

QUARANTINE ORDINANCE 1931-1938.⁽¹⁾

An Ordinance Relating to Quarantine.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *New Guinea Act* 1920-1926, as follows:—

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Quarantine Ordinance* 1931-1938.⁽¹⁾ Short title.
Amended by
No. 3 of 1934,
s. 50.
2. This Ordinance shall commence on a date to be fixed by the Administrator by notice in the *New Guinea Gazette*.⁽¹⁾ Commencement.
3. This Ordinance is divided into Parts, as follows:— Parts.
 - Part I.—Preliminary.
 - Part II.—Administration.
 - Part III.—General Provisions.
 - Part IV.—Quarantine of Vessels, Persons and Goods.
 - Division 1.—Liability to Quarantine.
 - Division 2.—Performance of Quarantine.
 - Part V.—Quarantine of Animals and Plants.
 - Part VI.—Expenses of Quarantine.
 - Part VII.—Miscellaneous.

(1) The *Quarantine Ordinance* 1931-1938 comprises the *Quarantine Ordinance* 1931, as amended by the other Ordinance referred to in the following Table:—

TABLE.

PART I.—ORDINANCE MADE BY THE GOVERNOR-GENERAL IN COUNCIL.

Short title, number and year.	Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cwth. Gaz.</i>	Date on which took effect.
<i>Quarantine Ordinance</i> 1931 (No. 3 of 1931)	25.3.1931	1.4.1931	18.5.1931 (<i>N.G. Gaz.</i> of 30.4.1931)

PART II.—ORDINANCE OF THE LEGISLATIVE COUNCIL.

Short title, number and year.	Date of assent by Administrator.	Date notified in <i>N.G. Gaz.</i> as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
<i>Quarantine Ordinance</i> 1938 (No. 29 of 1938)	24.8.1938	30.11.1938	24.8.1938 (<i>Laws of T.N.G.</i> , Vol. XIV, p. 151)

HEALTH—

Repeal.

4.—(1.) The *Quarantine Ordinance 1925* and the *Quarantine Ordinance 1926* are repealed.

(2.) Any regulation,⁽²⁾ order, proclamation or notice,⁽³⁾ made or given under any law of the Territory relating to quarantine, in force immediately prior to the commencement of this Ordinance, and any regulation applied to the Territory by section seventeen c of the *Laws Repeal and Adopting Ordinance 1921-1929*,⁽⁴⁾ shall, until repealed or revoked, continue in force as though it were made under this Ordinance, and in any such regulation any reference to the Minister or Permanent Head or other officer of the Department of Health shall be read as a reference to the Administrator or to such other officer as he specifies by notice⁽⁵⁾ in the *New Guinea Gazette*.

(3.) Any regulation, order, proclamation or notice referred to in the last preceding sub-section may be repealed or revoked by the Administrator.

Scope of quarantine.

5. In this Ordinance, quarantine has relation to measures for the inspection, exclusion, detention, observation, segregation, isolation, protection, treatment, sanitary regulation, and disinfection of vessels, persons, animals, plants, goods or things, and having

(2) No regulations were in force under any of the repealed Ordinances at the commencement of the present Ordinance. As to regulations, *see*, also, footnotes (19) and (20), printed on pp. 2329 and 2330.

(3) Particulars of orders, proclamations and notices in force under the repealed Ordinances at the commencement of the present Ordinance, and continued in force by Section 4 (2), are included in the relevant footnotes and Tables to this Ordinance.

(4) Section 17c of the *Laws Repeal and Adopting Ordinance 1921-1929*, which was repealed by the *Laws Repeal and Adopting Ordinance 1931*, provided that "regulations as made from time to time, under the *Quarantine Act 1908-1924* of the Commonwealth or any Act amending or in substitution for that Act, shall, while in force, and so far as applicable apply to the Territory". The Regulations applied to the Territory by Section 17c were the *Commonwealth Quarantine Regulations 1927*.

(5) Pursuant to Section 4 of the *Quarantine Ordinance 1925-1926* (now repealed), the Administrator, by *Quarantine Notice No. 1* dated 10.12.1926 and published in *N.G. Gaz.* of 15.12.1926 declared that any references in the *Quarantine Act 1908-1924* of the Commonwealth in its application to the Territory "to a Quarantine officer shall be read as a reference to a Medical Officer of the Public Service of the Territory". This notice was continued in force by Section 4 of the *Quarantine Ordinance 1931-1938*. Pursuant to the present Section 4, the Administrator, by *Quarantine Notice No. 10* dated 10.2.1933 and published in *N.G. Gaz.* of 15.2.1933 directed "that any reference in any regulation applied to the Territory by Section 17c of the *Laws Repeal and Adopting Ordinance 1921-1929* to an officer of the Commonwealth Department of Health specified in the Schedule hereto shall be read as a reference to the Territory officer specified opposite the Commonwealth officer's title in the Schedule.

