

# QUARANTINE

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# Quarantine Act 1908

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# Quarantine Act 1908

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The Quarantine Act 1908 No 3 was assented to on 30 March 1908 and commenced on 1 July 1909 (Commonwealth of Australia Gazette 1909 p 1175). This Act is deemed to have applied in Nauru from 1 July 1909 (Laws Repeal and Adopting Act 1922, s 10 and Sch 1).

<b>Amending Legislation</b>	<b>Certified</b>	<b>Date of Commencement</b>
Quarantine Act 1912 (Cth of Australia) No 15*		6 November 1912
Quarantine Act 1915 (Cth of Australia) No 42*		15 November 1915
Quarantine Act 1920 (Cth of Australia) No 47*		2 December 1920
Statute Law Revision Act 2011 No 8	15 April 2011	15 April 2011
Quarantine (Amendment) Act 2020 No 32	23 October 2020	23 October 2020
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

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\* The amendments from this instrument have been incorporated but have not been validated against the original source.





An Act relating to Quarantine.

Adopted by the Parliament of Nauru as follows:

## PART 1 — PRELIMINARY

### 1 Short title

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

[s 1 am Act 8 of 2011 s 12 and Sch 1[132], opn 15 Apr 2011]

### 2 Commencement

This Act came into effect on 1 July 1909.

### 2A Power to supersede Quarantine measures

(1) Whenever the President is satisfied that an emergency exists which makes it necessary to do so, he or she may, by proclamation, declare that any or all measures of quarantine prescribed by any other written law 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 President may at any time revoke or vary any such proclamation.

[s 2A insrt Act 3 of 1908, opn 1 July 1909]

### 3 Parts

[s 3 is omitted by the Law Revision Commission under powers authorised by Act 10 of 2019]

### 4 Scope of Quarantine

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

[s 4 am Act 15 of 1912, opn 6 Nov 1912; Act 42 of 1915, opn 15 Nov 1915]

### 5 General definitions

In this Act:

*‘authorised person’* means a person authorised 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 Minister by proclamation to be a disease affecting animals;

[Section 5 amended by the Custom and Adopted Laws Act 1971 appropriately transferring power from the Administrator to the Minister.]

**'disease'** in relation to plants means any disease or pest declared by the Minister by proclamation to be a disease affecting plants;

[Section 5 amended by the Custom and Adopted Laws Act 1971 appropriately transferring power from the Administrator to the Minister.]

**'first port of entry'** in relation to a vessel means a first port of entry for that vessel;

**'fixed penalty'** means a prescribed penalty payable by the offender upon receipt of a Fixed Penalty Infringement Notice;

[def insrt Act 32 of 2020 s 4, opn 23 Oct 2020]

**'goods'** includes all kinds of movable property;

**'landing place'** means any place declared by proclamation to be a landing place for vessels engaged in navigation by air;

**'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;

**'Minister'** means the Minister for Justice and Border Control;

[def insrt Act 32 of 2020 s 4, opn 23 Oct 2020]

**'Nauruan vessel'** means a vessel which does not voyage or ply to or from any place outside the Republic;

**'officer'** means a quarantine officer or other officer appointed under this Act;

**'foreign vessel'** means any vessel other than a Nauruan 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;

**'port of departure'** in relation to a vessel means the port at which the vessel commenced its current voyage;

**'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 the Republic, 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 Minister, by proclamation, to be a quarantinable disease;

[Section 5 amended by the Custom and Adopted Laws Act 1971 appropriately transferring power from the Administrator to the Minister.]

**'quarantine officer'** means a quarantine officer appointed under this Act;

**'unauthorised person'** means a person not authorised 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; and

*'vessel'* means any vessel, boat, or other description of vessel or vehicle used in navigation by sea or air.

[s 5 am Act 15 of 1912, opn 6 Nov 1912; Act 47 of 1920, opn 2 Dec 1920]

**6**

[s 6 rep Act 15 of 1912, opn 6 Nov 1912]

**7****No appropriation**

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



## PART 2 — ADMINISTRATION

### 8 [Repealed]

[s 8 rep Act 47 of 1920, opn 2 Dec 1920]

### 8A Director of Quarantine and chief quarantine officers

- (1) There shall be a Director of Quarantine who shall, under the Minister, be charged with the execution of this Act and regulations.
- (2) There shall be such quarantine officers for such divisions of quarantine as the Minister thinks fit, who shall have such powers and functions as are conferred upon them by this Act or regulations.
- (3) All quarantine officers, shall perform their powers and functions under and subject to the directions of the Director of Quarantine who shall himself or herself also have all the powers of a quarantine officer under this Act or regulations.
- (4) The Director of Quarantine and all quarantine officers holding office at the commencement of this Section shall hold office as if appointed after the commencement of this Section.
- (5) For the purposes of this Section, any branch or subject of quarantine or territorial division or locality for which a quarantine officer is appointed shall be a division of quarantine.

[s 8A insrt Act 15 of 1912, opn 6 Nov 1912; am Act 47 of 1920, opn 2 Dec 1920]

[Amendments made to reflect the change of position of Director of Quarantine by the Law Revision Commission under powers authorised by Act 10 of 2019.]

### 9 Appointment of officers

The Minister may appoint quarantine officers and other officers for carrying out this Act.

### 9A Temporary quarantine officers

- (1) The Minister may appoint temporary quarantine officers for such period as he or she thinks necessary.
- (2) Temporary quarantine officers shall, for the period of their appointment, have all the powers of a quarantine officer appointed under Section 9.
- (3) An appointment made in pursuance of this Section shall not confer on the appointee any right or claim to be permanently appointed to the position.

[s 9A insrt Act 47 of 1920, opn 2 Dec 1920]

### 10 Delegation of authority

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 or her hand delegate any of his or her 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.

**10A Revocation of delegation**

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.

