



Quarantine Regulations 2000

Statutory Rules 2000 No. 129 as amended

made under the

Quarantine Act 1908

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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 are the only set of Regulations now in force. The *Quarantine (General) Regulations 1956*, the Quarantine (Animals) Regulations, the Quarantine (Plants) Regulations and the *Quarantine (Cocos Islands) Regulations 1982* have been repealed. For the application of these Regulations to the Territory of Cocos (Keeling) Islands, the Territory of Christmas Island and other external Territories, see paragraph 4 below.

3.4 There are 3 Quarantine Proclamations (the ***Proclamations***) now in force, and each has its own Reader's Guide. The Proclamations are:

- (a) the *Quarantine Proclamation 1998*; and
- (b) the *Quarantine (Cocos Islands) Proclamation 2004*; and
- (c) the *Quarantine (Christmas Island) Proclamation 2004*.

3.5 If it is necessary to read a provision of these Regulations together with the Quarantine Act or the Proclamations 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 Proclamations.

3.6 The Quarantine Act, the Regulations and the Proclamations 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 and to Christmas Island. Cocos Islands is defined in section 5 of the Act to mean the Territory of Cocos (Keeling) Islands. *Christmas Island* is defined in section 5 of the Act to mean the Territory of Christmas Island. Subregulation 3 (1) of these Regulations makes it clear that these Regulations do apply to the Cocos Islands and to 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
- Christmas Island
- Cocos Islands

but do not apply to the following external Territories:

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

4.5 In these Regulations, the word *Australia* does not include the Cocos Islands or Christmas Island, 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 Proclamations, 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. Currently, 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, the Cocos Islands or Christmas Island
- Part 4 — Performance of quarantine
- Part 5 — Importation of goods
- Part 6 — Infringement notice offences and infringement notices
- Part 6A — Import Risk Analysis
- 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, Christmas Island 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 39A)
- specific requirements relating to applications for approvals of places under section 46A of the Quarantine Act (see regulation 40)
- the information that must be included in a certificate of release under section 35B of the Quarantine Act (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 6A sets out certain steps to be carried out in the conduct of a standard or expanded import risk analysis, the timeframes that are to apply to those steps, publication requirements and provisions for termination.

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

- permit applications under the Proclamations (see regulations 70 and 71)
- compliance agreements mentioned in section 66B of the 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 Proclamations 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 [see Note 1]

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, Australia, Christmas Island and the Cocos Islands.

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

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

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, except in regulations 10 and 18, 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.

control measures means measures to prevent the spread of disease.

Regulation 4

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*.

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.

first port of entry includes first Cocos Islands port of entry and first Christmas Island port of entry.

health administration has the meaning given by the International Health Regulations (1969).

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.

IMO Guidelines means the Guidelines for the Control and Management of Ships' Ballast Water to Minimise the Transfer of Harmful Aquatic Organisms and Pathogens adopted by resolution of the Assembly of the International Maritime Organisation on 27 November 1997.

Note The IMO Guidelines are available for purchase from the International Maritime Organisation at <http://www.imo.org/HOME.html>.

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 (1969); and

Regulation 4

- (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.

International Health Regulations (1969) means the third annotated edition of the International Health Regulations (1969) published by the World Health Organization, as existing on 14 June 2007.

Note The International Health Regulations (1969) are available on the Internet — see <http://www.who.int/en/>.

International Health Regulations (2005) means the International Health Regulations (2005) published by the World Health Organization, as existing on 15 June 2007.

Note The International Health Regulations (2005) are available on the Internet — see <http://www.who.int/en/>.

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*.

overseas ship means an overseas vessel other than an aircraft.

relevant period, for a current voyage, means:

- (a) if the voyage is for a period of less than 21 days — the period of the voyage; or
- (b) if the voyage is for a period of 21 days or more — the period starting 21 days before the day the vessel arrived in Australia.

Russian Far East Port means a port that is located:

- (a) between the parallels of latitude 40°N and 60°N; and
- (b) west of the meridian of longitude 147°E.

ship sanitation certificate means:

- (a) a Ship Sanitation Control Certificate; or
- (b) a Ship Sanitation Control Exemption Certificate.

Regulation 4

Ship Sanitation Control Certificate means a certificate issued under:

- (a) regulation 30C; or
- (b) a law of a foreign country in accordance with Article 39 of the International Health Regulations (2005).

Ship Sanitation Control Exemption Certificate means a certificate issued under:

- (a) regulation 30B; or
- (b) a law of a foreign country in accordance with Article 39 of the International Health Regulations (2005).

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

symptoms of an illness includes the following:

- (a) bleeding (whether it is from an orifice or the skin);
- (b) coughing or difficulty breathing;
- (c) fever;
- (d) glandular swelling;
- (e) inability to move about, or disembark from, a vessel or installation without assistance;
- (f) loss of consciousness;
- (g) non-itchy skin rash;
- (h) profuse diarrhoea;
- (i) severe vomiting.

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 declared place has the meaning given by regulation 32.

Regulation 5

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

- aircraft
- Animal
- animals, plants or other goods
- Australia
- Australian waters
- ballast water
- Christmas Island
- Cocos Islands
- commander
- Commonwealth
- compliance agreement
- declared place
- Director of Quarantine
- discharge
- disease
- document
- Examine
- exposed
- First Christmas Island port of entry
- First Cocos Islands port of entry
- First port of entry
- give
- goods
- grant
- Imported
- Installation
- Landing place
- Master
- Officer
- officer of Customs
- operator
- overseas aircraft
- Overseas installation
- overseas vessel
- Package
- Pest
- Plant
- police officer
- port
- premises
- 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.

Regulation 6

Part 2 Vessels and installations

Division 1 General requirements

6 Prescribed symptoms and diseases (Act s 22)

- (1) For paragraph 22 (1) (a) of the Act, the following symptoms are prescribed:
 - (a) temperature over 38°C;
 - (b) acute unexplained skin rashes or lesions, and rashes or lesions caused by illness or exposure to hazardous agents (but not heat rashes, dermatitis, eczema or similar common skin conditions);
 - (c) persistent or severe vomiting (but not vomiting caused by inebriation or motion sickness);
 - (d) persistent, watery or profuse diarrhoea;
 - (e) bleeding from the eyes, ears, nose, mouth, anus or skin (but not if the subject is predisposed to nosebleeds or haemorrhoids, or has cuts or abrasions);
 - (f) glandular swelling in the armpits or neck;
 - (g) prolonged loss of consciousness, if the subject cannot be roused (but not loss of consciousness caused by consumption of alcohol, drugs or medications, fainting or sleeping);
 - (h) persistent coughing and difficulty breathing with no apparent cause and no history of similar symptoms (but not persistent coughing and difficulty breathing caused by asthma, heart disease, obesity, chronic bronchitis or emphysema);
 - (i) except in the case of a person with restricted mobility or an otherwise healthy young child — an inability to disembark from a vessel without assistance.
- (2) For paragraph 22 (1) (a) of the Act, the following diseases are prescribed:
 - (a) cholera;

- (b) dengue fever;
- (c) influenza;
- (d) malaria;
- (e) measles;
- (f) polio;
- (g) plague;
- (h) rabies;
- (i) severe acute respiratory syndrome (SARS);
- (j) smallpox;
- (k) tuberculosis;
- (l) typhoid fever;
- (m) viral haemorrhagic fevers of humans;
- (n) yellow fever.

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.
- (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.

Regulation 8

- (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.

