

QUARANTINE.

No. 3 of 1908.

An Act relating to Quarantine.

[Assented to 30th March, 1908.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

PART I.—INTRODUCTORY.

Short title.

1. This Act may be cited as the *Quarantine Act* 1908.

Commencement.

2. This Act shall commence on a day to be fixed by proclamation.

Parts.

3. This Act is divided into Parts, as follows :—

PART I.—Introductory.

PART II.—Administration.

PART III.—General Provisions.

PART IV.—Quarantine of Vessels Persons and Goods.

Division 1.—Liability to Quarantine.

Division 2.—Performance of Quarantine

PART V.—Quarantine of Animals and Plants.

PART VI.—Expenses of Quarantine.

PART VII.—Miscellaneous.

Scope of Quarantine.

4. In this Act, Quarantine has relation to measures for the exclusion, detention, observation, segregation, isolation, protection, and disinfection of vessels, persons, goods, animals, or plants, and having as their object the prevention of the introduction or spread of diseases or pests affecting man, animals, or plants.

General definitions.

5. In this Act, unless the contrary intention appears—

“Australian vessel” means a vessel which does not voyage or ply to or from any place outside Australia :

“Authorized person” means a person authorized by this Act or the regulations, or by the Minister or a quarantine officer, to do the act in relation to which the expression is used :

“By authority” means by the authority of the Minister, or of a quarantine officer, or of an officer under this Act doing duty in the matter in relation to which the expression is used :

“Disease” in relation to animals, means glanders, farcy, pleuropneumonia contagiosa, foot and mouth disease, rinderpest, anthrax, Texas or tick fever, hog cholera, swine plague, mange, scab, surra, dourine, rabies, tuberculosis, actinomycosis, variola ovina, or any disease declared by the Governor-General by proclamation to be a disease affecting animals:

“Disease” in relation to plants, means any disease or pest declared by the Governor-General by proclamation to be a disease affecting plants:

“Goods” includes all kinds of movable property:

“Master” in relation to a vessel means the person (other than a pilot) in charge or command of the vessel:

“Medical Officer” in relation to a vessel means any person on the vessel acting as the medical officer, doctor, or surgeon of the vessel:

“Officer” means a quarantine officer or other officer appointed under this Act:

“Oversea vessel” means any vessel other than an Australian vessel:

“Package” includes every means by which plants are cased, covered, enclosed, contained, or packed for carriage:

“Plants” means trees or plants and includes cuttings and slips of trees and plants and all live parts of trees or plants and fruit:

“Pratique,” in relation to a vessel, means a certificate of pratique granted by a quarantine officer since the last arrival of the vessel from places outside Australia, and having effect at the port or place where the vessel is for the time being, or is about to arrive:

“Quarantinable disease” means small-pox, plague, cholera, yellow fever, typhus fever, or leprosy, or any disease declared by the Governor-General, by proclamation, to be a quarantinable disease:

“Quarantine Officer” means a quarantine officer appointed under this Act:

“Unauthorized person” means a person not authorized by this Act or the regulations, or by the Minister or a quarantine officer, to do the act in relation to which the expression is used:

“Vessel” means any ship, boat, or other description of vessel used in navigation.

6. This Act shall not affect—

- (a) the previous operation of ; or,
- (b) anything done or suffered or any right, privilege, obligation, or liability acquired, accrued, or incurred under ; or,

Saving of past operations of State quarantine Acts.

(c) any penalty, forfeiture, or punishment incurred in respect of any offence against ; or,
 (d) any investigation, legal proceeding, or remedy under any State Act relating to quarantine.

No appropria-
tion.

7. Nothing in this Act shall be taken to be an appropriation of any public moneys.

PART II.—ADMINISTRATION.

Administration.

8. This Act shall be administered by the Minister for Trade and Customs

Appointment
of officers.

9. The Governor-General may appoint quarantine officers and other officers for carrying out this Act.

Delegation of
authority.

10. In relation to any particular matter or class of matters, or as to any particular State or port, the Minister may by writing under his hand delegate any of his powers under this Act (except this power of delegation) so that the delegated powers may be exercised by the delegate with respect to the matter or class of matters, or the State or port specified in the instrument of delegation.

Arrangements
with State
Governments
to aid in
carrying
out this Act.

