

QUARANTINE.

No. 47 of 1920.

An Act to amend the *Quarantine Act* 1908-1915.

[Assented to 2nd December, 1920.]

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

- 1.—(1.) This Act may be cited as the *Quarantine Act* 1920.
- (2.) The *Quarantine Act* 1908-1915 is in this Act referred to as the Principal Act.
- (3.) The Principal Act, as amended by this Act, may be cited as the *Quarantine Act* 1908-1920.

Short title and citation.

2. After section two of the Principal Act the following section is inserted :—

“ 2A.—(1.) Whenever the Governor-General is satisfied that an emergency exists which makes it necessary to do so, he may, by proclamation, declare that any or all measures of quarantine prescribed

Power to supersede Quarantine measures under State Acts.

by or under any State Act shall, for such period as is specified in the proclamation, cease to have effect, and such measure shall thereupon cease to have effect accordingly.

“(2.) The Governor-General may at any time revoke or vary any such proclamation.”

Definitions.

3. Section five of the Principal Act is amended—

(a) by inserting therein, after the definition of “goods”, the following definition :—

“ ‘Landing place’ means any place declared by proclamation to be a landing place for vessels engaged in navigation by air : ” ; and

(b) by omitting from the definition of “Vessel” the words “used in navigation” and inserting in their stead the words “or vehicle used in navigation by sea or air”.

Repeal of s. 8.

4. Section eight of the Principal Act is repealed.

Temporary officers.

5. Section eight A of the Principal Act is amended by adding at the end of sub-section (3.) thereof the words “who shall himself also have all the powers of a Quarantine Officer or a Chief Quarantine Officer under this Act or Regulations”.

6. After section nine of the Principal Act the following section is inserted :—

Temporary Quarantine Officers.

“9A.—(1.) The Minister may appoint temporary Quarantine Officers for such period as he thinks necessary.

“(2.) Temporary Quarantine Officers shall, for the period of their appointment, have all the powers of a Quarantine Officer appointed under the last preceding section.

“(3.) Any appointment made in pursuance of this section shall not confer on the appointee any right or claim to be permanently appointed to the position.”

7. After section ten of the Principal Act the following section is inserted :—

Revocation of delegation.

“10A. Every delegation by the Minister shall be revocable in writing at will and no delegation shall prevent the exercise of any power by the Minister.”

Proclamation of ports of entry, &c.

8. Section thirteen of the Principal Act is amended—

(a) by inserting in sub-section (1.) thereof, after paragraph (a), the following paragraph :—

“(aa) declare any place or area in Australia to be a landing place for vessels engaged in navigation by air ; ” ; and

(b) by inserting in paragraph (d) of sub-section (1.) thereof, after the word “containing”, the words “, or likely to contain.”.

9. Section fifteen A of the Principal Act is amended by inserting in sub-section (1.) thereof, after the words "introduction into", the words "or spread within",

Disinfecting apparatus to be carried on vessels.

10. Section sixteen of the Principal Act is amended—

Cleansing, &c. of vessels.

- (a) by inserting after the words "vessel to be" the words "cleansed, disinfected,"; and
 (b) by omitting the words "and insects" and inserting in their stead the words "insects, or disease agents".

11. After section twenty of the Principal Act the following section is inserted:—

"20A. The master of any oversea vessel engaged in navigation by air shall not, unless from stress of weather or other reasonable cause, suffer the vessel to land in Australia at any place other than a landing place.

Landing places for aircraft.

Penalty: Five hundred pounds."

12. Section twenty-one of the Principal Act is amended—

Quarantine signals on vessels.

- (a) by omitting from paragraph (a) thereof the words "hoist the quarantine signal at the mainmast head of" and inserting in their stead the words "display the quarantine signal on";
 (b) by omitting from paragraph (a) thereof the word "and";
 (c) by omitting from paragraph (b) thereof the words "hoisted at the mainmast head of" and inserting in their stead the words "displayed on"; and
 (d) by inserting after paragraph (b) thereof the following paragraph:—
 " ; and
 (c) in the case of a vessel engaged in navigation by air, display and keep displayed the prescribed signal."

