

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 25 March, 1869. }*

*O. F. KELLY,
Clerk of Legislative Assembly.*

New South Wales.



ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. .

An Act for the Prevention of Small-pox.

WHEREAS it is expedient to prevent the introduction and extension of the disease of Small-pox within the Colony Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. The Governor with the advice of the Executive Council may by proclamation in the *Gazette* appoint any building or part of a building together with any yards enclosures grounds or lands attached thereto to be a Small-pox hospital and any such hospital shall be subject to the laws relating to quarantine and also to any regulations under this Act. Small-pox hospital may be provided.
2. The Governor with the like advice may appoint a Chief Medical Officer and such other officers and servants as may be necessary for the management of any such hospital. Superintendent and officers to be appointed.
3. Any such Small-pox hospital shall be maintained by such funds as may be appropriated by Parliament to such purpose. Hospital to be supported out of public funds.
4. The Governor with the like advice may appoint any legally qualified medical practitioners to be a Small-pox Medical Board or Boards for the purposes of this Act. Small-pox Medical Board to be appointed.

Small-pox Prevention.

5. As soon as any such Small-pox hospital shall have been provided in any part of the Colony any two members of any Small-pox Medical Board may sign a certificate to the effect that they believe that a person to be named in such certificate is suffering with the disease of Small-pox or is suspected of suffering with that disease and that such person ought to be removed to a Small-pox hospital to be named in such certificate and thereupon such person may with his own consent or with the consent of his parents or guardians be removed to such hospital and placed there for medical treatment and the certificate signed as aforesaid shall be delivered to the Chief Medical Officer of the Small-pox hospital and shall when so delivered be sufficient authority for the detention of such person.
6. Any two members of the said Medical Board who have signed any such certificate as aforesaid may order all such clothes bedding utensils and all other things whatsoever as in their opinion are infected by having been in communication with such person to be destroyed and may give notice to the owner or occupier of the house room or place from which such person has been removed to whitewash cleanse or purify the same or such portion of the same as the case may require. Provided that such clothes bedding and utensils destroyed shall be replaced at the expense of the Government. And the cost of whitewashing purifying or cleansing as aforesaid shall be repaid to the party entitled to receive the same upon application to the Government.
7. Any person while being conveyed to or when placed in a Small-pox hospital for medical treatment under this Act shall be deemed to be legally in custody of the Chief Medical Officer of the hospital until discharged by him by writing under his hand.
8. The Governor with the advice aforesaid upon the written recommendation of two members of any Small-pox Medical Board may by proclamation in the *Gazette* order any house premises or place infected or supposed to be infected with Small-pox to be placed under quarantine regulations and every such house premises or place with the contents thereof and every person therein whether such person shall belong to or shall have entered the same within such period as shall be limited by the proclamation shall be subject to laws relating to quarantine and also to any regulations under this Act. Provided that forthwith after such proclamation such house premises or place shall be distinguished so as to denote to the public that the same is under quarantine regulations.
9. That no duly qualified medical man shall be subject to be detained in quarantine under the provisions of this Act in consequence of having come into communication or contact with any person infected or supposed to be infected with the Small-pox.
10. Any two members of any Small-pox Medical Board may by order under their hands direct that the dead body of one who has died of Small-pox shall be buried by their friends or removed to a proper place of reception at the cost of the Government and be buried within a time to be limited in such order.
11. The members of any Small-pox Medical Board or the persons by them in that behalf authorized may at reasonable times in the day-time enter and inspect any house building or place if there be ground for believing that any person who is suffering from Small-pox is in any such house building or place or that any necessity may exist for executing in relation to the said house building or place any of the provisions of this Act or of the regulations made hereunder.
12. If any person knowingly let any house room or part of a house in which any person suffering with Small-pox has been to any other person without having such house room or part of a house and all articles therein liable to retain infection disinfected to the satisfaction

Upon certificates of two members of Board person suffering from Small-pox may be removed to hospital.

Two members of Board may order infected clothes to be destroyed or house to be cleansed.

Patients may be detained at hospital till duly discharged.

Governor may place infected house in quarantine.

Medical men exempted from quarantine.

Board may direct burial of body of Small-pox patient.