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:

Regulation 10

Item Information for pre-arrival reports

- 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
- 1A The full name of the master of the vessel
- 2 The type of 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 last port of call located outside Australia, Christmas Island or the Cocos Islands that the vessel or installation was in
- 4 The place in Australia, Christmas Island or the Cocos Islands where the vessel or installation is to arrive and:
 - (a) if the vessel or installation is to berth at the place — the berth it will arrive at and its estimated time of arrival at the berth; and
 - (b) if the vessel or installation is to anchor at the place — its estimated time of anchoring; and
 - (c) its estimated time of departure from the place
- 5 Each port of call in Australia, Christmas Island or the Cocos Islands that the vessel or installation will, or is likely to, visit before it leaves Australia, Christmas Island or the Cocos Islands
- 6 Whether or not there are to be any crew changes while the vessel or installation is at a port of call in Australia, Christmas Island or the Cocos Islands and, if there are, the following information:
 - (a) the port or ports at which crew members will be signing off;
 - (b) the number of crew members that will be signing off;
 - (c) the day and time estimated by the master of the vessel or installation to be the day and time when the crew members will be signing off
- 7 Whether or not any passengers are to disembark from the vessel or installation while it is at a port of call in Australia, Christmas Island or the Cocos Islands and, if so, the following information:
 - (a) the port at which the passengers will disembark;
 - (b) the number of passengers that will be disembarking;

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Item Information for pre-arrival reports

- (c) the day and time estimated by the master of the vessel or installation to be the day and time that the passengers will be disembarking
- 8 Whether or not, within the period of 24 months before the date on which the information prescribed in this item must be given and in the part of the calendar year beginning on 1 July and ending at the end of 30 September during that period, the vessel or installation has been in a Russian Far East Port
- 9 For a vessel or installation that has been in a Russian Far East Port during the period described in item 8:
- (a) whether or not, since last being in such a port, the vessel or installation has been inspected by an agricultural authority of Australia, Canada, New Zealand, Russia, or the United States of America and cleared as being free of Asian gypsy moth; and
- (b) if the vessel or installation was inspected by a Russian agricultural authority and cleared by the authority as being free of Asian gypsy moth — the date and time of departure from the port at which it was inspected and cleared
- 10 Whether or not the vessel or installation has carried livestock, seeds (including grain) or meal (being meal that contains plant or animal, including fish or bird, material) in any of the last 10 cargoes and, if it has, the following details about each cargo that includes such goods:
- (a) the contents of the cargo that was carried;
- (b) the port at which it was loaded;
- (c) the port at which it was discharged;
- (d) the cleaning performed since it was discharged
- 12 If the ship is an overseas ship — whether a Ship Sanitation Control Certificate is in force for the ship and, if so, the following details about the certificate:
- (a) the date on which it was issued;
- (b) the port at which it was issued;
- (c) the country in which it was issued;
- (d) if any control measures were applied when the certificate was issued — details of the measures;

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- (e) if the validity of the certificate has been extended by a foreign country:
 - (i) the date on which the extension was issued; and
 - (ii) the port at which the extension was issued; and
 - (iii) the country in which the extension was issued; and
 - (iv) the date when the extension will cease to have effect
- 13 If the ship is an overseas ship — whether a Ship Sanitation Control Exemption Certificate is in force for the ship and, if so, the following details about the certificate:
 - (a) the date on which it was issued;
 - (b) the port at which it was issued;
 - (c) the country in which it was issued;
 - (d) if the validity of the certificate has been extended by a foreign country:
 - (i) the date on which the extension was issued; and
 - (ii) the port at which the extension was issued; and
 - (iii) the country in which the extension was issued; and
 - (iv) the date when the extension will cease to have effect
- 14 Whether or not any person on board the vessel or installation died during the voyage and, if so, the number of deaths and the cause, or suspected cause, of the death
- 15 Whether or not any person on board the vessel or installation during the voyage is found to be suffering from an illness
- 16 Whether or not a person on board the vessel or installation displays symptoms of an illness during a voyage that are not due to:
 - (a) a pre-existing physical condition; or
 - (b) injury; or
 - (c) inebriation; or
 - (d) the effects of drugs other than alcohol; or
 - (e) motion sickness
- 17 Whether or not there are any animals on board the vessel or installation (whether part of the cargo or not) and, if there are, the following information:
 - (a) the number of animals on board;

Regulation 10

| Item | Information for pre-arrival reports |
|-------------|---|
| | (b) a description, including the health and condition, of the animals |
| 18 | Whether or not any animal on board the vessel or installation died during the voyage and, if so, the number of animals that died and how the animals were disposed of |
| 19 | Whether or not, since leaving the last port of call of the vessel or installation, any insects have been on board and, if they have, the following information for each insect: (a) its location on board the vessel or installation when discovered; and (b) a description of the insect |
| 20 | Whether or not waste on board the vessel or installation has been securely contained in a container kept for that purpose or in a sealed room so that: (a) the waste is not accessible to any animals; and (b) there is no leakage of the waste |
| 21 | Whether or not the requirements set out in the document entitled <i>Australian Ballast Water Management Requirements</i> , version 4, dated March 2008 and published by the Australian Quarantine and Inspection Service, have been complied with |
| 22 | For the agent of the vessel or installation: (a) the name of the agent in Australia, Christmas Island or the Cocos Islands; and (b) if the agent is located at a port — the name of the port; and (c) if the agent is not located at a port — the place where the agent is located; and (d) contact details for the agent |

Note 1 For the meaning of *estimated time*, *hull proper*, *illness*, *overseas ship* and *Russian Far East Port*, see regulation 4.

Note 2 For item 21 of the table, the *Australian Ballast Water Management Requirements* can be found on the Department of Agriculture, Fisheries and Forestry website at <http://www.aqis.gov.au/shipping>.

- (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:

Regulation 11

| Item | Information |
|-------------|---|
| 1 | The name of the vessel 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 |
| 4A | If a symptom prescribed by subregulation 6 (1) presents itself in a person on board the vessel during the voyage, the nature and cause (or suspected cause) of the symptom, and the number of people in whom the symptom is present |
| 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 96 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

Regulation 12

- (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.

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, Christmas Island 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 |
| 2A | If a symptom prescribed by subregulation 6 (1) presents itself in a person on board the aircraft during the flight, 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) as close to top of descent as is operationally practicable, but in any case at least 30 minutes before the aircraft is on chocks; 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
 - (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 Part 2 of each of the following:

- (a) *Quarantine Proclamation 1998*;
- (b) *Quarantine (Cocos Islands) Proclamation 2004*;
- (c) *Quarantine (Christmas Island) Proclamation 2004*.

- (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 (2) 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.

Regulation 15

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 immediately 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, Christmas Island or the Cocos Islands.
- (3) An offence under subregulation (1) is an offence of strict liability.

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

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, Christmas Island or the Cocos Islands; or
 - (ii) from Christmas Island or the Cocos Islands into Australia; or
 - (iii) from Australia or the Cocos Islands into Christmas Island; or
 - (iv) from Australia or Christmas Island into the Cocos Islands.
- (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:

Regulation 16

- (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
 - (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.

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

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

Regulation 17

17 When death or escape of animals to be reported

- (1) 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, Christmas Island or the Cocos Islands.

Penalty: 50 penalty units.

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

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

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 | Matters about which masters etc must answer questions |
|-------------|--|
| 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 |
| 1A | The full name of the master of the vessel |
| 2 | The type of 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 last port of call located outside Australia, Christmas Island or the Cocos Islands that the vessel or installation was in |
| 4 | The estimated time of departure of the vessel or installation from the port or place in Australia, Christmas Island or the Cocos Islands at which it has arrived or landed, or is expected to arrive or land |

Regulation 18

- | Item | Matters about which masters etc must answer questions |
|-------------|--|
| 5 | Each port of call in Australia, Christmas Island or the Cocos Islands that the vessel or installation will, or is likely to, visit before it leaves Australia, Christmas Island or the Cocos Islands, and its estimated time of arrival at, and departure from, those ports |
| 6 | Whether or not there will be any crew changes when the vessel or installation is at a port of call in Australia, Christmas Island, or the Cocos Islands and, if there will be, the following information: <ul style="list-style-type: none">(a) the number of crew members on board the vessel or installation before each crew change;(b) the port or ports at which crew members will be signing off;(c) the number of crew members that will be signing off;(d) the day and time estimated by the master of the vessel or installation to be the day and time when the crew members will be signing off |
| 7 | Whether or not any passengers are to disembark from the vessel or installation for the purpose of a daytrip when it is at a port of call in Australia, Christmas Island or the Cocos Islands and, if passengers are to disembark, the following information: <ul style="list-style-type: none">(a) the number of passengers on board the vessel or installation before the passengers disembark;(b) the port at which the passengers will disembark;(c) the number of passengers that will disembark;(d) the day and time estimated by the master of the vessel or installation to be the day and time that the passengers will disembark |
| 7A | Whether or not any passengers are to disembark from the vessel or installation other than for the purpose of a daytrip when it is at a port of call in Australia, Christmas Island or the Cocos Islands and, if passengers are to disembark, the following information: <ul style="list-style-type: none">(a) the number of passengers on board the vessel or installation before the passengers disembark;(b) the port at which the passengers will disembark;(c) the number of passengers that will disembark;(d) the day and time estimated by the master of the vessel or installation to be the day and time the passengers will disembark |