THE SCHEDULE.

Commonwealth Officers.	Territory Officers.
1. Director-General of Health	1. Director of Quarantine
2. Director of Quarantine	2. Director of Quarantine
3. Chief Quarantine Officer other than the Chief Quarantine Officer referred to in Part VII. of the <i>Quarantine Regulations 1927</i> (Commonwealth)	3. Director of Quarantine
4. Chief Quarantine Officer referred to in Part VII. of the <i>Quarantine Regulations 1927</i> (Commonwealth)	4. Chief Quarantine Officer for Plants
5. Quarantine Officer	5. Quarantine Officer
6. Medical Officer	6. Medical Officer"

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as their object the prevention of the introduction or spread of diseases or pests affecting man, animals or plants.

6. In this Ordinance, unless the contrary intention appears— Definitions.

“Authorized person” means a person authorized by this Ordinance or the Regulations, or by the Administrator or a quarantine officer, to do the act in relation to which the expression is used;

“By authority” means by the authority of the Administrator, or of a quarantine officer, or of an officer under this Ordinance 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 Administrator by proclamation⁽⁶⁾ published in the *New Guinea Gazette* to be a disease affecting animals;

“Disease”, in relation to plants, means any disease or pest declared by the Administrator by proclamation⁽⁷⁾ published in the *New Guinea Gazette* to be a disease affecting plants;

“First port of entry” in relation to a vessel means a first port of entry for that vessel;

“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;

“Officer” means a quarantine officer or other officer appointed under this Ordinance;

“Oversea vessel” means any vessel other than a Territory vessel;

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

(6) No proclamation has been published in *N.G. Gaz.*

(7) By *Quarantine Proclamation No. 5* dated 22.2.1926 and published in *N.G. Gaz.* of 1.3.1926, the Administrator declared “*Platyedra Gossypiella* (Pink Boll Worm) to be a disease affecting plants”. This Proclamation was made under Section 5 of the *Quarantine Ordinance 1925-1926* which was in similar terms to the present Section 6. The Proclamation is continued in force by Section 4(2) of the *Quarantine Ordinance 1931-1938.*

HEALTH—

- “Pest” includes “weed pest” as well as “insect pest”;
- “Plants” means trees or plants and includes cuttings and slips of trees and plants and all live parts of trees or plants and fruit;
- “Police officer” means any European member of the police force of the Territory;
- “Port of departure”, in relation to a vessel, means the port at which the vessel commenced her 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 Territory, and having effect at the port or place where the vessel is for the time being, or is about to arrive;
- “Quarantinable disease” means smallpox, plague, cholera, yellow fever, typhus fever or leprosy, or any disease declared by the Administrator by proclamation⁽⁸⁾ published in the *New Guinea Gazette* to be a quarantinable disease;
- “Quarantine officer” means a quarantine officer appointed under this Ordinance;
- “Regulations” means regulations made under this Ordinance;
- “Territory vessel” means a vessel which does not voyage or ply to or from any place outside the Territory;
- “Unauthorized person” means a person not authorized by this Ordinance or the Regulations, or by the Administrator or a quarantine officer, to do the act in relation to which the expression is used;
- “Vessel” means any ship, boat or other description of vessel or vehicle used in navigation by sea or air.

No appropriation.

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

(8) Pursuant to Section 6 the Administrator, by proclamations, particulars of which are set out in the following Table, has declared the diseases referred to in the proclamations to be quarantinable diseases:—

Quarantine Proclamation No.	Date on which made.	Date on which published in <i>N.G. Gaz.</i>	Disease referred to in Proclamation.
—	22.8.1930 ^(a)	23.8.1930	Measles
32	28.2.1933	3.3.1933	Epidemic influenza
38	11.8.1937	14.8.1937	Infantile paralysis (acute anterior poliomyelitis)

(a) Made under Section 5 of the repealed *Quarantine Ordinance* 1925-1926 (which was in similar terms to the present Section 6) and continued in force by Section 4 (2) of the *Quarantine Ordinance* 1931-1938.

Quarantine Ordinance 1931-1938.

PART II.—ADMINISTRATION.