13. Section twenty-two of the Principal Act is amended by omitting from sub-section (1.) thereof the words—

Notification of outbreak of disease on a vessel.

"(b) hoist the quarantine signal at the mainmast head of the 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."

and inserting in their stead the words—

"(b) display the quarantine signal on his vessel, and keep it so displayed until he is authorized by a Quarantine Officer to remove it or until the vessel is released from quarantine."

14. Section twenty-three of the Principal Act is amended by inserting, after the word "prescribed", the words "and shall be displayed in the prescribed manner".

Signal.

Unauthorized person not to board vessel.

15. Section twenty-four of the Principal Act is amended by omitting the words "while the quarantine signal is hoisted thereon" and inserting in their stead the words "subject to quarantine or while the quarantine signal is displayed on the vessel".

Landing ground for vessels.

16. Section twenty-six A of the Principal Act is amended by inserting in sub-section (1.) thereof, after the word "ground", the words "or landing place".

Penalty for non-delivery of bill of health.

17. Section twenty-seven A of the Principal Act is amended by adding at the end thereof the words "Penalty: Fifty pounds."

Vessel having communicable disease on board.

18. Section thirty-five A of the Principal Act is amended—

(a) by omitting from sub-section (3.) thereof the words "on which he arrives in Australia";

(b) by omitting from sub-section (4.) thereof the words "upon which he arrives in Australia"; and

(c) by adding at the end thereof the following sub-section:—

"(5.) When a Quarantine Officer has given a certificate in pursuance of sub-section (1.) of this section, the master of the vessel shall not knowingly or negligently allow any person suffering from, or suspected to be suffering from, the disease, or who has been exposed to infection from the disease, to quit the vessel.

Penalty: Five hundred pounds."

Performance of quarantine by persons.

19. Section forty-five of the Principal Act is amended—

(a) by inserting at the end of sub-section (2.) thereof the words "or imprisonment for three months"; and

(b) by omitting sub-section (4.) thereof and inserting in its stead the following sub-section:—

"(4.) Any person subject to quarantine shall be under quarantine surveillance and shall comply with the regulations relating to quarantine surveillance.

Penalty: One hundred pounds or imprisonment for three months."

Penalty for unauthorized landing of animals, &c.

20. Section fifty-two of the Principal Act is amended by adding at the end thereof the words "Penalty: One hundred pounds."

Power to destroy diseased plants.

21. Section fifty-eight of the Principal Act is amended—

(a) by inserting after the word "plants" (first occurring) the words "or goods";

(b) by inserting after the word "disease" (first occurring) the words "or with any noxious insect or any pest,";

(c) by inserting after the word "disease" (second occurring) the words "or with any noxious insect or any pest,"; and

(d) by omitting the words "any diseased plant, or contaminated article".

22. Section fifty-nine of the Principal Act is amended—

Liability of
owner or agent
for expenses of
quarantine.

- (a) by omitting from paragraph (c) of sub-section (1.) thereof the word "and";
- (b) by inserting, after paragraph (d) of sub-section (1.) thereof, the following paragraphs:—

"(e) the provision of such medical, nursing and other attendance on the vessel and at the quarantine station for or in respect of the vessel as the Minister considers necessary; and

"(f) the provision of such launch and patrol services and such supervision as the Minister considers necessary to ensure the satisfactory performance of quarantine by the vessel and the persons and goods thereon," ; and

- (c) by adding at the end of sub-section (2.) thereof the following provisos:—

" Provided that the Governor-General may direct that, as regards any vessel trading exclusively between Australian ports or Australia and New Zealand or Fiji, or other places adjacent to Australia, the expenses of carrying out any responsibility under this section shall be borne by the Commonwealth, and, upon the issue of such direction, the master, owner and agent of any vessel to which the direction relates shall be exempt from liability for the expenses of carrying out that responsibility :

" Provided further that the Governor-General may direct that the expenses of overland passengers arising out of quarantine regulations may be borne by the Commonwealth."

