

# Quarantine

No. 1 of 1969

An Act to amend the *Quarantine Act* 1908-1966.

[Assented to 14 March 1969]

**B**E it enacted by the Queen'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* 1969. Short title  
and citation.
- (2.) The *Quarantine Act* 1908-1966\* 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* 1908-1969.
2. This Act shall come into operation on the day on which it receives the Royal Assent. Commence-  
ment.
3. Section 5 of the Principal Act is amended— Definitions.
  - (a) by inserting before the definition of “Australian vessel” the following definition:—

“ ‘Animal’ includes a dead animal and any part of an animal; ”;
  - (b) by omitting the definition of “Goods” and inserting in its stead the following definition:—

“ ‘Goods’ includes animals and plants and any other kind of movable property; ”; and

\* Act No. 3, 1908, as amended by No. 15, 1912; No. 42, 1915; No. 47, 1920; No. 30, 1924; Nos. 19 and 92, 1947; No. 80, 1950; No. 61, 1961; and No. 12, 1966.

(c) by omitting the definition of “Plants” and inserting in its stead the following definition:—

“ ‘Plant’ includes a dead plant and any part of a plant; ”.

Notification of  
outbreak of  
disease on a  
vessel.

4. Section 22 of the Principal Act is amended—

(a) by omitting from sub-section (1.) the letter and word “(a) notify” and inserting in their stead the letter and word “(d) notify”; and

(b) by omitting from sub-section (1.) the letter and word “(b) display” and inserting in their stead the letter and word “(e) display”.

Unauthorized  
person not to  
board or  
approach vessel.

5. Section 24 of the Principal Act is amended by inserting after the word “or” (first occurring) the words “, except as the master or a member of the crew of a tug that is carrying out operations as a tug,”.

Limit in port  
for vessels  
subject to  
quarantine.

6. Section 26 of the Principal Act is amended by inserting in sub-section (1.), after the words “quarantine line”, the words “except for the purpose of complying with the next succeeding section”.

7.—(1.) Section 26A of the Principal Act is repealed and the following section inserted in its stead:—

Vessels to be  
brought to  
mooring  
grounds.

“26A. The master of a vessel subject to quarantine (not being a vessel used in navigation by air) shall, forthwith on arrival at or near a port, bring the vessel—

(a) to a place appointed by the Governor-General by proclamation to be a mooring ground in relation to the port for vessels subject to quarantine; or

(b) with the approval of a quarantine officer authorized in writing by the Director of Quarantine to grant approvals under this section and on payment of any fee that is payable under the regulations in respect of the approval, to such place as is specified in the approval.

Penalty: One thousand dollars.”.

(2.) A proclamation in force immediately before the commencement of this Act under sub-section (1.) of section 26A of the Principal Act appointing a place to be a mooring ground for vessels subject to quarantine has effect after the commencement of this Act as if it were a proclamation under section 26A of the Principal Act as amended by this Act.

Apprehension  
of persons  
liable to  
quarantine.

8. Section 31 of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(3.) In this section, ‘constable’ means a member of the Commonwealth Police Force or of the Police Force of a State or Territory of the Commonwealth.”.

9. After section 46 of the Principal Act the following section is inserted:—

“46A.—(1.) Where goods have been ordered into quarantine, a quarantine officer may, in writing, approve a place other than a quarantine station as a place where the goods may perform quarantine.

Approval of places for the performance of quarantine by goods.

“(2.) Where, in relation to any goods, a place has been approved under the last preceding sub-section, any reference in section forty-seven, fifty-six or sixty-nine of this Act to a quarantine station shall, in relation to those goods, be read as including a reference to that place.”.

10. Section 48 of the Principal Act is amended by omitting from sub-section (2.) the words “Ten pounds” and inserting in their stead the words “Twenty dollars”.

Goods ordered into quarantine to be treated and disinfected.

11. Section 55A of the Principal Act is amended—

(a) by omitting the words “imported goods” and inserting in their stead the words “goods to which this section applies”; and

Power to order goods into quarantine.

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

“(2.) This section applies to—

(a) imported goods; and

(b) any other goods that have been, or that an officer has reasonable cause to believe have been, on board—

(i) an overseas vessel; or

(ii) an Australian vessel subject to quarantine.”.

12. Section 67 of the Principal Act is amended by inserting after sub-section (1.) the following sub-section:—

Penalty for importing, &c., contrary to proclamation.

“(1A.) A person shall not knowingly remove any animal or plant, or part of any animal or plant, or any other goods, from a part of the Commonwealth to another part of the Commonwealth in contravention of any proclamation under this Act.

Penalty: One thousand dollars or imprisonment for one year.”.

13. Section 68 of the Principal Act is amended by inserting after the word “Australia,” (last occurring) the words “or removed from a part of the Commonwealth to another part of the Commonwealth,”.

Forfeiture of animals, plants, &c., unlawfully imported, &c.

14. Section 72 of the Principal Act is amended by omitting sub-section (5.) and inserting in its stead the following sub-sections:—

Medical inspections and examinations.