8.—(1.) The person for the time being performing the duties of Director of Public Health for the Territory shall be Director of Quarantine and shall, under the Administrator, be charged with the execution of this Ordinance and the Regulations.

Director of
Quarantine and
Chief
Quarantine
Officers.

(2.) There shall be such Chief Quarantine Officers for such divisions of quarantine as the Administrator thinks fit, who shall have such powers and functions as are conferred upon them by this Ordinance or the Regulations.

(3.) All quarantine officers (including Chief Quarantine Officers) shall perform their powers and functions under and subject to the directions of the Director of Quarantine, who shall himself also have all the powers of a quarantine officer or a Chief Quarantine Officer under this Ordinance or the Regulations.

(4.) For the purposes of this section, any branch or subject of quarantine or territorial division or locality for which a Chief Quarantine Officer is appointed shall be a division of quarantine.

9. Subject to the provisions of the *Public Service Ordinance* 1922-1930,⁽⁹⁾ the Administrator may, by notice in the *New Guinea Gazette*, appoint quarantine officers and other officers for carrying out this Ordinance.

Appointment
of officers.

10.—(1.) The Administrator may, by notice in the *New Guinea Gazette*, appoint temporary quarantine officers for such period as he thinks necessary.

Temporary
quarantine
officers.

(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.

11. In relation to any particular matter or class of matters, or as to any particular District or port, the Administrator may, by writing under his hand, delegate any of his powers under this Ordinance (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 District or port, specified in the instrument of delegation.

Delegation of
authority.

12. Every delegation by the Administrator shall be revocable in writing at will and no delegation shall prevent the exercise of any power by the Administrator.

Revocation of
delegation.

(9) Now the *Public Service Ordinance* 1922-1940.

HEALTH—

PART III.—GENERAL PROVISIONS.

Proclaimed
places.

13. The Administrator may, by proclamation⁽¹⁰⁾ published in the *New Guinea Gazette*, declare that any place beyond or in the Territory 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 Ordinance.

Proclamation
of ports of
entry, etc.

14.—(1.) The Administrator may, by proclamation⁽¹¹⁾ published in the *New Guinea Gazette*—

- (a) declare any ports in the Territory to be first ports of entry for oversea vessels;
- (b) declare any place or area in the Territory to be a landing place for vessels engaged in navigation by air;
- (c) declare any ports in the Territory to be ports where imported animals or plants or any particular kinds of imported animals or plants may be landed;
- (d) appoint places on land or sea to be quarantine stations for the performance of quarantine by vessels, persons, animals, plants or goods;
- (e) prohibit the introduction into the Territory of any noxious insect, or any pest, or any disease germ or microbe, or any disease agent, or any culture, virus, substance or article containing, or likely to contain, any noxious insect, or any pest, or any disease germ or microbe, or any disease agent;
- (f) prohibit the importation into the Territory of any article likely, in his opinion, to introduce any infectious or contagious disease, or disease or pest affecting animals or plants;
- (g) prohibit the importation into the Territory of any animals or plants, or any parts of animals or plants;
- (h) prohibit the removal of any animals, plants or goods, or parts of animals or plants, from any part of the Territory to any other part of the Territory;
- (i) declare any part of the Territory in which any quarantinable disease or any disease or pest affecting animals or plants exists to be a quarantine area; or
- (j) declare that any vessel, persons, animals, plants or goods in any quarantine area, or in any part of the Territory, in which any quarantinable disease, or

(10) No proclamation is still in force.

(11) Tables containing particulars of proclamations made pursuant to Section 14 are printed on p. 2343 *et seq.* and certain of the proclamations are printed immediately after the Tables.

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any disease or pest affecting animals or plants, exists, shall be subject to quarantine.

(2.) The power to declare first ports of entry shall extend to authorize the declaration of a port to be a first port of entry for all oversea vessels, or for oversea vessels from any particular place, or for any class of oversea vessels.

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

15. The Administrator may, by notice⁽¹²⁾ in the *New Guinea Gazette*, appoint any place to be a temporary quarantine station for such period as he thinks necessary, for the performance of quarantine by any vessel, persons, animals, plants or goods, and the place so appointed shall be deemed to be a quarantine station accordingly.

Temporary quarantine stations.

16. The Administrator may, by notice⁽¹³⁾ in the *New Guinea Gazette*, exempt, for such time and subject to such conditions as he thinks fit, from all or any of the provisions of this Ordinance—

Exemption of certain vessels, etc.

