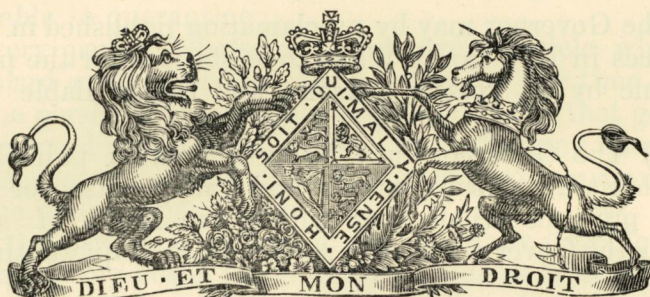


New South Wales.



ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. XXV. (A.D. 1897.)

An Act to consolidate the Laws relating to Quarantine.
[Assented to, 6th December, 1897.]

BE it 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:—

PART I.

Preliminary.

1. This Act may be cited as the "Quarantine Act, 1897," and is divided into Parts, as follows:—

PART I.—*Preliminary.*—ss. 1-3.

PART II.—*Quarantine stations.*—ss. 4-5.

PART III.—*Liability to quarantine.*—ss. 6-11.

PART IV.—*Proceedings on arrival of vessels.*—ss. 12-20.

PART V.—*Performance of quarantine.*—ss. 21-32.

PART VI.—*Miscellaneous provisions.*—ss. 33-37.

Quarantine.

Repeal of Acts,
Schedule.

2. (I) The Acts mentioned in the Schedule to this Act are hereby repealed.

(II) All rules, regulations, and orders made under the authority of any Act hereby repealed and being in force at the time of the passing of this Act shall be and continue in force hereunder, and shall be deemed to have been made under this Act.

Interpretation.

58 Vic. No. 2, s. 2.

3. In this Act, unless the context or subject matter otherwise indicates or requires—

“Board” means the Board of Health incorporated by the Noxious Trades and Cattle-slaughtering Act, 1894.

PART II.

Quarantine stations.

Governor may
appoint stations and
lazarets for per-
formance of quarantine.
3 Wm. IV, No. 1, s. 3.

4. The Governor may by proclamation published in the Gazette appoint places in New South Wales to be stations for the performance of quarantine by all vessels, persons, and things liable to perform quarantine.

Governor may
prohibit intercourse
with stations and
lazarets.

Ibid. s. 8.

5. (I) The Governor may by proclamation published in the Gazette prohibit all persons, vessels, and boats whatsoever from going under any pretence whatsoever within the limits of any station appointed by the Governor for the performance of quarantine as aforesaid.

(II) If any person whatsoever, after the publication of such proclamation, presumes, under any pretence whatsoever, to go within the limits of any such station, he shall for every such offence forfeit the sum of two hundred pounds.

PART III.

Liability to quarantine.

Conditions involving
liability to
quarantine.

3 Wm. IV, No. 1, s. 1.

58 Vic. No. 2, s. 6.

6. (I) Whenever any vessel arrives in any port or harbour in New South Wales, and

- (a) there is at the time any infectious or contagious disease on board such vessel; or
- (b) there has been during the voyage of such vessel any infectious or contagious disease on board; or
- (c) such vessel has during the voyage communicated with any other vessel on board which any infectious or contagious disease existed; or
- (d) such vessel has during the voyage touched at any port or place where any infectious or contagious disease prevailed; or
- (e) such vessel has arrived from or after having touched at any place beyond the seas, and the Governor has by proclamation notified that such place is infected with any infectious or contagious disease highly dangerous to the public health, and that it is probable that such disease may be brought from such place to New South Wales,

then such vessel shall be and be deemed to have been liable to quarantine within the meaning of this Act, and of every proclamation of the Governor concerning quarantine and the prevention of infection, from the time the infectious or contagious disease broke out on board such vessel, or from the time such vessel communicated with such other vessel as aforesaid, or from the time such vessel touched at such port or place as aforesaid, or from the time such vessel sailed from or touched at such place beyond the seas, as the case may be.

(II)

Quarantine.

- (II) Such liability shall equally extend to and be incurred by—
- (a) every person whatsoever who, for any purpose whatsoever, is on board such vessel at the time of her arrival in New South Wales, or was on board such vessel at any time before her said arrival and after she became liable to quarantine as aforesaid, or goes on board such vessel at any time after her said arrival and before she is discharged from quarantine or from the performance thereof as hereinafter mentioned;
 - (b) every article whatsoever on board such vessel at the time of her arrival in New South Wales, or that was on board such vessel at any time before her said arrival and after she became liable to quarantine as aforesaid, or that is brought on board such vessel at any time after her said arrival and before she is discharged from quarantine or from the performance thereof;
 - (c) every vessel or boat receiving from such vessel any person whatsoever liable to quarantine, or any article whatsoever liable to quarantine;
 - (d) every person whatsoever, and every article whatsoever on board such receiving vessel or boat, at the time of receiving the person or thing liable to quarantine, or that goes or is put on board such receiving vessel or boat at any time after she so receives and before she is discharged from quarantine or from the performance thereof.

7. (I) It shall be lawful for the board by its officers to order into quarantine any vessel liable to quarantine as aforesaid : Board may order vessels into quarantine.
58 Vic. No. 2, s. 6.

Provided that, except in the case mentioned in section six, subsection (I) (e), no such order shall be made unless danger to the public health may reasonably be apprehended from the immediate admission of the vessel to entry.

(II) The board may take such further measures for the continuance of the vessel in quarantine, or for the release thereof, as may be judged expedient.

8. Whenever the board orders a vessel into quarantine, then Effect of order.

- (a) such vessel; and 3 Wm. IV. No. 1, s. 1.
- (b) every person whatsoever liable to quarantine in virtue of the liability thereto of such vessel, as aforesaid; and 58 Vic. No. 2, s. 6.
- (c) every article whatsoever liable to quarantine in virtue of the liability thereto of such vessel, as aforesaid; and
- (d) every vessel or boat receiving or which has received from such vessel any person whatsoever liable to quarantine, or any article whatsoever liable to quarantine, as aforesaid; and
- (e) every person whatsoever and every article whatsoever liable to quarantine in virtue of the liability of such receiving vessel or boat, as aforesaid

shall perform quarantine according to this Act, and to every proclamation of the Governor concerning quarantine and the prevention of infection.

9. (I) Any commander, master, or other person being in charge of any vessel liable to or ordered into quarantine who himself quits, or knowingly suffers any person whatsoever to quit such vessel before such vessel has been regularly discharged from the performance of quarantine (unless under any license granted by the Governor) shall, in every case for every such offence, forfeit the sum of four hundred pounds. Penalty on masters.
3 Wm. IV No. 1, s. 6.

(II) Whosoever, coming in any vessel liable to or ordered into quarantine, or going on board the same before or after her arrival, quits such vessel (either before or after her arrival) before such vessel has been regularly discharged from the performance of quarantine, shall, for every such offence, be imprisoned for the term of six months, and shall forfeit the sum of three hundred pounds. Or other persons quitting vessels liable to or ordered into quarantine.

(III)

Quarantine.

Persons may be
compelled to return.

(III) It shall be lawful for any person whatsoever by any kind of necessary force to compel any such person quitting any such vessel to return on board the same.

Meaning of "quit."

(IV) The word "quit" in this section shall include going on board any other vessel.

Persons liable to
quarantine may be
seized.

3 Wm. IV No. 1, s. 7.

17 Vic. No. 29, s. 5.

10. (I) It shall be lawful for any constable or any other person to seize and apprehend any person whatsoever who has, contrary to the provisions of this Act, quitted or come on shore from any vessel liable to quarantine, or who has escaped from or quitted any vessel under quarantine, or any vessel, or place appointed in that behalf, for the purpose of carrying such person before any justice of the peace.