[s 10A insrt Act 47 of 1920, opn 2 Dec 1920]

**11 Arrangements with State Governments to aid in carrying out this Act**

[s 11 omitted by the Law Revision Commission under powers authorised by Act 10 of 2019]

## PART 3 — GENERAL PROVISIONS

### 12 Proclaimed places

The Minister may, by proclamation, declare that any place beyond or in the Republic 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.

### 13 Proclamation of ports of entry, etc

- (1) The Minister may, by proclamation:
  - (a) declare any ports in the Republic to be first ports of entry for foreign vessels;
  - (aa) declare any place or area in the Republic to be a landing place for vessels engaged in navigation by air;
  - (b) declare any ports in the Republic to be ports where imported animals and plants or any particular kinds of imported animals or 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 the Republic of any noxious insect, or any pest, or any disease germ or microbe or any disease agent, or any culture virus or substance or article containing or likely to contain, any noxious insect, pest disease germ, microbe or disease agent;
  - (e) prohibit the importation into the Republic of any articles likely, in his or her opinion, to introduce any infectious or contagious disease;
  - (f) prohibit the importation into the Republic 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 Republic in which any quarantinable disease, or disease affecting animals or plants, exists, to any other part of the Republic in which the disease does not exist;
  - (h) declare any part of the Republic 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 vessel, persons, animals, plants or goods in any quarantine area, or in any part of the Republic in which any quarantinable disease or any disease or pest affecting plants or animals, exists, shall be subject to quarantine.
- (1A) The power to declare first ports of entry shall extend to authorise the declaration of a port to be a first port of entry for all foreign vessels or for foreign vessels from any particular place, or any class of foreign vessels.
- (2) The power of prohibition under this Section shall extend to authorise 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 Minister by this Section, in relation to the matters specified in subsection (1)(g), (h) and (i), so far as they relate to animals or plants or any disease affecting animals or plants shall, as regards a part of the Republic, only be exercised in cases where the Minister 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 the Republic.

[s 13 am Act 47 of 1920, opn 2 Dec 1920]

### **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, persons, goods, animals or plants and the place so appointed shall be deemed to be a quarantine station accordingly.

[s 13A insrt Act 15 of 1912 s 7, opn 6 Nov 1912]

### **14 Exemption of certain vessels and goods**

The Minister 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 vessel of war;
- (b) any vessels trading exclusively in the Republic or Australia, New Zealand or Fiji or other places adjacent to the Republic;
- (c) any particular vessel or class of vessels; and
- (d) any persons, animals, plants, or goods.

### **15 Vessels may be ordered to carry disinfecting apparatus**

The owner or master of any vessel trading regularly with the Republic, or of any vessel carrying passengers and trading regularly with the Republic, 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 such prophylactic agents as are prescribed and efficient disinfecting apparatus or appliances and disinfectants, approved by him or her.

Penalty: a fine not exceeding \$500.

[s 15 am Act 15 of 1912, opn 6 Nov 1912; Act 32 of 2020 s 15, opn 23 Oct 2020]

### **15A Master of vessel from a proclaimed place to take precautionary measures to prevent infection**

- (1) The master of any vessel, bound for any port or place in the Republic, which comes from or calls or touches at any proclaimed place, shall, while his or her vessel is at that proclaimed place and during the voyage to the Republic, take, in respect of the vessel her crew passengers and cargo, all precautionary measures to prevent the introduction into or spread within the Republic of any quarantinable disease which are prescribed by the regulations to be taken in respect of the proclaimed place.
- (2) The master of any vessel who, having failed to comply with subsection (1), suffers his or her vessel to enter any port or place in the Republic, shall be guilty of an offence.

Penalty: a fine not exceeding \$1,000.

[subs (2) am Act 32 of 2020 s 15, opn 23 Oct 2020]



- (3) In any prosecution under this Section, if the master of the vessel satisfies the court that he or she was not aware of the precautionary measures required to be taken by him or her, and that he or she took all reasonable means to ascertain whether any such measures were necessary on his or her part, he or she shall not be liable to any penalty.
- (4) Where a vessel has arrived from a proclaimed place and the prescribed precautionary measures have not been taken, any prescribed measures for the prevention of the introduction or spread of any quarantinable disease may be carried out by a quarantine officer with respect to the vessel, her crew, passengers and cargo at the expense of the owner of the vessel.

[s 15A insrt Act 15 of 1912, opn 6 Nov 1912; am Act 47 of 1920, opn 2 Dec 1920]

## **16 Fumigation of vessels to destroy vermin**

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

[s 16 am Act 47 of 1920, opn 2 Dec 1920]



## PART 4 — QUARANTINE OF VESSELS, PERSONS, AND GOODS

### DIVISION 1 — LIABILITY TO QUARANTINE

#### **17 When vessel subject to quarantine**

The following vessels shall be subject to quarantine:

- (a) every foreign vessel until pratique has been granted or until she has been released from quarantine;
- (b) every vessel, whether a Nauruan vessel or a foreign vessel, on board which any quarantinable disease or disease which there is reason to believe or suspect to be a 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.

[s 17 am Act 15 of 1912, opn 6 Nov 1912]

#### **18 Persons subject to quarantine**

(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 a foreign vessel, since her arrival in the Republic;
- (b) every person infected with a quarantinable disease; and
- (c) every person who has been in contact with or exposed to, infection from a person or 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 a foreign vessel, since her arrival in the Republic;
- (b) all goods infected with a quarantinable disease; and
- (c) all goods which have been in contact with or exposed to infection from a person or goods subject to quarantine.

#### **19 Continuance of liability to quarantine**

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 Vessels to enter first port of entry**

The master of a foreign vessel arriving in the Republic 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.

Penalty: a fine not exceeding \$5,000.