Power of entry for the purpose of enforcing Act.

Penalty on knowingly letting infected premises.

Small-pox Prevention.

faction of a legally qualified medical practitioner as testified by a certificate given by him such person shall be liable to a penalty not exceeding twenty pounds and for the purposes of this section the keeper of a public-house shall be deemed to let a part of a house to
5 any person admitted as a guest into such house.

13. Whosoever shall wilfully obstruct any member of any Penalty for obstruction.
Small-pox Medical Board or person acting under the authority or employed in the execution of this Act or who shall wilfully violate any direction or regulation issued under this Act shall be liable for
10 every such offence to a penalty not exceeding five pounds.

14. All penalties imposed by this Act may be recovered before Summary conviction.
any Justice of the Peace in a summary way and in manner provided by the Act eleventh and twelfth Victoria chapter forty-three as adopted by the Act fourteenth Victoria number forty-three or any
15 Act amending the same.

15. The Governor with the advice aforesaid may make such regu- Regulations under this Act.
lations to carry this Act into effect as may be requisite and necessary.

16. This Act shall come into operation on the date of its Title commencement and duration.
passing and shall continue in operation until the thirty-first day of
20 December one thousand eight hundred and seventy and until the end of the then next Session of Parliament and may be cited as the "Small-pox Prevention Act."

Small-pox Prevention

Section of a legally qualified medical practitioner as testified by a certificate given by him such person shall be liable as a penalty for exceeding twenty pounds and for the purpose of this section the keeper of a public-house shall be deemed to be a part of a house in which any person admitted as a guest into such house.

13. Whoever shall wilfully obstruct any member of any committee of the Small-pox Medical Board or person acting under the authority or employment in the execution of the Act or who shall wilfully violate any direction or regulation issued under this Act shall be liable for every such offence to a penalty not exceeding five pounds.

14. All penalties imposed by this Act may be recovered before any Justice of the Peace in a summary way and in manner provided by the Act relative and seventh Victoria chapter forty-three as amended by the Act (fourteenth Victoria number forty-three) of any Act amending the same.

15. The Governor with the advice aforesaid may make such regulations to carry this Act into effect as may be requisite and necessary.

16. This Act shall come into operation on the date of its passing and shall continue in operation until the thirty-first day of December one thousand eight hundred and seventy and until the end of the then next Session of Parliament and may be cited as the "Small-pox Prevention Act."

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 25 March, 1869. }

O. F. KELLY,
Clerk of Legislative Assembly.

New South Wales.



ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. .

(As amended in Committee of the Whole Council.)

An Act for the Prevention of Small-pox.

WHEREAS it is expedient to prevent the introduction and extension of the disease of Small-pox within the Colony Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. The Governor with the advice of the Executive Council may by proclamation in the *Gazette* appoint any building or part of a building together with any yards enclosures grounds or lands attached thereto to be a Small-pox hospital and any such hospital shall be subject to the laws relating to quarantine and also to any regulations under this Act.

2. The Governor with the like advice may appoint a Chief Medical Officer and such other officers and servants as may be necessary for the management of any such hospital.

3. Any such Small-pox hospital shall be maintained by such funds as may be appropriated by Parliament to such purpose.

4. The Governor with the like advice may appoint any legally qualified medical practitioners to be a Small-pox Medical Board or Boards for the purposes of this Act.

266—

5.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Small-pox Prevention.

