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Quarantine Amendment Proclamation 2000 (No. 1)

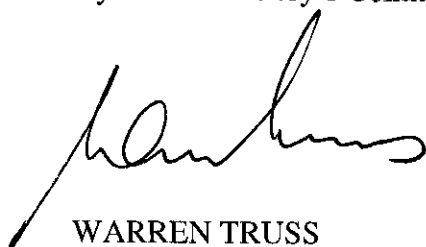
I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make this Proclamation under sections 12, 13 and 14 of the *Quarantine Act 1908*.

Signed and sealed with the
Great Seal of Australia
on 21st June 2000



Governor-General

By His Excellency's Command



WARREN TRUSS
Minister for Agriculture, Fisheries and Forestry

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1 Name of Proclamation

This Proclamation is the *Quarantine Amendment Proclamation 2000 (No. 1)*.

2 Commencement

This Proclamation commences on 23 June 2000.

3 Amendment of *Quarantine Proclamation 1998*

- (1) Schedule 1 amends the *Quarantine Proclamation 1998*.
- (2) Schedule 2 amends the *Quarantine Proclamation 1998*, as amended by Schedule 1.

Schedule 1 Amendments

(subsection 3 (1))

Part 1 Amendments

[1] Reader's Guide

substitute

Reader's Guide

1 Warning!

1.1 This guide is intended only to help you to understand and use the *Quarantine Proclamation 1998*. It is not part of the law and is not intended to replace reading the proclamation itself. It is also not a complete summary of the law of quarantine in Australia.

2 What quarantine is all about

2.1 Quarantine is about controls to maintain Australia's privileged human, animal and plant health status. Australians generally benefit from a natural environment that, compared to other countries, is relatively free of many debilitating pests and diseases of humans, animals and plants. Effective and efficient quarantine controls enhance the quality of life of all Australians by protecting public health, contributing to 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 attraction.

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

3 The Quarantine Act 1908

3.1 The principal Commonwealth legislation regulating quarantine is the *Quarantine Act 1908* (the *Quarantine Act*). The Quarantine Act has broad coverage over matters of quarantine concern in Australia. In particular, s 4 of the Quarantine 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 by subordinate legislation (that is, Proclamations, Regulations and determinations). There are 2 sets of Regulations made under the Quarantine Act: the *Quarantine Regulations 2000* and the Quarantine (Cocos Islands) Regulations. This Proclamation is the only Quarantine Proclamation now in force. The Quarantine Act, Regulations and Proclamation can be accessed through the Australian Quarantine and Inspection Service Internet site at www.aqis.gov.au/law/index.htm or from the SCALEplus website (maintained by the Attorney-General's Department) at <http://law.gov.au>.

4 Does the Act extend to the External Territories?

4.1 The Quarantine Act extends to some, but not all, of the external territories. (If an Act 'extends to' an external Territory, it applies in it.) The following table sets out whether the Quarantine Act extends to each external Territory:

Territory	Whether the Quarantine Act extends
Ashmore and Cartier Islands	Yes — see s 6AB
Australian Antarctic Territory	No — see s 17 (a) of the <i>Acts Interpretation Act 1901</i>
Christmas Island	No, but may be extended by regulations — see s 6AA
Cocos (Keeling) Islands	Yes (but note that the Territory is treated as separate from Australia — if a provision of the Act refers only to Australia, s 6 (2) operates to exclude the Territory from the provision)
Coral Sea Islands	No — see s 17 (a) of the <i>Acts Interpretation Act 1901</i>

Territory	Whether the Quarantine Act extends
Heard and McDonald Islands	No — see s 17 (a) of the <i>Acts Interpretation Act 1901</i>
Norfolk Island	No — see s 17 (a) of the <i>Acts Interpretation Act 1901</i>

5 Authority for this proclamation

5.1 Sections 12, 13, 13A, 14 and 14A of the Act, so far as relevant, are as follows:

12 Proclaimed places

The Governor-General may, by proclamation, declare that any place beyond or in Australia is infected with a quarantinable disease or quarantinable pest, or that a quarantinable disease or quarantinable pest may be brought or carried from or through that place, and thereupon, and so long as the proclamation remains in force, that place shall be a proclaimed place within the meaning of this Act.

13 Proclamation of ports of entry etc.

- (1) The Governor-General may, by proclamation:
- (a) declare any ports in Australia to be first ports of entry for overseas vessels;
 - (aaa) declare any ports in the Cocos Islands to be first Cocos Islands ports of entry for overseas vessels;
 - (aa) declare any place or area in Australia or the Cocos Islands to be a landing place for aircraft;
 - (b) declare any ports in Australia or the Cocos Islands to be ports where imported animals, plants or other goods, or imported animals, plants or other goods of a particular kind or description or having a particular use, may be landed;
 - (c) appoint places on land or sea to be quarantine stations for the performance of quarantine by vessels, persons, goods, animals, or plants;
 - (ca) declare a disease or pest to be a quarantinable disease or quarantinable pest, as the case may be;
 - (d) prohibit the introduction or importation into Australia, or prohibit the introduction or importation into the Cocos Islands, of any disease or pest or any substance, article or thing containing, or likely to contain, any disease or pest;
 - (e) prohibit the importation into Australia, or prohibit the importation into the Cocos Islands, of any articles or things likely, in his or her opinion, to introduce, establish or spread any disease or pest;
 - (f) prohibit the importation into Australia, or prohibit the importation into the Cocos Islands, of any animals or plants, or any parts of animals or plants;

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- (fa) prohibit the bringing into any port or other place in Australia or the Cocos Islands of any animals, plants or other goods;
 - (g) prohibit the removal of any animals, plants or goods, or parts of animals or plants from any part of the Commonwealth to any other part of the Commonwealth or from any part of the Cocos Islands to any other part of the Cocos Islands;
 - (ga) prohibit the removal of any animals, plants or other goods from Australia or a part of Australia to the Cocos Islands or a part of the Cocos Islands or from the Cocos Islands or a part of the Cocos Islands to Australia or a part of Australia;
 - (h) declare any part of the Commonwealth or of the Cocos Islands in which any disease or pest exists, or is suspected to exist, to be a quarantine area;
 - (i) declare that any vessel, people, animals, plants or other goods in any quarantine area, or in any part of the Commonwealth or of the Cocos Islands in which a disease or pest exists, or is suspected to exist, are to be subject to quarantine.
- (1A) The power to declare first ports of entry shall extend to authorize the declaration of a port to be a first port of entry for all overseas vessels, or for overseas vessels from any particular place, or for any class of overseas vessels.
- (1B) The power to declare first Cocos Islands ports of entry shall extend to authorize the declaration of a port to be a first Cocos Islands port of entry for all overseas vessels, or for overseas vessels from any particular place, or for any class of overseas vessels.
- (2) The power of prohibition under this section shall extend to authorize prohibition generally or as otherwise provided by the instrument authorising the prohibition, including prohibition either absolutely or subject to any specified conditions or restrictions.
- (2A) A Proclamation under subsection (1):
- (a) prohibiting the introduction into Australia or the Cocos Islands of any thing; or
 - (b) prohibiting the importation into Australia or the Cocos Islands of any thing; or
 - (c) prohibiting the bringing into a port or other place in Australia or the Cocos Islands of any thing; or
 - (d) prohibiting the removal of any thing:
 - (i) from a part of Australia to another part of Australia; or
 - (ii) from a part of the Cocos Islands to another part of the Cocos Islands; or
 - (iii) from Australia or a part of Australia to the Cocos Islands or a part of the Cocos Islands or from the Cocos Islands or a part of the Cocos Islands to Australia or a part of Australia;
- may provide that the introduction, importation, bringing or removal of the thing is prohibited unless a permit to introduce, import, bring or remove the thing is granted by a Director of Quarantine.

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- (2AA) A Director of Quarantine may, for the purposes of subsection (2A), grant a permit that relates to a specified act, or a specified class of acts, in relation to a specified thing or a specified class of things.
- (2B) A permit granted pursuant to a proclamation made in accordance with subsection (2A) may be granted subject to compliance with conditions or requirements, either before or after the introduction, importation, bringing or removal of the thing to which the permit relates, by the holder of the permit, being conditions or requirements set out in the permit.
- (2C) If, after the grant of a permit under a Proclamation made in accordance with subsection (2A), a Director of Quarantine is satisfied:
- (a) that the level of quarantine risk in respect of the introduction, importation, bringing or removal of the thing or class of things to which the permit relates has altered; or
 - (b) that the person to whom the permit was granted has breached a condition of the permit;
- that Director of Quarantine may, by notice in writing given to the person to whom the permit was issued, revoke the permit.
- (3) The powers conferred on the Governor-General by this section, in relation to the matters specified in paragraphs (1)(g), (ga), (h) and (i), so far as they relate to vessels, people, animals, plants or other goods, or any disease or pest, are exercisable in relation to the Commonwealth or the Cocos Islands only if the Governor-General is satisfied that the exercise of the powers is necessary for the purpose of preventing the introduction, establishment or spread of a disease or pest.
- (4) Where there is in force a Proclamation (in this subsection referred to as the *relevant Proclamation*) under subsection (1) (whether made before or after the commencement of this subsection) prohibiting the importation into Australia of any animals, plants or other goods, the Governor-General may, by Proclamation (in this subsection referred to as the *exempting Proclamation*), either generally or subject to such conditions or restrictions as are specified in the exempting Proclamation, exempt from the operation of the relevant Proclamation animals, plants or other goods of a kind specified in the exempting Proclamation, being articles, animals or plants that:
- (a) are brought into a part of Australia that is in the Protected Zone or in an area in the vicinity of the Protected Zone on board a Protected Zone vessel; and
 - (b) are owned by, or are under the control of, a traditional inhabitant who is on board that vessel and have been used, are being used or are intended to be used by him or her in connection with the performance of traditional activities in the Protected Zone or in an area in the vicinity of the Protected Zone.