[s 20 am Act 32 of 2020 s 15, opn 23 Oct 2020]

#### **20A Landing places for aircraft**

The master of any foreign vessel engaged in navigation by air shall not, unless

from stress of weather or other reasonable cause, suffer the vessel to land in the Republic at any place other than a landing place.

Penalty: a fine not exceeding \$5,000.

[s 20A insrt Act 47 of 1920, opn 2 Dec 1920; am Act 32 of 2020 s 15, opn 23 Oct 2020]

## 21 Quarantine signals on vessels

The master of every vessel subject to quarantine shall:

- (a) display the quarantine signal on his or her vessel before she comes within one league of any port;
- (b) keep the quarantine signal displayed on his or her vessel while entering or being in, any port or quarantine station; and
- (c) in the case of a vessel engaged in navigation by air, display and keep displayed the prescribed signal.

Penalty: a fine not exceeding \$1,000.

[s 21 am Act 47 of 1920, opn 2 Dec 1920; Act 32 of 2020 s 15, opn 23 Oct 2020]

## 22 Master to notify outbreak of disease

(1) When:

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

has broken out on board any vessel, the master of the vessel shall forthwith, unless the vessel is actually performing quarantine under the supervision of a quarantine officer:

- (i) notify a quarantine officer of the breaking out of the disease; and
- (ii) display the quarantine signal on his or her vessel, and keep it so displayed until he or she is authorised by a quarantine officer to remove it or until the vessel is released from quarantine.

Penalty: a fine not exceeding \$500.

[subs (1) am Act 15 of 1912, opn 6 Nov 1912; Act 47 of 1920, opn 2 Dec 1920; Act 32 of 2020 s 15, opn 23 Oct 2020]

(2) The master of a vessel in port shall forthwith give notice in writing to a quarantine officer of every case of any prescribed disease which was on his or her vessel when she arrived in the port or which has arisen on his or her vessel since she arrived in the port.

Penalty: a fine not exceeding \$500.

[subs (2) am Act 15 of 1912, opn 6 Nov 1912; Act 32 of 2020 s 15, opn 23 Oct 2020]

## 23 Signal

The quarantine signal shall be as prescribed and shall be displayed in the prescribed manner.

[s 23 am Act 47 of 1920, opn 2 Dec 1920]

## 24 Unauthorised person not to board vessel

No unauthorised person shall go on board or alongside of any vessel subject to quarantine, or while the quarantine signal is displayed on the vessel.

Penalty: a fine not exceeding \$1,000.

[s 24 am Act 47 of 1920, opn 2 Dec 1920; Act 32 of 2020 s 15, opn 23 Oct 2020]

**25 Vessel to be brought for boarding of quarantine officer**

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.

Penalty: a fine not exceeding \$500.

[s 25 am Act 32 of 2020 s 15, opn 23 Oct 2020]

**26 Limit in part for vessels subject to quarantine**

(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.

Penalty: a fine not exceeding \$1,000.

[subs (1) am Act 32 of 2020 s 15, opn 23 Oct 2020]

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

**26A Vessel to be brought to proper mooring ground**

(1) The master of a vessel subject to quarantine shall, forthwith on arrival at or near a port, bring the vessel to a place appointed by the Minister by proclamation to be a mooring ground or landing place for vessels subject to quarantine.

Penalty: a fine not exceeding \$1,000.

[subs (1) am Act 32 of 2020 s 15, opn 23 Oct 2020]

(2) On the request of the master, owner or agent of a vessel subject to quarantine, and on payment of the prescribed fee, the vessel may, with the approval of a prescribed quarantine officer, be taken for inspection to some other place instead of to the mooring ground for vessels subject to quarantine.

[s 26A insrt Act 15 of 1912, opn 6 Nov 1912; am Act 47 of 1920, opn 2 Dec 1920]

**27 Master to deliver health report**

The master of a foreign vessel arriving at any port in the Republic shall, on being required so to do, make out and deliver to the quarantine officer a health report, in accordance with the prescribed form signed by him or her, and, if the vessel carries a medical officer, signed also by the medical officer.

Penalty: a fine not exceeding \$1,000.

[s 27 am Act 32 of 2020 s 15, opn 23 Oct 2020]

**27A Master to bring health report of overseas ports**

The master of any foreign vessel bound for any port in the Republic shall bring from its foreign port of departure and from every foreign port of call on the voyage, and, on being required so to do, shall deliver to the quarantine officer a bill of health giving such information as may be prescribed in respect of the port and of the sanitary circumstances and condition of the vessel and of her crew and passengers while at the port.

Penalty: a fine not exceeding \$500.

[s 27A insrt Act 15 of 1912, opn 6 Nov 1912; am Act 47 of 1920, opn 2 Dec 1920; Act 32 of 2020 s 15, opn 23 Oct 2020]

## 28 Master and medical officer to answer questions

- (1) The medical officer and the master of any foreign vessel arriving at any port in the Republic 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, touching the sanitary condition 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 or her 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: a fine not exceeding \$1,000.

[subs (1) am Act 42 of 1915, opn 15 Nov 1915; Act 32 of 2020 s 15, opn 23 Oct 2020]

- (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.
- (3) A quarantine officer may, if he or she thinks fit, require the medical officer and the master or either of them to verify any answer to any question asked in pursuance of this Section by a declaration in writing signed by him or her solemnly declaring to the truth of the answer.

[subs (3) insrt Act 15 of 1912, opn 6 Nov 1912]

- (4) Any declaration under this Section may be taken before a quarantine officer and a person who makes any false statement in any such declaration shall be guilty of an indictable offence.

Penalty: a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or to both.

[subs (4) insrt Act 15 of 1912, opn 6 Nov 1912; am Act 32 of 2020 s 5, opn 23 Oct 2020]

## 29 No person to be allowed to quit vessel subject to quarantine

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

Penalty: a fine not exceeding \$1,000.