“(5.) A person on a vessel, or a person who attends at a place in the vicinity of a vessel in pursuance of sub-section (3.) or (4.) of this section, shall answer truly to the best of his knowledge all questions asked him by a quarantine officer concerning his personal health and the likelihood of his having been exposed to infection.

Penalty: Five hundred dollars.

“(6.) A person on a vessel, or a person who attends at a place in the vicinity of a vessel in pursuance of sub-section (3.) or (4.) of this section, shall, if required by a quarantine officer, submit to a medical examination.

Penalty: Two hundred dollars.”.

**15.** After section 84 of the Principal Act the following section is inserted:—

Proceedings  
in respect of  
offences.

“ 85.—(1.) An offence against this Act that—

(a) is not expressed to be an indictable offence; and

(b) is not punishable by imprisonment or is punishable by imprisonment but for a period not exceeding one year,

shall be prosecuted summarily.

“(2.) An offence against this Act that—

(a) is not expressed to be an indictable offence; and

(b) is punishable by imprisonment for a period exceeding one year, may be prosecuted summarily or upon indictment, but an offender is not liable to be punished more than once in respect of the same offence.

“(3.) Where proceedings for an offence against this Act to which the last preceding sub-section applies are brought in a court of summary jurisdiction, the court may commit the defendant for trial or, with the consent of the defendant, determine the proceedings, but, where the court of summary jurisdiction determines the proceedings, the court shall not impose on the defendant a fine exceeding One thousand dollars or sentence the defendant to imprisonment for a period exceeding one year.”.

Adjournment of  
proceedings in  
certain cases.

**16.** Section 86B of the Principal Act is repealed.

Regulations.

**17.** Section 87 of the Principal Act is amended by omitting from paragraph (s) of sub-section (1.) the words “One hundred pounds” and inserting in their stead the words “Five hundred dollars”.

Amendments  
relating to  
penalties.

**18.** The Principal Act is amended as set out in the Schedule to this Act.

## THE SCHEDULE

## Section 18.

## AMENDMENTS RELATING TO PENALTIES

Provision amended	Amendment
Section 12A (2.) ..	After "offence", insert "against this Act punishable upon conviction by a fine not exceeding One thousand dollars or imprisonment for a period not exceeding one year".
Section 15 ..	Omit "Fifty pounds", insert "Five hundred dollars".
Section 15A (2.) ..	(a) After "offence", insert "against this Act punishable upon conviction by a fine not exceeding One thousand dollars or imprisonment for a period not exceeding one year"; (b) Omit "Penalty: One hundred pounds".
Section 16 ..	Omit "Fifty pounds", insert "Five hundred dollars".
Section 18A ..	Omit "One hundred pounds", insert "Five hundred dollars".
Section 20 ..	Omit "Five hundred pounds", insert "One thousand dollars or imprisonment for one year".
Section 20A ..	Omit "Five hundred pounds", insert "One thousand dollars or imprisonment for one year".
Section 20B (2.) ..	(a) After "offence", insert "against this Act punishable upon conviction by a fine not exceeding Two thousand dollars or imprisonment for a period not exceeding two years"; (b) Omit "Penalty: Five hundred pounds".
Section 20B (3.) ..	Omit "Five hundred pounds", insert "Two thousand dollars or imprisonment for two years".
Section 20B (5.) ..	(a) After "offence", insert "against this Act punishable upon conviction by a fine not exceeding Two thousand dollars or imprisonment for a period not exceeding two years"; (b) Omit "Penalty: Five hundred pounds".
Section 21 ..	Omit "One hundred pounds", insert "One thousand dollars".
Section 22 (1.) ..	Omit "Fifty pounds", insert "One thousand dollars or imprisonment for one year".
Section 22 (2.) ..	Omit "Fifty pounds", insert "One thousand dollars or imprisonment for one year".
Section 24 ..	Omit "One hundred pounds", insert "Five hundred dollars".
Section 25 ..	Omit "Fifty pounds", insert "One thousand dollars".
Section 26 (1.) ..	Omit "One hundred pounds", insert "One thousand dollars".
Section 27 ..	Omit "One hundred pounds", insert "One thousand dollars".
Section 28 (1.) ..	Omit "One hundred pounds", insert "One thousand dollars".
Section 28 (4.) ..	(a) After "offence", insert "against this Act punishable upon conviction by a fine not exceeding Two thousand dollars or imprisonment for a period not exceeding two years"; (b) Omit "Penalty: Imprisonment for two years".
Section 29 (1.) ..	Omit "One hundred pounds", insert "One thousand dollars".
Section 30 ..	Omit "One hundred pounds", insert "Five hundred dollars".
Section 32 (2.) ..	Omit "Fifty pounds", insert "One thousand dollars or imprisonment for one year".
Section 34 (3.) ..	Omit "One hundred pounds", insert "One thousand dollars".
Section 35A (3.) ..	Omit "Five hundred pounds", insert "One thousand dollars or imprisonment for one year".
Section 35A (4.) ..	Omit "Five hundred pounds", insert "One thousand dollars or imprisonment for one year".
Section 35A (5.) ..	Omit "Five hundred pounds", insert "Two thousand dollars or imprisonment for two years".
Section 36 (1.) ..	Omit "Five hundred pounds", insert "Two thousand dollars or imprisonment for two years".
Section 36 (2.) ..	Omit "Five hundred pounds", insert "Two thousand dollars or imprisonment for two years".
Section 38 ..	Omit "One hundred pounds", insert "One thousand dollars or imprisonment for one year".
Section 40 ..	Omit "One hundred pounds", insert "Two thousand dollars or imprisonment for two years".
Section 43 ..	Omit "One hundred pounds", insert "Two thousand dollars or imprisonment for two years".
Section 44 (1.) ..	Omit "One hundred pounds", insert "One thousand dollars or imprisonment for one year".
Section 44 (2.) ..	Omit "One hundred pounds", insert "One thousand dollars or imprisonment for one year".