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- (5) A Proclamation made under subsection (1) may, either generally or subject to such conditions or restrictions as are specified in the Proclamation, exempt from the operation of the Proclamation any animals, plants or other goods specified in the Proclamation, being animals, plants or other goods in respect of which an exemption may be granted under subsection (4).
- (6) If there is in force a Proclamation (the *relevant Proclamation*) under subsection (1) (whether made before or after the commencement of this subsection) prohibiting:
- (a) the bringing into a port or other place in Australia of any animals, plants or other goods; or
 - (b) the removal of any animals, plants or other goods:
 - (i) from a part of Australia to another part of Australia; or
 - (ii) from a part of the Cocos Islands to another part of the Cocos Islands; or
 - (iii) from Australia or a part of Australia to the Cocos Islands or a part of the Cocos Islands; or
 - (iv) from the Cocos Islands or a part of the Cocos Islands to Australia or a part of Australia;
- the Governor-General may, by Proclamation (the *exempting Proclamation*), either generally or subject to such conditions or restrictions as are specified in the exempting Proclamation, exempt from the operation of the relevant Proclamation animals, plants or other goods of a kind specified in the exempting Proclamation, being animals, plants or other goods that:
- (c) are brought or removed, on board a Protected Zone vessel, from a part of Australia that:
 - (i) is in the Protected Zone; or
 - (ii) is in an area in the vicinity of the Protected Zone; or
 - (iii) is in a Special Quarantine Zone; and
 - (d) are owned by, or are under the control of, a traditional inhabitant who is on board that vessel.
- (7) A Proclamation made under subsection (1) may, either generally or subject to such conditions or restrictions as are specified in the Proclamation, exempt from the operation of the Proclamation any animals, plants or other goods specified in the Proclamation, being animals, plants or other goods in respect of which an exemption may be granted under subsection (6).

13A Emergency quarantine grounds

The Minister may appoint any place to be a temporary quarantine station for such period as he or she thinks necessary, for the performance of quarantine by any vessel, installation, persons, goods, animals, or plants, and the place so appointed shall be deemed to be a quarantine station accordingly.

14 Exemption of certain vessels and goods

The Governor-General may exempt, for such time and subject to such conditions as he or she thinks fit, from all or any of the provisions of this Act:

- (a) any ship of war;
- (b) any vessels trading exclusively:
 - (i) between Australian ports;
 - (ia) between Australian ports and Australian installations;
 - (ii) between ports in the Cocos Islands;
 - (iii) between Australia and New Zealand;
 - (iv) between Australia and Fiji;
 - (v) between Australia and the Cocos Islands; or
 - (vi) between Australia and another place adjacent to Australia;
- (c) any particular vessel or class of vessels; and
- (d) any persons, animals, plants or goods or any classes of persons, animals, plants or other goods.

14A Exemptions pursuant to Torres Strait Treaty

- (1) Without limiting the power of the Governor-General to grant exemptions under section 14, the Minister may, by notice published in the *Gazette*, exempt, subject to such conditions (if any) as are specified in the notice, from all of the provisions of this Act or the regulations or from so many of those provisions as are specified in the notice:
 - (a) any Protected Zone vessel that enters a part of Australia that is in the Protected Zone or in an area in the vicinity of the Protected Zone, being a vessel:
 - (i) on board which there is at least one traditional inhabitant who is entering that part of Australia in connection with the performance of traditional activities in the Protected Zone or in an area in the vicinity of the Protected Zone; and
 - (ii) no person on board which is a person other than:
 - (A) a person referred to in subparagraph (i); or
 - (B) an employee of the Commonwealth, of Queensland or of Papua New Guinea or of an authority of the Commonwealth, of Queensland or of Papua New Guinea who is entering that part of Australia in connection with the performance of his or her duties;
 - (b) persons on board a vessel of the kind referred to in paragraph (a); or
 - (c) goods on board a vessel of the kind referred to in paragraph (a), being goods that:
 - (i) are owned by, or are under the control of, a traditional inhabitant who is on board that vessel and have been used, are being used or are intended to be used by him or her in connection with the performance of traditional activities in

the Protected Zone or in an area in the vicinity of the Protected Zone; or

(ii) are the personal belongings of a person referred to in subparagraph (a)(ii).

(2) An exemption granted under subsection (1) has effect only while the vessels, persons or goods in respect of which the exemption was granted remain in the Protected Zone or in an area in the vicinity of the Protected Zone.

6 How this Proclamation is arranged

6.1 Most of this Proclamation is about things that cannot be imported into Australia or the Cocos (Keeling) Islands. There are also some restrictions on the movement of things within Australia. Where a Part of this Proclamation is about both importing things into Australia (that is, the States, the Australian Capital Territory, the Jervis Bay Territory and the Northern Territory), and importing things into the Cocos (Keeling) Islands, the parts about Australia and the parts about the Cocos (Keeling) Islands are in separate Divisions within the Part. If a Part contains restrictions on moving things within Australia, those restrictions are in yet another Division. All of the Parts and Divisions have self-explanatory headings that are repeated as running headings at the top of each page within the Part or Division.

6.2 The Proclamation is organised into Parts as follows:

- Parts 1, 2 and 2A — preliminary and general matters
- Part 3 — human quarantine
- Parts 4 and 5 — some miscellaneous matters that do not fit easily into human, animal or plant quarantine
- Part 6 — animal quarantine
- Part 7 — plant quarantine
- Parts 8 and 10 — administrative matters.

6.3 Some of the Parts are divided into Divisions, as mentioned above.

6.4 Following Part 10 are the Schedules, which set out lengthy material that cannot be conveniently put into the main text of the proclamation.

6.5 The Proclamation is arranged so that you do not need to look for other documents to understand it. Where it refers to other Commonwealth or State legislation or *Gazette* notices, an extract from the relevant legislation or notice has been included (if possible) as a note in the text. There are many other notes giving, for example, references to relevant provisions of the Act.

7 How do I find the meaning of words used in this Proclamation?

7.1 If a word or term used in this Proclamation has a special meaning, it will often be defined in s 3 of the Proclamation or in s 5 of the Quarantine Act. If a term is used only in one provision, you may find a definition of it in that provision.

7.2 Normally, a term used in the Quarantine Act (even if not defined there) has the same meaning in this Proclamation. An exception is *Torres Strait Special Quarantine Zone*. Since 23 June 2000, the Quarantine Act has used the term Special Quarantine Zone with a particular meaning (for which, see ss 5 and 5A of that Act), but the term has a long history of use, with a somewhat different meaning, for a particular part of Australia near Torres Strait. In this Proclamation, the term *Torres Strait Special Quarantine Zone* is used (defined in s 3) with the latter meaning.

8 What status has a particular port under the proclamation?

8.1 Many ports in Australia are proclaimed as first ports of entry, and many airports are declared to be landing places for aircraft. The following tables list the ports that are first ports of entry (in alphabetical order), and the airports that are landing places for aircraft (also in alphabetical order). The tables also show whether imported animals, plants or goods may be landed at each port or airport, and indicate any limitations that apply. If there is no entry in the table for animals, plants or goods for a particular port or airport, imported animals, plants or goods (as the case may be) cannot be landed there.

8.2 For full information see the relevant sections and tables in the Proclamation, as follows:

- Ports that are first ports of entry for vessels other than aircraft — table 1 in s 8
- First ports of entry and landing places for aircraft — table 2 in s 9
- Ports where imported animals generally may be landed — table 3 in s 10
- ports at which imported animals of particular kinds, or having particular descriptions, may be landed — table 4 in s 11
- ports at which imported plants generally may be landed — table 5 in s 12
- ports at which imported plants of particular kinds, or having particular descriptions, may be landed — table 6 in s 13
- ports where imported goods (other than animals or plants) generally may be landed — table 6A in s 13A
- ports where imported goods other than waste may be landed — table 6B in s 13A
- Ports where particular kinds of imported goods, or goods having particular uses, may be landed — table 6C in s 13B
- Ports where personal effects that are accompanied passenger baggage may be landed — table 6D in s 13B.

8.3 Ports and airports in the Cocos Islands are not included in the tables, but for them see Division 2 of Part 2 (ss 16–20).

Ports in Australia that are first ports of entry for vessels other than aircraft

Port	Can Imported animals be landed there?	Can imported plants be landed there?	Can imported goods of other kinds be landed there?
<i>Ports in New South Wales</i>			
Coffs Harbour			
Lord Howe Island			
Newcastle		Yes	Yes
Port Botany, Sydney	Yes	Yes	Yes
Port Jackson, Sydney	Yes	Yes	Yes
Port Kembla		Grain only (see table 6 in s 13)	Yes
Twofold Bay			
Yamba		Sawn timber only (see table 6 in s 13)	Personal effects, as accompanied baggage, only (see table 6D in s 13B)
<i>Ports in Victoria</i>			
Geelong		Yes	Yes
Melbourne	Yes	Yes	Yes
Portland			Fertiliser only (see table 6C in s 13B)
Westernport			
<i>Ports in Queensland</i>			
Abbot Point			
Brisbane	Yes	Yes	Yes
Bundaberg	Cats and dogs from New Zealand only (see table 4 in s 11)		Yes
Cairns	Cats and dogs from New Zealand only (see table 4 in s 11)		Yes
Dalrymple Bay	see Hay Point		

Port	Can imported animals be landed there?	Can imported plants be landed there?	Can imported goods of other kinds be landed there?
Gladstone	Cats and dogs from New Zealand only (see table 4 in s 11)	Yes	Yes
Hay Point (including Dalrymple Bay)			Personal effects, as accompanied baggage, only (see table 6D in s 13B)
Lucinda			
Mackay			Yes
Mourilyan Harbour			
Port Alma		Yes	Yes
Thursday Island	Dead fish only (see table 4 in s 11)	Certain kinds only (see table 6 in s 13)	
Townsville	Cats and dogs from New Zealand only (see table 4 in s 11)	Yes	Yes
Weipa			
<i>Ports in South Australia</i>			
Ardrossan			
Cape Thevenard			Fertiliser and waste only (see table 6C in s 13B)
Port Adelaide	Yes	Yes	Yes
Port Bonython			Ballast water and waste only (see table 6C in s 13B)
Port Giles			
Port Lincoln	Dead fish only (see table 4 in s 11)		Fertiliser and waste only (see table 6C in s 13B)
Port Pirie			Yes

Port	Can imported animals be landed there?	Can imported plants be landed there?	Can imported goods of other kinds be landed there?
Port Stanvac			Bulk oil products and waste only (see table 6C in s 13B)
Wallaroo			Fertiliser and waste only (see table 6C in s 13B)
Whyalla			Yes
<i>Ports in Western Australia</i>			
Albany			Yes
Broome		Yes	
Bunbury		Yes	Yes
Carnarvon			
Dampier		Yes	Yes
Derby			
Esperance			Yes
Exmouth			
Fremantle	Yes	Yes	Yes
Geraldton		Yes	Yes
Port Hedland		Yes	Yes
Port Walcott			
Wyndham			
<i>Ports in Tasmania</i>			
Beauty Point	<i>see</i> Launceston		
Bell Bay	<i>see</i> Launceston		
Burnie		Yes	Yes
Devonport		Yes	
Hobart (including Risdon and Selfs Point)	Yes	Yes	Yes
Launceston (including Beauty Point and Bell Bay)	Cats and dogs from New Zealand only (see table 4 in s 11)	Yes	Yes
Port Huon			