- (a) any ship of war;
- (b) any vessels trading exclusively between Territory ports, or the Territory and Australia or other places specified by the Administrator by proclamation⁽¹⁴⁾ published in the *New Guinea Gazette*;
- (c) any particular vessel or class of vessels; and
- (d) any persons, animals, plants or goods.

(12) A Table, containing particulars of a proclamation made pursuant to Section 3 of the *Quarantine Ordinance 1921* (which was in similar terms to the present Section 15) and of notices made pursuant to the present Section 15, is set out below.

(N.B.—Notices which are no longer in force are shown in italics).

Date on which proclamation or notice made.	Date on which published in <i>N.G. Gaz.</i>	Subject matter.
16.1.1922 ^(a)	18.1.1922	Declaring two areas of land at Vulcan Island and Raluana Point to be Temporary Quarantine Stations
17.9.1937	18.9.1937	<i>Declaring two rooms of the Administration Hospital at Namanula in the Town of Rabaul to be a temporary quarantine station from 19.9.1937 to 19.10.1937 for the performance of quarantine by any persons or goods</i>
20.12.1937	23.12.1937	<i>Declaring two rooms of the Administration Hospital at Namanula in the Town of Rabaul to be a temporary quarantine station from 23.12.1937 to 22.12.1938 for the performance of quarantine by any persons or goods</i>

(a) Made under the repealed *Quarantine Ordinance 1921*, and continued in force by Section 6 of the repealed *Quarantine Ordinance 1925* and Section 4 of the *Quarantine Ordinance 1931-1938*.

(13) No notice has been published in *N.G. Gaz.*

(14) No proclamation has been published in *N.G. Gaz.*

HEALTH—

Vessels may be ordered to carry disinfecting apparatus.

17. The owner or master of any vessel going from one District or part of the Territory to another District or part of the Territory, or of any vessel carrying passengers and trading regularly with the Territory, shall, if required by the Administrator by order in writing so to do, cause to be carried on the vessel, for such time as is prescribed, such prophylactic agents as are prescribed, and such efficient disinfecting apparatus or appliances and disinfectants as are approved, by the Administrator.

Penalty: Fifty pounds.

Master of vessel from a proclaimed place to take precautionary measures to prevent infection.

18.—(1.) The master of any vessel bound for any port or place in the Territory, which comes from, or calls or touches at, any proclaimed place, shall, while his vessel is at the proclaimed place and during the voyage to the Territory, take, in respect of the vessel, her crew, passengers and cargo, all precautionary measures to prevent the introduction into or spread within the Territory 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 the preceding sub-section, suffers his vessel to enter any port or place in the Territory, shall be guilty of an offence.

Penalty: One hundred pounds.

(3.) In any prosecution under this section, if the master of the vessel satisfies the court that he was not aware of the precautionary measures required to be taken by him, and that he took all reasonable means to ascertain whether any such measures were necessary on his part, he 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.

Fumigation of vessel to destroy vermin.

19. The owner or master of any Territory vessel or of any vessel going from one port in the Territory to another port in the Territory shall, when required by a quarantine officer by order in writing so to do, cause his 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.

Penalty: Fifty pounds.

PART IV.—QUARANTINE OF VESSELS, PERSONS AND GOODS.

Division 1.—*Liability to Quarantine.*

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

When vessel
subject to
quarantine.

- (a) Every oversea vessel until pratique has been granted or until she has been released from quarantine;
- (b) Every vessel (whether a Territory vessel or an oversea 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.

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

Persons and
goods subject to
quarantine.

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

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

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

22. 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.

Continuance of
liability to
quarantine.

HEALTH—

Vessels to enter first port of entry.

23. The master of an oversea vessel arriving in the Territory 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: Five hundred pounds.

Landing places for aircraft.

24. 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 the Territory at any place other than a landing place.

Penalty: Five hundred pounds.

Display of quarantine signal.

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

- (a) display the quarantine signal on his vessel before she comes within one league of any port;
- (b) keep the quarantine signal displayed on his 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: One hundred pounds.

Master to notify outbreak of disease.

26.—(1.) When—

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

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)—

- (a) notify a quarantine officer of the breaking out of the disease; and
- (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.

Penalty: Fifty pounds.

(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 vessel when she arrived in the port or which has arisen on his vessel since she arrived in the port.

Penalty: Fifty pounds.

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

28. No unauthorized person shall go on board or alongside of any vessel subject to quarantine or while the quarantine signal is displayed on the vessel. Unauthorized person not to board vessel.

Penalty: One hundred pounds.

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

Penalty: Fifty pounds.

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

Penalty: One hundred pounds.