Regulation 18

- | Item | Matters about which masters etc must answer questions |
|-------------|--|
| 8 | Whether or not, within the period of 24 months before the date on which the information prescribed in this item must be given and in the part of the calendar year beginning on 1 July and ending at the end of 30 September during that period, the vessel or installation has been in a Russian Far East Port |
| 9 | For a vessel or installation that has been in a Russian Far East Port during the period described in item 8: <ul style="list-style-type: none">(a) whether or not, since last being in such a port, the vessel or installation has been inspected by an agricultural authority of Australia, Canada, New Zealand, Russia, or the United States of America and cleared as being free of Asian gypsy moth; and(b) if the vessel or installation was inspected by a Russian agricultural authority and cleared by the Authority as being free of Asian gypsy moth — the date and time of departure from the port at which it was inspected and cleared |
| 10 | Whether or not the vessel or installation has carried livestock, seeds (including grain) or meal (being meal that contains plant or animal, including fish or bird, material) in any of the last 10 cargoes and, if it has, the following details about each cargo that includes such goods: <ul style="list-style-type: none">(a) the contents of the cargo that was carried;(b) the port at which it was loaded;(c) the port at which it was discharged;(d) the cleaning performed since it was discharged |
| 11 | Whether or not there are any botanical plants on board the vessel or installation and, if there are, the following information: <ul style="list-style-type: none">(a) the location of the plants; and(b) the health and condition of the plants |
| 12 | If the ship is an overseas ship — whether a Ship Sanitation Control Certificate is in force for the ship and, if so, the following details about the certificate: <ul style="list-style-type: none">(a) the date it was issued;(b) the port at which it was issued;(c) the country in which it was issued;(d) if any control measures were applied when the certificate was issued — details of the measures; |

Regulation 18

Item Matters about which masters etc must answer questions

- (e) if the validity of the certificate has been extended by a foreign country:
 - (i) the date the extension was issued; and
 - (ii) the port at which the extension was issued; and
 - (iii) the country in which the extension was issued; and
 - (iv) the date when the extension will cease to have effect

- 13 If the ship is an overseas ship — whether a Ship Sanitation Control Exemption Certificate is in force for the ship and, if so, the following details about the certificate:
 - (a) the date it was issued;
 - (b) the port at which it was issued;
 - (c) the country in which it was issued;
 - (d) if the validity of the certificate has been extended by a foreign country:
 - (i) the date the extension was issued; and
 - (ii) the port at which the extension was issued; and
 - (iii) the country in which the extension was issued; and
 - (iv) the date when the extension will cease to have effect

- 14 Whether or not any person on board the vessel or installation died during the voyage and, if so, the number of deaths and the cause, or suspected cause, of the death

- 15 Whether or not any person on board the vessel or installation during the voyage is found to be suffering from an illness and, if so, the following information:
 - (a) the cause or suspected cause of the illness;
 - (b) any treatment the person has had on board the vessel or installation during the voyage;
 - (c) the number of people on board the vessel or installation found to be suffering from the illness

- 16 Whether or not any person on board the vessel or installation during the voyage is found to have a symptom of an illness (including any symptom mentioned in subregulation 6 (1)) and, if so, the following information:
 - (a) the cause or suspected cause of the symptom;

Regulation 18

| Item | Matters about which masters etc must answer questions |
|-------------|---|
| | <ul style="list-style-type: none">(b) any treatment the person has had on board the vessel or installation during the voyage;(c) the number of people on board the vessel or installation found to be have the symptom |
| 16A | Whether or not a person on board the vessel or installation during the relevant period was found to be suffering from diarrhoea or a gastrointestinal illness |
| 16B | If a person on board the vessel or installation during the relevant period was found to be suffering from diarrhoea or a gastrointestinal illness: <ul style="list-style-type: none">(a) whether or not the incidence of the diarrhoea or the gastrointestinal illness was recorded in the medical log for the vessel or installation;(b) the number of people on board during the relevant period; and(c) the number of people found to be suffering from diarrhoea or a gastrointestinal illness during the relevant period; and(d) any circumstances that may have led to the incidence or spread of the diarrhoea or gastrointestinal illness during the relevant period |
| 17 | Whether or not there are any animals on board the vessel or installation (whether part of the cargo or not) and, if there are, the following information: <ul style="list-style-type: none">(a) the number of animals on board;(b) a description, including the health and condition, of the animals |
| 18 | Whether or not any animal on board the vessel or installation died during the voyage and, if so, the number of animals that died and how the animals were disposed of |
| 19 | Whether or not, since leaving the last port of call of the vessel or installation, any insects have been on board and, if they have, the following information for each insect: <ul style="list-style-type: none">(a) its location on board the vessel or installation when discovered; and(b) a description of the insect |

Regulation 18

| Item | Matters about which masters etc must answer questions |
|-------------|--|
| 20 | Whether or not waste will be discharged at a port of call in Australia, Christmas Island, or the Cocos Islands and, if so: <ul style="list-style-type: none">(a) whether the waste has been securely contained in a container kept for that purpose or in a sealed room so that:<ul style="list-style-type: none">(i) it is not accessible to any animals; and(ii) it does not leak from the container or room; and(b) the volume of waste in cubic metres that will be discharged at the port |
| 21 | Whether or not the requirements set out in the document entitled <i>Australian Ballast Water Management Requirements</i> , version 4, dated March 2008 and published by the Australian Quarantine and Inspection Service, have been complied with |
| 22 | For the agent of the vessel or installation: <ul style="list-style-type: none">(a) the name of the agent in Australia, Christmas Island or the Cocos Islands; and(b) if the agent is located at a port — the name of the port; and(c) if the agent is not located at a port — the place where the agent is located; and(d) contact details for the agent |
| 23 | 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, Christmas Island or the Cocos Islands, of each of those persons |
| 25 | The ports or other places where persons, animals, plants or other goods came on board or were put on board the vessel or installation |
| 26 | 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 |
| 27 | The sanitary condition and details of any treatment of the vessel or installation, including any treatment for hull fouling, during the voyage |

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*, *illness*, *overseas ship* and *Russian Far East Port*, see regulation 4.

Regulation 19

Note 3 For item 21 of the table, the *Australian Ballast Water Management Requirements* can be found on the Department of Agriculture, Fisheries and Forestry website at <http://www.aqis.gov.au/shipping>.

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, Christmas Island 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, Christmas Island 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.

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 immediately give the complete or correct information to a quarantine officer.

Penalty: 50 penalty units.

Regulation 21

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

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

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) if:
- (a) the information is false or misleading in a material detail; and
 - (b) the person knows that the information is false or misleading in that 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.

- (3) For subregulations (1) and (2), strict liability applies to the question whether information was given or reported to a quarantine officer under regulation 15, 16, 17, 19 or 20.

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

Regulation 21A

Division 2A Pratique

21A Directions that pratique is not taken to have been granted

- (1) For paragraph 32B (3) (a) of the Act, the Director of Human Quarantine may give a direction under paragraph 32B (2) (c) of the Act in relation to an overseas aircraft in any of the following circumstances:
 - (a) the commander of the aircraft has previously failed to provide information under section 22 or 27B of the Act;
 - (b) there is an outbreak of disease or a threat of an outbreak of disease in any part of the world;
 - (c) the Governor-General has declared the existence of an epidemic, or the danger of an epidemic, under section 2B of the Act;
 - (d) the Minister has taken measures or given directions under section 12A of the Act, and the emergency in relation to which the measures have been taken or the directions have been given is continuing;
 - (e) the aircraft has travelled from or through a declared place;
 - (f) there is a terrorist threat, or the Director has received information about a potential terrorist threat.

- (2) In giving a direction, the Director of Human Quarantine must take into account the following considerations:
 - (a) whether similar directions are likely to be given in relation to other aircraft;
 - (b) the period in which it is likely that directions will be given;
 - (c) the class or classes of aircraft in relation to which it is likely that directions will be given;
 - (d) if the circumstance mentioned in paragraph (1) (a) applies — whether the failure is likely to be repeated;
 - (e) if the circumstance mentioned in paragraph (1) (a) applies and the Director considers that the failure is not likely to be repeated — whether it would be more appropriate to issue a warning to the commander of the aircraft.

Division 3 Ballast water and other sanitary 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, Christmas Island 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.

22A Ballast water information

- (1) This regulation applies to an overseas vessel or overseas installation if it is capable of carrying ballast water while it is in Australia, Christmas Island, or the Cocos Islands or Australian waters.
- (2) The master of the vessel or installation must:
 - (a) have on the vessel or installation the ballast water information for the vessel or installation for the previous 2 years, or the period since the commencement of this regulation, whichever is less; and
 - (b) make that information available to a quarantine officer on request by the officer.

Note 1 Sections 70 and 70AA of the Act gives a quarantine officer power to board a vessel or installation and examine certain papers on board and provides that it is an offence for the master of a vessel or installation to fail to produce those papers if required.

Note 2 Section 78A of the Act gives a quarantine officer power to direct that a specified process be carried out on a vessel or installation if the officer believes, on reasonable grounds, that the vessel or installation is in an insanitary condition.