Port	Can imported animals be landed there?	Can imported plants be landed there?	Can imported goods of other kinds be landed there?
Port Latta			
Spring Bay			
Stanley		Yes	
<i>Ports in the Northern Territory</i>			
Darwin	Cats and dogs from New Zealand only (see table 4 in s 11)	Yes	Yes
Gove (Nhulunbuy)	Yes		Yes, except waste (see table 6B in s 13A)
Groote Eylandt			Yes
Nhulunbuy	<i>see Gove</i>		

Airports in Australia that are landing places for aircraft

Airport	Can imported animals be landed there?	Can imported plants be landed there?	Can imported goods of other kinds be landed there?
<i>Airports in the Australian Capital Territory</i>			
Canberra International Airport	Cats and dogs from New Zealand only (see table 4 in s 11)	Yes	Personal effects, as accompanied baggage, only (see table 6D in s 13B)
RAAF Base, Fairbairn	Cats and dogs from New Zealand only (see table 4 in s 11)	Yes	Personal effects, as accompanied baggage, only (see table 6D in s 13B)
<i>Airports in New South Wales</i>			
HMAS Albatross			Personal effects, as accompanied baggage, only (see table 6D in s 13B)
Kingsford-Smith Airport, Sydney	Yes	Yes	Yes

Airport	Can imported animals be landed there?	Can imported plants be landed there?	Can imported goods of other kinds be landed there?
Lord Howe Island Airport			Personal effects, as accompanied baggage, only (see table 6D in s 13B)
RAAF Base, Richmond			Yes
RAAF Base, Williamstown			Personal effects, as accompanied baggage, only (see table 6D in s 13B)
<i>Airports in Victoria</i>			
Avalon Airport			Personal effects, as accompanied baggage, only (see table 6D in s 13B)
Essendon Airport			
RAAF Base, Laverton			
Tullamarine Airport	Yes	Yes	Yes
<i>Airports in Queensland</i>			
Brisbane Airport	Yes	Yes	Yes
Cairns Airport	Animals from NZ only (see table 4 in s 11)	Yes	Yes
Horn Island Airport			
RAAF Base, Amberley			Yes
Townsville Airport	Cats and dogs from New Zealand only (see table 4 in s 11)	Yes	Yes
<i>Airports in South Australia</i>			
Adelaide Airport	Yes	Yes	Yes
RAAF Base, Edinburgh			Yes

Airport	Can imported animals be landed there?	Can imported plants be landed there?	Can imported goods of other kinds be landed there?
<i>Airports in Western Australia</i>			
Broome Airport		Yes	Yes
Learmonth Airport			
Perth Airport	Yes	Yes	Yes
Port Hedland Airport		Yes	Yes, except waste (see table 66B in s 13A)
RAAF Base, Pearce			
<i>Airports in Tasmania</i>			
Hobart Airport	Yes	Yes	Yes
<i>Airports in the Northern Territory</i>			
Alice Springs			Yes
Darwin Airport	Cats and dogs from New Zealand only (see table 4 in s 11)	Yes	Yes
RAAF Base, Katherine			Yes, except waste (see table 66B in s 13A)
RAAF Base, Tindal			

9 What are the consequences of illegal importation?

9.1 The Quarantine Act creates offences for importing things in contravention of the Quarantine Act or this Proclamation, and for failing to comply with conditions attached to permits granted under the Proclamation. The Quarantine Act also provides for seizure of illegally imported things. The relevant provisions in the Quarantine Act are set out below:

67 Penalties for certain acts done in contravention of Act

Illegal importation etc.

- (1) A person is guilty of an offence if:
 - (a) the person imports or introduces into, or brings into any port or other place in, Australia or the Cocos Islands:
 - (i) any disease or pest; or
 - (ii) any substance or article containing a disease or pest; or
 - (iii) any animal, plant or other goods; and

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- (b) the person knows that the importation, introduction or bringing is in contravention of this Act.

Maximum penalty: Imprisonment for 10 years.

Knowledge of contravention presumed to exist in relation to a thing that is concealed or misdescribed

- (2) If:
- (a) a person imports or introduces into, or brings into a port or other place in, Australia or the Cocos Islands any thing mentioned in subparagraph (1)(a)(i), (ii) or (iii); and
 - (b) the importation, introduction or bringing is a contravention of this Act; and
 - (c) the person:
 - (i) conceals the thing or its nature or condition; or
 - (ii) conceals a fact or matter relating to the thing or its nature or condition; or
 - (iii) gives to a quarantine officer a false or misleading description of the thing;

it is presumed, in the absence of evidence to the contrary, that the person knew that the importation, introduction or bringing was such a contravention.

Note: The defendant bears an evidential burden of proof in respect of evidence to the contrary (see subsection 13(3) of the *Criminal Code*).

Illegal removal

- (3) A person is guilty of an offence if:
- (a) the person removes any animal, plant or other goods:
 - (i) from a part of Australia to another part of Australia; or
 - (ii) from a part of the Cocos Islands to another part of the Cocos Islands; or
 - (iii) from Australia to the Cocos Islands; or
 - (iv) from the Cocos Islands to Australia; and
 - (b) the person knows that the removal is a contravention of this Act.

Maximum penalty: Imprisonment for 10 years.

Knowledge of contravention presumed to exist in relation to goods that are concealed or misdescribed

- (4) If:
- (a) a person removes any animal, plant or other goods as mentioned in paragraph (3)(a); and
 - (b) the removal is a contravention of this Act; and
 - (c) the person:
 - (i) conceals the animal, plant or other goods or the nature or condition of the animal, plant or other goods; or

- (ii) conceals a fact or matter relating to the animal, plant or other goods or relating to the nature or condition of the animal, plant or other goods; or
- (iii) gives to a quarantine officer a false or misleading description of the animal, plant or other goods;

it is presumed, in the absence of evidence to the contrary, that the person knew that the removal was such a contravention.

Note: The defendant bears an evidential burden of proof in respect of evidence to the contrary (see subsection 13(3) of the *Criminal Code*).

Non-compliance with condition of permit granted under Proclamation

- (5) A person is guilty of an offence if:
 - (a) the person fails to comply with a condition or restriction set out in a permit granted under a Proclamation made in accordance with subsection 13(2A); and
 - (b) the person is reckless as to whether or not the condition or restriction is complied with.

Maximum penalty: Imprisonment for 10 years.

Hindering compliance with Act

- (6) A person is guilty of an offence if the person:
 - (a) does any act that hinders or prevents another person from complying with this Act; and
 - (b) is reckless as to whether or not the doing of that act hinders or prevents the other person from complying with this Act.

Maximum penalty: Imprisonment for 10 years.

68 Effect of unlawful importation etc.

Circumstances in which section applies

- (1) This section applies if:
 - (a) any animals, plants or other goods are imported or introduced into, or brought into any port or other place in, Australia or the Cocos Islands; or
 - (b) any animals, plants or other goods are removed:
 - (i) from a part of Australia to another part of Australia; or
 - (ii) from a part of the Cocos Islands to another part of the Cocos Islands; or
 - (iii) from Australia to the Cocos Islands; or
 - (iv) from the Cocos Islands to Australia; or
 - (c) any animals, plants or other goods are moved, interfered with or dealt with;

in contravention of this Act.

Seizure of goods

- (2) A quarantine officer may seize the animals, plants or goods and, if they are seized:
- (a) they are forfeited to the Commonwealth; and
 - (b) the quarantine officer must give a notice to a person referred to in subsection (4) stating that they have been seized and forfeited to the Commonwealth and that they will be sold, destroyed, exported from Australia or the Cocos Islands or otherwise disposed of in any way that a Director of Quarantine thinks appropriate; and
 - (c) a Director of Quarantine may cause the animals, plants or goods to be sold, destroyed, exported from Australia or the Cocos Islands or otherwise disposed of.

Notice by Director of Quarantine where goods not seized

- (3) If the animals, plants or goods have not been seized under subsection (2), a Director of Quarantine may give a notice to a person referred to in subsection (4) stating that they will be seized, sold, destroyed, exported from Australia or the Cocos Islands or otherwise disposed of in any way that the Director thinks appropriate unless, within a period set out in the notice:
- (a) they are destroyed, exported from Australia or the Cocos Islands, as the case may be, or otherwise dealt with in a way set out in the notice; and
 - (b) any other requirements set out in the notice relating to the animals, plants or goods are complied with.

Person to whom notice may be given

- (4) A notice under subsection (2) or (3) may be given:
- (a) in respect of animals, plants or other goods imported as mentioned in paragraph (1)(a)—to the importer; or
 - (b) otherwise—to the owner, or the person in possession or control, of the animals, plants or goods.

Notice must not require action involving unacceptably high level of risk

- (5) A Director of Quarantine must not give a notice under subsection (3) if the Director is not satisfied that:
- (a) if the animals, plants or goods are dealt with in the way set out in the notice, there will be no unacceptably high level of quarantine risk; or
 - (b) the person will either comply with the notice or tell the Director within the period set out in the notice that the person does not wish to deal with the goods as required by the notice.

Authorised action will not contravene Act

- (6) If, the animals, plants or goods have not been released from quarantine, any movement of, interference with, or dealing with, them that is necessary to comply with the notice is not a contravention of this Act.

Liability for things done before notice not affected

- (7) Any civil or criminal liability of the person to whom a notice is given because of a contravention of this Act that occurred in relation to the animals, plants or goods before the notice is given is not affected by the giving of the notice.

Further notice may be given

- (8) At any time before the person to whom a notice under subsection (3) is given complies with the notice, a Director of Quarantine may give a further notice to the person amending or revoking the notice. If the notice is amended, this section applies to the notice as amended in the same way as it applied to the original notice.

If notice is not complied with

- (9) If a notice is given to a person under subsection (3) within the period prescribed by the regulations for the purposes of this subsection, but the person:
- (a) does not comply with the notice within the period specified in it; or
 - (b) tells a Director of Quarantine within that period that the person does not wish to deal with the goods as required by the notice;
- the following provisions have effect:
- (c) the animals, plants or goods are forfeited to the Commonwealth; and
 - (d) an officer or an officer of Customs may seize them; and
 - (e) a Director of Quarantine may cause them to be sold, destroyed, exported from Australia or the Cocos Islands or otherwise disposed of.