(2.) The Administrator may, by proclamation⁽¹⁵⁾ published in the *New Guinea Gazette*, fix the position of the quarantine line for any port.

31.—(1.) The master of a vessel subject to quarantine shall, forthwith on arrival at or near a port or landing place, bring the vessel to a place appointed by the Administrator by proclamation⁽¹⁶⁾ published in the *New Guinea Gazette* to be a mooring ground or landing place for vessels subject to quarantine. Vessel to be brought to proper mooring ground.

Penalty: One hundred pounds.

(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.

32. The master of an oversea vessel arriving at any port in the Territory 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, and, if the vessel carries a medical officer, signed also by the medical officer. Master to deliver health report.

Penalty: One hundred pounds.

33. The master of any oversea vessel bound for any port in the Territory shall bring from its oversea port of departure and from every oversea port of call on the voyage, and, on being required so to do, shall deliver to the quarantine officer, a bill of health giving Master to bring bill of health from oversea ports.

(15) No proclamation has been published in *N.G. Gaz.*

(16) No proclamation has been published in *N.G. Gaz.*

HEALTH—

such information as is 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: Fifty pounds.

Master and
medical officer
to answer
questions.

34.—(1.) The medical officer and the master of any oversea vessel arriving at any port in the Territory 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, touching the existence of any quarantinable or infectious disease at the ports of departure or call or on board any vessel communicated with, and touching the existence on his vessel of any rags or secondhand clothing or other prescribed articles and the ports or places at which they were put on board the vessel.

Penalty: One hundred pounds.

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

(3.) A quarantine officer may, if he 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 them, or either of them (as the case may be), solemnly declaring to the truth of the answer.

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

Penalty: Imprisonment for two years.

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

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

Penalty: One hundred pounds.

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

Other persons
prohibited from
quitting vessel.

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

Penalty: One hundred pounds.

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37.—(1.) Any police officer or authorized person may, without warrant, apprehend—

Apprehension
of persons
liable to
quarantine.

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

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

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

38.—(1.) A vessel arriving 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.

Mooring of
vessels from
proclaimed
places.

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

Penalty: Fifty pounds.

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

Pratique.

(2.) The certificate of pratique may be expressed to have effect in all ports in the Territory, or to have effect only in any specified port or ports, or the ports in any specified Districts or parts of the Territory 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.

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

Quarantine
surveillance.

(a) refrain from giving a certificate of pratique;

(b) permit the vessel to proceed on her voyage without performing quarantine at a quarantine station;

(c) permit any passengers for that port and their effects to be landed; and

(d) permit any cargo on the vessel for that port to be landed.

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

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

Penalty: One hundred pounds.

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

Entering from
Dutch New
Guinea or
Papua.

41. Except as prescribed, no person shall enter the Territory from Dutch New Guinea or Papua, except at a port declared to be a first port of entry or at a landing place.⁽¹⁷⁾

Penalty: One hundred pounds.

Division 2.—Performance of Quarantine.

Order to
perform
quarantine.

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

(2.) If a vessel has arrived in the Territory 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 any person, be served on the person; or
- (c) in the case of any goods, be served on the owner, consignee or any person having possession or custody of the goods.

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

Vessel having
cases of
communicable
disease on
board.

43.—(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

(17) For particulars of proclamations declaring first ports of entry and landing places, see pp. 2343-2344.

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be taken, and any persons 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.

(2.) Persons 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 persons 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: Five hundred pounds.

(4.) No person who is in charge of any person 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: Five hundred pounds.

(5.) When a quarantine officer has given a certificate in pursuance of sub-section (1.) of this section, the master of a 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.

44.—(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.

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

Penalty: Five hundred pounds.

(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: Five hundred pounds.

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

When vessel deemed to be in quarantine.

Penalty: One hundred pounds.

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

Particulars to be given at the quarantine station.

Performance of quarantine by vessel.

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

Vessel in quarantine not to be moved except in accordance with the Ordinance.

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

Penalty: One hundred pounds.

Removal from vessel to perform quarantine.

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

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

Power to permit vessel to proceed on voyage.

50. The Administrator may, if he thinks fit, permit any vessel in quarantine to proceed on her voyage with her officers, crew and passengers, or any of them, without performing quarantine at the quarantine station at the port at which she then is; but the vessel and her officers, crew and passengers shall not thereby be released from quarantine, but shall, while in the Territory and until released from quarantine, be deemed to be in quarantine, and shall, except as prescribed or as ordered by the Administrator, be subject to this Ordinance and the Regulations to the same extent as if they were performing quarantine at a quarantine station.