(II) Any justice of the peace may grant his warrant for the apprehending and conveying of any such person to the vessel or place which he has so quitted, or for confining such person in any such place of safe custody (not being a public gaol), and under such restrictions as to having communication with any other persons, as may in the discretion of such justice of the peace appear to be proper, until such person can safely and securely be conveyed to some place appointed for the performance of quarantine, or until directions can be obtained from the Governor as to the disposal of such person, and may make any further order that may be necessary in that behalf.

Penalty for landing
or receiving goods
liable to quarantine.
3 Wm. IV No. 1, s.
13.

11. Whosoever lands or unships, or moves with intent to land or unship, any article whatsoever from any vessel liable to quarantine, or knowingly receives the same after it has been so landed or unshipped shall forfeit the sum of five hundred pounds.

PART IV.

Proceedings on arrival of vessels.

Masters of vessels
arriving to report to
pilot the places at
which they loaded
and touched, and to
answer all questions
respecting the health
of the crew and
passengers.

Ibid. s. 4.

17 Vic. No. 29, s. 4.

12. (I) Every commander, master, or other person having the charge of any vessel arriving at any port in New South Wales from parts beyond the seas shall give to the pilot or person boarding or conducting such vessel, or to any person appointed by the Governor to board such vessel, a written paper containing a true account of the names of the place and country at which such vessel loaded, and also of all the places at which such vessel touched on the voyage out to New South Wales, and shall truly answer all such questions as are put to him by such pilot or other person touching the health of the crew and passengers of such vessel during the voyage, and the cause of the death of any person, should such have taken place on board, whether such appointed person actually boards such vessel, or only goes alongside the same and demands such paper or puts such questions as aforesaid without such actual boarding.

And failing so to do,
to be deemed guilty
of a misdemeanour.

Ibid. s. 1.

(II) Any such commander, master, or other person having charge of any such vessel, who—

- (a) neglects or refuses to give such written paper; or
- (b) delivers such written paper with any false statement contained therein; or
- (c) wilfully omits to make in such written paper any statement required by this Act; or
- (d) makes any false answer to any such question,

shall be guilty of a misdemeanour, and shall on conviction be imprisoned with or without hard labour for any period not exceeding two years, or fined in any sum not exceeding three hundred pounds, at the discretion of the court or judge before whom he is convicted.

Copy of this Act to
be given to master on
arrival.

Ibid. s. 12.

13. A copy of this Act shall be given by the pilot or person boarding any such vessel to the master thereof immediately on her arrival in any such port.

14.

Quarantine.

14. (I) The surgeon, dispenser, or other medical officer of every vessel arriving at any port in New South Wales from parts beyond the seas shall truly answer all such questions as are put to him by such pilot or other person as aforesaid, touching the health of the crew and passengers of such vessel during the voyage, and the cause or causes of the death of any person who may have died on board, or of any of the passengers or crew who may have died on shore in the course of the voyage, and touching the existence of any infectious or contagious disease at any port or place from which such vessel has come or at which it touched.

Surgeon, &c., to truly answer all questions as to health of crew and passengers, &c.
17 Vic. No. 29, s. 2.

(II) Any such surgeon, dispenser, or other medical officer who refuses to answer any such question so put to him, or makes any false answer to any such question, shall be guilty of a misdemeanour, and shall on conviction be imprisoned with or without hard labour for any period not exceeding two years, or fined in any sum not exceeding three hundred pounds, at the discretion of the court or judge before whom he is convicted.

And failing so to do to be guilty of a misdemeanour.
Ibid. s. 3.

15. (I) Whenever any vessel arriving at any port in New South Wales from parts beyond the seas has come from any place proclaimed by the Governor as infected as aforesaid, the pilot or person boarding or conducting such vessel shall immediately give notice thereof to the commander or other person in charge of such vessel, on pain of forfeiting the sum of one hundred pounds for any neglect therein.

Pilot to give notice to master if vessel has arrived from proclaimed part.
3 Wm. IV No. 1, s. 4.

(II) Upon receipt of such notice, such commander or other person in charge shall immediately hoist a signal and shall keep such signal hoisted until such vessel is legally discharged from the performance of quarantine. Such signal shall be, in the day-time a yellow flag of six breadths of bunting at the main topmast head, and in the night-time a large signal lantern at the same mast head.

Master to hoist signal.

(III) Any commander or other person in charge of any such vessel who, after receiving such notice, fails to hoist or keep hoisted such signal as aforesaid shall forfeit for every such offence the sum of one hundred pounds.

Penalty.

16. The provisions of subsections (II) and (III) of the next preceding section shall apply to every vessel ordered into quarantine and to the commander or other person in charge of such vessel, from the time when such commander or other person receives notice of such order.

All vessels ordered into quarantine to hoist signal.
58 Vic. No. 2, s. 6.

17. Any pilot who, after receipt of such written paper as aforesaid, whereby it is made to appear that the vessel is liable to quarantine, or without requiring and receiving such written paper, brings or causes to be brought or conducted any vessel liable to quarantine into any place not specially appointed for the reception of vessels so liable, shall, unless compelled thereto by stress of weather, adverse winds, or accidents of the sea, for every such offence forfeit the sum of two hundred pounds.

Pilot to incur penalty on wrongly conducting a vessel liable to quarantine.
3 Wm. IV No. 1, s. 4.

18. (I) No vessel arriving in any port or harbour in New South Wales from parts beyond the seas shall, until boarded by the health officer and granted pratique, be brought higher up such port or harbour than such spot or place in such port or harbour as the Governor may, by proclamation to be published in the Gazette, specify as the limit for such vessels.

Vessels not to pass certain limits till granted pratique.
17 Vic. No. 29, s. 6.
58 Vic. No. 2, ss. 4, 5.

(II) No person whatsoever on board any such vessel shall quit such vessel until pratique is granted as aforesaid.

Persons not to quit vessels.

(III) Whosoever offends against either of the above provisions of this section shall, on conviction before any two justices of the peace, forfeit any sum not exceeding one hundred pounds.

Penalty.

19. The provisions contained in the last preceding section shall not apply to vessels arriving from any of the Australasian Colonies, including New Zealand, unless—

Exemption of vessels arriving from any Australasian Colony.
17 Vic. No. 29, s. 7.

- (a) at the time of the arrival of any such vessel, or within fourteen days previously, there is or has been an infectious or contagious disease on board thereof ; or

(b)

Quarantine.

(b) any such vessel arrives from any port or place in any of the said Australasian Colonies proclaimed by the Governor as infected as aforesaid.

Boats not to go
alongside vessels
until health-officer
has boarded.

17 Vic. No. 29, s. 8.

58 Vic. No. 2, s. 5.

20. No person shall with any boat whatever, other than the boat belonging to the pilots, the post-office, the police, and the customs, board or go alongside any vessel arriving in any port or harbour in New South Wales from any place other than those coming within the exemption contained in the last preceding section, until such vessel has been boarded by the health-officer and the visiting-flag has been hauled down; and no person other than a pilot shall go on board such vessel from any post-office, police, or customs boat which has gone alongside until such time as aforesaid.

Penalty.

Whosoever offends against the provisions of this section, or, being a master of a merchant vessel in any such port or harbour, orders, or permits, or suffers any of his boats or crew to board or go alongside any such vessel so arriving as aforesaid for the purpose of communicating with the persons in such vessel whilst the visiting-flag continues to be flying at the mast thereof, shall, for every such offence, on conviction before any two justices of the peace, forfeit a sum not exceeding fifty pounds.

PART V.

Performance of quarantine.

Penalty on masters
not conveying vessels
into quarantine.

3 Wm. IV No. 1, s. 6.

21. Any commander, master, or other person in charge of any vessel ordered into quarantine as aforesaid, who does not, within a convenient time after due notice given for that purpose, cause such vessel and the lading thereof to be conveyed into the place or places appointed for such vessel and lading to perform quarantine shall forfeit the sum of four hundred pounds.

