 (2)	ad. 2002 No. 60
R. 6	am. 2002 No. 60
R. 10	am. 2002 No. 60
R. 12	am. 2002 No. 60
R. 14	rep. 1984 No. 174
R. 15	am. 2002 No. 60
R. 16	rs. 2002 No. 60
R. 17	am. 2002 No. 60
R. 18	rs. 2002 No. 60
R. 19	rep. 1984 No. 174
Rr. 23, 24	am. 2002 No. 60
R. 27	am. 2002 No. 60