Cleansing and disinfecting vessel.

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

Penalty: One hundred pounds.

Goods not to be removed.

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

Penalty: One hundred pounds.

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

Penalty: One hundred pounds.

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

53.—(1.) All persons ordered into quarantine shall perform quarantine, and for that purpose may— Performance of quarantine by persons.

- (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 Ordinance or the Regulations; and while so detained shall be subject to the regulations regulating the performance of quarantine and the government of quarantine stations.

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

Penalty: One hundred pounds or imprisonment for three months.

(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.

(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.

54. When quarantine has been performed by any vessel or person in accordance with this Ordinance and the Regulations, such vessel or person shall forthwith be released from quarantine. Release from quarantine.

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

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

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

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

Unlawful
damage by
officers.

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

Penalty: One hundred pounds.

PART V.—QUARANTINE OF ANIMALS AND PLANTS.

Animals or
plants to be
landed at
declared ports.

58. No person shall import any animals or plants into the Territory except at a port declared to be a port where imported animals or plants may be landed.

Penalty: One hundred pounds.

Quarantine
control of
imported
animals.

59. 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 or interfered with, except by authority and in accordance with this Ordinance and the Regulations.

Penalty: One hundred pounds.

Permit for
landing.

60. 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: One hundred pounds.

Examination of
imported
animals.

61.—(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 Administrator by proclamation⁽¹⁸⁾ published in the *New Guinea Gazette* to be free from disease affecting animals of the kind of those imported and are accompanied by a certificate of an approved veterinary surgeon at the port of shipment, certifying that he had examined the animals prior to their shipment, and that they then were in good health and free from disease, and the quarantine officer has reported to the Administrator that he is satisfied that during the voyage they have not suffered from any disease or been exposed to infection, and were free from disease at the time of landing, and that there is no danger of their introducing any disease, he may, subject to the Regulations, give to the importer a certificate to that effect and

(18) No proclamation has been published in *N.G. Gaz.*

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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 ship, or, if it has been ordered into quarantine, the quarantine station, under quarantine surveillance.

(4.) An animal under quarantine surveillance shall continue thereunder 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.

(5.) In all other cases, a quarantine officer shall order the imported animals into quarantine.

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

Examination of imported plants.

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

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

63. A quarantine officer may examine and order into quarantine any animals or plants declared by proclamation⁽¹⁹⁾ to be subject to quarantine.

Power to order animals and plants into quarantine.

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

Power to order goods into quarantine.

65. All animals, 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.

Performance of quarantine.

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

Power to destroy diseased animals.

(19) For proclamations declaring animals and plants to be subject to quarantine, see pp. 2356 *et seq.*

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(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.

Power to
destroy
diseased
plants.

67. 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 opinion, are a source of danger to other plants, and ought to be destroyed, the Administrator, after notice to the owner or agent, if known, may order them to be destroyed, and they shall be destroyed accordingly.

PART VI.—EXPENSES OF QUARANTINE.

Liability of
owner or agent
for expenses of
quarantine.

68.—(1.) The master, owner and agent of any vessel ordered into quarantine, or of any vessel from which any 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 Administrator considers necessary; and
- (f) the provision of such launch and patrol services and such supervision as the Administrator considers necessary to ensure the satisfactory performance of quarantine by the vessel and the persons and goods thereon,

and shall supply, to the satisfaction of the Administrator, 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.

(2.) The master, owner or agent of the vessel may arrange with the Administrator for the carrying out of any responsibility under this section and for the payment of the expenses thereof, but in any case the Administrator may take action if he thinks it necessary so to do, and any expense incurred shall be paid by the master, owner or agent of the vessel to the Administration:

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Provided that the Administrator may direct that, as regards any vessel trading exclusively between Territory ports, or the Territory and Australia or such other places as are notified⁽²⁰⁾ by the Administrator in the *New Guinea Gazette*, the expenses of carrying out any responsibility under this section shall be borne by the Administration, 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 Administrator may direct that the expenses of overland passengers arising out of quarantine regulations may be borne by the Administration.

(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 shall to that extent be null and void.

69. The master, owner or agent of any vessel ordered into quarantine, or ordered to be cleansed, fumigated, disinfected or treated, shall pay all costs of removal of cargo or goods from the vessel, and costs incurred in the cleansing, fumigation, disinfection or treatment of the vessel, or of any goods or things taken from the vessel.

Liability for cost of disinfecting goods.

70. Before permitting any 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.

Security for carrying out responsibilities.

