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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

QUARANTINE AMENDMENT BILL 1996

EXPLANATORY MEMORANDUM

(Circulated by authority of Mr Campbell MP)

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QUARANTINE AMENDMENT BILL 1996

OUTLINE

The purpose of the Bill is to provide that the Commonwealth can be held liable in respect of damages resulting from the importation of diseases or pests where an officer has acted in such a way as to allow animals, plants or goods to be imported into Australia and disease etc has resulted from this importation.

QUARANTINE AMENDMENT BILL 1996

NOTES OF CLAUSES

Clause 1 Short Title

1 The bill, when enacted, will be known as the Quarantine Amendment Act 1996.

Clause 2 Commencement

2 The bill will commence on the day on which it receives the Royal Assent.

Clause 3 Schedule

3 This clause provides for the Quarantine Act 1908 to be amended as set out in the schedule.

SCHEDULE 1 – Amendment of the Quarantine Act 1908.

Item 1

This item inserts a new definition of *disease* in relation to plants.

Item 2

This item inserts the substantive provision to the effect that the Commonwealth will be liable to pay compensation in certain circumstances. The circumstances in which the Commonwealth can be liable to pay compensation are

an officer has acted in such a way as to allow animals, plants or goods to be imported into Australia; and
the importation of the animals, plants or goods has resulted in the introduction into Australia of a disease or of a pest.

Where a person suffers a loss, including an economic loss, or damage, resulting from the introduction into Australia of the disease or pest, the Commonwealth is liable to pay compensation to the person.

The bill proposes that the sum of compensation should be the sum agreed between the person and the Commonwealth, which would then become a debt due to the person by the Commonwealth, however, should agreement not be reached, the amount of compensation payable, if any, can be determined by a court.

The bill also proposes that the amount payable by the Commonwealth to the person should be reduced by:

- any insurance held in respect of the matter
- any damages or compensation received from another person

any other damages or compensation received from the Commonwealth.

The Bill also proposes that if the Commonwealth can prove that the damages were caused or partly caused by negligence or other wrongful act or omission of the person making the claim, or of another person, the Commonwealth's liability is reduced to the extent to which the negligence or wrongful act caused or contributed to the damage.