11. The Governor-General may enter into an arrangement with the Governor of any State in respect of all or any of the following matters :—

- (a) The use of any State quarantine station or other place as a quarantine station under this Act, and the control and management of any such quarantine station ;
- (b) Any matters necessary or convenient to be arranged in order to enable the Commonwealth quarantine authorities and the State health or other authorities to act in aid of each other in preventing the introduction or spread of diseases affecting man, animals, or plants.

PART III.—GENERAL PROVISIONS.

Proclaimed
places.

12. The Governor-General may, by proclamation, declare that any place beyond or in Australia is infected with a quarantinable disease, or that a quarantinable disease 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.

Proclamation
of ports of
entry, &c.

13.—(1.) The Governor-General may, by proclamation—

- (a) declare any ports in Australia to be first ports of entry for oversea vessels ;

- (b) declare any ports in Australia to be ports where imported animals and plants 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;
- (d) prohibit the introduction into Australia of any noxious insect, or any pest, or any disease germ or microbe, or any disease agent, or any culture virus or substance containing any disease germ, microbe, or disease agent;
- (e) prohibit the importation into Australia of any articles likely, in his opinion, to introduce any infectious or contagious disease;
- (f) prohibit the importation into Australia of any animals or plants, or any parts of animals or plants;
- (g) prohibit the removal of any animals, plants, or goods, or parts of animals or plants, from any part of the Commonwealth in which any quarantinable disease, or disease affecting animals or plants, exists, to any part of the Commonwealth in which the disease does not exist;
- (h) declare any part of the Commonwealth in which any quarantinable disease or any disease or pest affecting animals or plants exists to be a quarantine area; or
- (i) declare that any persons, animals, plants, or goods in any quarantine area, or in any part of the Commonwealth in which any quarantinable disease, or any disease or pest affecting plants or animals, exists, shall be subject to quarantine.

(2.) The power of prohibition under this section shall extend to authorize prohibition generally or with limitations as to place and subject matter, and either absolutely or subject to any specified conditions or restrictions.

(3.) The powers conferred on the Governor-General by this section, in relation to the matters specified in paragraphs (g), (h) and (i) of sub-section (1.), so far as they relate to animals or plants or any disease affecting animals or plants shall, as regards a part of the Commonwealth being a State or part of a State, only be exercised in cases where the Governor-General is satisfied that the exercise of those powers is necessary for the purpose of preventing the spread of a disease or pest affecting animals or plants, beyond the boundaries of that State.

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

- (a) any ship of war;
- (b) any vessels trading exclusively between Australian ports or Australia and New Zealand or Fiji, or other places adjacent to Australia;
- (c) any particular vessel or class of vessels, and
- (d) any persons, animals, plants, or goods.

Exemption of
certain vessels
and goods.

Vessels may be ordered to carry disinfecting apparatus.

15. The owner or master of any vessel going from one State or part of the Commonwealth to another State or part of the Commonwealth, or of any vessel carrying passengers and trading regularly with the Commonwealth, shall, if required by the Minister by order in writing so to do, cause to be carried on the vessel for such time as may be prescribed an efficient disinfecting apparatus or appliance approved by him.

Penalty: Fifty pounds.

Fumigation of vessels to destroy vermin.

16. The owner or master of any Australian vessel or of any vessel going from one port in the Commonwealth to another port in the Commonwealth, shall, when required by a quarantine officer by order in writing so to do, cause his vessel to be fumigated or submitted to any specified process for the destruction of rats, mice, and insects in the presence and to the satisfaction of an officer.

Penalty: Fifty pounds.

PART IV.—QUARANTINE OF VESSELS PERSONS AND GOODS.

DIVISION 1.—LIABILITY TO QUARANTINE.

When vessel subject to quarantine.

17. The following vessels shall be subject to quarantine:—

- (a) Every oversea vessel until pratique has been granted or until she has been released from quarantine;
- (b) Every vessel (whether an Australian vessel or an oversea vessel) on board which any quarantinable disease has broken out or been discovered (notwithstanding that pratique has been granted or that she has been released from quarantine); and
- (c) Every vessel which is ordered into quarantine by a quarantine officer.

Persons subject to quarantine.

18.—(1.) The following persons shall be subject to quarantine:—

- (a) Every person who is on board a vessel subject to quarantine, or who has been on board the vessel (being an oversea vessel) since her arrival in Australia;
- (b) Every person infected with a quarantinable disease; and
- (c) Every person who has been in contact with or exposed to infection from any person or goods subject to quarantine.

Goods subject to quarantine.