[subs (1) am Act 32 of 2020 s 15, opn 23 Oct 2020]

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

## 30 Other persons prohibited from quitting vessel

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

Penalty: a fine not exceeding \$1,000.

[s 30 am Act 32 of 2020 s 15, opn 23 Oct 2020]

## 31 Apprehension of persons liable to quarantine

- (1) A constable or authorised person may, without warrant, apprehend:

- (a) a person who has, in contravention of this Act or the regulations, quitted any vessel subject to quarantine or any quarantine station; or
  - (b) a person subject to quarantine who is found in any place not being in or part of a quarantine station.
- (2) A person apprehended under this Section shall be brought before a Resident Magistrate or quarantine officer, who may, on proof to his or her satisfaction that the person so brought before him or her is subject to quarantine, order him or her to be taken to the vessel from which he or she has landed or to a quarantine station to perform quarantine, and may by warrant authorise any constable or other person to take him or her accordingly, or may order him or her to be dealt with in accordance with the regulations.

### **32 Mooring of vessels from proclaimed places**

- (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.
- (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: a fine not exceeding \$500.

[subs (2) am Act 32 of 2020 s 15, opn 23 Oct 2020]

### **33 Pratique**

- (1) After boarding any foreign vessel, not having a certificate of pratique, the quarantine officer shall forthwith, if he or she is satisfied that the vessel is free from infection, give the master a certificate of pratique in accordance with the form prescribed.
- (2) The certificate of pratique may be expressed to have effect in all ports in the Republic, or to have effect only in any specified port or ports, or the ports in the Republic or to have effect only for a specified time.
- (3) The certificate of pratique may be expressed to have relation to all or any specified measures of quarantine.

[subs (3) insrt Act 15 of 1912, opn 6 Nov 1912]

### **34 Quarantine surveillance**

- (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 or she may, subject to this Section:
- (a) refrain from giving a certificate of pratique;
  - (b) permit the vessel to proceed on her voyage without performing quarantine at the quarantine station;
  - (c) permit any passengers for that port and their effects to be landed; or
  - (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: a fine not exceeding \$1,000.

[subs (3) am Act 32 of 2020 s 15, opn 23 Oct 2020]

- (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 Order to perform quarantine

- (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 or her opinion, infected with a quarantinable disease or a source of infection with a quarantinable disease.
- (2) If a vessel has arrived in the Republic 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;
  - (b) in the case of a person, be served on the person; or
  - (c) in the case of any goods, be served on the owner, consignee or a 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.

### 35A Vessel having cases of communicable disease on board

- (1) When a vessel subject to quarantine, or any other vessel, has on board any case of communicable (infectious) disease, and a quarantine officer certifies that measures of quarantine are necessary to prevent the disease from spreading, all such measures for the disinfection of the vessel and all such other measures of quarantine as are prescribed or as a quarantine officer directs shall be taken, and a person suffering from or suspected to be suffering from the disease or who have been exposed to infection from the disease may be ordered into quarantine and may be removed to a quarantine station to perform quarantine.

[subs (1) am Act 42 of 1915, opn 15 Nov 1915]

- (2) A person suffering from, or suspected to be suffering from, the disease shall be deemed to be subject to quarantine, notwithstanding that the disease has not been proclaimed to be a quarantinable disease.
- (3) No person suffering from or suspected to be suffering from a communicable (infectious) disease shall quit the vessel without the written permission of a quarantine officer.

Penalty: a fine not exceeding \$5,000.

[subs (3) insrt Act 42 of 1915, opn 15 Nov 1915; am Act 47 of 1920, opn 2 Dec 1920; Act 32 of 2020 s 15, opn 23 Oct 2020]

- (4) No person who is in charge of a person suffering from or suspected to be suffering from or suspected to be suffering from any communicable



(infectious) disease shall permit the person to quit the vessel without the written permission of a quarantine officer.

Penalty: a fine not exceeding \$5,000.

[subs (4) insrt Act 42 of 1915, opn 15 Nov 1915; am Act 47 of 1920, opn 2 Dec 1920; Act 32 of 2020 s 15, opn 23 Oct 2020]

(5) When a quarantine officer has given a certificate in pursuance of subsection (1) of this section, the master of the vessel shall not knowingly or negligently allow a 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: a fine not exceeding \$5,000.

[subs (5) insrt Act 47 of 1920, opn 2 Dec 1920; am Act 32 of 2020 s 15, opn 23 Oct 2020]

[s 35A insrt Act 15 of 1912, opn 6 Nov 1912]

### **36 Master, when so ordered, to convey vessel into quarantine**

(1) 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: a fine not exceeding \$5,000.

[subs (1) am Act 32 of 2020 s 15, opn 23 Oct 2020]

(2) Where a vessel ordered into quarantine has to be cleansed, fumigated, disinfected or treated in any manner, a quarantine officer may direct the vessel to be taken to any prescribed place for the purpose of being so cleansed, fumigated, disinfected or treated, and the master of the vessel shall cause the vessel to be taken to the place accordingly.

Penalty: a fine not exceeding \$5,000.

[subs (2) insrt Act 15 of 1912, opn 6 Nov 1912; am Act 32 of 2020 s 15, opn 23 Oct 2020]

### **37 When vessel deemed to be in quarantine**

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

### **38 Particulars to be given at the quarantine station**

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 or her passenger list, bill of health, log, manifest, journal, and other vessel's papers.

Penalty: a fine not exceeding \$1,000.

[s 38 am Act 32 of 2020 s 15, opn 23 Oct 2020]

### **39 Performance of quarantine by vessel**

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 authorised 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 Vessel in quarantine not to be moved except in accordance with Act**

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: a fine not exceeding \$1,000.