68A Destruction of certain animals

If:

- (a) an animal has been brought into a port or other place in Australia or the Cocos Islands but the animal was not intended, or is not permitted, to be imported into Australia or the Cocos Islands, as the case may be; and
- (b) the master of a vessel or installation fails to comply with:
 - (i) a direction given by a Director of Quarantine with respect to the animal; or

- (ii) any of the prescribed conditions relating to the giving of reports about the animal, or relating to the control or confinement of, or the giving of access to, the animal; a quarantine officer may destroy the animal.

10 What happened to earlier proclamations?

10.1 Many proclamations have been made under the Quarantine Act since 1908 — some 150 in all. All the proclamations made before 1998 under ss 5 (definitions of: *disease in relation to animals*; *disease in relation to plants*; and *quarantinable disease*), 12 13 and 14 of that Act were revoked by the *Quarantine Proclamation 1998*. However, permits granted under a revoked proclamation are taken to continue in force according to their terms (see s 75 of this Proclamation).

[2] Section 3, before definition of *canned*

insert

Australia see subsection 5 (1) of the Quarantine Act.

Note The definition in that subsection is:

Australia, when used in a geographical sense:

- (a) includes the Territory of Ashmore and Cartier Islands; but
- (b) so long as this Act or a part of this Act does not extend to the Territory of Christmas Island, does not include that Territory or that part of that Territory, as the case may be.

[3] Section 3, definition of *Special Quarantine Zone*

substitute

Torres Strait Special Quarantine Zone means the area bounded by an imaginary line:

- (a) beginning at the intersection of the parallel 10° 28' south latitude with the meridian 142° east longitude; and
- (b) then bearing due east to the intersection of the parallel 10° 28' south latitude with the meridian 143° east longitude; and
- (c) then bearing due south to the intersection of the parallel 10° 47' south latitude with the meridian 143° east longitude; and
- (d) then bearing due west to the intersection of the parallel 10° 47' south latitude with the meridian 142° 46' east longitude; and
- (e) then bearing generally north-westerly to the intersection of the parallel 10° 36' south latitude with the meridian 142° 27' east longitude; and
- (f) then bearing generally south-westerly to the intersection of the parallel 10° 52' south latitude with the meridian 142° 10' east longitude; and

- (g) then bearing due west to the intersection of the parallel 10° 52' south latitude with the meridian 142° east longitude; and
- (h) then bearing due north to the point of commencement.

Note 1 The Torres Strait Special Quarantine Zone is not a 'Special Quarantine Zone' within the meaning of section 5A of the Quarantine Act.

Note 2 Terms defined in the Act have the same meaning in this Proclamation, see the *Acts Interpretation Act 1901*, paragraph 46 (1) (a).

[4] **Section 4**

substitute

4 Meaning of *permit* to import or remove something

A reference in this Proclamation to a permit to import or remove something includes:

- (a) a permit to import the thing, or remove the thing to another part of Australia, granted under a Proclamation revoked by this Proclamation; and
- (b) a permit that relates to an act or a class of acts specified in the permit in relation to a thing or a class of things specified in the permit.

[5] **Section 5, note**

omit

[6] **Section 7**

substitute

6 Tables

- (1) A table in this Proclamation that immediately follows the end of a section is part of the section.
- (2) A table in this Proclamation that is within a section is part of the section.

7 Material that is, and is not, part of this Proclamation

- (1) The Reader's Guide is not part of this Proclamation.
- (2) A note in this Proclamation is explanatory and is not part of this Proclamation.
- (3) A heading to a Part, Division, section, table, Schedule or Part of a Schedule is part of this Proclamation.

[7] **Section 9, Table 2**

substitute

Table 2 First ports of entry and landing places for aircraft

Australian Capital Territory

Canberra International Airport
Royal Australian Air Force Base,
Fairbairn

New South Wales

HMAS Albatross
Kingsford-Smith Airport, Sydney
Lord Howe Island Airport
Royal Australian Air Force Base,
Richmond
Royal Australian Air Force Base,
Williamstown

Victoria

Avalon Airport
Essendon Airport, Melbourne
Tullamarine Airport, Melbourne
Royal Australian Air Force Base,
Laverton

Queensland

Brisbane Airport
Cairns Airport
Horn Island Airport
Royal Australian Air Force Base,
Amberley
Townsville Airport

South Australia

Adelaide Airport
Royal Australian Air Force Base,
Edinburgh

Western Australia

Broome Airport
Learmonth Airport
Perth Airport
Port Hedland Airport
Royal Australian Air Force Base,
Pearce

Tasmania

Hobart Airport

Northern Territory

Alice Springs Airport
Darwin Airport
Royal Australian Air Force Base,
Katherine
Royal Australian Air Force Base,
Tindal

[8] Section 10, Table 3

substitute

Table 3 Ports where imported animals generally may be landed

New South Wales Kingsford Smith Airport, Sydney Port Botany, Sydney Port Jackson, Sydney	South Australia Adelaide Airport Port Adelaide
Victoria Melbourne Tullamarine Airport, Melbourne	Western Australia Fremantle Perth Airport
Queensland Brisbane Brisbane Airport	Tasmania Hobart, including Risdon and Selfs Point Hobart Airport
	Northern Territory Gove (Nhulunbuy)

[9] Section 11

substitute

11 Ports where imported animals of particular kinds, or having particular descriptions, may be landed (Quarantine Act, s 13 (1) (b))

Each port mentioned in column 2 of an item in table 4 is a port where imported animals of a kind or description mentioned in column 3 of the item may be landed.

Table 4 Ports where particular kinds or descriptions of imported animals may be landed

Column 1 Item	Column 2 Port	Column 3 Kind or description of imported animal
Australian Capital Territory		
1	Canberra International Airport	Domestic cats and domestic dogs from New Zealand
2	RAAF Base, Fairbairn	Domestic cats and domestic dogs from New Zealand
Queensland		
3	Bundaberg	Domestic cats and domestic dogs from New Zealand
4	Cairns	Domestic cats and domestic dogs from New Zealand
5	Cairns Airport	Animals from New Zealand
6	Gladstone	Domestic cats and domestic dogs from New Zealand
7	Thursday Island	Dead fish
8	Townsville	Domestic cats and domestic dogs from New Zealand
9	Townsville Airport	Domestic cats and domestic dogs from New Zealand
South Australia		
10	Port Lincoln	Dead fish
Tasmania		
11	Launceston, including Beauty Point and Bell Bay	Domestic cats and domestic dogs from New Zealand
Northern Territory		
12	Darwin	Domestic cats and domestic dogs from New Zealand
13	Darwin Airport	Domestic cats and domestic dogs from New Zealand

[10] **Section 12, Table 5**

substitute

Table 5 Ports where imported plants generally may be landed

Australian Capital Territory

Canberra International Airport
Royal Australian Air Force Base,
Fairbairn

New South Wales

Kingsford Smith Airport, Sydney
Newcastle
Port Botany, Sydney
Port Jackson, Sydney

Victoria

Geelong
Melbourne
Tullamarine Airport, Melbourne

Queensland

Brisbane
Brisbane Airport
Cairns
Cairns Airport
Gladstone
Port Alma
Townsville
Townsville Airport

South Australia

Adelaide Airport
Port Adelaide

Western Australia

Broome
Broome Airport
Bunbury
Dampier
Fremantle
Geraldton
Perth Airport
Port Hedland
Port Hedland Airport

Tasmania

Burnie
Devonport
Hobart, including Risdon and Selfs
Point
Hobart Airport
Launceston, including Beauty
Point, Bell Bay and Long Reach
Stanley

Northern Territory

Darwin
Darwin Airport

[11] Section 13

substitute

13 Ports where imported plants of particular kinds, or having particular uses, may be landed (Quarantine Act, s 13 (1) (b))

A port mentioned in column 2 of an item in table 6 is a port where imported plants of a kind, or having a particular use, mentioned in column 3 of the item may be landed.

Table 6 Ports where imported plants of particular kinds, or having particular uses, may be landed

Column 1 Item	Column 2 Port	Column 3 Kind or use of imported plants
New South Wales		
1	Port Kembla	Grain
2	Yamba	Sawn timber (other than logs)
Queensland		
3	Thursday Island	Fruit and vegetables solely for food for human consumption

13A Ports where other goods may be landed (Quarantine Act, s 13 (1) (b))

- (1) A port mentioned in table 6A is a port where imported goods (other than animals or plants) may be landed.

Table 6A Ports where imported goods (other than animals or plants) generally may be landed

New South Wales	South Australia
Kingsford Smith Airport, Sydney	Adelaide Airport
Newcastle	Port Adelaide
Port Botany, Sydney	Port Pirie
Port Jackson, Sydney	Royal Australian Air Force Base, Edinburgh
Port Kembla	Whyalla
Royal Australian Air Force Base, Richmond	Western Australia
Victoria	Albany
Geelong	Broome Airport
Melbourne	Bunbury
Tullamarine Airport, Melbourne	Dampier
Queensland	Esperance
Brisbane	Fremantle
Brisbane Airport	Geraldton
Bundaberg	Perth Airport
Cairns	Port Hedland
Cairns Airport	Tasmania
Gladstone	Burnie
Mackay	Hobart, including Risdon and Selfs Point
Port Alma	Hobart Airport
Royal Australian Air Force Base, Amberley	Launceston (including Beauty Point and Bell Bay)
Townsville	Northern Territory
Townsville Airport	Alice Springs
	Darwin
	Darwin Airport
	Groote Eylandt

- (2) A port mentioned in table 6B is a port where imported goods (other than animals or plants, and other than waste) may be landed.

Table 6B Ports where imported goods other than waste may be landed

Western Australia
Port Hedland Airport

Northern Territory
Gove (Nhulunbuy)
Royal Australian Air Force Base,
Katherine

13B Ports where particular kinds of other goods may be landed (Quarantine Act, s 13 (1) (b))

- (1) A port mentioned in column 2 of an item in table 6C is a port where imported goods (other than animals or plants) of a kind, or having a use, mentioned in column 3 of the item may be landed.

Table 6C Ports where particular kinds of imported goods, or goods having particular uses, may be landed

Column 1 Item	Column 2 Port	Column 3 Kind of imported goods, or use of goods
Victoria		
1	Portland	Fertiliser only
South Australia		
2	Cape Thevenard	Fertiliser and waste only
3	Port Bonython	Ballast water and waste only
4	Port Lincoln	Fertiliser and waste only
5	Port Stanvac	Bulk oil products and waste only
6	Wallaroo	Fertiliser and waste only

- (2) A port mentioned in table 6D is a port where imported goods (other than animals or plants) that are personal effects, as accompanied passenger baggage, may be landed.