Masters to deliver to
superintendent of
quarantine their bill
of health, manifest,
&c.

Ibid. s. 5.

22. Every commander, master, or other person in charge of any vessel ordered into quarantine as aforesaid shall forthwith, after his arrival at the place appointed for the performance of quarantine, deliver on demand to the superintendent of quarantine, or his assistant or other officer authorised to act in that behalf (and which superintendent, assistant, or other officer as aforesaid, is hereby required to make such demand), his bill of health and manifest, together with his log-book and journal, under pain of forfeiting the sum of one hundred pounds if he wilfully refuses or neglects to do so.

Goods ordered into
quarantine to be
opened and aired in
places appointed by
the Governor.

Ibid. s. 11.

23. All goods and other articles ordered into quarantine as aforesaid shall be opened and aired in such place and for such time and in such manner as shall be directed by the Governor by any order notified by proclamation; and after such order has been duly complied with, then and in every such case the officer or person in charge of the vessel or place in which such goods and other articles have been opened and aired shall grant a certificate to such effect under his hand, and upon such certificate being approved and allowed by the Governor, then such goods and other articles shall be liable to no further restraint or detention either at the port or place where such quarantine was performed, or at any other place in New South Wales whereto they may be conveyed.

Penalty on persons
conveying, &c., goods
actually performing
quarantine.

Ibid. s. 13.

24. Whosoever clandestinely conveys, or secretes or conceals with intent to convey, any article whatsoever from any vessel actually performing quarantine, or from the place where such article is performing quarantine, shall forfeit the sum of one hundred pounds.

25.

Quarantine.

25. In case it is deemed necessary by the Governor to appoint any medical officer to take charge of any of the crew and passengers of a vessel placed in quarantine, it shall be competent to the Governor to fix the amount of remuneration to be paid to such medical officer for his services, and to cause the same to be paid by the Colonial Treasurer, and the amount so paid shall be repaid to the said Colonial Treasurer by the owners or agents of such vessel before she is permitted to clear out and leave the port in which she then is:

Medical officer may be appointed for persons in quarantine at the cost of the owners of vessel.

17 Vic. No. 29, s. 9

Provided that this section shall not apply to any vessel chartered by the Government for the conveyance of immigrants.

26. It shall be the duty of the owners and agents of any vessel placed in quarantine to supply the crew and passengers thereof with such wholesome and suitable provisions and medicines as are required by the medical practitioner in charge; and if such provisions and medicines are not forthwith supplied accordingly the same may be provided under the order of the Governor, and the cost thereof, including the conveyance of the same, shall be paid by the said owners or agents into the hands of the Colonial Treasurer before such vessel shall be permitted to clear out or leave the port in which she then is:

Proper provisions and medicines to be supplied for persons in quarantine.

Ibid. s. 10.

Provided that nothing herein contained shall apply to or in respect of immigrants conveyed at the charge of the Government under charters by which the owners are exempted from liability for the maintenance and care of such immigrants whilst under quarantine.

27. After quarantine has been duly performed by any vessel or person obliged to perform quarantine as aforesaid according to this Act, and to such order made as aforesaid, the chief officer who superintended the quarantine of the said vessel, or the person acting for him, shall and he is hereby required to give a certificate thereof under his hand, and upon the same being approved and allowed by the Governor then every such vessel and every such person so having performed quarantine shall be liable to no further restraint or detention upon the same account for which such vessel or person has performed quarantine as aforesaid.

After proof of performance of quarantine and proper certificate to that effect vessels or persons shall be liable to no further detention.

3 Wm. IV No. 1, s. 10.

28. Any officer or person whatsoever to whom it appertains to execute any order made or to be made concerning quarantine, and notified by proclamation, or to see the same put in execution, who is knowingly and wilfully guilty of any breach or neglect of his duty in respect of the vessels, persons, goods, or chattels performing quarantine shall forfeit and pay the sum of two hundred pounds.

Penalty on neglect of duty by officials.

Ibid. s. 9.

29. Any such officer or person who—

- (I) deserts from his duty when employed as aforesaid; or
- (II) knowingly and willingly permits any person, vessel, goods, or merchandise to depart or be conveyed out of the said vessel or other place as aforesaid unless by permission under the order of the Governor

Officials deserting or permitting departure without authority guilty of felony.

Ibid. s. 9.

shall be guilty of felony.

30. Any person hereby authorised and directed to give a certificate of a vessel having duly performed quarantine or airing who knowingly gives a false certificate thereof shall be guilty of felony.

Persons giving false certificates guilty of felony.

Ibid. s. 9.

31. Any such officer or person, as in the last three preceding sections mentioned, who knowingly or wilfully damages any goods performing quarantine under his direction shall be liable to pay one hundred pounds damages and full costs of suit to the owner of the same.

Penalty on officials damaging goods.

Ibid. s. 9.

32. Whosoever—

- (I) knowingly or wilfully forges or counterfeits, interlines, erases, or alters any certificate, directed or required to be granted by any order of the Governor touching quarantine; or
- (II) procures to be forged or counterfeited, interlined, erased, or altered any such certificate; or

Persons forging or uttering false certificates guilty of felony.

Ibid. s. 12.

(III)

Quarantine.

- (III) publishes any such forged or counterfeited, interlined, erased, or altered certificate, knowing the same to be forged or counterfeited, interlined, erased, or altered; or
- (IV) knowingly and wilfully utters and publishes any such certificate with intent to obtain the effect of a true certificate to be given thereto, knowing the contents of such certificate to be false,
- sha'l be guilty of felony.

PART VI.

Miscellaneous provisions.

For vesting certain powers in the Governor to prevent infection in certain cases of emergency.

3 Wm. IV No. 1, s. 2.

33. The Governor may make such order as shall be deemed necessary and expedient upon any unforeseen emergency or in any particular case with respect to any vessel arriving under any alarming or suspicious circumstances as to infection, though not being liable to quarantine within the meaning of this Act, and also with respect to any person and any article on board the same; and in case of any infectious or contagious disease highly dangerous to the public health appearing or breaking out in New South Wales may make such order and give such directions in order to cut off all communication between any persons infected with any such disease and the rest of Her Majesty's subjects as appear to the Governor to be necessary and expedient for that purpose; and likewise to make such order as the Governor sees fit for shortening the time of quarantine to be performed by particular vessels or particular persons or articles, or for absolutely or conditionally releasing them or any of them from quarantine.

All such orders so made as aforesaid shall be as good, valid, and effectual to all intents and purposes as well with respect to the commander, master, or other person having charge of any vessel, and all other persons on board the same, as with respect to any other person having any intercourse or communication with them, and to the penalties, forfeitures, and punishments to which they may respectively become liable, as any order concerning quarantine made by the Governor and notified by proclamation as aforesaid.

Power to make regulations.

58 Vic. No. 2, s. 7.

34. The Governor may, on the recommendation of the Board make regulations for the purpose of carrying this Act into effect, and by such regulations may impose for any breach thereof a penalty not exceeding one hundred pounds, to be recovered in a summary way before a stipendiary or police magistrate, or any two justices of the peace, and in default of payment the offender shall be liable to imprisonment for any period not exceeding six months.

All regulations shall be published in the Gazette, and shall thereupon if not inconsistent with this or any other Act have the force of law.

Recovery and appropriation of penalties.

3 Wm. IV No. 1, s. 14.

35. All forfeitures and penalties incurred by reason of any offence committed against this Act may, except as hereinbefore otherwise provided, be recovered by action in the Supreme Court, and two-thirds of every such forfeiture and penalty shall be given to the person who informs and sues for the same.

Answers of persons having charge of vessels shall be received as evidence in certain cases.

Ibid. s. 15.