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

Liability of shipowners as to pilotage.

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

Liability of owners, etc., for expenses of passages.

73. Any person detained in quarantine, who is not one of the crew or passengers of a vessel ordered into quarantine, shall, if he is reasonably able so to do, and is thereunto required by the Administrator, pay to the Administration the cost of any food and

Persons in quarantine able to support themselves.

(20) No places have been notified in *N.G. Gaz.*

HEALTH—

medicines supplied to him and those dependent on him during their removal to or detention in quarantine.

Owners of vessel quarantined liable for services of medical officer.

74.—(1.) When a vessel is ordered into quarantine, the Administrator may—

- (a) appoint a medical officer to take charge of the crew and passengers of the vessel while in quarantine; and
- (b) fix the amount of remuneration to be paid to the medical officer for his services.

(2.) Such remuneration shall be paid by the owners or agents of the vessel to the Administration.

Quarantine expenses in case of animals and plants.

75.—(1.) The expenses connected with the examination of any animals, 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 Ordinance, shall be paid by the importer or owner of the animals, plants or goods to the Administration, and shall be a charge upon the animals, plants or goods, or may be recovered as provided in this Part.

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

Expenses to be a charge upon vessel.

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

Recovery of expenses.

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

PART VII.—MISCELLANEOUS.

Penalty for importing contrary to proclamation.

78.—(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 any disease agent, or any goods, or any animal or plant, or any part of any animal or plant, in contravention of this Ordinance or any proclamation under this Ordinance.

Penalty: Five hundred pounds.

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

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79. All animals, plants or goods imported into the Territory in contravention of this Ordinance, or any proclamation under this Ordinance, and all hay, straw, fodder, litter, fittings, clothing, utensils, appliances or packages moved or dealt with in contravention of this Ordinance, or any proclamation under this Ordinance, 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.

Forfeiture of animals, plants, etc., unlawfully imported.

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

Seizure of forfeited animals, etc.

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

Powers of inspection.

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

Penalty: Twenty pounds.

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

Boarding vessel.

Penalty: Fifty pounds.

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

83.—(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.

Muster of crew and passengers for inspection.

Penalty: Fifty pounds.

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

Penalty: Ten pounds.

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

Penalty: Ten pounds.

Quarantine officer may make inquiries at any time.

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

Penalty: One hundred pounds.

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

Penalty: One hundred pounds.

(3.) A quarantine officer may, if he 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 any person who refuses to comply with any such requirement shall be guilty of an offence.

Penalty: One hundred pounds.

Power to affix notices.

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

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

Penalty: Ten pounds.

Persons may be vaccinated.

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

Penalty: Five pounds.

(2.) A quarantine officer shall not require any person to be vaccinated or inoculated unless he has reasonable cause to believe that 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 smallpox.

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

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

Trespassing on quarantine stations.

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

88. 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.

Pilot to incur penalty on wrongly conducting vessel.

Penalty: Fifty pounds.

89. The master of an oversea vessel who, knowing that any quarantinable disease exists on his vessel, suffers his vessel to enter a port other than a port declared to be a first port of entry⁽²¹⁾ shall be guilty of an offence, unless he proves that it was necessary for the vessel to enter the port for the purpose of saving human life.

Penalty for entering port other than first port of entry, having diseases on board.

Penalty: Imprisonment for three years.

90.—(1.) A quarantine officer may, subject to the Regulations, order any vessel in any port in the Territory, which vessel is, in his opinion, in an insanitary condition favorable to the spread of communicable disease, to be cleansed, fumigated, disinfected or treated to his satisfaction, and the master of the vessel shall cause her to be cleansed, fumigated, disinfected or treated accordingly.

Cleansing and disinfection of insanitary vessels.

Penalty: One hundred pounds.

(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: One hundred pounds.

(3.) The Administrator may order any vessel in any port in the Territory to be taken to any other port in the Territory 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: One hundred pounds.

91. Whoever—

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

Offences as to documents.

(21) For particulars of proclamations declaring first ports of entry, see p. 2343.

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

shall be guilty of an offence.

Penalty: Imprisonment for three years.

Penalty for
desertion.

92. Any officer who—

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

shall be guilty of an offence.

Penalty: Imprisonment for two years.

Bribing,
assaulting,
obstructing
or intimidating
officers.

93. Whoever—

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

shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months, or both.

Officers taking
bribes.

94. Any officer who—

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

shall be guilty of an offence.

Penalty: Imprisonment for three years.