Table 6D Ports where personal effects that are accompanied passenger baggage may be landed

Australian Capital Territory	Royal Australian Air Force Base, Williamstown
Canberra International Airport	Yamba
Royal Australian Air Force Base, Fairbairn	Victoria Avalon Airport
New South Wales	Queensland
HMAS Albatross	Hay Point (including Dalrymple Bay)
Lord Howe Island Airport	

[12] **Part 3**
substitute

Part 3 Human quarantine

Division 1 General

21 Quarantinable diseases (Quarantine Act, ss 5 (1) (definition of *quarantinable disease*) and 13 (1) (ca))

Each disease mentioned in table 9 is a quarantinable disease.

Table 9 Quarantinable diseases of humans

Item	Disease
1	Cholera
2	Plague
3	Rabies
4	Viral haemorrhagic fevers of humans
5	Yellow fever

22 Proclaimed places (Quarantine Act, s 12)

Each place mentioned in Schedule 2 is declared to be infected with yellow fever.

Note Those places are *proclaimed places*, see section 12 of the Quarantine Act.

Division 2 Importation of corpses and human body parts into Australia

23 **Corpses and human body parts for burial or cremation (Quarantine Act, ss 5 (1) and 13 (1) (d) and (e))**

The importation into Australia of a corpse or part of a corpse for burial or cremation is prohibited:

- (a) unless:
- (i) the corpse or part is accompanied by an official copy of an official certificate or official extract from an entry in an official register, in which the date, place and cause of death of the deceased person are set out; and
 - (ii) when the corpse or part is landed in Australia, the certificate or copy is produced to an officer at the port where the corpse or part is landed; or
- (b) unless a Director of Quarantine has granted a permit to import the corpse or part into Australia.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

24 **Importation of human body parts (Quarantine Act, ss 5 (1) and 13 (1) (d) and (e))**

The importation into Australia of a human body part mentioned in column 2 of an item in table 10 is prohibited unless:

- (a) it complies with the condition in column 3 of the item; or
- (b) a Director of Quarantine has granted a permit to import the body part into Australia.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

Table 10 Human body parts

Column 1 Item	Column 2 Part	Column 3 Condition
Bones, teeth etc		
1	Human bones and teeth for use as curios or jewellery	If clean and without adhering tissue, blood or faecal matter

Column 1 Item	Column 2 Part	Column 3 Condition
Hair		
2	Hair	If cleaned by an approved method, free of adhering material and not for use in animal foods or fertilisers, nor for growing purposes

Division 3 **Importation of corpses and human body parts into Cocos Islands**

25 Corpses and human body parts for burial or cremation (Quarantine Act, ss 5 (1) and 13 (1) (d) and (e))

The importation into the Cocos Islands of a corpse or part of a corpse for burial or cremation is prohibited:

- (a) unless:
- (i) the corpse or part is accompanied by an official copy of an official certificate or official extract from an entry in an official register, in which the date, place and cause of death of the deceased person are set out; and
 - (ii) when the corpse or part is landed in the Cocos Islands, the certificate or copy is produced to an officer at the port where the corpse or part is landed; or
- (b) unless a Director of Quarantine has granted a permit to import the corpse or part into the Cocos Islands.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

26 Importation of human body parts (Quarantine Act, ss 5 (1) and 13 (1) (d) and (e))

The importation into the Cocos Islands of a human body part mentioned in column 2 of an item in table 10 is prohibited unless:

- (a) it complies with the condition in column 3 of the item; or
- (b) a Director of Quarantine has granted a permit to import the body part into the Cocos Islands.

Note 1 Table 10 is in section 24.

Note 2 For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

[13] **Section 28**

substitute

28 Importation of biological materials (Quarantine Act, ss 5 (1) and 13 (1) (d) and (e))

- (1) The introduction or importation into Australia of the following things is prohibited unless a Director of Quarantine has granted a permit to import the article into Australia:
- (a) an article (other than an article to which subsection (2) applies) that is prohibited biological material;
 - (b) an article (other than an article to which subsection (2) applies) that contains prohibited biological material;
 - (c) an article (other than an article to which subsection (2) applies) of which prohibited biological material is an ingredient.

Note For the meaning of *prohibited biological material*, see the definition of that term in section 27.

- (2) This subsection applies to the following articles:
- (a) an article the introduction or importation of which is permitted under section 29, 38, 39, 40, 41, 42, 43, 44 or 46, and is not otherwise prohibited by this Proclamation;
 - (b) an article that contains a dye or colouring agent of animal origin (for example, cochineal), and the importation of which is not otherwise prohibited by this Proclamation;
 - (c) an article that:
 - (i) in its normal use, is generally meant for human therapeutic use; and
 - (ii) is brought into Australia by someone who intends to use it for his or her own personal therapeutic use; and
 - (iii) is in a quantity of no more than 3 months' supply for that use; and
 - (iv) is not prohibited from being imported under Part 7;
 - (d) an article that is or contains a cosmetic substance or perfume for human bodily use and contains, in total less than 20% by mass of material of animal origin (for example, musk, civet or ambergris), and the importation of which is not otherwise prohibited by this Proclamation;
 - (e) an article that:
 - (i) in its normal use, is generally meant for human therapeutic use; and
 - (ii) is imported by post into Australia by someone who intends to use it for his or her own personal therapeutic use; and

- (iii) if imported, would not result in him or her having imported (by post or in any other way) more than 3 months' supply in normal use during any 3 month period; and
- (iv) is in a form that indicates it has been processed to prevent it being infected or contaminated by a quarantinable disease; and
- (v) is not prohibited from being imported under Part 7.

[14] Section 29, heading

substitute

**29 Introduction or importation of disease or pest
(Quarantine Act, ss 5 (1) and 13 (1) (d) and (e))**

[15] Subsections 29 (1) and (2), except table 11A

substitute

- (1) The introduction or importation into Australia of a substance or article (other than a substance or article to which subsection (2) applies) containing, or likely to contain, a disease or pest is prohibited unless a Director of Quarantine has granted a permit to introduce or import the substance or article into Australia.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

- (2) This subsection applies to a substance or article that is a starter culture, or a derivative of a starter culture (including an enzyme) listed in table 11A, if the substance or article is not contained in a milk-based carrier, and is intended for:
- (a) human food, beverage, or cosmetic manufacture; or
 - (b) in-vitro laboratory work; or
 - (c) in-vivo work in laboratory animals.

[16] Subsection 29 (3)

omit

[17] Sections 30 and 31

substitute

**30 Introduction or importation of biological materials
(Quarantine Act, ss 5 (1) and 13 (1) (d) and (e))**

- (1) The introduction or importation into the Cocos Islands of the following things is prohibited unless a Director of Quarantine has granted a permit to import the thing into the Cocos Islands:
- (a) an article (other than an article to which subsection (2) applies) that is prohibited biological material;
 - (b) an article (other than an article to which subsection (2) applies) that contains prohibited biological material;
 - (c) an article (other than an article to which subsection (2) applies) of which prohibited biological material is an ingredient.

Note For the meaning of *prohibited biological material*, see the definition of that term in section 27.

- (2) This subsection applies to the following articles:
- (a) an article the introduction or importation of which is permitted under section 38, 48, 49, 50, 51, 52, 53 or 54, and is not otherwise prohibited by this Proclamation;
 - (b) an article that contains a dye or colouring agent of animal origin (for example, cochineal), and the importation of which is not otherwise prohibited by this Proclamation;
 - (c) an article that:
 - (i) in its normal use, is generally meant for human therapeutic use; and
 - (ii) is brought into the Cocos Islands by someone who intends to use it for his or her own personal therapeutic use; and
 - (iii) is in a quantity of no more than 3 months' supply for that use; and
 - (iv) is not prohibited from being imported under Part 7;
 - (d) an article that is or contains a cosmetic substance or perfume for human bodily use and contains, in total less than 20% by mass of material of animal origin (for example, musk, civet or ambergris), and the importation of which is not otherwise prohibited by this Proclamation;
 - (e) an article that:
 - (i) in its normal use, is generally meant for human therapeutic use; and
 - (ii) is imported by post into the Cocos Islands by someone who intends to use it for his or her own personal therapeutic use; and

- (iii) if imported, would not result in him or her having imported (by post or in any other way) more than 3 months' supply in normal use during any 3 month period; and
- (iv) is in a form that indicates it has been processed to prevent it being infected or contaminated by a quarantinable disease; and
- (v) is not prohibited from being imported under Part 7.

**31 Introduction or importation of disease or pest
(Quarantine Act, ss 5 (1) and 13 (1) (d) and (e))**

- (1) The introduction or importation into the Cocos Islands of a substance or article containing, or likely to contain, a pest, micro-organism, disease agent, infectious agent or parasite (other than a substance or article to which subsection (2) applies) is prohibited unless a Director of Quarantine has granted a permit to introduce or import the substance or article into the Cocos Islands.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

- (2) This subsection applies to a substance or item that is a starter culture, or a derivative of a starter culture (including enzymes) listed in table 11A, if the substance or item is not contained in a milk-based carrier, and is intended for:
- (a) human food, beverage, or cosmetic manufacture; or
 - (b) in-vitro laboratory work; or
 - (c) in-vivo work in laboratory animals.

Note Table 11A is in section 29.

[18] Part 5, heading

substitute

**Part 5 Articles and things likely to
introduce a disease or pest**

[19] Section 32, heading

substitute

**32 Meaning of *article or thing likely to introduce a disease
or pest***

[20] Section 32, definition of *article likely to introduce a pest or disease*

substitute

article or thing likely to introduce a disease or pest means an article or thing mentioned in table 12.

[21] Section 32, table 12, heading

substitute

Table 12 Articles likely to introduce a disease or pest

[22] Section 32, table 12, item 1

substitute

1 Soil, articles with soil adhering and articles containing soil

[23] Section 32, table 12, item 17

substitute

17 Bags, boxes, cartons and packaging that has been in contact with articles the importation of which without a permit is prohibited

[24] Part 5, Divisions 2 and 3

substitute

Division 2 Importation into Australia of articles and things likely to introduce diseases or pests

33 Importation of articles likely to introduce diseases or pests — Australia (Quarantine Act, ss 5 (1) and 13 (1) (d) and (e))

- (1) The importation into Australia of an article or thing likely to introduce a disease or pest (other than an article or thing to which subsection (2) applies) is prohibited unless a Director of Quarantine has granted a permit to import the article or thing into Australia.