(2.) The following goods shall be subject to quarantine:—

- (a) All goods which are on board a vessel subject to quarantine, or which have been on board the vessel (being an oversea vessel) since her arrival in Australia;
- (b) All goods infected with a quarantinable disease; and
- (c) All goods which have been in contact with or exposed to infection from any person or goods subject to quarantine.

Continuance of liability to quarantine.

19. All vessels, persons, and goods subject to quarantine shall continue to be so subject from the time when they became subject to quarantine until they are released from quarantine or until pratique has been granted.

20. The master of an oversea vessel arriving in Australia shall not, unless from stress of weather or other reasonable cause, suffer the vessel to enter any port other than a port declared to be a first port of entry. Vessels to enter first port of entry.
See also s. 78.

Penalty: Five hundred pounds.

21. The master of every vessel subject to quarantine shall—

- (a) hoist the quarantine signal at the mainmast-head of his vessel before she comes within one league of any port, and
- (b) keep the quarantine signal hoisted at the mainmast-head of his vessel while entering or being in any port or quarantine station.

Hoisting of quarantine signal.

Penalty: One hundred pounds.

22. When the master of any vessel becomes aware that—

- (a) any eruptive disease; or
- (b) any disease attended with fever and glandular swellings; or
- (c) any disease which he believes or suspects, or has reason to believe or suspect, to be a quarantinable disease—

Master to notify outbreak of disease.

has broken out on board his vessel, he shall forthwith (unless the vessel is actually performing quarantine under the supervision of a quarantine officer)—

- (a) notify a quarantine officer of the breaking out of the disease, and
- (b) hoist the quarantine signal at the mainmast-head of his vessel, and keep it so hoisted until he is authorized by a quarantine officer to take it down or until the vessel is released from quarantine.

Penalty: Fifty pounds.

23. The quarantine signal shall be as prescribed.

Signal.

24. No unauthorized person shall go on board or alongside of any vessel while the quarantine signal is hoisted thereon. Unauthorized person not to board vessel.

Penalty: One hundred pounds.

25. The master of a vessel shall, on being so required by a quarantine officer, bring the vessel to, and shall by all reasonable means facilitate the boarding of the vessel by the quarantine officer. When required vessel to be brought to.

Penalty: Fifty pounds.

26.—(1.) The master of a vessel subject to quarantine shall not allow the vessel to be brought into any part of the port within the quarantine line. Limit in port for vessels subject to quarantine.

Penalty: One hundred pounds.

(2.) The Governor-General may by proclamation fix the position of the quarantine line for any port.

27. The master of an oversea vessel arriving at any port in Australia shall, on being required so to do, make out and deliver to the Master to deliver health report.

quarantine officer a health report, in accordance with the prescribed form signed by him, and, if the vessel carries a medical officer, signed also by the medical officer.

Penalty : One hundred pounds.

Master and
medical officer
to answer
questions.
See also ss. 73,
83.

28.—(1.) The medical officer and the master of any oversea vessel arriving at any port in Australia shall severally truly answer to the best of their knowledge all questions put to them or either of them by a quarantine officer touching the health of the crew and passengers of the vessel during the voyage, and touching the existence of any quarantinable or infectious disease at the ports of departure or call or on board any vessel communicated with or touching the existence on his vessel of any rags or second-hand clothing or other prescribed articles and the ports or places at which they were put on board the vessel.

Penalty : One hundred pounds.

(2.) Any questions under this section may be written or oral, and the quarantine officer may require the answers to be given in writing or orally.

No person to
be allowed to
quit vessel
subject to
quarantine.

29.—(1.) Except as prescribed, the master of a vessel subject to quarantine shall not, quit, or knowingly or negligently suffer any person to quit, his vessel, or knowingly or negligently permit any goods, mails, or loose letters to be removed from his vessel.

Penalty : One hundred pounds.

(2.) In order to comply with this section, the master of a vessel may detain any person, goods, mails, or loose letters on his vessel, and may use any means reasonably necessary for that purpose. 14

Other persons
prohibited from
quitting vessel.

30. No person (other than a quarantine officer) who is on board a vessel subject to quarantine shall (unless authorized by a quarantine officer to do so) quit the vessel.

Penalty : One hundred pounds.

Apprehension
of persons
liable to
quarantine.

31.—(1.) Any constable or authorized person may, without warrant, apprehend—

(a) any person who has, in contravention of this Act or the regulations, quitted any vessel subject to quarantine or any quarantine station; or

(b) any person subject to quarantine who is found in any place not being in or part of a quarantine station.