## THE SCHEDULE—continued

Provision amended	Amendment
Section 45 (2.) ..	Omit "One hundred pounds or imprisonment for three months", insert "One thousand dollars or imprisonment for one year".
Section 45 (3A.) ..	Omit "One hundred pounds", insert "Five hundred dollars".
Section 45 (4.) ..	Omit "One hundred pounds or imprisonment for three months", insert "Five hundred dollars or imprisonment for six months".
Section 49 ..	Omit "One hundred pounds", insert "One thousand dollars or imprisonment for one year".
Section 50 ..	Omit "One hundred pounds", insert "Five hundred dollars or imprisonment for six months".
Section 51 ..	Omit "One hundred pounds", insert "Five hundred dollars or imprisonment for six months".
Section 52 ..	Omit "One hundred pounds", insert "Five hundred dollars or imprisonment for six months".
Section 67 (1.) ..	Omit "Five hundred pounds", insert "Two thousand dollars or imprisonment for five years".
Section 67A ..	Omit "One hundred pounds", insert "One thousand dollars or imprisonment for one year".
Section 70 (2.) ..	Omit "Twenty pounds", insert "Five hundred dollars".
Section 71 (1.) ..	Omit "Fifty pounds", insert "Two hundred dollars".
Section 72 (2.) ..	Add at the end thereof "Penalty: Five hundred dollars."
Section 72 (3.) ..	Add at the end thereof "Penalty: Two hundred dollars."
Section 72 (4.) ..	Add at the end thereof "Penalty: Two hundred dollars."
Section 73 (1.) ..	Omit "One hundred pounds", insert "One thousand dollars".
Section 73 (2.) ..	Omit "One hundred pounds", insert "Five hundred dollars".
Section 73 (3.) ..	(a) After "offence", insert "against this Act punishable upon conviction by a fine not exceeding Five hundred dollars"; (b) Omit "Penalty: One hundred pounds."
Section 74 (2.) ..	Omit "Ten pounds", insert "Two hundred dollars".
Section 75 (1.) ..	Add at the end thereof "Penalty: Two hundred dollars."
Section 76 (1.) ..	Omit "Twenty-five pounds", insert "Five hundred dollars or imprisonment for six months".
Section 77 ..	Omit "Fifty pounds", insert "Five hundred dollars".
Section 78 ..	(a) Omit "an indictable offence", insert "an offence against this Act punishable upon conviction by a fine not exceeding Two thousand dollars or imprisonment for a period not exceeding three years"; (b) Omit "Penalty: Three years' imprisonment."
Section 78A (1.) ..	Omit "One hundred pounds", insert "One thousand dollars".
Section 78A (2.) ..	Omit "One hundred pounds", insert "One thousand dollars".
Section 78A (3.) ..	Omit "One hundred pounds", insert "One thousand dollars".
Section 79 ..	(a) After "offence", insert "against this Act punishable upon conviction by imprisonment for a period not exceeding three years"; (b) Omit "Penalty: Three years' imprisonment."
Section 80 ..	(a) After "offence", insert "against this Act punishable upon conviction by imprisonment for a period not exceeding two years"; (b) Omit "Penalty: Two years' imprisonment."
Section 81 (1.) ..	After "offence", insert "against this Act punishable upon conviction by a fine not exceeding Two thousand dollars or imprisonment for a period not exceeding two years".
Section 81 (2.) ..	Omit the sub-section.
Section 81 (3.) ..	Omit the sub-section.
Section 82 ..	(a) After "offence", insert "against this Act punishable upon conviction by imprisonment for a period not exceeding three years"; (b) Omit "Penalty: Three years' imprisonment."
Section 83 ..	(a) After "offence", insert "against this Act punishable upon conviction by imprisonment for a period not exceeding two years"; (b) Omit "Penalty: Two years' imprisonment."
Section 84 ..	(a) After "offence", insert "against this Act punishable upon conviction by imprisonment for a period not exceeding two years"; (b) Omit "Penalty: Two years' imprisonment."
Section 86e ..	Omit "One hundred pounds", insert "Five hundred dollars".