36. (1) In any prosecution, action, or other proceeding against any person whatsoever for any offence against this Act or any Act which may hereafter be passed concerning quarantine, or for any breach or disobedience of any order made by the Governor concerning quarantine, and the prevention of infection, and notified as aforesaid, the statement and

Quarantine.

and answer of the commander, master, or other person having charge of any vessel, made as hereinbefore directed to the pilot or person boarding or conducting such vessel shall be received as *prima facie* evidence so far as the same may relate to the place from which such vessel has arrived or come, or to the place at which such vessel touched in the course of the voyage, and also as *prima facie* evidence that such vessel was liable to quarantine.

(II) Where any such vessel has, in fact, been put under quarantine at any port or place and is actually performing the same, such vessel shall in any prosecution, action, or other proceeding against any person whatever for any offence against this Act or against any other Act which may hereafter be passed concerning quarantine, and the prevention of infection, or against any order made by the Governor as aforesaid, be deemed to be liable to quarantine without proving in what manner or from what circumstance such vessel became liable thereto.

37. (1) In any action or other proceeding brought against any pilot, superintendent, constable, or other person for any matter or thing done in pursuance of any order of the Governor made for the preventing the introduction of any such infectious or contagious disease as aforesaid, or in pursuance of the provisions of this Act, the defendant may plead the general issue, and may give this Act and the special matter in evidence.

(II) In any such action or other proceeding, if the verdict is for the defendant, or if the plaintiff is nonsuited or discontinues his action after the defendant has appeared, or if upon demurrer judgment is given against such plaintiff, the defendant shall have treble costs, and shall have the like remedy for the same as any other defendant has in any other case to recover costs by law.

(III) No such action or other proceeding shall be brought against any person for any matter or thing done as aforesaid, but within the space of six months after such matter or thing has been done.

SCHEDULE.

Section 2.

Reference to Act.	Title or short title.	Extent of Repeal.
3 Wm. IV. No. 1 ...	An Act for subjecting vessels coming to New South Wales from certain places to the performance of quarantine.	The whole.
17 Vict. No. 29 ...	An Act to amend the Quarantine Laws in certain particulars.	The whole.
58 Vict. No. 2 ...	Quarantine Law Amendment Act, 1894 ...	The whole.

By Authority : WILLIAM APPELGATE GULLICK, Government Printer, Sydney, 1897.

[9d.]

(iii) The following provisions shall apply to any vessel which is found to be in violation of the provisions of this Act:

and answer of the commanding master or other person having charge of any vessel, made as hereinafter directed to the pilot or person in charge of the vessel, shall be received as prima facie evidence as to the facts and circumstances in relation to which such vessel has arrived or come, or to the place at which such vessel touched in the course of the voyage, and also as prima facie evidence that such vessel was liable to quarantine.

(11) Where any such vessel has, in fact, been put under quarantine at any port or place and is actually performing the same, such vessel shall in any prosecution, action, or other proceeding against any person whatever for any offense against this Act or against any other Act which may hereafter be passed concerning quarantine, and the prevention of infection or against any order made by the Governor as aforesaid, be deemed to be liable to quarantine without proving in what manner or from what circumstances such vessel became liable thereto.

37. (1) In any action or other proceeding brought against any person for any offense against this Act or against any other Act which may hereafter be passed concerning quarantine, and the prevention of infection or against any order made by the Governor as aforesaid, the introduction of any such evidence as is directed in this Act shall be deemed to be prima facie evidence as to the facts and circumstances in relation to which such vessel has arrived or come, or to the place at which such vessel touched in the course of the voyage, and also as prima facie evidence that such vessel was liable to quarantine.

(2) In any such action or other proceeding, if the evidence is for the defendant, and the plaintiff is not satisfied with the evidence, he may, at any time before the trial, apply to the court for an order that the plaintiff shall have the like remedy for the same as if the evidence were in evidence.

(3) In any such action or other proceeding, if the evidence is for the defendant, and the plaintiff is not satisfied with the evidence, he may, at any time before the trial, apply to the court for an order that the plaintiff shall have the like remedy for the same as if the evidence were in evidence.

(4) In any such action or other proceeding, if the evidence is for the defendant, and the plaintiff is not satisfied with the evidence, he may, at any time before the trial, apply to the court for an order that the plaintiff shall have the like remedy for the same as if the evidence were in evidence.

(5) In any such action or other proceeding, if the evidence is for the defendant, and the plaintiff is not satisfied with the evidence, he may, at any time before the trial, apply to the court for an order that the plaintiff shall have the like remedy for the same as if the evidence were in evidence.

(6) In any such action or other proceeding, if the evidence is for the defendant, and the plaintiff is not satisfied with the evidence, he may, at any time before the trial, apply to the court for an order that the plaintiff shall have the like remedy for the same as if the evidence were in evidence.

(7) In any such action or other proceeding, if the evidence is for the defendant, and the plaintiff is not satisfied with the evidence, he may, at any time before the trial, apply to the court for an order that the plaintiff shall have the like remedy for the same as if the evidence were in evidence.

(8) In any such action or other proceeding, if the evidence is for the defendant, and the plaintiff is not satisfied with the evidence, he may, at any time before the trial, apply to the court for an order that the plaintiff shall have the like remedy for the same as if the evidence were in evidence.

(9) In any such action or other proceeding, if the evidence is for the defendant, and the plaintiff is not satisfied with the evidence, he may, at any time before the trial, apply to the court for an order that the plaintiff shall have the like remedy for the same as if the evidence were in evidence.

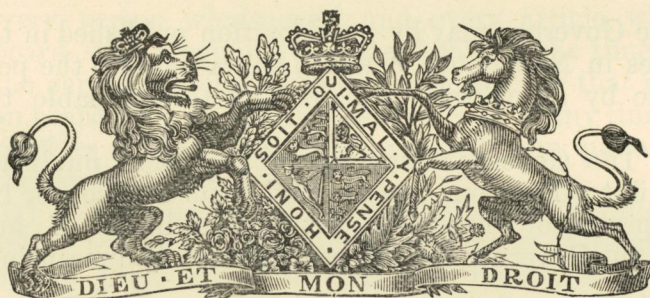
(10) In any such action or other proceeding, if the evidence is for the defendant, and the plaintiff is not satisfied with the evidence, he may, at any time before the trial, apply to the court for an order that the plaintiff shall have the like remedy for the same as if the evidence were in evidence.

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Council Chamber,
Sydney, 30th November, 1897.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. XXV. (A.D. 1897.)

An Act to consolidate the Laws relating to Quarantine.
[Assented to, 6th December, 1897.]

BE it 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:—

PART I.

Preliminary.

1. This Act may be cited as the "Quarantine Act, 1897," and Short title !
and division is divided into Parts, as follows:—

PART I.—*Preliminary.*—ss. 1-3.

PART II.—*Quarantine stations.*—ss. 4-5.

PART III.—*Liability to quarantine.*—ss. 6-11.

PART IV.—*Proceedings on arrival of vessels.*—ss. 12-20.

PART V.—*Performance of quarantine.*—ss. 21-32.

PART VI.—*Miscellaneous provisions.*—ss. 33-37.

Quarantine.

Repeal of Acts,
Schedule.

2. (I) The Acts mentioned in the Schedule to this Act are hereby repealed.

(II) All rules, regulations, and orders made under the authority of any Act hereby repealed and being in force at the time of the passing of this Act shall be and continue in force hereunder, and shall be deemed to have been made under this Act.

Interpretation.

58 Vic. No. 2, s. 2.

3. In this Act, unless the context or subject matter otherwise indicates or requires—

“Board” means the Board of Health incorporated by the Noxious Trades and Cattle-slaughtering Act, 1894.

PART II.

Quarantine stations.

Governor may
appoint stations and
lazarets for per-
formance of quarantine.
3 Wm. IV, No. 1, s. 3.

4. The Governor may by proclamation published in the Gazette appoint places in New South Wales to be stations for the performance of quarantine by all vessels, persons, and things liable to perform quarantine.

Governor may
prohibit intercourse
with stations and
lazarets.