(2.) Any person apprehended under this section shall be brought before a Justice of the Peace or quarantine officer, who may, on proof to his satisfaction that the person so brought before him is subject to quarantine, order him to be taken to the vessel from which he has landed or to a quarantine station to perform quarantine, and may by warrant authorize any constable or other person to take him accordingly, or may order him to be dealt with in accordance with the regulations.

32.—(1.) A vessel which has arrived at any port from a proclaimed place and not having a certificate of pratique shall be moored or berthed in the port in accordance with the directions of a quarantine officer or as prescribed.

Moving of vessels from proclaimed places.

(2.) The master of a vessel shall not suffer or permit her to be moored or berthed in any port in contravention of this section.

Penalty : Fifty pounds.

33.—(1.) After boarding any oversea vessel (not having a certificate of pratique) the quarantine officer shall forthwith, if he is satisfied that the vessel is free from infection, give the master a certificate of pratique in accordance with the form prescribed.

Pratique.

(2.) The certificate of pratique may be expressed to have effect in all ports in Australia, or to have effect only in any specified port or ports, or the ports in any specified States or parts of the Commonwealth or to have effect only for a specified time.

34.—(1.) Where a vessel has arrived at any port from a proclaimed place, or is subject to quarantine, and the quarantine officer is satisfied that no person on board is actually suffering from a quarantinable disease, but is not satisfied that the vessel is free from infection, he may, subject to this section—

Quarantine surveillance.

- (a) refrain from giving a certificate of pratique ;
- (b) permit the vessel to proceed on her voyage without performing quarantine at a quarantine station ;
- (c) permit any passengers for that port and their effects to be landed ;
- (d) permit any cargo on the vessel for that port to be landed.

(2.) The vessel shall continue to be subject to quarantine until pratique is granted.

(3.) All persons landed in pursuance of this section shall continue subject to quarantine until such period as is prescribed, and, while so subject, shall be under quarantine surveillance and shall comply with the regulations relating to quarantine surveillance.

Penalty : One hundred pounds.

(4.) All cargo and passengers' effects landed under this section shall be subject to treatment and disinfection as prescribed.

DIVISION 2.—PERFORMANCE OF QUARANTINE.

35.—(1.) A quarantine officer may, by order in writing, order into quarantine any vessel, person, or goods (whether subject to quarantine or not), being or likely to be, in his opinion, infected with a quarantinable disease or a source of infection with a quarantinable disease.

Order to perform quarantine.

(2.) If a vessel has arrived in Australia from a proclaimed place the quarantine officer shall (except as prescribed) order her into quarantine.

(3.) The order may—

- (a) in the case of any vessel, and all persons and goods on board the vessel, be served on the master of the vessel ; or
- (b) in the case of any person, be served on the person ; or
- (c) in the case of any goods, be served on the owner consignee or any person having possession or custody of the goods.

(4.) When the order has been served in accordance with this section, the vessel, and all persons and goods on board the vessel, or the person or goods, as the case may be, shall be deemed to be ordered into quarantine.

Master, when so ordered, to convey vessel into quarantine.

When vessel deemed to be in quarantine.

Particulars to be given at the quarantine station.

Performance of quarantine by vessel.

Vessel in quarantine not to be moved except in accordance with Act.

Removal from vessel to perform quarantine.

Power to permit vessel to proceed on voyage.

36. When a vessel is ordered into quarantine, the master thereof shall forthwith cause the vessel and all persons and goods on board the vessel to be conveyed into such quarantine station as the quarantine officer directs, there to perform quarantine.

Penalty : Five hundred pounds.

37. A vessel ordered into quarantine, although not actually within a quarantine station, shall be deemed to be in quarantine.

38. When the vessel arrives at the appointed quarantine station, the master shall, on request, produce and deliver to the officer in charge of the quarantine station his passenger list, bill of health, log, manifest, journal, and other ship's papers.

Penalty : One hundred pounds.

39. Every vessel in quarantine shall, subject to this Act, perform quarantine at the appointed quarantine station, and for that purpose may be there detained by a quarantine officer or any authorized person until released in accordance with this Act, and whilst so detained shall be subject to the regulations relating to the performance of quarantine.

40. When a vessel is in quarantine, the master shall not move the vessel or suffer her to be moved except in accordance with this Act and the regulations.

Penalty : One hundred pounds.

41.—(1.) For the purpose of the performance of quarantine, any persons on board a vessel subject to quarantine may be removed from the vessel by a quarantine officer at any port (notwithstanding that the port is not their port of destination) and conveyed to and detained in a quarantine station there to perform quarantine.