Note 1 For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

Note 2 For the meaning of *article likely to introduce a disease or pest*, see table 12 in section 32.

- (2) This subsection applies to a teleost fish product, importation of which is permitted under section 38 and item 25C of table 13.

Note Table 13 is in section 38.

Division 3 Importation into the Cocos Islands of articles and things likely to introduce diseases or pests

34 Importation of articles likely to introduce diseases or pests — Cocos Islands (Quarantine Act, ss 5 (1) and 13 (1) (d) and (e))

- (1) The importation into the Cocos Islands of an article or thing likely to introduce a disease or pest (except an article or thing to which subsection (2) applies) is prohibited unless a Director of Quarantine has granted a permit to import the article or thing into the Cocos Islands.

Note 1 For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

Note 2 For the meaning of *article likely to introduce a disease or pest*, see table 12 in section 32.

- (2) This subsection applies to a teleost fish product, importation of which is permitted under section 48 and item 25C of table 13.

Note Table 13 is in section 38.

[25] Section 35, definition of *animal part*

substitute

animal part means a part of an animal and (unless the contrary is stated) includes:

- (a) blood; and
- (b) tissue; and
- (c) animal reproductive material; and
- (d) skin (whether or not tanned); and
- (e) bone; and
- (f) hair and feathers; and
- (g) scales; and
- (h) chitin.

[26] Section 35, after definition of *animal reproductive material*

insert

animal tissue product means a product that contains animal tissue, or of which animal tissue is an ingredient.

bee product means a product produced by bees.

dairy product means:

- (a) milk (including condensed, concentrated, dried and powdered milk); or
- (b) goods produced from milk (including butter, cheese, casein, cream, ghee, whey, ice cream, milk albumin and yoghurt).

egg means an egg of a bird.

egg product includes:

- (a) whole egg in any form (pasteurised or unpasteurised); and
- (b) egg albumen in any form (pasteurised or unpasteurised); and
- (c) egg yolk in any form (pasteurised or unpasteurised); and
- (d) goods produced from egg (including egg noodles and mooncakes).

meat means a part of an animal (other than a fish, a mollusc, a crustacean, a cnidarian, an echinoderm or a tunicate) that is intended or able to be used as food by a human being or an animal (whether or not cooked, dried or otherwise processed), and includes blood, bone-meal, meat meal, tallow and fat.

meat product means a product that contains meat, or of which meat is an ingredient.

[27] **Section 36**

substitute

36 Quarantinable diseases (Quarantine Act, ss 5 (1) (definition of *quarantinable disease*) and 13 (1) (ca))

Each disease mentioned in Schedule 3 is a quarantinable disease.

Note The Schedule includes many parasites of animals. *Disease* includes a parasite, see the definition of *disease* in the Quarantine Act, subsection 5 (1).

[28] **Section 37, heading**

substitute

37 Importation of live animals (Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))

[29] Section 38, heading

substitute

38 Dead animals or animal parts the importation of which is prohibited other than subject to conditions (Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))

[30] Subsections 38 (1) and (2)

substitute

- (1) The importation into Australia of a dead animal or animal part (except an animal or part to which subsection (2) applies) is prohibited unless a Director of Quarantine has granted a permit to import the animal or part into Australia.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

- (2) This subsection applies to the following animals or animal parts:
- (a) an animal or part that:
 - (i) is mentioned in an item in table 13; and
 - (ii) complies with any restriction or condition set out in the item;
 - (b) oysters in half shells from New Zealand, if the shells are clean and free of viable animals and plants;
 - (c) a fish product (other than a product of fish of the family Salmonidae or Plecoglossidae) that:
 - (i) is wholly or partly of teleost origin; and
 - (ii) is accompanied into Australia by the person importing it; and
 - (iii) is imported in an amount up to 5 kilograms; and
 - (iv) is eviscerated or is processed further than evisceration.

- (2A) It is a condition of the importation of an article mentioned in item 13, 14, 18, 21, 22, 23, 25 or 26 of table 13 that is not clean that it is cleaned immediately after import by a method approved by a Director of Quarantine.

[31] Subsection 38 (3A)

omit

[32] Subsections 38 (4) to (6)

omit

[33] Sections 39 to 43

substitute

39 Importation of meat and meat products (Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))

- (1) The importation into Australia of meat or a meat product (except meat or a meat product to which subsection (2) applies) is prohibited unless a Director of Quarantine has granted a permit to import the meat or meat product into Australia.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

- (2) This subsection applies to meat or a meat product that:
- (a) is mentioned in an item in table 13; and
 - (b) complies with any restriction or condition set out in the item.

Note Table 13 is in section 38.

40 Importation of dairy products (Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))

- (1) The importation into Australia of a dairy product (except a dairy product to which subsection (2) applies), whether for human consumption or not, is prohibited unless a Director of Quarantine has granted a permit to import the dairy product into Australia.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

- (2) This subsection applies to the following dairy products (if not intended to be used for stockfood):
- (a) a dairy product imported directly from New Zealand that is, or whose dairy product ingredients consist only of:
 - (i) milk produced in New Zealand; or
 - (ii) dairy products made in New Zealand from milk that did not originate in, or pass through, a country other than New Zealand or Australia;
 - (b) a commercially prepared dairy product that is an infant food, if the person who seeks to import the product is entering Australia, and has the care of, and is accompanied by, 1 or more infants;
 - (c) goods of which each individually packaged unit contains less than 10% by weight (other than any added water) of a dairy product;
 - (d) commercially prepared and packaged chocolate;

- (e) lactose, and its derivatives;
- (f) commercially prepared and packaged clarified butter oil.

41 Importation of eggs and egg products (Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))

- (1) The importation into Australia of the following goods or things, whether for human consumption or not (except goods or things to which subsection (2) applies) is prohibited unless a Director of Quarantine has granted a permit to import the goods or thing into Australia:
 - (a) eggs;
 - (b) egg products;
 - (c) goods that include egg or an egg product among their ingredients.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

- (2) This subsection applies to the following goods (if not intended to be used for stockfood):
 - (a) goods of which each individually packaged unit contains less than 10% by weight (other than added water) of egg or an egg product;
 - (b) commercially prepared and packaged cakes (other than mooncakes and cheese cakes), biscuits or bread;
 - (c) cake mixes containing less than 10% egg by mass.

42 Importation of honey and other bee products (Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))

- (1) The importation into Australia of a bee product, whether for human consumption or not (other than a bee product to which subsection (2) applies) is prohibited unless a Director of Quarantine has granted a permit to import the bee product into Australia.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

- (2) This subsection applies to the following bee products, if pure and free from extraneous matter:
 - (a) honey (whether or not containing honeycomb);
 - (b) bee venom;
 - (c) honeycomb;
 - (d) propolis;
 - (e) royal jelly.

43 Importation of fish of family Salmonidae or Plecoglossidae (Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))

- (1) The importation into Australia of fish of the family Salmonidae or Plecoglossidae, or any part of such a fish, in any form, including canned fish, dried fish, processed fish and fish meal (except fish or a fish product to which subsection (3) applies) is prohibited unless a Director of Quarantine has granted a permit to import the fish or fish parts into Australia.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

- (2) The importation into Australia of the roe or caviar of fish of the family Salmonidae or Plecoglossidae (except roe or caviar to which paragraph (3)(a) applies) is prohibited unless a Director of Quarantine has granted a permit to import the fish, fish parts, roe or caviar into Australia.
- (3) This subsection applies to the following:
- (a) canned fish, roe or caviar of fish of those families;
 - (b) a consumer ready product (except roe or caviar) of fish of those families:
 - (i) commercially prepared and packaged; and
 - (ii) if it is accompanied into Australia by the person importing it — in an amount up to 5 kilograms; and
 - (iii) if it is not accompanied into Australia by the person importing it — in an amount up to 450 grams;
 - (c) salmon oil, for the personal consumption or use of the person wishing to import it, in a quantity of no more than 3 months' supply for that use;
 - (d) products of fish of those families otherwise permitted under item 1, 2 or 5 of table 13.

Note 1 **Consumer ready product** is defined in section 3.

Note 2 The following are examples of consumer ready products of fish of the family Salmonidae and Plecoglossidae:

- (a) cutlets, including the central bone and external skin but excluding fins, each cutlet weighing no more than 450 grams;
- (b) skinless fillets, excluding the belly flap and all bones except the pin bones;
- (c) skin-on fillets, excluding the belly flap and all bones except the pin bones, each fillet weighing no more than 450 grams;
- (d) eviscerated, headless, 'pan-size' fish, each fish weighing at least 200 grams but not more than 450 grams;
- (e) a product that is processed further than a stage described in paragraphs (a) to (d).

[34] Section 44, heading

substitute

**44 Importation of fish meal and crustacean meal
(Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))**

[35] Section 46, heading

substitute

**46 Importation of animal, animal parts and animal products
from the Cocos Islands (Quarantine Act, ss 5 (1) and
13 (1) (d), (e), (f) and (ga))**

[36] Section 47, heading

substitute

**47 Importation of live animals (Quarantine Act, ss 5 (1) and
13 (1) (d), (e) and (f))**

[37] Subsection 47 (1)

after

live animal

insert

(other than the importation from New Zealand of a live cat or dog to which
subsection (2) or (3) applies)

[38] Subsection 47 (2)

omit

However, subsection (1) is not taken to prohibit

insert

This subsection applies to

[39] Subsection 47 (3)

omit

Also, subsection (1) is not taken to prohibit

insert

This subsection applies to

[40] **Sections 48 to 53**

substitute

48 Dead animals or animal parts the importation of which is prohibited other than subject to conditions (Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))

- (1) The importation into the Cocos Islands of a dead animal or animal part (except an animal or part to which subsection (2) applies) is prohibited unless a Director of Quarantine has granted a permit to import the animal or part into the Cocos Islands.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

- (2) This subsection applies to the following:
- (a) an article that:
 - (i) is mentioned in an item in table 13; and
 - (ii) complies with any restriction or condition set out in the item;
 - (b) oysters in half shells from New Zealand, if the shells are clean and free of viable animals and plants;
 - (c) a teleost fish product (other than a product of fish of the family Salmonidae or Plecoglossidae) that:
 - (i) is wholly or partly of teleost origin; and
 - (ii) is accompanied into the Cocos Islands by the person importing it; and
 - (iii) is imported in an amount up to 5 kilograms; and
 - (iv) is eviscerated or is processed further than evisceration.