Ibid. s. 8.

5. (I) The Governor may by proclamation published in the Gazette prohibit all persons, vessels, and boats whatsoever from going under any pretence whatsoever within the limits of any station appointed by the Governor for the performance of quarantine as aforesaid.

(II) If any person whatsoever, after the publication of such proclamation, presumes, under any pretence whatsoever, to go within the limits of any such station, he shall for every such offence forfeit the sum of two hundred pounds.

PART III.

Liability to quarantine.

Conditions involving
liability to
quarantine.

3 Wm. IV, No. 1, s. 1.

58 Vic. No. 2, s. 6.

6. (I) Whenever any vessel arrives in any port or harbour in New South Wales, and

(a) there is at the time any infectious or contagious disease on board such vessel; or

(b) there has been during the voyage of such vessel any infectious or contagious disease on board; or

(c) such vessel has during the voyage communicated with any other vessel on board which any infectious or contagious disease existed; or

(d) such vessel has during the voyage touched at any port or place where any infectious or contagious disease prevailed; or

(e) such vessel has arrived from or after having touched at any place beyond the seas, and the Governor has by proclamation notified that such place is infected with any infectious or contagious disease highly dangerous to the public health, and that it is probable that such disease may be brought from such place to New South Wales,

then such vessel shall be and be deemed to have been liable to quarantine within the meaning of this Act, and of every proclamation of the Governor concerning quarantine and the prevention of infection, from the time the infectious or contagious disease broke out on board such vessel, or from the time such vessel communicated with such other vessel as aforesaid, or from the time such vessel touched at such port or place as aforesaid, or from the time such vessel sailed from or touched at such place beyond the seas, as the case may be.

(II)

Quarantine.

- (II) Such liability shall equally extend to and be incurred by—
- (a) every person whatsoever who, for any purpose whatsoever, is on board such vessel at the time of her arrival in New South Wales, or was on board such vessel at any time before her said arrival and after she became liable to quarantine as aforesaid, or goes on board such vessel at any time after her said arrival and before she is discharged from quarantine or from the performance thereof as hereinafter mentioned;
 - (b) every article whatsoever on board such vessel at the time of her arrival in New South Wales, or that was on board such vessel at any time before her said arrival and after she became liable to quarantine as aforesaid, or that is brought on board such vessel at any time after her said arrival and before she is discharged from quarantine or from the performance thereof;
 - (c) every vessel or boat receiving from such vessel any person whatsoever liable to quarantine, or any article whatsoever liable to quarantine;
 - (d) every person whatsoever, and every article whatsoever on board such receiving vessel or boat, at the time of receiving the person or thing liable to quarantine, or that goes or is put on board such receiving vessel or boat at any time after she so receives and before she is discharged from quarantine or from the performance thereof.

7. (I) It shall be lawful for the board by its officers to order into quarantine any vessel liable to quarantine as aforesaid :

Board may order vessels into quarantine.

Provided that, except in the case mentioned in section six, subsection (I) (e), no such order shall be made unless danger to the public health may reasonably be apprehended from the immediate admission of the vessel to entry.

58 Vic. No. 2, s. 6.

(II) The board may take such further measures for the continuance of the vessel in quarantine, or for the release thereof, as may be judged expedient.

8. Whenever the board orders a vessel into quarantine, then

Effect of order.

- (a) such vessel; and
- (b) every person whatsoever liable to quarantine in virtue of the liability thereto of such vessel, as aforesaid; and
- (c) every article whatsoever liable to quarantine in virtue of the liability thereto of such vessel, as aforesaid; and
- (d) every vessel or boat receiving or which has received from such vessel any person whatsoever liable to quarantine, or any article whatsoever liable to quarantine, as aforesaid; and
- (e) every person whatsoever and every article whatsoever liable to quarantine in virtue of the liability of such receiving vessel or boat, as aforesaid

3 Wm. IV. No. 1, s. 1.

58 Vic. No. 2, s. 6.

shall perform quarantine according to this Act, and to every proclamation of the Governor concerning quarantine and the prevention of infection.

9. (I) Any commander, master, or other person being in charge of any vessel liable to or ordered into quarantine who himself quits, or knowingly suffers any person whatsoever to quit such vessel before such vessel has been regularly discharged from the performance of quarantine (unless under any license granted by the Governor) shall, in every case for every such offence, forfeit the sum of four hundred pounds.

Penalty on masters.

3 Wm. IV No. 1, s. 6.

(II) Whosoever, coming in any vessel liable to or ordered into quarantine, or going on board the same before or after her arrival, quits such vessel (either before or after her arrival) before such vessel has been regularly discharged from the performance of quarantine, shall, for every such offence, be imprisoned for the term of six months, and shall forfeit the sum of three hundred pounds.

Or other persons quitting vessels liable to or ordered into quarantine.

(III)

Quarantine.

Persons may be compelled to return.

(III) It shall be lawful for any person whatsoever by any kind of necessary force to compel any such person quitting any such vessel to return on board the same.

Meaning of "quit."

(IV) The word "quit" in this section shall include going on board any other vessel.

Persons liable to quarantine may be seized.

3 Wm. IV No. 1, s. 7.
17 Vic. No. 29, s. 5.

10. (I) It shall be lawful for any constable or any other person to seize and apprehend any person whatsoever who has, contrary to the provisions of this Act, quitted or come on shore from any vessel liable to quarantine, or who has escaped from or quitted any vessel under quarantine, or any vessel, or place appointed in that behalf, for the purpose of carrying such person before any justice of the peace.

(II) Any justice of the peace may grant his warrant for the apprehending and conveying of any such person to the vessel or place which he has so quitted, or for confining such person in any such place of safe custody (not being a public gaol), and under such restrictions as to having communication with any other persons, as may in the discretion of such justice of the peace appear to be proper, until such person can safely and securely be conveyed to some place appointed for the performance of quarantine, or until directions can be obtained from the Governor as to the disposal of such person, and may make any further order that may be necessary in that behalf.

Penalty for landing or receiving goods liable to quarantine.
3 Wm. IV No. 1, s. 13.

11. Whosoever lands or unships, or moves with intent to land or unship, any article whatsoever from any vessel liable to quarantine, or knowingly receives the same after it has been so landed or unshipped shall forfeit the sum of five hundred pounds.

PART IV.

Proceedings on arrival of vessels.

Masters of vessels arriving to report to pilot the places at which they loaded and touched, and to answer all questions respecting the health of the crew and passengers.

Ibid. s. 4.

17 Vic. No. 29, s. 4.

12. (I) Every commander, master, or other person having the charge of any vessel arriving at any port in New South Wales from parts beyond the seas shall give to the pilot or person boarding or conducting such vessel, or to any person appointed by the Governor to board such vessel, a written paper containing a true account of the names of the place and country at which such vessel loaded, and also of all the places at which such vessel touched on the voyage out to New South Wales, and shall truly answer all such questions as are put to him by such pilot or other person touching the health of the crew and passengers of such vessel during the voyage, and the cause of the death of any person, should such have taken place on board, whether such appointed person actually boards such vessel, or only goes alongside the same and demands such paper or puts such questions as aforesaid without such actual boarding.

And failing so to do, to be deemed guilty of a misdemeanour.

Ibid. s. 1.

(II) Any such commander, master, or other person having charge of any such vessel, who—

- (a) neglects or refuses to give such written paper; or
- (b) delivers such written paper with any false statement contained therein; or
- (c) wilfully omits to make in such written paper any statement required by this Act; or
- (d) makes any false answer to any such question,

shall be guilty of a misdemeanour, and shall on conviction be imprisoned with or without hard labour for any period not exceeding two years, or fined in any sum not exceeding three hundred pounds, at the discretion of the court or judge before whom he is convicted.

Copy of this Act to be given to master on arrival.

Ibid. s. 12.