[s 40 am Act 32 of 2020 s 15, opn 23 Oct 2020]

#### **41 Removal from vessel to perform quarantine**

(1) For the purposes of the performance of quarantine, a 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 Power to permit vessel to proceed on voyage**

The Minister may, if he or she 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 be released from quarantine, but shall, while in the Republic 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 Cleansing and disinfecting vessel**

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

Penalty: a fine not exceeding \$1,000.

[s 43 am Act 32 of 2020 s 15, opn 23 Oct 2020]

#### **44 Goods not to be removed**

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

Penalty: a fine not exceeding \$1,000.

[subs (1) am Act 32 of 2020 s 15, opn 23 Oct 2020]

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

Penalty: a fine not exceeding \$1,000.

[subs (2) am Act 32 of 2020 s 15, opn 23 Oct 2020]

(3) In any prosecution under subsection (2), the burden of proving want of knowledge shall rest upon the defendant.

## 45 Performance of quarantine by persons

- (1) All persons ordered into quarantine shall perform quarantine and for that purpose may:
- (a) be detained on board the vessel;
  - (b) be detained upon the premises upon which they are found; or
  - (c) be removed to and detained 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 management of quarantine stations.

[subs (1) am Act 42 of 1915, opn 15 Nov 1915]

- (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: a fine not exceeding \$1,000 or to a term of imprisonment not exceeding 3 months or to both.

[subs (2) am Act 47 of 1920, opn 2 Dec 1920; Act 32 of 2020 s 6, opn 23 Oct 2020]

- (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, release the person under quarantine surveillance.

[subs (3) am Act 42 of 1915, opn 15 Nov 1915]

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

Penalty: a fine not exceeding \$1,000 or to a term of imprisonment not exceeding 3 months or to both.

[subs (4) subst Act 47 of 1920, opn 2 Dec 1920; am Act 32 of 2020 s 6, opn 23 Oct 2020]

## 46 Release from quarantine

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 Performance of quarantine by goods

All goods ordered into quarantine may be detained on board the vessel or in a quarantine station.

## 48 Goods ordered into quarantine to be treated and disinfected

- (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 the opinion that they cannot be effectively disinfected, and ought not to be released from quarantine owing to the danger of infection, he or she may cause the goods to be destroyed:

Provided that where the value of the goods exceeds \$1,000, this power shall not be exercised without the written approval of the Minister.

[subs (2) am Act 32 of 2020 s 7, opn 23 Oct 2020]

**49 Unlawful damage by officers**

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

Penalty: a fine not exceeding \$1,000.

[s 49 am Act 32 of 2020 s 15, opn 23 Oct 2020]

## PART 5 — QUARANTINE OF ANIMALS AND PLANTS

### 50 **Animals or plants to be landed at declared ports**

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

Penalty: a fine not exceeding \$1,000.

[s 50 am Act 15 of 1912, opn 6 Nov 1912; Act 32 of 2020 s 15, opn 23 Oct 2020]

### 51 **Quarantine control of imported animals**

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: a fine not exceeding \$1,000.

[s 51 am Act 32 of 2020 s 15, opn 23 Oct 2020]

### 52 **Permit for landing**

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.

Penalty: a fine not exceeding \$1,000.

[s 52 am Act 47 of 1920, opn 2 Dec 1920; Act 32 of 2020 s 15, opn 23 Oct 2020]

### 53 **Examination of imported animals**

- (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 Minister 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 or she 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 or she 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 or she 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) If any imported animal is not suffering from any disease, the quarantine officer may, subject to the regulations, permit the animal to leave the vessel, or, if it has been ordered into quarantine, the quarantine station under quarantine surveillance.

[subs (3) am Act 42 of 1915, opn 15 Nov 1915]

- (4) For the purposes of subsection (3), an animal under quarantine surveillance, shall continue for such period as is prescribed, and shall be treated and dealt with as prescribed, and the owner or person in charge of the animal shall during such period comply with the regulations relating to quarantine surveillance of animals, and a quarantine officer may, at any time during such period, order the animal into quarantine.

[subs (4) insrt Act 15 of 1912, opn 6 Nov 1912]

#### **54 Examination of imported plants**

- (1) A quarantine officer shall make a careful inspection of all imported plants before they are delivered to the importer.
- (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 or she may, subject to the regulations, authorise 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 one or more diseases, he or she shall order the plants into quarantine.

#### **55 Power to order animals and plants into quarantine**

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

#### **55A Power to order goods into quarantine**

A quarantine officer may examine and order into quarantine any imported goods being or likely to be, in his or her opinion, infected with a disease affecting animals or plants, or which contain or appear to contain any insect or pest or disease agent.

[s 55A insrt Act 15 of 1912, opn 6 Nov 1912]

#### **56 Performance of quarantine**

All animals and plants and goods 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.

[s 56 am Act 15 of 1912, opn 6 Nov 1912]

#### **57 Power to destroy diseased animals**

- (1) If a quarantine officer prescribed for the purpose certifies that any animal ordered into quarantine is affected with any disease and, in his or her 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.
- (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 Power to destroy diseased plants**

If a quarantine officer certifies that any plants or goods ordered into quarantine

are affected with any disease or with any noxious insect or any pest, or have been exposed to infection from any plant affected, or article contaminated, with any disease or with any noxious insect or any pest, and in his or her 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.

[s 58 am Act 15 of 1912, opn 6 Nov 1912; Act 47 of 1920, opn 2 Dec 1920]





## PART 6 — EXPENSES OF QUARANTINE

### 59 Liability of owner or agent for expenses of quarantine

- (1) The master, owner and agent of any vessel ordered into quarantine, or of any vessel from which a person is removed to perform quarantine, shall severally be responsible for:
- (a) the removal of the passengers and crew to the quarantine station;
  - (b) the care and maintenance of the passengers and crew while detained at the quarantine station;
  - (c) the conveyance of the passengers from the quarantine station to their ports of destination;
  - (d) the medical surveillance of persons released under quarantine surveillance;
  - (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, and shall supply, to the satisfaction of the Minister, all such service, attendance, meals, and other things as are required for those purposes, including domestic and laundry service, medicines, medical comforts, nursing, and attendance for the sick.