- (3) If the ballast water information is not made available to a quarantine officer on request, a quarantine officer may take that fact into account in forming an opinion for section 78A of the Act.

Regulation 22A

- (4) For this regulation, ***ballast water information*** for a vessel or installation is the name, Lloyds number and call sign of the vessel or installation and the following information for each ballast water tank or cargo hold on the vessel or installation:
- (a) for each ballast water treatment or exchange:
 - (i) the treatment or exchange method used; and
 - (ii) the latitude and longitude of the points where the treatment or exchange started and ended; and
 - (iii) the depth of water where the treatment or exchange was conducted; and
 - (iv) the identification number or name of the ballast water pumps used; and
 - (v) the capacity of the ballast tank or cargo hold; and
 - (vi) the volume of ballast water treated or exchanged; and
 - (vii) the time taken to fully treat or exchange the ballast water; and
 - (viii) the percentage of ballast water treated or exchanged; and
 - (ix) whether the ballast water sea suction strainers used in the treatment or exchange were in good order and repair and the date when they were last inspected;
 - (b) for each ballast water uptake:
 - (i) the name of the ballast water uptake port or, if the uptake was at sea, the latitude and longitude of the point where the uptake occurred; and
 - (ii) the date of the uptake; and
 - (iii) the local time when the uptake started; and
 - (iv) whether a sea suction strainer was used during the uptake and, if so, the following information about the strainer:
 - (A) its identification number;
 - (B) whether it was in good order and repair;
 - (C) the date when it was last inspected;
 - (c) for each ballast water discharge at an Australian port:
 - (i) the name of the port; and
 - (ii) the date of the discharge; and

- (iii) whether it was a full or partial discharge; and
- (iv) the estimated time when the discharge finished.

23 Disinsection of overseas aircraft

- (1) 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.

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

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

24A Vector monitoring and control activities

- (1) For section 55B of the Act, *vector monitoring and control activities* means any activity necessary to:
 - (a) identify a vector; or
 - (b) assess the threat posed by a vector; or
 - (c) eradicate a vector; or
 - (d) modify the environment to inhibit the incursion or spread of a vector.
- (2) Without limiting subregulation (1), the following activities may be *vector monitoring and control activities*:
 - (a) setting traps;
 - (b) assessment of the environment and premises;
 - (c) fumigation or fogging;
 - (d) removal or modification of receptacles capable of holding water.

25 Certificates specifying measures for vessels or installations leaving proclaimed places

- (1) This regulation applies to a vessel or installation if:

Regulation 26

- (a) it is about to depart from a declared place in Australia, Christmas Island 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 **declared place**, see section 12 of the Act.

- (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, Christmas Island 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, Christmas Island or the Cocos Islands.

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) It is a defence to a prosecution under subregulation (1) if the master of the vessel or installation has given the person permission to discharge or remove the relevant stores or waste.

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

Regulation 30

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

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

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, Christmas Island 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.

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

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

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

- (1) 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, Christmas Island 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 30A

- (2) For subregulation (1), strict liability applies to the question of whether section 68A of the Act applies to a vessel or installation.

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

Division 4 Ship sanitation certification scheme

30A Definitions for Division 4

In this Division:

contamination has the meaning given by Article 1 of the International Health Regulations (2005).

infection has the meaning given by Article 1 of the International Health Regulations (2005).

quarantine officer (human quarantine) means a person appointed under subsection 9 (2) of the Act.

reservoir has the meaning given by Article 1 of the International Health Regulations (2005).

Note *First port of entry* and *vector* are defined in subsection 5 (1) of the Act.

30B Ship Sanitation Control Exemption Certificates

- (1) Subregulation (2) applies if:
- (a) the master of an overseas ship in a first port of entry asks a quarantine officer (human quarantine) for a Ship Sanitation Control Exemption Certificate; and
 - (b) the master does not have a valid ship sanitation certificate for the overseas ship; and
 - (c) the officer is satisfied that the overseas ship is free from infection and contamination, including vectors and reservoirs.
- (2) The officer must issue a Ship Sanitation Control Exemption Certificate for the overseas ship.

30C Ship Sanitation Control Certificates

- (1) Subregulation (2) applies if:
 - (a) the master of an overseas ship in a first port of entry has been given a direction under section 78A of the Act; and
 - (b) a quarantine officer (human quarantine) is satisfied that each process specified in the direction has been carried out in the manner specified in the direction for the overseas ship.
- (2) The officer must issue a Ship Sanitation Control Certificate for the overseas ship that includes:
 - (a) details of each process carried out; and
 - (b) the officer's comments about conditions on the overseas ship.

Note For the power of a quarantine officer to direct that a specified process be carried out on a vessel or installation in a specified manner, see section 78A of the Act.

30D Matters to be considered by quarantine officers (human quarantine)

In making a decision under regulation 30B or 30C about an overseas ship, a quarantine officer (human quarantine) must consider the following:

- (a) the pre-arrival information for the overseas ship provided under section 27A of the Act;
- (b) whether pratique has been granted for the overseas ship;
- (c) information about the condition of the overseas ship, including information about the following:
 - (i) waste management;
 - (ii) any animals on board;
 - (iii) ballast water;
 - (iv) the presence of insects;
 - (v) sanitation;
 - (vi) the presence or absence of rodents;
- (d) any other relevant information about the overseas ship.

Regulation 30E

30E Form of certificates issued under Division 4

- (1) A ship sanitation certificate issued under this Division must be in the form approved by the Minister under subregulation (2).
- (2) The Minister may approve a form for a ship sanitation certificate.

Note Information about the approved form and how to obtain a ship sanitation certificate is available on the Internet — see <http://www.aqis.gov.au> and <http://www.health.gov.au>.

30F Period for which ship sanitation certificates issued under Division 4 are valid

A ship sanitation certificate issued under this Division is valid for 6 months beginning on the day when it is issued.

30G Extension of ship sanitation certificates

- (1) Subregulation (2) applies if:
 - (a) an overseas ship enters a first port of entry; and
 - (b) the overseas ship has:
 - (i) a valid ship sanitation certificate; or
 - (ii) a ship sanitation certificate that expired within 1 month before the date the overseas ship enters the port; and
 - (c) it is not practicable for the overseas ship to be examined at the port; and
 - (d) the master of the overseas ship asks a quarantine officer to extend the validity of the certificate.
- (2) The officer must, by writing on and signing the ship sanitation certificate, extend the validity of the certificate by no more than 1 month.

Part 3 **Persons travelling to Australia, Christmas Island 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, Christmas Island 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, Christmas Island 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, Christmas Island 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.

Part 3 Persons travelling to Australia, Christmas Island or the Cocos Islands

Division 2 Arrival from yellow fever declared places

Regulation 32

- (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 declared places

32 Yellow fever declared places

A *yellow fever declared 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 Yellow fever is declared to be a quarantinable disease under:

- (a) section 21 of the *Quarantine Proclamation 1998*; and
- (b) section 11 of the *Quarantine (Cocos Islands) Proclamation 2004*; and
- (c) section 11 of the *Quarantine (Christmas Island) Proclamation 2004*.

33 Travel from yellow fever declared places

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

34 Requirement for international vaccination certificates

A quarantine officer or an officer of Customs may require a person who travels on a vessel or installation from a yellow fever declared place to show to the officer, on the person's arrival at the first place where the person disembarks in Australia, Christmas Island or the Cocos Islands, an international certificate that complies with regulation 35.

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.

35 What international vaccination certificates must contain

- (1) An international certificate issued for a person who travels to Australia, Christmas Island or the Cocos Islands from a yellow fever declared 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, Christmas Island 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, Christmas Island 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.

Regulation 36

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.

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, Christmas Island 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 declared 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 *declared place*, see section 12 of the Act.

39A Notices to the Director of Human Quarantine

A notice given to the Director of Human Quarantine under paragraph 35 (1C) (b), 35AA (4A) (b) or 35A (3B) (b) of the Act must contain the following information:

- (a) a unique identifying number issued by the Director of Human Quarantine;
- (b) the name of the person who has been ordered into quarantine;
- (c) the day on which the person was ordered into quarantine;
- (d) the section of the Act under which the person was ordered into quarantine;
- (e) the suspected disease;

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- (f) the person's date of birth;
- (g) the person's sex;
- (h) the number, and country of issue, of the person's passport;
- (i) the place where the person is held in quarantine;
- (j) the person's contact details;
- (k) the place from which the person departed, and details of any stopovers, on the person's voyage to Australia, Christmas Island or the Cocos Islands;
- (l) contact details for any person travelling with the person;
- (m) the name of the quarantine officer who ordered the person into quarantine, and that officer's identity card number.