(2.) All persons removed from a vessel in pursuance of this section shall be entitled to be provided with free passages to their ports of destination forthwith after being released from quarantine.

42. The Minister may, if he thinks fit, permit any vessel in quarantine to proceed on her voyage with her officers, crew, and passengers, or any of them, without performing quarantine at the quarantine station at the port at which she then is ; but the vessel and her officers, crew, and passengers shall not thereby be

released from quarantine, but shall, while in Australia and until released from quarantine, be deemed to be in quarantine, and shall, except as prescribed or as ordered by the Minister, be subject to this Act and the regulations to the same extent as if they were performing quarantine at a quarantine station.

43. A quarantine officer may order any vessel in quarantine to be cleansed and disinfected in such manner as he directs, and the master of the vessel shall cause her to be cleansed and disinfected accordingly.

Penalty : One hundred pounds.

44.—(1.) When a vessel is in quarantine then, until the vessel is released from quarantine, no unauthorized person shall land or unship, or move with intent to land or unship, any goods from the vessel.

Penalty : One hundred pounds.

(2.) No person shall knowingly receive or have in his possession any goods landed or unshipped from any vessel in contravention of this section.

Penalty : One hundred pounds.

(3.) In any prosecution under sub-section (2) of this section, the burden of proving want of knowledge shall lie upon the defendant.

45.—(1.) All persons ordered into quarantine shall perform quarantine, and for that purpose may be detained on board the vessel or in a quarantine station until released in accordance with this Act or the regulations ; and while so detained shall be subject to the regulations regulating the performance of quarantine and the government of quarantine stations.

(2.) No person ordered into quarantine shall commit any breach of the regulations regulating the performance of quarantine or the government of quarantine stations.

Penalty : One hundred pounds.

(3.) Where a person ordered into quarantine is not, in the opinion of a quarantine officer, actually suffering from a quarantinable disease, the quarantine officer may, subject to the regulations, permit the person to leave the ship or quarantine station under quarantine surveillance.

(4.) Any person under quarantine surveillance shall continue subject to quarantine for such period as is prescribed, and, while so subject, shall be under quarantine surveillance and shall comply with the regulations relating to quarantine surveillance.

Penalty : One hundred pounds.

46. When quarantine has been performed by any vessel or persons in accordance with this Act and the regulations, such vessel and persons shall forthwith be released from quarantine.

47. All goods ordered into quarantine shall perform quarantine, and for that purpose may be detained on board the vessel or in a quarantine station.

Goods ordered into quarantine to be aired and disinfected.

Goods may be destroyed.

Unlawful damage by officers.

Animals or plants to be landed at declared ports.

Quarantine control of imported animals.

Permit for landing.

Examination of imported animals.

48.—(1.) All goods ordered into quarantine shall be treated and disinfected as prescribed, and when so treated and disinfected may be released from quarantine.

(2.) If the quarantine officer in charge of any goods ordered into quarantine is of opinion that they cannot be effectively disinfected, and ought not to be released from quarantine owing to the danger of infection, he may cause the goods to be destroyed.

Provided that where the value of the goods exceeds Ten pounds, this power shall not be exercised without the written approval of the Minister.

49. No officer shall unlawfully destroy or damage any goods under his charge in the performance of quarantine.

Penalty : One hundred pounds.

PART V.—QUARANTINE OF ANIMALS AND PLANTS.

50. No person shall land any imported animals or plants in any port or place in Australia except a port declared by proclamation to be a port where imported animals or plants may be landed.

Penalty : One hundred pounds.

51. No imported animals or plants, and no hay, straw, fodder, litter, fittings, clothing, utensils, appliances or packages used on any vessel in connexion with imported animals or plants shall, until released from quarantine, be moved, dealt with, or interfered with except by authority and in accordance with this Act and the regulations.

Penalty : One hundred pounds.

52. No imported animals or plants, and no hay, straw, fodder, litter, fittings, clothing, utensils, appliances or packages used on any vessel in connexion with imported animals or plants shall be landed or removed from the vessel until a permit for their landing or removal from the vessel has been granted by a quarantine officer.

53.—(1.) A quarantine officer prescribed for the purpose shall make a careful inspection of all imported animals before they are delivered to the importer.