23. Section fifty-nine A of the Principal Act is amended by inserting after the word "costs" the words "of removal of cargo or goods from the vessel, and costs".

Liability for
costs of
disinfection,
&c.

24. Section sixty-four of the Principal Act is amended—

Quarantine
expenses in
case of animals
and plants.

- (a) by inserting in sub-section (1.) thereof after the word "surveillance" the words "and the expenses connected with the removal, disposal, and destruction of any animals, plants or goods ordered to be destroyed in pursuance of this Act"; and
- (b) by adding at the end of sub-section (1.) thereof the words "or may be recovered as provided in this Part of this Act."

25. Section seventy-five of the Principal Act is amended—

Persons may
be vaccinated.

- (a) by omitting from sub-section (1.) thereof the words "in the case of small-pox";
- (b) by inserting in sub-section (1.) thereof after the word "vaccinated" (first occurring) the words "or inoculated with any prophylactic or curative vaccine";

- (c) by inserting after the word "vaccinated" (wherever elsewhere in the section occurring) the words "or inoculated"; and
- (d) by inserting in sub-section (2.) thereof after the word "vaccination" the words "or inoculation".

Bribing,
assaulting,
obstructing, or
intimidating
officers.

26. Section eighty-one of the Principal Act is amended—

- (a) by omitting the word "indictable";
- (b) by omitting the words "Penalty: Three years' imprisonment."; and
- (c) by adding at the end thereof, the following sub-sections:—

"(2.) An offence against this section may be prosecuted either summarily or upon indictment, but an offender shall not be liable to be punished more than once in respect of the same offence.

"(3.) The punishment for an offence against this section shall be as follows:—

- (a) if the offence is prosecuted summarily—a fine not exceeding One hundred pounds or imprisonment for a term not exceeding six months, or both;
- (b) if the offence is prosecuted upon indictment—imprisonment for a term not exceeding three years."

27. After section eighty-six c of the Principal Act the following sections are inserted:—

Averment of
prosecution
sufficient.

"86D. In every prosecution for an offence against this Act or the regulations the averment of the prosecutor contained in the information shall, in the absence of proof to the contrary, be deemed to be proved.

Penalty in
cases not
specially
provided.

"86E. Any person who commits an offence against this Act, for which no penalty is provided, shall be liable upon conviction to a penalty not exceeding One hundred pounds."

Regulations.

28. Section eighty-seven of the Principal Act is amended—

- (a) by omitting, from paragraph (g), the word "and" at the end thereof;
- (b) by omitting, from paragraph (r), the word "and" at the end thereof;
- (c) by inserting, after paragraph (s), the following paragraphs:—
 - "(t) for regulating for the purposes of this Act and the Regulations, navigation by air;
 - (u) requiring and prescribing reports from vessels by radio-telegraphy; and
 - (v) for regulating inter-state traffic and prescribing measures of quarantine in relation to inter-state traffic for the prevention of the occurrence or spread of communicable diseases"; and

(d) by adding at the end thereof the following sub-sections :—

“(2.) Regulations made under paragraph (v) of the last preceding sub-section—

(a) shall be published in the *Gazette* ;

(b) shall come into force only in pursuance of an order made by the Minister ;

(c) shall be in force in such State, Territory, place, area or locality within the Commonwealth as the Minister by order directs ; and

(d) shall remain in force for such time as is specified in the order, but may from time to time, by a further order, be renewed for a further specified period for the same locality or part thereof.

“(3.) Any order made by the Minister in pursuance of the last preceding sub-section shall set forth the regulations to which the order relates.”.