[subs (1) am Act 47 of 1920, opn 2 Dec 1920]

- (2) The master, owner, or agent, of the vessel may arrange with the Minister for the carrying out of any responsibility under this Section and for the payment of the expenses, but in any case the Minister may take action if he or she thinks it necessary to do so, and any expense incurred shall be paid by the master, owner, or agent, of the vessel to the Republic:
- (a) Provided that the Minister may direct that, as regards any vessel trading exclusively between the Republic ports or the Republic and New Zealand or Fiji, or other places adjacent to the Republic, the expenses of carrying out any responsibility under this Section shall be borne by the Republic, 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; and
  - (b) Provided further that the Minister may direct that the expenses of overland passengers arising out of quarantine regulations may be borne by the Republic.

[subs (2) am Act 47 of 1920, opn 2 Dec 1920]

- (3) A passenger shall not be liable to compensate the master, owner or agent for any cost incurred by the master, owner or agent under this Section, and any contract or stipulation purporting to impose any such liability upon him or her shall to that extent be null and void.

[s 59 subst Act 15 of 1912, opn 6 Nov 1912]

### 59B Security for carrying out responsibility

Before permitting a persons, goods, personal effects or things to leave or be

removed from a vessel ordered into quarantine, the quarantine officer may require the master, owner or agent, of the vessel to give security to the satisfaction of the quarantine officer that all responsibilities under this Part of the master, owner and agent, of the vessel in respect of those persons, goods, personal effects or things shall be faithfully carried out.

[s 59B insrt Act 15 of 1912, opn 6 Nov 1912]

## **60 Liability of vessel-owners as to pilotage**

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

## **61 Liability of owners, etc, for expenses of passages**

The owners and agents of any vessel subject to quarantine shall pay to the Republic 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.

## **62 Persons in quarantine able to support themselves**

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

## **63 Owners of vessel quarantined liable for services of medical officer**

- (1) 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 or her services.
- (2) The remuneration under subsection (1) shall be paid by the owners or agents of the vessel to the Republic.

## **64 Quarantine expenses in case of animals and plants**

- (1) The expenses connected with the examination of any animals or plants or goods, and of their conveyance to a quarantine station, and of their detention, maintenance, and treatment in quarantine or under quarantine surveillance, 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 shall be paid by the importer or owner of the animals or plants or goods to the Republic, and shall be a charge upon the animals or plants or goods or may be recovered as provided in this Part.

[subs (1) am Act 15 of 1912, opn 6 Nov 1912; Act 47 of 1920, opn 2 Dec 1920]

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

[subs (2) am Act 15 of 1912, opn 6 Nov 1912]

**65 Expenses to be a charge upon vessel**

Any expenses or charges payable to the Republic 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.

**66 Recovery of expenses**

Any expenses or charges payable to the Republic under this Part may be recovered by action in a court of competent jurisdiction as a debt due to the Republic.



## PART 7 — MISCELLANEOUS

### **67 Penalty for importing contrary to proclamation**

- (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: a fine not exceeding \$5,000.

[subs (1) am Act 32 of 2020 s 15, opn 23 Oct 2020]

- (2) In any prosecution under this Section, the burden of proving want of knowledge shall rest upon the defendant.

### **68 Forfeiture of animals, plants, etc, unlawfully imported**

All animals, plants, or goods imported into the Republic 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 Seizure of forfeited animals, etc**

An 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 Powers of inspection**

- (1) A quarantine officer may board any vessel being in any port or place in the Republic, and may require a 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 vessel's papers.
- (2) The master of any vessel shall, if so required by a quarantine officer, produce to him or her for inspection the passenger list, bill of health, log, manifest, journal, and other vessel's papers.

Penalty: a fine not exceeding \$500.

[subs (2) am Act 32 of 2020 s 15, opn 23 Oct 2020]

### **71 Boarding vessel**

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

Penalty: a fine not exceeding \$500.

[subs (1) am Act 32 of 2020 s 15, opn 23 Oct 2020]

- (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 Muster of crew and passengers for inspection

- (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: a fine not exceeding \$500.

[subs (1) am Act 32 of 2020 s 15, opn 23 Oct 2020]

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

Penalty: a fine not exceeding \$500.

[subs (2) am Act 32 of 2020 s 15, opn 23 Oct 2020]

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

Penalty: a fine not exceeding \$500.

[subs (3) am Act 15 of 1912, opn 6 Nov 1912; Act 32 of 2020 s 15, opn 23 Oct 2020]

## 73 Quarantine officer may make inquiries at any time

- (1) A quarantine officer may ask the master or medical officer of any vessel any questions he or she 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 or her knowledge, information, and belief, truly answer the questions asked him or her by the quarantine officer.

Penalty: a fine not exceeding \$1,000.

[subs (1) am Act 32 of 2020 s 15, opn 23 Oct 2020]

- (2) A quarantine officer may ask a person subject to quarantine any questions concerning his or her personal health or liability to infection, and the person shall, to the best of his or her knowledge, information, and belief, truly answer the questions asked him or her by the quarantine officer.

Penalty: a fine not exceeding \$1,000.

[subs (2) insrt Act 15 of 1912, opn 6 Nov 1912; am Act 32 of 2020 s 15, opn 23 Oct 2020]

- (3) A quarantine officer may, if he or she thinks fit, require a person, who has been asked questions in pursuance of this Section, to verify, by statutory declaration, the answers given to the questions, and a person who refuses to comply with any such requirement shall be guilty of an offence.

Penalty: a fine not exceeding \$1,000.