(2.) If the imported animals (other than camels horses or dogs) come from a country declared by the Governor-General by proclamation to be free from disease affecting animals of the kind of those imported and are accompanied by a certificate of an approved veterinary surgeon at the port of shipment, certifying that he had examined the animals prior to their shipment and that they then were in good health and free from disease, and the quarantine officer has reported to the Minister that he is satisfied that during the voyage they have not suffered from any disease or been exposed to infection, and were free from disease at the time of landing, and that there is no danger of their introducing any disease he may, subject to the regulations, give to the importer a certificate to that effect, and may allow them to be delivered to the importer without being required to perform quarantine.

(3.) In all other cases the quarantine officer shall order the animals into quarantine.

54.—(1.) A quarantine officer shall make a careful inspection of all imported plants before they are delivered to the importer. Examination of imported plants.

(2.) If the imported plants are found to be free from disease, and the quarantine officer is satisfied that they can be delivered to the importer without danger of introducing any disease, he may, subject to the regulations, authorize their delivery to the importer.

(3.) If the imported plants are found not to be free from disease, or the quarantine officer is not satisfied that they can be delivered to the importer without danger of introducing some disease, he shall order the plants into quarantine.

55. A quarantine officer may examine, and order into quarantine, any animals or plants declared by proclamation to be subject to quarantine. Power to order animals and plants into quarantine.

56. All animals and plants ordered into quarantine may forthwith be conveyed to a quarantine station, and may be detained there for such period as is prescribed, and, while so detained, shall be dealt with and treated as prescribed. Performance of quarantine.

57.—(1.) If a quarantine officer prescribed for the purpose certifies that any animal ordered into quarantine is affected with any disease and, in his opinion, is a source of danger to other animals and ought to be destroyed, the Minister may after notice to the owner agent or person in charge, if known, order it to be destroyed, and it shall be destroyed accordingly. Power to destroy diseased animals.

(2.) If any animal so destroyed is found not to be diseased, compensation shall, in accordance with the Regulations, be paid to the owner of the animal.

58. If a quarantine officer certifies that any plants ordered into quarantine are affected with any disease, and in his opinion are a source of danger to other plants and ought to be destroyed, the Minister, after notice to the owner or agent, if known, may order them to be destroyed and they shall be destroyed accordingly. Power to destroy diseased plants.

PART VI.—EXPENSES OF QUARANTINE.

59.—(1.) The owners and agents of any vessel ordered into quarantine shall supply the crew and passengers thereof with such wholesome and suitable provisions and medicines as are required by the quarantine or medical officer in charge of the quarantine station, or as are prescribed. Liability of owners and agents for provisions, &c., for quarantined persons.

(2.) If such provisions and medicines are not forthwith supplied by the owners or agents, they may be provided by order of the Minister, and the cost thereof and any costs incidental thereto shall be paid by the owners or agents to the Commonwealth. If not supplied by owners or agents Minister may order provisions and medicines to be supplied.

(3.) A passenger shall not be liable to compensate the owner or agent for the cost of any provisions or medicines so supplied to him, and any contract or stipulation purporting to impose any such liability upon him shall to that extent be null and void.

Liability of
ship-owners as
to pilotage.

60. The owners and agents of any vessel ordered into quarantine shall pay to the Commonwealth all charges incurred by the Commonwealth in connexion with the piloting or towing of the vessel into or out of port, or from one place to another in port.

Liability of
owners, &c., for
expenses of
passages.

61. The owners and agents of any vessel subject to quarantine shall pay to the Commonwealth all expenses incurred by it in providing persons, who were removed from the vessel in order to perform quarantine, with passages to their ports of destination.

Persons in
quarantine able
to support
themselves.

62. Any person detained in quarantine, who is not one of the crew or passengers of a vessel ordered into quarantine, shall, if he is reasonably able so to do, and is thereunto required by the Minister, pay to the Commonwealth the cost of any food and medicines supplied to him and those dependent on him during their removal to or detention in quarantine.

Owners of vessel
quarantined
liable for
services of
medical officer.

63. When a vessel is ordered into quarantine, the Minister may—
(a) appoint a medical officer to take charge of the crew and passengers of the vessel while in quarantine; and
(b) fix the amount of remuneration to be paid to the medical officer for his services.

Such remuneration shall be paid by the owners or agents of the vessel to the Commonwealth.

Quarantine ex-
penses in case of
animals and
plants.

64.—(1.) The expenses connected with the examination of any animals or plants, and of their conveyance to a quarantine station, and of their detention, maintenance, and treatment in quarantine, shall be paid by the importer or owner of the animals or plants to the Commonwealth, and shall be a charge upon the animals or plants.