13. A copy of this Act shall be given by the pilot or person boarding any such vessel to the master thereof immediately on her arrival in any such port.

14.

Quarantine.

14. (I) The surgeon, dispenser, or other medical officer of every vessel arriving at any port in New South Wales from parts beyond the seas shall truly answer all such questions as are put to him by such pilot or other person as aforesaid, touching the health of the crew and passengers of such vessel during the voyage, and the cause or causes of the death of any person who may have died on board, or of any of the passengers or crew who may have died on shore in the course of the voyage, and touching the existence of any infectious or contagious disease at any port or place from which such vessel has come or at which it touched.

Surgeon, &c., to truly answer all questions as to health of crew and passengers, &c.
17 Vic. No. 29, s. 2.

(II) Any such surgeon, dispenser, or other medical officer who refuses to answer any such question so put to him, or makes any false answer to any such question, shall be guilty of a misdemeanour, and shall on conviction be imprisoned with or without hard labour for any period not exceeding two years, or fined in any sum not exceeding three hundred pounds, at the discretion of the court or judge before whom he is convicted.

And failing so to do to be guilty of a misdemeanour.
Ibid. s. 3.

15. (I) Whenever any vessel arriving at any port in New South Wales from parts beyond the seas has come from any place proclaimed by the Governor as infected as aforesaid, the pilot or person boarding or conducting such vessel shall immediately give notice thereof to the commander or other person in charge of such vessel, on pain of forfeiting the sum of one hundred pounds for any neglect therein.

Pilot to give notice to master if vessel has arrived from proclaimed part.
3 Wm. IV No. 1, s. 4.

(II) Upon receipt of such notice, such commander or other person in charge shall immediately hoist a signal and shall keep such signal hoisted until such vessel is legally discharged from the performance of quarantine. Such signal shall be, in the day-time a yellow flag of six breadths of bunting at the main topmast head, and in the night-time a large signal lantern at the same mast head.

Master to hoist signal.

(III) Any commander or other person in charge of any such vessel who, after receiving such notice, fails to hoist or keep hoisted such signal as aforesaid shall forfeit for every such offence the sum of one hundred pounds.

Penalty.

16. The provisions of subsections (II) and (III) of the next preceding section shall apply to every vessel ordered into quarantine and to the commander or other person in charge of such vessel, from the time when such commander or other person receives notice of such order.

All vessels ordered into quarantine to hoist signal.

17. Any pilot who, after receipt of such written paper as aforesaid, whereby it is made to appear that the vessel is liable to quarantine, or without requiring and receiving such written paper, brings or causes to be brought or conducted any vessel liable to quarantine into any place not specially appointed for the reception of vessels so liable, shall, unless compelled thereto by stress of weather, adverse winds, or accidents of the sea, for every such offence forfeit the sum of two hundred pounds.

Pilot to incur penalty on wrongly conducting a vessel liable to quarantine.
3 Wm. IV No. 1, s. 4.

18. (I) No vessel arriving in any port or harbour in New South Wales from parts beyond the seas shall, until boarded by the health officer and granted pratique, be brought higher up such port or harbour than such spot or place in such port or harbour as the Governor may, by proclamation to be published in the Gazette, specify as the limit for such vessels.

Vessels not to pass certain limits till granted pratique.

(II) No person whatsoever on board any such vessel shall quit such vessel until pratique is granted as aforesaid.

Persons not to quit vessels.

(III) Whosoever offends against either of the above provisions of this section shall, on conviction before any two justices of the peace, forfeit any sum not exceeding one hundred pounds.

Penalty.

19. The provisions contained in the last preceding section shall not apply to vessels arriving from any of the Australasian Colonies, including New Zealand, unless—

Exemption of vessels arriving from any Australasian Colony.
17 Vic. No. 29, s. 7.

- (a) at the time of the arrival of any such vessel, or within fourteen days previously, there is or has been an infectious or contagious disease on board thereof ; or
- (b)

Quarantine.

(b) any such vessel arrives from any port or place in any of the said Australasian Colonies proclaimed by the Governor as infected as aforesaid.

Boats not to go
alongside vessels
until health-officer
has boarded.

17 Vic. No. 29, s. 8.

58 Vic. No. 2, s. 5.

20. No person shall with any boat whatever, other than the boat belonging to the pilots, the post-office, the police, and the customs, board or go alongside any vessel arriving in any port or harbour in New South Wales from any place other than those coming within the exemption contained in the last preceding section, until such vessel has been boarded by the health-officer and the visiting-flag has been hauled down; and no person other than a pilot shall go on board such vessel from any post-office, police, or customs boat which has gone alongside until such time as aforesaid.

Penalty.

Whosoever offends against the provisions of this section, or, being a master of a merchant vessel in any such port or harbour, orders, or permits, or suffers any of his boats or crew to board or go alongside any such vessel so arriving as aforesaid for the purpose of communicating with the persons in such vessel whilst the visiting-flag continues to be flying at the mast thereof, shall, for every such offence, on conviction before any two justices of the peace, forfeit a sum not exceeding fifty pounds.

PART V.

Performance of quarantine.

Penalty on masters
not conveying vessels
into quarantine.

3 Wm. IV No. 1, s. 6.

21. Any commander, master, or other person in charge of any vessel ordered into quarantine as aforesaid, who does not, within a convenient time after due notice given for that purpose, cause such vessel and the lading thereof to be conveyed into the place or places appointed for such vessel and lading to perform quarantine shall forfeit the sum of four hundred pounds.

Masters to deliver to
superintendent of
quarantine their bill
of health, manifest,
&c.

Ibid. s. 5.

22. Every commander, master, or other person in charge of any vessel ordered into quarantine as aforesaid shall forthwith, after his arrival at the place appointed for the performance of quarantine, deliver on demand to the superintendent of quarantine, or his assistant or other officer authorised to act in that behalf (and which superintendent, assistant, or other officer as aforesaid, is hereby required to make such demand), his bill of health and manifest, together with his log-book and journal, under pain of forfeiting the sum of one hundred pounds if he wilfully refuses or neglects to do so.

Goods ordered into
quarantine to be
opened and aired in
places appointed by
the Governor.

Ibid. s. 11.

23. All goods and other articles ordered into quarantine as aforesaid shall be opened and aired in such place and for such time and in such manner as shall be directed by the Governor by any order notified by proclamation; and after such order has been duly complied with, then and in every such case the officer or person in charge of the vessel or place in which such goods and other articles have been opened and aired shall grant a certificate to such effect under his hand, and upon such certificate being approved and allowed by the Governor, then such goods and other articles shall be liable to no further restraint or detention either at the port or place where such quarantine was performed, or at any other place in New South Wales whereto they may be conveyed.

Penalty on persons
conveying, &c., goods
actually performing
quarantine.

Ibid. s. 13.

24. Whosoever clandestinely conveys, or secretes or conceals with intent to convey, any article whatsoever from any vessel actually performing quarantine, or from the place where such article is performing quarantine, shall forfeit the sum of one hundred pounds.

25.

Quarantine.

25. In case it is deemed necessary by the Governor to appoint any medical officer to take charge of any of the crew and passengers of a vessel placed in quarantine, it shall be competent to the Governor to fix the amount of remuneration to be paid to such medical officer for his services, and to cause the same to be paid by the Colonial Treasurer, and the amount so paid shall be repaid to the said Colonial Treasurer by the owners or agents of such vessel before she is permitted to clear out and leave the port in which she then is :

Medical officer may be appointed for persons in quarantine at the cost of the owners of vessel.
17 Vic. No. 29, s. 9

Provided that this section shall not apply to any vessel chartered by the Government for the conveyance of immigrants.