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

(a) wilfully makes any false statement in answer to any question asked him under this Ordinance or the Regulations by a quarantine officer; or

(b) wilfully misleads a quarantine officer in the performance of his duty,

Master or medical officer of vessel misleading quarantine officer.

shall be guilty of an offence.

Penalty: Imprisonment for two years.

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

Maliciously ordering vessels, etc., into quarantine.

Penalty: Imprisonment for two years.

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

Aiding and abetting offences.

98. Proceedings for an offence against this Ordinance or the Regulations in a District Court may be instituted either in the District where the offence was committed or in the District in which the defendant is found.

Venue in summary prosecution.

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

Power to administer oaths or take declarations.

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

Penalty in cases not specially provided for.

101.—(1.) The Administrator in Council may make regulations,⁽²²⁾ not inconsistent with this Ordinance, prescribing all matters, which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance, and in particular for—

Regulations.
Sub-section (1) amended by No. 29 of 1938, s. 2.

(a) regulating the performance of quarantine;

(b) regulating and protecting quarantine stations;

(22) See the *Amendment of Quarantine Regulations 1927*, printed on p. 2333, and the *Quarantine (Air Navigation) Regulations*, printed on p. 2335.

HEALTH—

- (c) regulating or preventing ingress to or egress from any quarantine area and for prescribing measures of quarantine within any quarantine area;⁽²³⁾
- (d) regulating or preventing the removal of animals, plants, mails or goods from any quarantine area;
- (e) requiring notification to a quarantine officer of each case of a quarantinable disease which arises in the Territory or within any specified part of the Territory or within any quarantine area;
- (f) 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) prescribing the measures to be taken by the masters or owners of vessels to destroy rats, mice, mosquitoes or other vermin or species or kinds of animals or insects liable to convey disease, which may exist on the vessels;
- (h) prescribing and establishing and maintaining on vessels or within any quarantine area conditions unfavorable to, and to the migration of, rats, mice, mosquitoes or other vermin or species or kinds of animals or insects liable to convey disease, fixing the time limit for the completion of any work necessary for the purpose of establishing such conditions, and empowering the Administrator, in case of default by the owner or master, to carry out any such work at the expense of the owner or master;
- (i) 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 ports within the Territory, to prevent the introduction into the Territory, or spread, of quarantinable diseases;

(23) No regulations prescribing measures of quarantine within any quarantine area have been made, but, by Proclamation dated 1.2.1922 and published in *N.G. Gaz.* of 3.2.1922 (made under the *Quarantine Ordinance 1921*), the Administrator proclaimed "when in any Quarantine Area—

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

has broken out on any plantation, land, buildings, ship or vessel, the owner, manager or occupier of such plantation, land or buildings, or the master of such ship or vessel shall forthwith, and by the quickest method of communication possible, notify the nearest Quarantine Officer of the breaking out of such disease.

PENALTY £50 (Fifty pounds)."

As to what proclamations made under the *Quarantine Ordinance 1921* are continued in force, see the present Section 4(2).

Quarantine Ordinance 1931-1938.

- (j) regulating the discharge from vessels of any water, ballast or refuse;
- (k) regulating the sanitary conditions of vessels in ports;
- (l) providing for the examination by quarantine officers of animals or plants for export;
- (m) 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;
- (n) prescribing the fees payable in respect of examinations, services or certificates by quarantine officers and the persons by whom the fees are payable;
- (o) prescribing the movements of any person subject to quarantine;
- (p) prescribing measures of disinfection, fumigation and other measures of quarantine which persons or goods subject to quarantine shall carry out or be subjected to;
- (q) prescribing the conditions under which any prophylactic or curative vaccine or serum may be prepared and offered for sale;
- (r) prescribing penalties not exceeding One hundred pounds for breaches of the Regulations;
- (s) regulating, for the purposes of this Ordinance and the Regulations, navigation by air;
- (t) requiring and prescribing reports from vessels by radio-telegraphy;
- (u) regulating inter-District traffic and prescribing measures of quarantine in relation to inter-District traffic for the prevention of the occurrence or spread of quarantinable or communicable diseases, or diseases or pests affecting animals or plants; and
- (v) prescribing the measures for regulating or preventing ingress to the Territory from Dutch New Guinea or Papua in so far as such measures are necessary to prevent the introduction of quarantinable diseases into the Territory.

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

- (a) come into force only in pursuance of an order made by the Administrator;
- (b) be in force in such District, place, area or locality within the Territory as the Administrator by order directs; and

HEALTH—

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

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

Sections 102
and 103
repealed by
No. 29 of 1938,
s. 3.

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