(2.) A quarantine officer may refuse to grant a permit for the landing or removal of any animals or plants until security is given to his satisfaction for payment of the expenses payable to the Commonwealth under this section.

Expenses to be
a charge upon
vessel.

65. Any expenses or charges payable to the Commonwealth under this Part, by the owner or agent of any vessel, shall be a charge upon the vessel, and the vessel may be detained by an officer until the expenses are paid.

Recovery of
expenses.

66. Any expenses or charges payable to the Commonwealth under this Part may be recovered by action in any Federal or State Court of competent jurisdiction as a debt due to the Commonwealth.

PART VII.—MISCELLANEOUS.

Penalty for
importing
contrary to
proclamation.

67.—(1.) No person shall knowingly import any noxious insect, or any pest, or any disease germ or microbe, or any disease agent, or any culture virus or substance containing any disease germ or microbe or disease agent, or any goods, or any animal or plant, or any part of any animal or plant, in contravention of this Act or any proclamation under this Act.

Penalty: Five hundred pounds.

(2.) In any prosecution under this section the burden of proving want of knowledge shall lie upon the defendant.

68. All animals, plants, or goods imported into Australia in contravention of this Act, or any proclamation under this Act, and all hay, straw, fodder, litter, fittings, clothing, utensils, appliances, or packages, moved or dealt with in contravention of this Act or any proclamation under this Act or the regulations, shall be forfeited and may be seized by an officer or officer of Customs and disposed of in accordance with the regulations.

69. Any officer or officer of Customs may seize any animals, plants, or goods subject to quarantine which are found outside a quarantine station and may convey them to a quarantine station.

70.—(1.) Any quarantine officer may board any vessel being in any port or place in Australia, and may require any person on board the vessel to submit to any prescribed examination, and may enter and inspect any part of the vessel, and all animals and goods on board the vessel, and may inspect the passenger list, bill of health, log, manifest, journal, and other ship's papers.

(2.) The master of any vessel shall, if so required by a quarantine officer, produce to him for inspection the passenger list, bill of health, log, manifest, journal, and other ship's papers.

Penalty : Twenty pounds.

71.—(1.) A quarantine officer boarding any vessel may remain thereon for such time as he considers necessary or desirable, and the master shall, if required by the quarantine officer, provide suitable and sufficient food and sleeping accommodation for him.

Penalty : Fifty pounds.

(2.) If the vessel is a passenger vessel, the quarantine officer shall be entitled to all the privileges and accommodation extended to a first-class passenger.

72.—(1.) The master of every vessel shall, if so required by a quarantine officer, muster in the presence of the quarantine officer all passengers and persons on the vessel who are not prevented by illness or some other cause from attending the muster, and shall by all reasonable means facilitate the inspection by the quarantine officer of all persons on the vessel.

Penalty : Fifty pounds.

(2.) Every person on board the vessel shall, unless prevented by illness or some other cause (proof whereof shall lie upon him), attend the muster.

Penalty : Ten pounds.

(3.) Every person on board the vessel shall answer truly to the best of his knowledge all questions asked him by the quarantine officer as to his health during the voyage, and as to the likelihood of his having been exposed to infection during the voyage.

Penalty : Ten pounds.

Quarantine
officer may
make inquiries
at any time.

73. A quarantine officer may ask the master or medical officer of any vessel any questions he thinks fit to ask concerning any sickness on board the vessel or the sanitary condition of the vessel, and the master or medical officer shall, to the best of his knowledge, information, and belief, truly answer the questions asked him by the quarantine officer.

Penalty : One hundred pounds.

Power to affix
notices.

74.—(1.) A quarantine officer may affix any prescribed notices in relation to quarantine on any part of any vessel subject to quarantine, and on or near any quarantine station, and on any goods subject to quarantine.

(2.) An unauthorized person shall not remove, deface, or interfere with any notice affixed in pursuance of this section.

Penalty : Ten pounds.

Persons may be
vaccinated.

75.—(1.) A quarantine officer may in the case of small pox require any person subject to quarantine or performing quarantine to be vaccinated, and any person so required to be vaccinated shall submit to be vaccinated accordingly.

Penalty : Five pounds.

(2.) A quarantine officer shall not require any person to be vaccinated unless in his opinion vaccination is necessary for the protection of persons subject to quarantine or performing quarantine, or for the prevention of the spread of the disease of small pox.

Trespassing on
quarantine
stations.