Note Paragraphs 35 (1C) (b), 35AA (4A) (b) and 35A (3B) (b) of the Act require a quarantine officer (human quarantine) who orders a person into quarantine under subsection 35 (1A), 35AA (3) or (4) or 35A (3), respectively, to notify the Director of Human Quarantine, in writing, of the order as soon as practicable.

40 Prescribed laws (Act s 46A)

For section 46A of the Act:

- (a) the Commonwealth laws mentioned in Schedule 1 are prescribed; and
- (b) the State and Territory laws mentioned in Schedule 2 are prescribed.

Note 1 Under subparagraphs 46A (3) (a) (iii) and (iv) of the Act, a person who applies for approval of a place for treating or dealing with goods that are subject to quarantine may be required to make and sign a written declaration stating whether the person has been convicted of an offence against a law prescribed for the purposes of section 46A of the Act.

Note 2 Under subparagraphs 46A (9) (f) (iii) and (iv) of the Act, approval of a place for treating or dealing with goods that are subject to quarantine may be suspended or revoked if a relevant person is convicted of an offence against a law prescribed for the purposes of section 46A of the Act.

Division 2 Release from quarantine

41 Certificate of release

A certificate of release given to a person under subsection 35B (1) of the Act must contain the following information:

- (a) the name of the person being released from quarantine;
- (b) a unique identifying number matching the identifying number of the notice ordering the person into quarantine;
- (c) the place where the person was being held in quarantine;
- (d) the day on which the person was ordered into quarantine;
- (e) the day on which the person is being released from quarantine;
- (f) the reason the person was ordered into quarantine;
- (g) the name and title of the quarantine officer authorising the release.

Division 3 Quarantine surveillance of persons

42 Quarantine surveillance periods

- (1) For subsection 34 (3) of the Act, the prescribed period is 30 days.

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

- (2) A person ordered into quarantine under section 35, 35AA or 35A of the Act, and released under quarantine surveillance, remains under quarantine surveillance for the period mentioned in subregulation (3) for the disease for which the person was ordered into quarantine.
- (3) For subregulation (2), the following periods apply:
 - (a) for cholera — 5 days;

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- (b) for plague — 7 days;
- (c) for rabies — 14 days;
- (d) for severe acute respiratory syndrome (SARS) — 10 days;
- (e) for smallpox — 21 days;
- (f) for viral haemorrhagic fever — 21 days;
- (g) for yellow fever — 6 days;
- (h) for active pulmonary tuberculosis — 12 weeks;
- (i) for any other disease — 30 days.

Note 1 Cholera, plague, rabies, SARS, smallpox, viral haemorrhagic fevers and yellow fever are declared to be quarantinable diseases under:

- (a) section 21 of the *Quarantine Proclamation 1998*; and
- (b) section 11 of the *Quarantine (Cocos Islands) Proclamation 2004*; and
- (c) section 11 of the *Quarantine (Christmas Island) Proclamation 2004*.

Note 2 See subsections 35AA (5) and 45 (3) of the Act in relation to the release of a person under quarantine surveillance.

- (4) A period mentioned in subregulation (1) or (3) starts at the end of the last day when, in the opinion of a quarantine officer (human quarantine) the person was, or might have been, exposed to infection by a quarantinable disease, a communicable disease or active pulmonary tuberculosis.

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
 - (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.

46 Conditions of quarantine surveillance

- (1) A person who is under quarantine surveillance must comply with any conditions imposed on the quarantine surveillance,

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by written notice given to the person, by a quarantine officer (human quarantine).

- (2) Conditions that may be imposed include any of the following:
- (a) that the person be confined to, or remain at, a place specified in the notice;
 - (b) the frequency with which the person must monitor and record his or her temperature;
 - (c) restrictions on the travel that the person may undertake;
 - (d) that the person is not to receive visitors;
 - (e) the frequency with which the person must report to public health officials;
 - (f) that the person must report to public health officials:
 - (i) if his or her temperature is 38° or higher; or
 - (ii) in the case of a person who has been released from quarantine — if another person in the person's household develops symptoms of the illness or disease for which the person was ordered into quarantine; or
 - (iii) in the case of a person who is under quarantine surveillance under subsection 34 (3) of the Act — if another person in the person's household develops symptoms of an illness or disease specified in the notice;
 - (g) that the person take measures mentioned in the notice to minimise the risk of illness or disease spreading to other people in the person's household.

Examples for paragraph (g)

1. Wearing a mask if another person is present in the same room as the person.
2. Not sharing personal items such as cups or towels.
3. Observing good hygiene practices such as washing hands.
4. Sleeping in a different room from other members of the household.

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

47 Person under quarantine surveillance ordered into quarantine

- (1) This regulation applies in relation to a person who has been released under quarantine surveillance.
- (2) A quarantine officer may order the person into quarantine if:
 - (a) the person fails to comply with a requirement of the Act, or these Regulations, in relation to quarantine surveillance, and the officer is satisfied that if the person were not ordered into quarantine there would be a danger to public health; or
 - (b) the person displays symptoms of a quarantinable disease.

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 or from Christmas Island.

goods imported into Christmas Island includes goods imported into Christmas Island from Australia or from the Cocos Islands.

goods imported into the Cocos Islands includes goods imported into the Cocos Islands from Australia or from Christmas Island.

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, Christmas Island 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, Christmas Island 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 |
| 6 | The identification of the vessel or installation that conveyed the goods to Australia, Christmas Island or the Cocos Islands |
| 7 | The port where the vessel or installation first arrives in Australia, Christmas Island 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 |

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| Item | Information |
|-------------|---|
| 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 |

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, Christmas Island or the Cocos Islands that:
- (a) are consigned (otherwise than by post) by one person to another; and
 - (b) are transported to Australia, Christmas Island 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) |

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| Item | Information |
|-------------|--|
| 3 | The identification of the vessel or installation that conveyed the goods to Australia, Christmas Island 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, Christmas Island or the Cocos Islands |
| 5 | The port where the vessel or installation first arrives in Australia, Christmas Island 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 |
| 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*.

53 When lodgment of entry constitutes giving notice

For subsection 16AC (5) of the Act, for goods imported into Australia, Christmas Island 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.

Regulation 54

54 Certain manifests taken to constitute notice of importation into Australia, Christmas Island 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, Christmas Island or the Cocos Islands on an overseas vessel or installation.
- (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 Christmas Island or the Cocos Islands

- (1) Subregulation (2) applies to:
 - (a) goods imported into Christmas Island or 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 Christmas Island or 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 Christmas Island or the Cocos Islands; and
 - (b) is complete and accurate in its information about the goods.

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.

Regulation 58

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 for Australia, Christmas Island or the Cocos Islands, 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 for Australia, Christmas Island or the Cocos Islands, 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 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 and first ports of entry, see Part 2 of each of the following:

- (a) *Quarantine Proclamation 1998*;
- (b) *Quarantine (Cocos Islands) Proclamation 2004*;
- (c) *Quarantine (Christmas Island) Proclamation 2004*.

prescribed penalty means:

- (a) in relation to an infringement notice offence involving goods that:
 - (i) are prohibited for importation into Australia, Christmas Island 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 — 2 penalty units; or
- (b) in any other case — 1 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 61

- (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, Christmas Island 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

Regulation 63

- (d) if the quarantine officer knows the name and address in Australia, Christmas Island 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, Christmas Island or the Cocos Islands; and
- (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

Regulation 64

- (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.
- (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

Regulation 69

- (c) the person is not taken to have been convicted of the offence.

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.

Part 6A Import risk analysis

69A Scope of Part 6A

This Part deals with import risk analysis.

Note 1 The Chief Executive may make an administrative decision to conduct a risk analysis under this Part.

Note 2 An IRA may be taken into account in a decision as to whether an import permit may be granted under the Act, but is not a precondition on the grant of such a permit (see subregulation 69C (4)).

69B Definitions for Part 6A

In this Part:

Chief Executive means the person occupying, or performing the duties of, the office within the Department of Agriculture, Fisheries and Forestry known as Chief Executive of Biosecurity Australia.

Eminent Scientists Group means those independent persons appointed by the Secretary to examine and comment on drafts of IRA reports before they are published.

expanded IRA is an IRA that involves the steps in subregulation 69C (2).

import risk analysis, or ***IRA***, means a risk analysis conducted under this Part.

proposer means the person who proposes the importation into Australia of plants, animals or other goods that are the subject of an IRA.

risk analysis means the assessment of the level of quarantine risk associated with the importation, or the proposed importation, of animals, plants or other goods and, where necessary, the identification of risk management options to limit the level of quarantine risk to 1 that is acceptably low.

standard IRA is an IRA that involves the steps in subregulation 69C (1).