Note Table 13 is in section 38.

- (3) It is a condition of the importation of an article mentioned in item 13, 14, 18, 21, 22, 23, 25 or 26 of table 13 that is not clean that it is cleaned immediately after import by a method approved by a Director of Quarantine.

49 Importation of meat and meat products (Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))

- (1) The importation into the Cocos Islands of meat or a meat product (except meat or a meat product to which subsection (2) applies) is prohibited unless a Director of Quarantine has granted a permit to import the meat or meat product into the Cocos Islands.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

- (2) This subsection applies to meat or a meat product that:
- (a) is mentioned in an item in table 13; and

(b) complies with any restriction or condition set out in the item.

Note Table 13 is in section 38.

50 Importation of dairy products (Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))

(1) The importation into the Cocos Islands of a dairy product (except a dairy product to which subsection (2) applies), whether for human consumption or not, is prohibited unless a Director of Quarantine has granted a permit to import the dairy product into the Cocos Islands.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

(2) This subsection applies to the following dairy products (if not intended to be used for stockfood):

- (a) a dairy product imported directly from New Zealand that is, or whose dairy product ingredients consist only of:
 - (i) milk produced in New Zealand; or
 - (ii) dairy products made in New Zealand from milk that did not originate in, or pass through, a country other than New Zealand or the Cocos Islands;
- (b) a commercially prepared dairy product that is an infant food, if the person who seeks to import the product is entering the Cocos Islands, and has the care of, and is accompanied by, 1 or more infants;
- (c) goods of which each individually packaged unit contains less than 10% by weight (other than any added water) of a dairy product;
- (d) commercially prepared and packaged chocolate;
- (e) lactose, and its derivatives;
- (f) commercially prepared and packaged clarified butter oil.

51 Importation of eggs and egg products (Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))

(1) The importation into the Cocos Islands of the following goods or things, whether for human consumption or not (except goods or things to which subsection (2) applies) is prohibited unless a Director of Quarantine has granted a permit to import the goods or thing into the Cocos Islands:

- (a) eggs;
- (b) egg products;

- (c) goods that include egg or an egg product among their ingredients.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

- (2) This subsection applies to the following egg products (if not intended to be used for stockfood):
 - (a) goods of which each individually packaged unit contains less than 10% by weight (other than added water) of egg or an egg product;
 - (b) commercially prepared and packaged cakes (other than mooncakes and cheese cakes), biscuits or bread;
 - (c) cake mixes containing less than 10% egg by mass.

52 Importation of honey and other bee products (Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))

- (1) The importation into the Cocos Islands of a bee product, whether for human consumption or not (other than a bee product to which subsection (2) applies) is prohibited unless a Director of Quarantine has granted a permit to import the bee product into the Cocos Islands.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

- (2) This subsection applies to the following bee products, if pure and free from extraneous matter:
 - (a) honey (whether or not containing honeycomb);
 - (b) bee venom;
 - (c) honeycomb;
 - (d) propolis;
 - (e) royal jelly.

53 Importation of fish of family Salmonidae or Plecoglossidae (Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))

- (1) The importation into the Cocos Islands of fish of the family Salmonidae or Plecoglossidae, or any part of such a fish, in any form, including canned fish, dried fish, processed fish and fish meal (except fish or a fish product to which subsection (3) applies) is prohibited unless a Director of Quarantine has granted a permit to import the fish, fish parts, roe or caviar into the Cocos Islands.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

-
- (2) The importation into the Cocos Islands of the roe or caviar of fish of the family Salmonidae or Plecoglossidae (except roe or caviar to which paragraph (3) (a) applies) is prohibited unless a Director of Quarantine has granted a permit to import the fish, fish parts, roe or caviar into the Cocos Islands.
- (3) This subsection applies to the following:
- (a) canned fish, roe or caviar of fish of those families;
 - (b) a consumer ready product (except roe or caviar) of fish of those families:
 - (i) commercially prepared and packaged; and
 - (ii) if it is accompanied into the Cocos Islands by the person importing it — in an amount up to 5 kilograms; and
 - (iii) if it is not accompanied into the Cocos Islands by the person importing it — in an amount up to 450 grams;
 - (c) salmon oil, for the personal consumption or use of the person wishing to import it, in a quantity of no more than 3 months' supply for that use;
 - (d) products of fish of those families otherwise permitted under item 1, 2 or 5 of table 13.

Note 1 **Consumer ready product** is defined in section 3.

Note 2 Table 13 is in section 38.

Note 3 The following are examples of consumer ready products of fish of the family Salmonidae and Plecoglossidae:

- (a) cutlets, including the central bone and external skin but excluding fins, each cutlet weighing no more than 450 grams;
- (b) skinless fillets, excluding the belly flap and all bones except the pin bones;
- (c) skin-on fillets, excluding the belly flap and all bones except the pin bones, each fillet weighing no more than 450 grams;
- (d) eviscerated, headless, 'pan-size' fish, each fish weighing at least 200 grams but not more than 450 grams;
- (e) a product that is processed further than a stage described in paragraphs (a) to (d).

[41] **Section 56**

substitute

56 Removal of animals, animal parts and animal products from Protected Zone (Quarantine Act, ss 5 (1) and 13 (1) (g))

- (1) The removal of any thing to which subsection (2) applies from a part of Australia in the Protected Zone or an area in the vicinity of the Protected Zone, to any other part of the Commonwealth, is prohibited unless a Director of Quarantine has granted a permit for the removal.

Note 1 *Area in the vicinity of the Protected Zone* means an area about which a notice is in force under subsection 5 (8) of the Quarantine Act, see the definition in subsection 5 (1). A notice under that subsection was published in the *Gazette* of 14 February 1985. The area described in that notice is the area:

... bounded by a line:

- (a) commencing at the point of Latitude 10° 30' 00" South, Longitude 144° 10' 00" East;
- (b) running thence west along the parallel of Latitude 10° 30' 00" South to its intersection by the meridian of Longitude 141° 20' 00" East;
- (c) thence north along that meridian to its intersection by parallel of latitude 10° 28' 00" South;
- (d) thence east along the parallel of Latitude 10° 28' 00" South to its intersection by the Longitude 144° 10' 00" East;
- (e) thence south along the meridian of Longitude 144° 10' 00" East to its intersection by the parallel of Latitude 10° 30' 00" South.

Note 2 For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

- (2) This subsection applies to:
- (a) a live animal; or
 - (b) an animal part; or
 - (c) goods wholly or partly of animal origin —
but does not apply to:
 - (d) stores for consumption on board a vessel (other than an aircraft) if they are not removed from the vessel; or
 - (e) an animal that is a cnidarian, echinoderm, tunicate, fish, crustacean or marine mollusc; or
 - (f) a part of an animal of any of those kinds; or
 - (g) goods wholly or partly made from an animal of any of those kinds.

56A Removal of animals, animal parts and animal products from Torres Strait Special Quarantine Zone (Quarantine Act, ss 5 (1) and 13 (1) (g))

- (1) The removal of an animal product mentioned in table 15 (other than an animal product to which subsection (2) applies) from the Torres Strait Special Quarantine Zone to any other part of Australia south of the parallel 10° 28' south latitude is prohibited unless a Director of Quarantine has granted a permit for the removal.

Note 1 For the definition of *Torres Strait Special Quarantine Zone*, see section 3.

Note 2 For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

Table 15 Animal products not to be removed from the Torres Strait Special Quarantine Zone into other parts of Australia

Item	Animal product
1	Meat (including carcasses) and meat products (other than canned meat and meat products)
2	Milk and dairy products (other than canned milk and canned dairy products)
3	Eggs and egg products
4	Untreated hides and skins
5	Feathers
6	Animal and animal tissue products

- (2) This subsection applies to the following:
- (a) stores for consumption on board a vessel (other than an aircraft) if they are not removed from the vessel;
 - (b) an animal that is a cnidarian, echinoderm, tunicate, fish, crustacean or marine mollusc;
 - (c) a part of an animal of any of those kinds;
 - (d) goods wholly or partly made from such an animal.

[42] Part 7, Division 1, heading

substitute

Division 1 General

[43] Part 7, Division 2, heading

omit

[44] Sections 58 to 60

substitute

58 Quarantinable diseases of plants, and quarantinable pests (Quarantine Act, ss 5 (1) (definitions of *quarantinable disease* and *quarantinable pest*) and 13 (1) (ca))

- (1) Each disease mentioned in Part 1 of Schedule 4 is a quarantinable disease.

Note Part 1 of Schedule 4 lists plant diseases, including plant parasites. *Disease* includes a parasite, see the definition of *disease* in the Act, subsection 5 (1).

- (2) Each pest mentioned in Part 2 of Schedule 4 is a quarantinable pest.

Note Part 2 of Schedule 4 lists pest plants.

[45] Sections 62 to 65

substitute

62 Importation of living plants (Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))

- (1) The importation into Australia of a living plant (other than *Orchidaceae* tissue culture to which subsection (2) applies) is prohibited unless a Director of Quarantine has granted a permit to import the plant.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

- (2) This subsection applies to *Orchidaceae* tissue culture that:
- (a) is accompanied into Australia by the person importing it; and
 - (b) is growing in an aseptic non-animal based medium in a closed rigid container that is transparent enough for its contents to be clearly seen; and
 - (c) is well-established in that medium and container.

63 Importation of seeds (Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))

- (1) The importation into Australia of a seed (other than a seed of a kind of plant mentioned in Schedule 5) is prohibited unless a Director of Quarantine has granted a permit for the importation.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

- (2) The importation into Australia of a seed of a kind of plant mentioned in Schedule 5 is prohibited (unless a Director of Quarantine has granted a permit for the importation) if the plant is of a kind:
- (a) that was produced by genetic manipulation; or
 - (b) that:
 - (i) was produced by artificial selection; and
 - (ii) has 1 or more of the characteristics mentioned in table 16.

Table 16 Characteristics of plants

Item	Characteristic
1	Tolerance of, or resistance to, herbicides
2	Enhanced tolerance of, or resistance to, environmental stress
3	Enhanced tolerance of, or resistance to, plant pathogens
4	Expression of toxic substances (including pesticides and poisons)
5	Enhanced growth characteristics (including growth rate, seasonality and fruiting or seeding density)

64 Importation of fresh fruit and vegetables (Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))

- (1) For this section, a fruit or vegetable is fresh if it is not deep-frozen, dried, canned or otherwise conserved or preserved.
- (2) The importation into Australia of a fresh fruit or vegetable is prohibited unless a Director of Quarantine has granted the person a permit to import it into Australia.