[subs (3) insrt Act 15 of 1912, opn 6 Nov 1912; am Act 32 of 2020 s 15, opn 23 Oct 2020]

## 74 Power to affix notices

- (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 unauthorised person shall not remove, deface, or interfere with any notice affixed in pursuance of this Section.

Penalty: a fine not exceeding \$500.

[subs (2) am Act 32 of 2020 s 15, opn 23 Oct 2020]

## **75 Persons may be vaccinated**

- (1) A quarantine officer may require a person subject to quarantine or performing quarantine to be vaccinated or inoculated with any prophylactic or curative vaccine, and a person so required to be vaccinated or inoculated shall submit to be vaccinated or inoculated accordingly.

Penalty: a fine not exceeding \$500.

[subs (1) subst Act 47 of 1920, opn 2 Dec 1920; am Act 32 of 2020 s 15, opn 23 Oct 2020]

- (2) A quarantine officer shall not require a person to be vaccinated or inoculated unless in his or her opinion, vaccination or inoculation 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.

[subs (2) subst Act 47 of 1920, opn 2 Dec 1920]

## **76 Trespassing on quarantine stations**

- (1) An unauthorised person shall not:
- (a) enter or trespass on any quarantine station; or
  - (b) interfere with any goods, animals, or plants subject to quarantine.

Penalty: a fine not exceeding \$500.

[subs (1) am Act 32 of 2020 s 15, opn 23 Oct 2020]

- (2) An unauthorised person who enters any quarantine station while a person is performing quarantine shall be subject to quarantine, and may be detained at the quarantine station for the performance of quarantine.

## **77 Pilot to incur penalty on wrongly conducting vessel**

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: a fine not exceeding \$500.

[s 77 am Act 32 of 2020 s 15, opn 23 Oct 2020]

## **78 Penalty for entering port other than first port of entry having disease on board**

The master of a foreign vessel who, knowing that any quarantinable disease exists on his or her vessel, suffers his or her 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 or she proves that it was necessary for the vessel to enter the port for the purpose of saving human life.

Penalty: a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 3 years or to both.

[s 78 am Act 32 of 2020 s 8, opn 23 Oct 2020]

## **78A Cleansing and disinfection of insanitary vessels**

- (1) A quarantine officer may, subject to the regulations, order any vessel in any

port in the Republic, which vessel is in his or her opinion in an insanitary condition favourable to the spread of communicable disease, to be cleansed, fumigated, disinfected, or treated to his or her satisfaction, and the master of the vessel shall cause her to be cleansed, fumigated, disinfected or treated accordingly.

Penalty: a fine not exceeding \$1,000.

[subs (1) am Act 42 of 1915, opn 15 Nov 1915; am Act 32 of 2020 s 15, opn 23 Oct 2020]

(2) A quarantine officer may, subject to the regulations, order any such vessel to be taken to an appointed place for the purpose of cleansing, fumigation, disinfection or treatment, and the master of the vessel shall cause her to be taken to that place.

Penalty: a fine not exceeding \$1,000.

[subs (2) am Act 42 of 1915, opn 15 Nov 1915; Act 32 of 2020 s 15, opn 23 Oct 2020]

(3) The Minister may order any vessel in any port in the Republic to be taken to any other port in the Republic for the purpose of cleansing, fumigation, disinfection, or treatment, and the master of the vessel shall cause her to be taken to that port accordingly.

Penalty: a fine not exceeding \$1,000.

[subs (3) am Act 42 of 1915, opn 15 Nov 1915; Act 32 of 2020 s 15, opn 23 Oct 2020]

[s 78A insrt Act 15 of 1912, opn 6 Nov 1912]

## 79 Offence as to documents

A person who:

- (a) forges any document under this Act, or any official copy thereof, or the signature of any officer performing any duty under this Act;
- (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: a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 3 years or to both.

[s 79 am Act 32 of 2020 s 9, opn 23 Oct 2020]

## 80 Penalty for desertion

An officer who:

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

shall be guilty of an indictable offence.

Penalty: a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or to both.

[s 80 am Act 32 of 2020 s 10, opn 23 Oct 2020]

## 81 Bribing, assaulting, obstructing, or intimidating officers

(1) A person who:

- (a) gives or offers, or promises to give or procure to be given, any bribe,



recompense, or reward to any officer, to induce him or her in any way to neglect or not to perform his or her duty;

- (b) makes any collusive agreement with an officer to neglect or not to perform his or her duty;
- (c) by threats, demands, or promises, attempts to improperly influence an officer in the performance of his or her duty; or
- (d) assaults or by force molests or obstructs or intimidates an officer, in the performance of his or her duty,

shall be guilty of an offence.

[subs (1) am Act 47 of 1920, opn 2 Dec 1920]

(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.

[subs (2) insrt Act 47 of 1920, opn 2 Dec 1920]

(3) The penalty for an offence against this Section shall be as follows:

- (a) if the offence is prosecuted summarily, a fine not exceeding \$1,000 or to a term of imprisonment not exceeding 6 months or to both; or
- (b) if the offence is prosecuted upon indictment, a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 3 years or to both.

[subs (3) insrt Act 47 of 1920, opn 2 Dec 1920; subst Act 32 of 2020 s 11, opn 23 Oct 2020]

## 82 Officers taking bribes

Any officer who:

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

shall be guilty of an indictable offence.

Penalty: a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 3 years or to both.

[s 82 am Act 32 of 2020 s 12, opn 23 Oct 2020]

## 83 Master or medical officer of vessel misleading quarantine officer

A master or medical officer of a vessel who:

- (a) wilfully makes any false statement in answer to any question asked him or her by a quarantine officer under this Act; or
  - (b) wilfully misleads a quarantine officer in the performance of his or her duty,
- shall be guilty of an indictable offence.

Penalty: a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or to both.

[s 83 am Act 32 of 2020 s 13, opn 23 Oct 2020]

## 84 Maliciously ordering vessels, etc, into quarantine

A 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.