Regulation 69C

69C Steps in an IRA

- (1) A standard IRA must include the following steps:
 - (a) the Chief Executive giving public notice of the start of the IRA;
 - (b) Biosecurity Australia preparing and publishing a report to communicate the preliminary results of the IRA (*draft IRA report*);
 - (c) Biosecurity Australia inviting the public to provide submissions on the draft IRA report;
 - (d) Biosecurity Australia considering submissions received from the public and preparing and publishing a report to communicate the final results of the IRA (*provisional final IRA report*).

- (2) An expanded IRA must include the following steps:
 - (a) the Chief Executive giving public notice of:
 - (i) the start of the IRA; and
 - (ii) whether a paper setting out issues that will assist with the assessment of the level of quarantine risk for the proposed importation (*issues paper*) will be produced by Biosecurity Australia;
 - (b) if an issues paper is produced, Biosecurity Australia preparing and publishing that paper;
 - (c) if an issues paper is produced, Biosecurity Australia inviting the public to provide submissions on the issues paper;
 - (d) Biosecurity Australia considering submissions received in response to an invitation under paragraph (2) (c) and preparing and publishing a draft IRA report;
 - (e) Biosecurity Australia inviting the public to provide submissions on the draft IRA report;
 - (f) Biosecurity Australia considering submissions received from the public and revising the draft IRA report;
 - (g) the Eminent Scientists Group examining and commenting on the draft IRA report;
 - (h) Biosecurity Australia considering the Eminent Scientists Group's comments and preparing and publishing a provisional final IRA report.

Regulation 69E

- (3) For an IRA, a failure to comply with a step required by subregulation (1) or (2) does not affect the validity of a report published by Biosecurity Australia in respect of the IRA.
- (4) The preparation and publication of a report under this Part is not required before a decision can be made as to whether an import permit may be granted under the Act.

Note 1 A provisional final IRA report may be the subject of non-statutory review by an IRA Appeal Panel administered by the Department of Agriculture, Fisheries and Forestry. It will be a final report when such review is no longer available or, if such review is undertaken, when that review has been completed and any findings of the Panel taken into account.

Note 2 The Chief Executive may make an administrative non-statutory decision to conduct a risk analysis to which this Part will apply. If the Chief Executive chooses to conduct an IRA, he or she may determine whether it will be conducted in accordance with subregulation (1) or (2).

69D Time limits for submissions and comments

- (1) Submissions from the public under paragraphs 69C (1) (c), (2) (c) and (2) (e) must be provided within the period specified in the invitation.
- (2) The period specified in the invitation must be no more than 60 days from and including the day the invitation is published.
- (3) If the Chief Executive considers that members of the public may not have a reasonable opportunity to consider a draft IRA report, the Chief Executive may extend the time for public submissions once, for no more than an additional 60 days.
- (4) Comments on a draft IRA report under paragraph 69C (2) (g) must be provided by the Eminent Scientists Group no more than 60 days from and including the day the report is received by the Chair of the Group for examination.

69E Time limits for completing IRAs

- (1) A standard IRA must be completed within the period of 24 months commencing on the day public notice of its start was given.

Regulation 69F

- (2) An expanded IRA must be completed within the period of 30 months commencing on the day public notice of its start was given.

Note In calculating the time under subregulations 69E (1) and (2), the periods of time mentioned in regulation 69H should be disregarded.

69F Failure to complete within time limits

For an IRA, a failure to comply with the time limits set by regulations 69D and 69E does not affect the validity of a report published by Biosecurity Australia in respect of the IRA.

69G Circumstances affecting completion of an IRA

- (1) If the Chief Executive believes that further information is essential to complete an IRA and that a proposer or another person can provide the information, the Chief Executive may request, in writing, that the proposer, or the other person, provide the information.
- (2) If the Chief Executive believes that it is essential to undertake research, or to seek substantial expert advice, to complete an IRA, the Chief Executive may commission the research or advice.
- (3) The Chief Executive may decide that a significant national or international quarantine circumstance exists that limits Biosecurity Australia's ability to complete an IRA within the time required under subregulation 69E (1) or (2).

69H Certain periods of time to be disregarded

- (1) For the purpose of calculating the time taken to complete an IRA under subregulation 69E (1) or (2), the time covered by a notice published under this regulation is to be disregarded.
- (2) The Chief Executive may publish a notice for the IRA stating:
 - (a) that the counting of time for subregulation 69E (1) or (2) is to stop because of an action or a decision under regulation 69G affecting completion of the IRA; and

Regulation 69I

- (b) the day the counting of time for subregulation 69E (1) or (2) is to stop, not being a day before the day the notice is published; and
 - (c) the action or decision taken by the Chief Executive under regulation 69G in respect of the IRA; and
 - (d) the day the counting of time for subregulation 69E (1) or (2) is to restart (*restart day*).
- (3) The Chief Executive may change the restart day to an earlier or later day than the day stated in the notice, or take action under regulation 69J, after considering the following matters:
- (a) if a request was made under subregulation 69G (1), whether the proposer or other person has provided an adequate response to the request;
 - (b) if research or expert advice was commissioned under subregulation 69G (2), whether adequate research or advice has been obtained;
 - (c) if a decision is made under subregulation 69G (3), whether the circumstance still exists.
- (4) If the Chief Executive decides to change the restart day under subregulation (3), the Chief Executive must publish a notice stating the changed restart day and the reasons for the changed restart day.

69I Publication

- (1) A notice under paragraphs 69C (1) (a) and (2) (a), and an invitation under paragraphs 69C (1) (c), (2) (c) and (2) (e), must be published on Biosecurity Australia's website.
- (2) A notice under paragraphs 69C (1) (a) and (2) (a) must state if a standard IRA or an expanded IRA will be conducted and, for an expanded IRA, if an issues paper will be produced.
- (3) An invitation under paragraphs 69C (1) (c) and (2) (e) must state where a draft IRA report has been published, invite written submissions on that report and specify the closing day for submissions in accordance with regulation 69D.

Regulation 69J

- (4) An invitation under paragraph 69C (2) (c) must state where an issues paper has been published, invite written submissions on that paper and specify the closing day for submissions in accordance with regulation 69D.
- (5) A report or issues paper under paragraph 69C (1) (b) or (d), or 69C (2) (b), (d), or (h), or a notice under regulation 69H or 69J, must be published on Biosecurity Australia's website.

69J Termination of an IRA

- (1) An IRA may be terminated at any step if:
 - (a) a proposer notifies Biosecurity Australia in writing that the proposer no longer wishes to proceed with the proposal to import; or
 - (b) despite requesting information under subregulation 69G (1), or commissioning research or advice under subregulation 69G (2), the Chief Executive determines that insufficient information is available to complete the IRA satisfactorily and notifies the proposer in writing accordingly; or
 - (c) for an IRA that does not have a proposer, the Chief Executive decides to terminate the IRA.
- (2) Before the IRA is terminated under paragraph (1) (b), the Chief Executive must notify the proposer, in writing, that the IRA has proceeded as far as possible on the available information and cannot be completed.
- (3) The Chief Executive must publish a notice of a termination of an IRA under this regulation.

69K Risk analysis that has been started

- (1) If a risk analysis other than an IRA has been started either before or after the commencement of this Part, the Chief Executive may elect to continue that risk analysis as an IRA.
- (2) In making the election, the Chief Executive may decide to omit any steps required under regulation 69C that have been completed before the election.

Regulation 69K

- (3) The Chief Executive must publish a notice of the election on Biosecurity Australia's website, stating:
 - (a) if a standard IRA or an expanded IRA is to be conducted;
and
 - (b) the steps that are to be omitted under subregulation (2).
- (4) The time limits in subregulations 69E (1) and (2) are to be calculated for the IRA from the day the Chief Executive publishes the notice.

Regulation 69Z

Part 7 Miscellaneous

**Division 1 Permits required under a
Quarantine Proclamation**

69Z Definitions

In this Division:

Quarantine Proclamation means:

- (a) the *Quarantine Proclamation 1998*; or
- (b) the *Quarantine (Cocos Islands) Proclamation 2004*; or
- (c) the *Quarantine (Christmas Island) Proclamation 2004*.

70 Permit applications

- (1) An application for a permit under a Quarantine Proclamation 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 a Quarantine Proclamation, 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.

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, Christmas Island 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
- (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.