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

65 Importation of other plant parts (Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))

- (1) In this section:
plant part does not include a fresh fruit or vegetable (within the meaning given by section 64) or a seed.
- (2) The importation into Australia of a plant or plant part of a kind mentioned in Schedule 6 (whether or not capable of being used for propagation) is prohibited unless a Director of Quarantine has granted a permit for the importation.
- Note* For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.
- (3) The importation into Australia of any other plant part that is capable of being used for propagation is prohibited unless a Director of Quarantine has granted a permit for the importation.

[46] Part 7, Divisions 4 and 5

substitute

Division 4 Importation of soil, plants and plant parts into Cocos Islands

66 Importation of soil or plants (Quarantine Act, ss 5 (1) and 13 (1) (d), (e) and (f))

- (1) The importation into the Cocos Islands, from a country other than Australia, of soil is prohibited unless a Director of Quarantine has granted a permit for the importation.
- (2) The importation into the Cocos Islands, from a country other than Australia, of a living plant (other than *Orchidaceae* tissue culture to which subsection (3) applies) is prohibited unless a Director of Quarantine has granted a permit for the importation.
- (3) This subsection applies to *Orchidaceae* tissue culture that:
- (a) is accompanied into the Cocos Islands by the person importing it; and
 - (b) is growing in an aseptic non-animal based medium in a closed rigid container that is transparent enough for its contents to be clearly seen; and
 - (c) is well established in that medium and container.

- (4) The importation into the Cocos Islands, from a country other than Australia, of the following things is prohibited unless a Director of Quarantine has granted a permit for the importation:
- (a) a part of a plant (other than a seed) that is capable of being used for propagation;
 - (b) a fruit or a vegetable;
 - (c) a seed (other than a seed mentioned in Schedule 5).

Note For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

Division 5 Movement of soil and plants within Australia

67 Removal of soil from Protected Zone (Quarantine Act, ss 5 (1) and 13 (1) (g))

The removal of soil from the Protected Zone, or an area in the vicinity of the Protected Zone, to a part of Australia south of the parallel 10° 28' south latitude is prohibited unless a Director of Quarantine has granted a permit for the removal.

Note 1 *Area in the vicinity of the Protected Zone* means an area about which a notice is in force under subsection 5 (8) of the Quarantine Act, see the definition in subsection 5 (1). A notice under that subsection was published in the *Gazette* of 14 February 1985. The area described in that notice is the area:

... bounded by a line:

- (a) commencing at the point of Latitude 10° 30' 00" South, Longitude 144° 10' 00" East;
- (b) running thence west along the parallel of Latitude 10° 30' 00" South to its intersection by the meridian of Longitude 141° 20' 00" East;
- (c) thence north along that meridian to its intersection by parallel of latitude 10° 28' 00" South;
- (d) thence east along the parallel of Latitude 10° 28' 00" South to its intersection by the Longitude 144° 10' 00" East;
- (e) thence south along the meridian of Longitude 144° 10' 00" East to its intersection by the parallel of Latitude 10° 30' 00" South.

Note 2 For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

68 Removal of soil from Torres Strait Special Quarantine Zone (Quarantine Act, ss 5 (1) and 13 (1) (g))

The removal of soil from the Torres Strait Special Quarantine Zone to a part of Australia south of the parallel 10° 28' south latitude is prohibited unless a Director of Quarantine has granted a permit for the removal.

Note 1 For the definition of *Torres Strait Special Quarantine Zone*, see section 3.

Note 2 For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

69 Removal of plants and plant parts from Protected Zone (Quarantine Act, ss 5 (1) and 13 (1) (g))

- (1) The removal of a thing mentioned in table 17 (other than a thing to which subsection (2) applies) from a part of Australia that is in the Protected Zone, or an area in the vicinity of the Protected Zone, to any other part of Australia south of the parallel 10° 28' south latitude is prohibited unless a Director of Quarantine has granted a permit for the removal.

Note 1 For the meaning of *area in the vicinity of the Protected Zone*, see the note following section 67.

Note 2 For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

Table 17 Things that must not be moved from the Protected Zone or Torres Strait Special Quarantine Zone

Item	Thing
1	A living plant
2	A fresh fruit or vegetable
3	A plant, or a part of a plant, of any of the following genera or species (whether or not capable of being used for propagation): (a) <i>Musa</i> (bananas) (b) <i>Saccharum</i> (sugar cane) (c) <i>Zea</i> (maize) (d) <i>Manihot esculenta</i> Crantz (cassava) (e) <i>Citrus</i> (e) <i>Gossypium</i> (cotton)
4	A plant of any other species, or part of a such plant, that is capable of being used for propagation

- (2) This subsection applies to stores for consumption on board a vessel (other than an aircraft) or installation if the stores are not removed from the vessel or installation.

69A Removal of plants and plant parts from Torres Strait Special Quarantine Zone (Quarantine Act, ss 5 (1) and 13 (1) (g))

The removal of anything mentioned in table 17 (other than a thing to which subsection 69 (2) applies) from the Torres Strait Special Quarantine Zone to a part of Australia south of the parallel 10° 28' south latitude is prohibited unless a Director of Quarantine has granted a permit for the removal.

Note 1 For the definition of *Torres Strait Special Quarantine Zone*, see section 3.

Note 2 For what a Director of Quarantine must consider when deciding whether to grant such a permit, see Part 8.

[47] Sections 70 to 72

substitute

70 Things a Director of Quarantine must take into account when deciding whether to grant a permit for importation into Australia

In deciding whether to grant a permit to import a thing into Australia or the Cocos Islands, or for the removal of a thing from the Protected Zone or the Torres Strait Special Quarantine Zone to the rest of Australia, a Director of Quarantine:

- (a) must consider the level of quarantine risk if the permit were granted; and
- (b) must consider whether, if the permit were granted, the imposition of conditions on it would be necessary to limit the level of quarantine risk to one that is acceptably low; and
- (c) may take into account anything else that he or she knows that is relevant.

Note *Level of quarantine risk* is defined in section 5D of the Quarantine Act. The definition is as follows:

5D Level of quarantine risk

A reference in this Act to a *level of quarantine risk* is a reference to:

- (a) the probability of:
 - (i) a disease or pest being introduced, established or spread in Australia or the Cocos Islands; and
 - (ii) the disease or pest causing harm to human beings, animals, plants, other aspects of the environment, or economic activities; and
- (b) the probable extent of the harm.

[48] Part 9, before section 73

insert

**72A Exemption from obligation to land goods at declared port
(Quarantine Act, ss 14 and 20D)**

- (1) An animal, a plant or goods may be landed at a port that is not a port declared by Proclamation to be a port at which it or they may be landed if it or they:
 - (a) satisfies or satisfy the criteria in subsection (2); and
 - (b) is not or are not of a kind to which subsection (3) applies.
- (2) The criteria are that the animal, plant or goods:
 - (a) is or are brought into a part of Australia that is in the Protected Zone, or is in the vicinity of the Protected Zone, on board a Protected Zone vessel; and
 - (b) is or are under the control of a traditional inhabitant of the Protected Zone who is on board the vessel; and
 - (c) has or have been used, is or are being used, or will be used, by him or her in performing traditional activities in the Protected Zone or an area in the vicinity of the Protected Zone.
- (3) This subsection applies to the following:
 - (a) a living plant;
 - (b) a fresh fruit or vegetable;
 - (c) a part of a plant of any of the following genera or species (whether or not capable of being used for propagation):
 - (i) *Musa* (bananas);
 - (ii) *Saccharum* (sugar cane);
 - (iii) *Zea* (maize);
 - (iv) *Manihot esculenta* Crantz (cassava);
 - (v) *Citrus*;
 - (vi) *Gossypium* (cotton);
 - (d) a part of a plant of any other species or genus that is capable of being used for propagation;
 - (e) a live animal (except an animal to which subsection (4) applies);
 - (f) a dead animal (except an animal to which subsection (4) applies) or part of an animal (except an animal to which that subsection applies);
 - (g) goods wholly or partly of animal origin (except goods to which subsection (5) applies);
 - (h) soil.

(4) This subsection applies to an animal that is a cnidarian, echinoderm, tunicate, fish, crustacean, marine mollusc, turtle or dugong.

(5) This subsection applies to:

- (a) goods wholly or partly made from an animal to which subsection (4) applies; and
- (b) goods made of the skin of a goanna or other lizard, or a snake.

[49] Section 74

omit

[50] Section 75

omit

before the commencement of this proclamation

insert

, and in force immediately before 7 July 1998,

[51] Schedule 3, heading

substitute

Schedule 3 Quarantinable animal diseases

(section 36)

[52] Schedule 4, heading

substitute

**Schedule 4 Quarantinable plant diseases and
quarantinable pests**

(section 58)

[53] Schedule 4, Part 1, heading

substitute

**Part 1 Plant diseases that are quarantinable
diseases**

[54] Schedule 4, Part 2, heading
substitute

Part 2 Plants that are quarantinable pests

Part 2 Further amendments

[55] Additional amendments

<i>Provision</i>	<i>omit</i>	<i>insert</i>
Section 1, heading	proclamation	Proclamation
Section 1	proclamation	Proclamation
Section 2	proclamation	Proclamation
Section 3	proclamation	Proclamation
Section 5	proclamation	Proclamation
Section 8, heading	vessels	overseas vessels
Section 8	oversea	overseas
Section 8, table 1, heading	vessels	overseas vessels
Section 9, heading	aircraft	overseas aircraft
Subsection 9 (1)	aircraft	overseas aircraft
Subsection 9 (2)	aircraft	overseas aircraft
Section 9, table 2, heading	aircraft	overseas aircraft
Section 12	specified	mentioned
Section 16, heading	oversea	overseas
Section 16	oversea	overseas
Section 16, table 7, heading	vessels	overseas vessels
Section 17, heading	aircraft	overseas aircraft
Section 17	aircraft	overseas aircraft
Section 24, table 10, item 1	faecal matter	faeces
Section 61, heading	diseases	quarantinable pests
Section 61	quarantinable disease	quarantinable pest

**Schedule 2 Amendments of *Quarantine Proclamation 1998*, as amended by
Schedule 1**

(subsection 3 (2))

- [1] **Subsections 38 (1), (2), (2A), (3) and (3B)**
renumber as subsections 38 (1), (2), (3), (4) and (5)
- [2] **Part 9**
relocate after Part 2 as Part 2A
- [3] **Sections 72A and 73**
renumber as sections 20A and 20B