Penalty: a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or to both.

[s 84 am Act 32 of 2020 s 14, opn 23 Oct 2020]

**85 Aiding and abetting offences**

A person who 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.

**86 Limitation of time for summary proceedings**

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 6 months after the commission of the offence.

**86A Venue in summary prosecution**

Proceedings in a court of summary jurisdiction shall be instituted in the District Court.

[s 86A insrt Act 15 of 1912, opn 6 Nov 1912]

**86B Adjournment of proceedings in certain cases**

Where proceedings have been instituted against a person for an offence against this Act, other than an indictable offence, the court may, if in its opinion it is desirable or convenient to do so, adjourn the hearing for such time as it thinks fit, upon the defendant entering into a bond, with two sureties approved by the court, in a sum equal to the maximum penalty for the offence, conditioned for his or her appearance before the court at the time and place to which the hearing is adjourned.

[s 86B insrt Act 15 of 1912, opn 6 Nov 1912]

**86C Power to administer oaths or take declarations**

All quarantine officers who are authorised in that behalf by the regulations or by the Minister are hereby authorised to administer oaths or affirmations and to take declarations in all cases in which any answers to questions asked in pursuance of this Act are by this Act or the regulations required to be verified by oath, affirmation or declaration.

[s 86C insrt Act 15 of 1912, opn 6 Nov 1912]

**86D Averment of prosecution sufficient**

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.

[s 86D insrt Act 47 of 1920, opn 2 Dec 1920]

**86E Penalty in cases not specially provided for**

A person who commits an offence against this Act, for which no penalty is provided, shall be liable upon conviction to a penalty not exceeding \$100.

[s 86E insrt Act 47 of 1920, opn 2 Dec 1920]

**87 Fixed Penalty Infringement Notices**

(1) A quarantine officer or an authorised officer may issue a Fixed Penalty Infringement Notice to a person who commits an offence under this Act that attracts a fine not exceeding \$5,000.

- (2) The Cabinet may make regulations prescribing the:
  - (a) offences for which fixed penalties shall be imposed;
  - (b) penalties for each corresponding prescribed fixed penalty offences;
  - (c) Fixed Penalty Infringement Notice which a quarantine officer or authorised officer may serve to an offender for an offence for which a fixed penalty is prescribed;
  - (d) a time frame for the payment of prescribed fixed penalty;
  - (e) procedure for the prosecution of and additional penalties to be imposed by the court on offenders defaulting to pay prescribed penalty in accordance with the Fixed Penalty Infringement Notice;
  - (f) procedures for dealing with Fixed Penalty Infringement Notices; and
  - (g) any other matters in relation to the effective enforcement of the Fixed Penalty Infringement Notices.
- (3) For the purposes of this Section, an authorised officer may be appointed by the Minister.

[s 87 insrt Act 32 of 2020 s 17, opn 23 Oct 2020]

## 88 Regulations

- (1) The Cabinet 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 and for prescribing measures of quarantine within any quarantine area;
  - (d) for regulating or preventing the removal of animals plants mails or goods from any quarantine area;
  - (e) for requiring notification to a quarantine officer of each case of a quarantinable disease which arises in the Republic or within any specified part of the Republic or within any quarantine area;
  - (f) for prescribing the precautions to be taken to prevent the ingress to or egress from a vessel of rats, mice, mosquitoes or other vermin or species or kinds of animals or insects liable to convey disease;
  - (g) for prescribing the measures to be taken by the masters or owners of vessels to destroy rats, mice, mosquitoes or other vermin species or kinds of animals or insects liable to convey disease, which may exist on the vessels;
  - (h) for prescribing and for establishing and maintaining on vessels or within any quarantine area of conditions unfavourable to, and to the migration of, rats, mice, mosquitoes or other vermin or species of kinds of animals or insects liable to convey disease, for fixing the time limit for the completion of any work necessary for the purpose of establishing such conditions, and for empowering the Minister, in case of default by the owner or master, to carry any such work at the expense of the owner or master;
  - (i) for prescribing the precautions to be taken by masters of vessels, in respect of the vessels and their crews, passengers and cargoes, at

- proclaimed places, and on the voyage from proclaimed places, and on voyages between Australian ports, to prevent the introduction into the Republic, or spread, of quarantinable diseases;
- (k) for regulating the discharge from vessels of any water, ballast, or refuse;
  - (l) for regulating the sanitary condition of vessels in ports;
  - (m) for providing for the examination by quarantine officers of animals or plants for export;
  - (n) for providing for the granting of certificates by quarantine officers in relation to any vessels, animals, plants, or goods examined or treated by them or under their supervision;
  - (o) for prescribing the fees payable in respect of examinations, services, or certificates by quarantine officers and the persons by whom the fees are payable;
  - (p) for prescribing the movements of a person subject to quarantine;
  - (q) for prescribing measures of disinfection, fumigation, and other measures of quarantine which persons or goods subject to quarantine shall carry out or be subjected to;
  - (r) for prescribing the conditions under which any prophylactic or curative vaccine or serum may be prepared and offered for sale;
  - (s) for prescribing penalties;
  - (t) for regulating for the purposes of this Act and the Regulations, navigation by air;
  - (u) requiring and prescribing reports from vessels by radiotelegraphy; and
  - (v) [omitted]

[subs (1) am Act 15 of 1912, opn 6 Nov 1912; Act 42 of 1915, opn 15 Nov 1915; Act 47 of 1920, opn 2 Dec 1920; omitted by the Law Revision Commission under powers authorised by Act 10 of 2019; renum Act 32 of 2020 s 16, opn 23 Oct 2020]

(2) [subs (2) omitted by the Law Revision Commission under powers authorised by Act 10 of 2019]

(3) [subs (3) omitted by the Law Revision Commission under powers authorised by Act 10 of 2019]