76.—(1.) An unauthorized person shall not—

- (a) enter or trespass on any quarantine station ; or
- (b) interfere with any goods, animals, or plants subject to quarantine.

Penalty : Twenty-five pounds

(2.) Any unauthorized person who enters any quarantine station while any person is performing quarantine thereon shall be subject to quarantine, and may be detained at the quarantine station for the performance of quarantine.

Pilot to incur
penalty on
wrongly
conducting
vessel.
See also s. 20.

77. A pilot shall not, unless compelled by stress of weather or other reasonable cause, conduct a vessel subject to quarantine into any place other than the proper place for a vessel so subject.

Penalty : Fifty pounds.

Penalty for
entering port
other than first
port of entry
having disease
on board.
See also s. 20.

78. The master of an oversea vessel who, knowing that any quarantinable disease exists on his vessel, suffers his vessel to enter a port, other than a port declared to be a first port of entry, shall be guilty of an indictable offence, unless he proves that it was necessary for the vessel to enter the port for the purpose of saving human life.

Penalty : Three years' imprisonment.

79. Whoever—

Offences as to
documents.

- (a) forges any document under this Act, or any official copy thereof, or the signature of any officer performing any duty under this Act ; or

- (b) utters or puts off, knowing it to be forged, any forged document purporting to be a document issued under this Act ; or
- (c) fraudulently lends any certificate or document issued under this Act to any other person or allows it to be used by any other person,

shall be guilty of an indictable offence.

Penalty : Three years' imprisonment.

80. Any officer who—

- (a) wilfully deserts from his duty ; or
- (b) knowingly and unlawfully permits any person, vessel, animal, plant, or goods to depart from or be conveyed out of any quarantine station where they are detained,

Penalty for desertion.

shall be guilty of an indictable offence.

Penalty : Two years' imprisonment.

81. Whoever—

- (a) gives or offers, or promises to give or procure to be given, any bribe, recompense, or reward to any officer, to induce him in any way to neglect or not to perform his duty ; or
- (b) makes any collusive agreement with an officer to neglect or not to perform his duty ; or
- (c) by threats, demands, or promises, attempts to improperly influence an officer in the performance of his duty ; or
- (d) assaults or by force molests or obstructs or intimidates an officer in the performance of his duty,

Bribing,
assaulting,
obstructing,
or intimidating
officers.

shall be guilty of an indictable offence.

Penalty : Three years' imprisonment.

82. Any officer who—

- (a) accepts any bribe, recompense, or reward, for or on account of any neglect to perform or non-performance of his duty ; or
- (b) makes any collusive agreement with any person to neglect or not to perform his duty,

shall be guilty of an indictable offence.

Penalty : Three years' imprisonment.

83. Any master or medical officer of a vessel who—

- (a) wilfully makes any false statement in answer to any question asked him by a quarantine officer under this Act ; or
- (b) wilfully misleads a quarantine officer in the performance of his duty,

Master or
medical officer
of vessel
misleading
quarantine
officer.

See also ss. 13,
28.

shall be guilty of an indictable offence.

Penalty : Two years' imprisonment.

84. Any quarantine officer who maliciously and without reasonable cause orders any vessel, person, goods, animal, or plant into quarantine shall be guilty of an indictable offence.

Maliciously
ordering vessels,
&c., into
quarantine.

Penalty : Two years' imprisonment.

Aiding and
abetting
offences.

85. Whoever aids, abets, counsels, or procures, or by act or omission is in any way directly or indirectly knowingly concerned in the commission of any offence against this Act or the regulations, shall be deemed to have committed that offence, and shall be punishable accordingly.

Limitation of
time for
summary
proceedings.

86. All proceedings taken in any Court of Summary Jurisdiction for the recovery of any penalty for any offence against this Act shall be instituted within six months after the commission of the offence.

Regulations.

87. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for any of the following matters :—

- (a) for regulating the performance of quarantine ;
- (b) for regulating and protecting quarantine stations ;
- (c) for regulating or preventing ingress to or egress from any quarantine area ;
- (d) for regulating or preventing the removal of animals plants or goods from any quarantine area ;
- (e) for requiring notification to a quarantine officer of each case of a quarantinable disease which arises in Australia ;
- (f) for prescribing the precautions to be taken to prevent the ingress to or egress from a vessel of rats and mice ;
- (g) for prescribing the measures to be taken by the masters or owners of vessels to destroy rats, mice, and other vermin on the vessels ; and
- (h) for prescribing penalties not exceeding Fifty pounds, for breaches of the regulations.