26. It shall be the duty of the owners and agents of any vessel placed in quarantine to supply the crew and passengers thereof with such wholesome and suitable provisions and medicines as are required by the medical practitioner in charge; and if such provisions and medicines are not forthwith supplied accordingly the same may be provided under the order of the Governor, and the cost thereof, including the conveyance of the same, shall be paid by the said owners or agents into the hands of the Colonial Treasurer before such vessel shall be permitted to clear out or leave the port in which she then is :

Proper provisions and medicines to be supplied for persons in quarantine.

Ibid. s. 10.

Provided that nothing herein contained shall apply to or in respect of immigrants conveyed at the charge of the Government under charters by which the owners are exempted from liability for the maintenance and care of such immigrants whilst under quarantine.

27. After quarantine has been duly performed by any vessel or person obliged to perform quarantine as aforesaid according to this Act, and to such order made as aforesaid, the chief officer who superintended the quarantine of the said vessel, or the person acting for him, shall and he is hereby required to give a certificate thereof under his hand, and upon the same being approved and allowed by the Governor then every such vessel and every such person so having performed quarantine shall be liable to no further restraint or detention upon the same account for which such vessel or person has performed quarantine as aforesaid.

After proof of performance of quarantine and proper certificate to that effect vessels or persons shall be liable to no further detention.

3 Wm. IV No. 1, s. 10.

28. Any officer or person whatsoever to whom it appertains to execute any order made or to be made concerning quarantine, and notified by proclamation, or to see the same put in execution, who is knowingly and wilfully guilty of any breach or neglect of his duty in respect of the vessels, persons, goods, or chattels performing quarantine shall forfeit and pay the sum of two hundred pounds.

Penalty on neglect of duty by officials.

Ibid. s. 9.

29. Any such officer or person who—

- (I) deserts from his duty when employed as aforesaid; or
- (II) knowingly and willingly permits any person, vessel, goods, or merchandise to depart or be conveyed out of the said vessel or other place as aforesaid unless by permission under the order of the Governor

Officials deserting or permitting departure without authority guilty of felony.

Ibid. s. 9.

shall be guilty of felony.

30. Any person hereby authorised and directed to give a certificate of a vessel having duly performed quarantine or airing who knowingly gives a false certificate thereof shall be guilty of felony.

Persons giving false certificates guilty of felony.

Ibid. s. 9.

31. Any such officer or person, as in the last three preceding sections mentioned, who knowingly or wilfully damages any goods performing quarantine under his direction shall be liable to pay one hundred pounds damages and full costs of suit to the owner of the same.

Penalty on officials damaging goods.

Ibid. s. 9.

32. Whosoever—

- (I) knowingly or wilfully forges or counterfeits, interlines, erases, or alters any certificate, directed or required to be granted by any order of the Governor touching quarantine; or
- (II) procures to be forged or counterfeited, interlined, erased, or altered any such certificate; or

Persons forging or uttering false certificates guilty of felony.

Ibid. s. 12.

(III)

Quarantine.

- (III) publishes any such forged or counterfeited, interlined, erased, or altered certificate, knowing the same to be forged or counterfeited, interlined, erased, or altered; or
- (IV) knowingly and wilfully utters and publishes any such certificate with intent to obtain the effect of a true certificate to be given thereto, knowing the contents of such certificate to be false,
- shall be guilty of felony.

PART VI.

Miscellaneous provisions.

For vesting certain powers in the Governor to prevent infection in certain cases of emergency.

3 Wm. IV No. 1, s. 2.

33. The Governor may make such order as shall be deemed necessary and expedient upon any unforeseen emergency or in any particular case with respect to any vessel arriving under any alarming or suspicious circumstances as to infection, though not being liable to quarantine within the meaning of this Act, and also with respect to any person and any article on board the same; and in case of any infectious or contagious disease highly dangerous to the public health appearing or breaking out in New South Wales may make such order and give such directions in order to cut off all communication between any persons infected with any such disease and the rest of Her Majesty's subjects as appear to the Governor to be necessary and expedient for that purpose; and likewise to make such order as the Governor sees fit for shortening the time of quarantine to be performed by particular vessels or particular persons or articles, or for absolutely or conditionally releasing them or any of them from quarantine.

All such orders so made as aforesaid shall be as good, valid, and effectual to all intents and purposes as well with respect to the commander, master, or other person having charge of any vessel, and all other persons on board the same, as with respect to any other person having any intercourse or communication with them, and to the penalties, forfeitures, and punishments to which they may respectively become liable, as any order concerning quarantine made by the Governor and notified by proclamation as aforesaid.

Power to make regulations.

58 Vic. No. 2, s. 7.

34. The Governor may, on the recommendation of the Board make regulations for the purpose of carrying this Act into effect, and by such regulations may impose for any breach thereof a penalty not exceeding one hundred pounds, to be recovered in a summary way before a stipendiary or police magistrate, or any two justices of the peace, and in default of payment the offender shall be liable to imprisonment for any period not exceeding six months.

All regulations shall be published in the Gazette, and shall thereupon if not inconsistent with this or any other Act have the force of law.

Recovery and appropriation of penalties.

3 Wm. IV No. 1, s. 14.

35. All forfeitures and penalties incurred by reason of any offence committed against this Act may, except as hereinbefore otherwise provided, be recovered by action in the Supreme Court, and two-thirds of every such forfeiture and penalty shall be given to the person who informs and sues for the same.

Answers of persons having charge of vessels shall be received as evidence in certain cases.

Ibid. s. 15.

36. (1) In any prosecution, action, or other proceeding against any person whatsoever for any offence against this Act or any Act which may hereafter be passed concerning quarantine, or for any breach or disobedience of any order made by the Governor concerning quarantine, and the prevention of infection, and notified as aforesaid, the statement and

Quarantine.

and answer of the commander, master, or other person having charge of any vessel, made as hereinbefore directed to the pilot or person boarding or conducting such vessel shall be received as *prima facie* evidence so far as the same may relate to the place from which such vessel has arrived or come, or to the place at which such vessel touched in the course of the voyage, and also as *prima facie* evidence that such vessel was liable to quarantine.

(II) Where any such vessel has, in fact, been put under quarantine at any port or place and is actually performing the same, such vessel shall in any prosecution, action, or other proceeding against any person whatever for any offence against this Act or against any other Act which may hereafter be passed concerning quarantine, and the prevention of infection, or against any order made by the Governor as aforesaid, be deemed to be liable to quarantine without proving in what manner or from what circumstance such vessel became liable thereto.

37. (I) In any action or other proceeding brought against any pilot, superintendent, constable, or other person for any matter or thing done in pursuance of any order of the Governor made for the preventing the introduction of any such infectious or contagious disease as aforesaid, or in pursuance of the provisions of this Act, the defendant may plead the general issue, and may give this Act and the special matter in evidence.

(II) In any such action or other proceeding, if the verdict is for the defendant, or if the plaintiff is nonsuited or discontinues his action after the defendant has appeared, or if upon demurrer judgment is given against such plaintiff, the defendant shall have treble costs, and shall have the like remedy for the same as any other defendant has in any other case to recover costs by law.

(III) No such action or other proceeding shall be brought against any person for any matter or thing done as aforesaid, but within the space of six months after such matter or thing has been done.

SCHEDULE.

Reference to Act.	Title or short title.	Extent of Repeal. Section 2.
3 Wm. IV. No. 1	An Act for subjecting vessels coming to New South Wales from certain places to the performance of quarantine.	The whole.
17 Vict. No. 29 ...	An Act to amend the Quarantine Laws in certain particulars.	The whole.
58 Vict. No. 2 ...	Quarantine Law Amendment Act, 1894 ...	The whole.

In the name and on the behalf of Her Majesty I assent to this Act.

Government House,

Sydney, 6th December, 1897.

FREDK. M. DARLEY,
Lieutenant-Governor.

Quarantine.