Regulation 80

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

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

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- 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
- 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 Commonwealth laws

(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

Corporations Act 2001

Company Law Review Act 1998

Crimes Act 1914

Criminal Code

Environment Protection and Biodiversity Conservation Act 1999

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

Ozone Protection and Synthetic Greenhouse Gas Management 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

Schedule 2 Prescribed State or Territory laws

(regulation 40)

Part 1 New South Wales

Agricultural and Veterinary Chemicals (New South Wales) Act 1994

Animal Research Act 1985

Biological Control Act 1985

Crimes Act 1900

Environmentally Hazardous Chemicals Act 1985

Exotic Diseases of Animals Act 1991

Fertilisers Act 1985

Food Act 2003

Health Administration Act 1982

Human Tissues Act 1983

Marine Pollution Act 1987

Meat Industry Act 1978

National Parks and Wildlife Act 1974

Non-Indigenous Animals Act 1987

Noxious Weeds Act 1993

Occupational Health and Safety Regulation 2001 (Chapter 6A)

Ozone Protection Act 1989

Pharmacy Act 1964

Plant Diseases Act 1924

Poisons and Therapeutic Goods Act 1966

Protection of the Environment Operations Act 1997

Public Health Act 1991

Radiation Control Act 1990
Stock (Chemical Residues) Act 1975
Stock Diseases Act 1923
Stock Foods Act 1940
Stock Medicines Act 1989
Summary Offences Act 1988
Veterinary Practice Act 2003
Waste Recycling and Processing Corporation Act 2001
Wilderness Act 1987

Part 2 Victoria

Agricultural and Veterinary Chemicals (Control of Use) Act 1992
Agricultural and Veterinary Chemicals (Victoria) Act 1994
Biological Control Act 1986
Crimes Act 1958
Drugs, Poisons and Controlled Substances Act 1981
Environment Protection Act 1970
Food Act 1984
Health Act 1958
Livestock Disease Control Act 1994
Occupational Health and Safety Act 2004
Pharmacists Act 1974
Plant Health and Plant Products Act 1995
Veterinary Practice Act 1997

Part 3 Queensland

Agricultural and Veterinary Chemicals (Queensland) Act 1994
Agricultural Chemicals Distribution Control Act 1966
Agricultural Standards Act 1994

Biological Control Act 1987

Chemical Usage (Agricultural and Veterinary) Control Act 1988

Criminal Code

Exotic Diseases in Animals Act 1981

Food Act 2006

Health Act 1937

Land Protection (Pest and Stock Route Management) Act 2002

Nature Conservation Act 1992

Pharmacists Registration Act 2001

Plant Protection Act 1989

Radiation Safety Act 1999

Stock Act 1915

Veterinary Surgeons Act 1936

Part 4 Western Australia [see Note 2]

[see Note 2]

Agricultural and Veterinary Chemicals (Western Australia) Act 1995

Agricultural Produce (Chemical Residue) Act 1983

Agricultural Products Act 1929

Agriculture and Related Resources Protection Act 1976

Artificial Breeding of Stock Act 1965

Biological Control Act 1986

Criminal Code

Environment Protection Act 1986

Exotic Diseases of Animals Act 1993

Fertilizers Act 1977

Health Act 1911

Human Reproductive Technology Act 1991

Occupational Safety and Health Act 1984

Pharmacy Act 1964

Poisons Act 1964

Pollution of Water by Oil and Noxious Substances Act 1987

Seeds Act 1981

Stock Diseases (Regulations) Act 1968

The Criminal Code

Veterinary Preparations and Animal Feeding Stuffs Act 1976

Veterinary Surgeons Act 1960

Wildlife Conservation Act 1950

Part 5 South Australia

Agricultural and Veterinary Chemicals (South Australia) Act 1994

Agricultural and Veterinary Products (Control of Use) Act 2002

Biological Control Act 1986

Controlled Substances Act 1984

Criminal Law Consolidation Act 1935

Dangerous Substances Act 1979

Drugs Act 1908

Environment Protection Act 1993

Food Act 2001

Fruit and Plant Protection Act 1992

Livestock Act 1997

National Parks and Wildlife Act 1972

Native Vegetation Act 1991

Natural Resources Management Act 2004

Noxious Insects Act 1934

Pharmacy Practice Act 2007

Prevention of Cruelty to Animals Act 1985

Primary Produce (Food Safety Schemes) Act 2004

Veterinary Practice Act 2003

Part 6 Tasmania

Agricultural and Veterinary Chemicals (Control of Use) Act 1995

Agricultural and Veterinary Chemicals (Tasmania) Act 1994

Animal Health Act 1995

Animal Welfare Act 1993

Biological Control Act 1986

Criminal Code Act 1924

Dangerous Goods Act 1998

Environmental Management and Pollution Control Act 1994

Fertilizers Act 1993

Health Act 1997

Meat Hygiene Act 1985

Medical Radiation Science Professionals Registration Act 2000

National Parks and Reserves Management Act 2002

Pharmacists Registration Act 2001

Plant Quarantine Act 1997

Poisons Act 1971

Pollution of Waters by Oil and Noxious Substances Act 1987

Public Health Act 1997

Radiation Protection Act 2005

Sale of Hazardous Goods Act 1977

Seeds Act 1985

Threatened Species Protection Act 1995

Veterinary Surgeons Act 1987

Weed Management Act 1999

Workplace Health and Safety Act 1995

Part 7 Australian Capital Territory

Animal Diseases Act 2005
Animal Welfare Act 1992
Clinical Waste Act 1990
Crimes Act 1900
Criminal Code 2002
Dangerous Substances Act 2004
Environment Protection Act 1997
Fertilizers Act 1904
Food Act 2001
Health Act 1993
Health Professionals Act 2004
Nature Conservation Act 1980
Occupational Health and Safety Act 1989
Plant Diseases Act 2002
Poisons Act 1933
Poisons and Drugs Act 1978
Public Health Act 1997
Public Health (Prohibited Drugs) Act 1957
Radiation Protection Act 2006
Stock Act 2005

Part 8 Northern Territory

Agricultural and Veterinary Chemicals (Northern Territory) Act
Biological Control Act
Criminal Code Act
Dangerous Goods Act
Environmental Assessment Act
Food Act

Health Practitioners Act

Marine Act

Meat Industries Act

Ozone protection Act

Poisons and Dangerous Drugs Act

Plant Diseases Control Act

Stock (Control of Hormone Growth Promotants) Act

Stock Diseases Act

Therapeutic Goods and Cosmetics Act

Territory Parks and Wildlife Conservation Act

Veterinarians Act

Weeds Management Act 2001

Work Health Act

Table of Instruments**Notes to the *Quarantine Regulations 2000*****Note 1**

The *Quarantine Regulations 2000* (in force under the *Quarantine Act 1908*) as shown in this compilation comprise Statutory Rules 2000 No. 129 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions *see* Table A.

Table of Instruments

| Year and number | Date of notification in Gazette or FRLI registration | Date of commencement | Application, saving or transitional provisions |
|------------------------|---|---------------------------------|---|
| 2000 No. 129 | 22 June 2000 | 23 June 2000 | |
| 2001 No. 154 | 29 June 2001 | 1 July 2001 | — |
| 2002 No. 2 | 20 Feb 2002 | 20 Feb 2002 | — |
| 2002 No. 60 | 5 Apr 2002 | 5 Apr 2002 | — |
| 2002 No. 285 | 4 Dec 2002 | 4 Dec 2002 | — |
| 2003 No. 36 | 27 Mar 2003 | 27 Mar 2003 | — |
| 2003 No. 335 | 23 Dec 2003 | 1 Mar 2004 | — |
| 2004 No. 40 | 24 Mar 2004 | 26 Mar 2004 (<i>see r. 2</i>) | — |
| 2004 No. 360 | 23 Dec 2004 | 1 Jan 2005 | — |
| 2007 No. 28 | 5 Mar 2007 (<i>see F2007L00552</i>) | 6 Sept 2007 (<i>see r. 2</i>) | — |
| 2007 No. 233 | 16 Aug 2007 (<i>see F2007L02427</i>) | 12 Sept 2007 | — |
| 2007 No. 341 | 8 Oct 2007 (<i>see F2007L01793</i>) | 15 Dec 2007 | — |
| 2008 No. 101 | 24 June 2008 (<i>see F2008L01161</i>) | 25 June 2008 | — |
| 2009 No. 121 | 26 June 2009 (<i>see F2009L02426</i>) | 1 July 2009 | — |
| 2010 No. 12 | 3 Mar 2010 (<i>see F2010L00500</i>) | 4 Mar 2010 | R. 4 |