5. As soon as any such Small-pox hospital shall have been provided in any part of the Colony any two members of any legally qualified medical practitioners of whom one shall be a member of a Small-pox Medical Board may sign a certificate to the effect that they believe that a person to be named in such certificate is suffering with the disease of Small-pox or is suspected of suffering with that disease and that such person ought to be removed to a Small-pox hospital to be named in such certificate and thereupon such person may with his own consent or with the consent of his parents or guardians be removed to such hospital and placed there for medical treatment and the certificate signed as aforesaid shall be delivered to the Chief Medical Officer of the Small-pox hospital and shall when so delivered be sufficient authority for the detention of such person.
6. ~~Any two members of the said Medical Board who have signed~~ **The member of the Medical Board who has signed** such certificate as aforesaid ~~may order~~ shall cause all such clothes bedding utensils and all other things whatsoever as in ~~their~~ his opinion are infected by having been in communication with such person ~~whether he be removed or not to be disinfected or destroyed and may give notice to the owner or occupier of~~ shall cause the house room or place from which such person has been removed to whitewash cleanse or purify the same or such portion of the same as the case may require **be whitewashed cleansed or purified** Provided that such clothes bedding and utensils destroyed shall be replaced at the expense of or paid for by the Government And the cost of whitewashing purifying or cleansing as aforesaid shall be repaid to the party entitled to receive the same upon application to **borne by the Government.**
7. Any person while being conveyed to or when placed in a Small-pox hospital for medical treatment under this Act shall be deemed to be legally in custody of the Chief Medical Officer of the hospital until discharged by him or by any two members of the **Small-pox Medical Board** by writing under his or their hands.
8. The Governor with the advice aforesaid upon the written recommendation of two members of any Small-pox Medical Board may by proclamation in the *Gazette* order any house premises or place infected or supposed to be infected with Small-pox to be placed under quarantine regulations and every such house premises or place with the contents thereof and every person therein whether such person shall belong to or shall have entered the same within such period as shall be limited by the proclamation shall be subject to laws relating to quarantine and also to any regulations under this Act Provided that forthwith after such proclamation such house premises or place shall be distinguished so as to denote to the public that the same is under quarantine regulations.
9. That no duly qualified medical man shall be subject to be detained in quarantine under the provisions of this Act in consequence of having come into communication or contact with any person infected or supposed to be infected with the Small-pox.
10. 8. Any two members of any Small-pox Medical Board may by order under their hands direct that the dead body of any one who has died of Small-pox shall be buried by ~~their~~ his or her friends **within a time to be specified in such order** or be removed to a proper place of reception and buried at the cost of the Government ~~and be buried within a time to be limited in such order.~~
11. 9. The members of any Small-pox Medical Board ~~or the persons by them in that behalf authorized~~ may at reasonable times in the day-time enter and inspect any house building or place if there be ground for believing that any person who is suffering from Small-pox is in any such house building or place or ~~that~~ if any necessity may exist

Upon certificates of two members of Board legally qualified medical practitioners person suffering from Small-pox may be removed to hospital.

Two Members of Board may order infected clothes to be destroyed or house to be cleansed.

Patients may be detained at hospital till duly discharged.

Governor may place infected house in quarantine.

Medical men exempted from quarantine.

Board may direct burial of body of Small-pox patient.

Power of entry for the purpose of enforcing Act.

Small-pox Prevention.

exist for executing in relation to the said house building or place any of the provisions of this Act or of the regulations made hereunder.

12. 10. If any person knowingly let any house room or part of a house in which any person suffering with Small-pox has been to any other person without having such house room or part of a house and all articles therein liable to retain infection disinfected to the satisfaction of a two legally qualified medical practitioners one of whom shall be a member of the Small-pox Medical Board as testified by a certificate given by ~~him~~ them such person shall be liable to a penalty not exceeding ~~twenty~~ one hundred pounds and for the purposes of this section the keeper of a public-house shall be deemed to let a part of a house to any person admitted as a guest into such house.

Penalty on knowingly letting infected premises.

13. 11. Whosoever shall wilfully obstruct any member of any Small-pox Medical Board or person acting under the authority or employed in the execution of this Act or who shall wilfully violate any direction made or regulation issued under this Act shall be liable for every such offence to a penalty not exceeding five pounds.

Penalty for obstruction.

14. 12. All penalties imposed by this Act may be recovered before any two or more Justices of the Peace in Petty Sessions assembled in a summary way and in manner provided by the Act eleventh and twelfth Victoria chapter forty-three as adopted by the Act fourteenth Victoria number forty-three or any Act amending the same.

Summary conviction.

15. 13. The Governor with the advice aforesaid may make such regulations to carry this Act into effect as may be requisite and necessary.

Regulations under this Act.

16. 14. This Act shall come into operation on the date of its passing and shall continue in operation until the thirty-first day of December one thousand eight hundred and seventy and until the end of the then next Session of Parliament and may be cited as the "Small-pox Prevention Act."

Title commencement and duration.

