
1996

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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Quarantine Amendment Bill 1996

No. , 1996

(Mr Campbell)

A Bill for an Act to amend the *Quarantine Act 1908*

9614820—700/29.10.1996—(148/96) Cat. No. 96 5361 9 ISBN 0644 478497

Contents

1	Short title	1
2	Commencement	1
3	Schedule	1
58B	Commonwealth liable compensation	2

A Bill for an Act to amend the *Quarantine Act 1908*

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Quarantine Amendment Act 1996*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Schedule

The Act specified in the Schedule is amended in accordance with the applicable items in the Schedule.

1 Subsection 5(1)

Omit the definition of *Disease*, in relation to plants, substitute:

Disease, in relation to plants, means any disease, pest or plant affecting plants, or a noxious plant, and includes any disease, pest or plant declared by the Governor-General by proclamation, or by the Minister, by notice published in the "*Gazette*", to be a disease or pest affecting plants or a noxious plant;

2 After section 58A

Insert:

58B Commonwealth liable for compensation

- (1) Where:
- (a) an officer has acted in such a way as to allow animals, plants or goods to be imported into Australia; and
 - (b) the importation of the animals, plants or goods has resulted in the introduction into Australia of a disease, whether of a plant or of an animal, or the introduction into Australia of a pest

and a person suffers loss, including economic loss, or damage resulting from or caused by the introduction into Australia of the disease or pest, and if the Parliament has appropriated moneys for the purpose, the Commonwealth is liable to pay compensation to the person who has suffered the loss or damage.

- (2) The amount of any compensation payable under this section to a person by the Commonwealth shall be such amount as is agreed between the Commonwealth and the person and the amount so agreed is a debt due to the person by the Commonwealth and may be recovered by the person in a court of competent jurisdiction.
- (3) Where agreement is not reached between a person and the Commonwealth in respect of compensation claimed under this section, the person may bring an action against the Commonwealth in a court of competent jurisdiction and the amount of any compensation payable to the person by the Commonwealth shall be such amount as is determined by the court.
- (4) The amount of any compensation payable under this section to a person by the Commonwealth shall be reduced by any amount received or receivable by that person as a result of:

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- (a) any insurance held in respect of the matter; and
 - (b) any damages or compensation from any other person in respect of the matter; and
 - (c) any damages or other compensation from the Commonwealth arising from a suit or action in respect of the matter other than a suit or action under this section.
- (5) If the Commonwealth proves that the damages were caused, or contributed to, by the negligence or other wrongful act or omission of the person claiming compensation, or any other person, the Commonwealth shall be wholly or partly exonerated from its liability to the person claiming compensation to the extent to which the negligence or wrongful act or omission caused or contributed to the damage.



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