Table of Amendments**Table of Amendments**

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

| Provision affected | How affected |
|-------------------------------|---|
| Reader's guide | |
| Reader's guide..... | am. 2004 Nos. 40 and 360; 2007 No. 28 |
| Part 1 | |
| R. 3 | am. 2004 No. 360 |
| Note to r. 3 (1)..... | rs. 2004 No. 360 |
| R. 4 | am. 2001 No. 154; 2003 No. 36; 2004 Nos. 40 and 360; 2007 Nos. 233 and 341; 2010 No. 12 |
| Note to r. 4 | am. 2003 No. 36; 2004 Nos. 40 and 360 |
| Part 2 | |
| Division 1 | |
| R. 6 | am. 2002 No. 285 rs. 2004 No. 40 |
| Note to r. 7 | rep. 2004 No. 40 |
| Division 2 | |
| R. 10 | am. 2001 No. 154; 2003 No. 335; 2004 Nos. 40 and 360; 2007 No. 233; 2008 No. 101; 2010 No. 12 |
| R. 11 | am. 2007 No. 233 |
| R. 12 | am. 2004 Nos. 40 and 360 |
| R. 13 | am. 2004 No. 40 |
| Note to r. 13 (1)..... | rs. 2004 No. 360 |
| R. 14 | am. 2004 No. 40 |
| R. 15 | am. 2002 No. 60; 2004 No. 360 |
| R. 16 | am. 2002 No. 60; 2004 No. 360 |
| R. 17 | am. 2002 No. 60; 2004 No. 360 |
| R. 18 | am. 2001 No. 154; 2003 No. 335; 2004 Nos. 40 and 360 rs. 2007 No. 233 am. 2008 No. 101; 2010 No. 12 |
| R. 19 | am. 2004 No. 360 |
| R. 20 | am. 2002 No. 60 |
| R. 21 | rs. 2001 No. 154 am. 2002 No. 60 |
| Division 2A | |
| Div. 2A of Part 2..... | ad. 2004 No. 40 |
| R. 21A..... | ad. 2004 No. 40 |
| Division 3 | |
| Heading to Div. 3 of Part 2.. | rs. 2001 No. 154 |
| R. 22 | am. 2004 No. 360 |

Table of Amendments

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

| Provision affected | How affected |
|-------------------------------|--|
| R. 22A..... | ad. 2001 No. 154 am 2004 No. 360 |
| Notes 1 and 2 to r. 22A (4).. | rep. 2007 No. 233 |
| R. 23..... | am. 2002 No. 60 |
| R. 24..... | rep. 2010 No. 12 |
| Note to r. 24..... | rs. 2007 No. 233 rep. 2010 No. 12 |
| R. 24A..... | ad. 2004 No. 40 am. 2007 No. 233 |
| R. 25..... | am. 2004 Nos. 40 and 360 |
| Note to r. 25 (1)..... | rs. 2004 No. 40 |
| R. 26..... | am. 2004 No. 360 |
| R. 27..... | rs. 2002 No. 60 am. 2004 No. 360 |
| R. 28..... | am. 2002 No. 60; 2004 No. 360 |
| R. 30..... | am. 2002 No. 60; 2004 No. 360 |
| Division 4 | |
| R. 30A..... | ad. 2007 No. 341 |
| R. 30B..... | ad. 2007 No. 341 |
| R. 30C..... | ad. 2007 No. 341 |
| R. 30D..... | ad. 2007 No. 341 |
| R. 30E..... | ad. 2007 No. 341 |
| R. 30F..... | ad. 2007 No. 341 |
| R. 30G..... | ad. 2007 No. 341 |
| Part 3 | |
| Heading to Part 3..... | rs. 2004 No. 360 |
| Division 1 | |
| R. 31..... | am. 2004 No. 360 |
| Division 2 | |
| Heading to Div. 2 of Part 3.. | rs. 2004 No. 40 |
| R. 32..... | rs. 2004 No. 40 |
| Note to r. 32..... | am. 2001 No. 154 rs. 2004 Nos. 40 and 360 |
| Heading to r. 33..... | rs. 2004 No. 40 |
| R. 33..... | am. 2004 Nos. 40 and 360 |
| R. 34..... | rs. 2004 No. 40 am. 2004 No. 360 |
| R. 35..... | am. 2004 Nos. 40 and 360 |
| Part 4 | |
| Division 1 | |
| R. 38..... | am. 2004 No. 360 |
| Heading to r. 39..... | rs. 2004 No. 40 |
| Note to r. 39..... | rs. 2004 No. 40 |

Table of Amendments

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

| Provision affected | How affected |
|---------------------------|---|
| R. 39A..... | ad. 2004 No. 40 am. 2004 No. 360 |
| R. 40..... | rs. 2001 No. 154 |
| Division 2 | |
| Div. 2 of Part 4..... | rs. 2004 No. 40 |
| R. 41..... | rs. 2004 No. 40 |
| Division 3 | |
| R. 42..... | am. 2002 No. 285 rs. 2004 No. 40 |
| Note to r. 42 (1)..... | am. 2002 No. 285 rs. 2004 No. 40 |
| Note 1 to r. 42 (3)..... | rs. 2004 No. 360 |
| R. 46..... | rs. 2004 No. 40 |
| R. 47..... | rs. 2004 No. 40 |
| Part 5 | |
| Division 1 | |
| R. 48..... | rs. 2004 No. 360 |
| Division 2 | |
| R. 49..... | am. 2004 No. 360 |
| Note to r. 49..... | am. 2004 No. 360 |
| R. 50..... | am. 2004 No. 360 |
| R. 51..... | am. 2004 No. 360 |
| R. 52..... | rep. 2004 No. 360 |
| R. 53..... | am. 2004 No. 360 |
| Heading to r. 54..... | rs. 2004 No. 360 |
| R. 54..... | am. 2004 No. 360 |
| Heading to r. 55..... | rs. 2004 No. 360 |
| R. 55..... | am. 2004 No. 360 |
| Part 6 | |
| Division 1 | |
| R. 58..... | am. 2004 No. 360 |
| Division 2 | |
| R. 59..... | am. 2002 No. 2; 2003 No. 36; 2004 No. 360 |
| R. 61..... | am. 2004 No. 360 |
| R. 63..... | am. 2004 No. 360 |
| Part 6A | |
| R. 69A..... | ad. 2007 No. 28 |
| R. 69B..... | ad. 2007 No. 28 am. 2009 No. 121 |
| R. 69C..... | ad. 2007 No. 28 |
| R. 69D..... | ad. 2007 No. 28 |

Table of Amendments

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

| Provision affected | How affected |
|---------------------------|--|
| R. 69E..... | ad. 2007 No. 28 |
| R. 69F..... | ad. 2007 No. 28 |
| R. 69G..... | ad. 2007 No. 28 |
| R. 69H..... | ad. 2007 No. 28 |
| R. 69I..... | ad. 2007 No. 28 |
| R. 69J..... | ad. 2007 No. 28 |
| R. 69K..... | ad. 2007 No. 28 |
| Part 7 | |
| Division 1 | |
| Heading to Div. 1..... | rs. 2004 No. 360 |
| R. 69A..... | ad. 2004 No. 360 |
| Renumbered r. 69Z..... | 2007 No. 28 |
| R. 70..... | am. 2004 No. 360 |
| R. 71..... | am. 2004 No. 360 |
| Division 4 | |
| R. 78..... | am. 2004 No. 360 |
| Schedule 1 | |
| Schedule 1..... | rs. 2001 No. 154 am. 2002 No. 2; 2008 No. 101 |
| Schedule 2 | |
| Schedule 2..... | ad. 2001 No. 154 am. 2008 No. 101 |

Note 2

Note 2

Schedule 2, Part 4 — Schedule 1 [item 27] of the *Quarantine Amendment Regulations 2008 (No. 1)* (2008 No. 101) provides as follows:

[27] Schedule 2, Part 4

omit

*Veterinary Preparations and Animal Feedings Stuffs Act
1976*

insert

*Veterinary Chemical Control and Animal Feeding Stuffs Act
1976*

The proposed amendment was misdescribed and is not incorporated in this compilation.

Table A Application, saving or transitional provisions**Select Legislative Instrument 2010 No. 12****4 Transitional**

- (1) This regulation applies if, during a prescribed period (within the meaning given by paragraph 11 (1) (a) of the *Quarantine Regulations 2000*):
- (a) the master of a vessel or installation causes prescribed information (within the meaning given by subregulation 10 (1) and regulation 18 of the *Quarantine Regulations 2000*) to be given to a quarantine officer:
 - (i) in a form approved by the Director of Quarantine under subsection 27A (2) of the *Quarantine Act 1908*; and
 - (ii) in the manner set out in paragraphs 11 (1) (a) and (b) of the *Quarantine Regulations 2000*; and
 - (b) the amendments made by Schedule 1 commence.
- (2) Despite the amendments made by item [6] and items [8] to [17] of Schedule 1, the master of the vessel or installation is not required to give the quarantine officer the information required by those items.