- (II) Such liability shall equally extend to and be incurred by—
- (a) every person whatsoever who, for any purpose whatsoever, is on board such vessel at the time of her arrival in New South Wales, or was on board such vessel at any time before her said arrival and after she became liable to quarantine as aforesaid, or goes on board such vessel at any time after her said arrival and before she is discharged from quarantine or from the performance thereof as hereinafter mentioned;
 - (b) every article whatsoever on board such vessel at the time of her arrival in New South Wales, or that was on board such vessel at any time before her said arrival and after she became liable to quarantine as aforesaid, or that is brought on board such vessel at any time after her said arrival and before she is discharged from quarantine or from the performance thereof;
 - (c) every vessel or boat receiving from such vessel any person whatsoever liable to quarantine, or any article whatsoever liable to quarantine;
 - (d) every person whatsoever, and every article whatsoever on board such receiving vessel or boat, at the time of receiving the person or thing liable to quarantine, or that goes or is put on board such receiving vessel or boat at any time after she so receives and before she is discharged from quarantine or from the performance thereof.

7. (I) It shall be lawful for the board by its officers to order into quarantine any vessel liable to quarantine as aforesaid :

Board may order
vessels into
quarantine.
58 Vic. No. 2, s. 6.

Provided that, except in the case mentioned in section six, subsection (I) (e), no such order shall be made unless danger to the public health may reasonably be apprehended from the immediate admission of the vessel to entry.

(II) The board may take such further measures for the continuance of the vessel in quarantine, or for the release thereof, as may be judged expedient.

8. Whenever the board orders a vessel into quarantine, then

Effect of order.
3 Wm. IV. No. 1, s. 1.
58 Vic. No. 2, s. 6.

- (a) such vessel; and
- (b) every person whatsoever liable to quarantine in virtue of the liability thereto of such vessel, as aforesaid; and
- (c) every article whatsoever liable to quarantine in virtue of the liability thereto of such vessel, as aforesaid; and
- (d) every vessel or boat receiving or which has received from such vessel any person whatsoever liable to quarantine, or any article whatsoever liable to quarantine, as aforesaid; and
- (e) every person whatsoever and every article whatsoever liable to quarantine in virtue of the liability of such receiving vessel or boat, as aforesaid

shall perform quarantine according to this Act, and to every proclamation of the Governor concerning quarantine and the prevention of infection.

9. (I) Any commander, master, or other person being in charge of any vessel liable to or ordered into quarantine who himself quits, or knowingly suffers any person whatsoever to quit such vessel before such vessel has been regularly discharged from the performance of quarantine (unless under any license granted by the Governor) shall, in every case for every such offence, forfeit the sum of four hundred pounds.

Penalty on masters.
3 Wm. IV No. 1, s. 6.

(II) Whosoever, coming in any vessel liable to or ordered into quarantine, or going on board the same before or after her arrival, quits such vessel (either before or after her arrival) before such vessel has been regularly discharged from the performance of quarantine, shall, for every such offence, be imprisoned for the term of six months, and shall forfeit the sum of three hundred pounds.

Or other persons
quitting vessels liable
to or ordered into
quarantine.

(III)

Quarantine.

Persons may be
compelled to return.

(III) It shall be lawful for any person whatsoever by any kind of necessary force to compel any such person quitting any such vessel to return on board the same.

Meaning of "quit."

(IV) The word "quit" in this section shall include going on board any other vessel.

Persons liable to
quarantine may be
seized.

3 Wm. IV No. 1, s. 7.
17 Vic. No. 29, s. 5.

10. (I) It shall be lawful for any constable or any other person to seize and apprehend any person whatsoever who has, contrary to the provisions of this Act, quitted or come on shore from any vessel liable to quarantine, or who has escaped from or quitted any vessel under quarantine, or any vessel, or place appointed in that behalf, for the purpose of carrying such person before any justice of the peace.

(II) Any justice of the peace may grant his warrant for the apprehending and conveying of any such person to the vessel or place which he has so quitted, or for confining such person in any such place of safe custody (not being a public gaol), and under such restrictions as to having communication with any other persons, as may in the discretion of such justice of the peace appear to be proper, until such person can safely and securely be conveyed to some place appointed for the performance of quarantine, or until directions can be obtained from the Governor as to the disposal of such person, and may make any further order that may be necessary in that behalf.

Penalty for landing
or receiving goods
liable to quarantine.
3 Wm. IV No. 1, s.
13.

11. Whosoever lands or unships, or moves with intent to land or unship, any article whatsoever from any vessel liable to quarantine, or knowingly receives the same after it has been so landed or unshipped shall forfeit the sum of five hundred pounds.

PART IV.

Proceedings on arrival of vessels.

Masters of vessels
arriving to report to
pilot the places at
which they loaded
and touched, and to
answer all questions
respecting the health
of the crew and
passengers.

Ibid. s. 4.

17 Vic. No. 29, s. 4.

12. (I) Every commander, master, or other person having the charge of any vessel arriving at any port in New South Wales from parts beyond the seas shall give to the pilot or person boarding or conducting such vessel, or to any person appointed by the Governor to board such vessel, a written paper containing a true account of the names of the place and country at which such vessel loaded, and also of all the places at which such vessel touched on the voyage out to New South Wales, and shall truly answer all such questions as are put to him by such pilot or other person touching the health of the crew and passengers of such vessel during the voyage, and the cause of the death of any person, should such have taken place on board, whether such appointed person actually boards such vessel, or only goes alongside the same and demands such paper or puts such questions as aforesaid without such actual boarding.

And failing so to do,
to be deemed guilty
of a misdemeanour.

Ibid. s. 1.

(II) Any such commander, master, or other person having charge of any such vessel, who—

- (a) neglects or refuses to give such written paper; or
- (b) delivers such written paper with any false statement contained therein; or
- (c) wilfully omits to make in such written paper any statement required by this Act; or
- (d) makes any false answer to any such question,

shall be guilty of a misdemeanour, and shall on conviction be imprisoned with or without hard labour for any period not exceeding two years, or fined in any sum not exceeding three hundred pounds, at the discretion of the court or judge before whom he is convicted.

Copy of this Act to
be given to master on
arrival.

Ibid. s. 12.

13. A copy of this Act shall be given by the pilot or person boarding any such vessel to the master thereof immediately on her arrival in any such port.

14.

Quarantine.

14. (I) The surgeon, dispenser, or other medical officer of every vessel arriving at any port in New South Wales from parts beyond the seas shall truly answer all such questions as are put to him by such pilot or other person as aforesaid, touching the health of the crew and passengers of such vessel during the voyage, and the cause or causes of the death of any person who may have died on board, or of any of the passengers or crew who may have died on shore in the course of the voyage, and touching the existence of any infectious or contagious disease at any port or place from which such vessel has come or at which it touched.

Surgeon, &c., to truly answer all questions as to health of crew and passengers, &c.
17 Vic. No. 29, s. 2.

(II) Any such surgeon, dispenser, or other medical officer who refuses to answer any such question so put to him, or makes any false answer to any such question, shall be guilty of a misdemeanour, and shall on conviction be imprisoned with or without hard labour for any period not exceeding two years, or fined in any sum not exceeding three hundred pounds, at the discretion of the court or judge before whom he is convicted.

And failing so to do to be guilty of a misdemeanour.
Ibid. s. 3.

15. (I) Whenever any vessel arriving at any port in New South Wales from parts beyond the seas has come from any place proclaimed by the Governor as infected as aforesaid, the pilot or person boarding or conducting such vessel shall immediately give notice thereof to the commander or other person in charge of such vessel, on pain of forfeiting the sum of one hundred pounds for any neglect therein.

Pilot to give notice to master if vessel has arrived from proclaimed part.
3 Wm. IV No. 1, s. 4.

(II) Upon receipt of such notice, such commander or other person in charge shall immediately hoist a signal and shall keep such signal hoisted until such vessel is legally discharged from the performance of quarantine. Such signal shall be, in the day-time a yellow flag of six breadths of bunting at the main topmast head, and in the night-time a large signal lantern at the same mast head.

Master to hoist signal.

(III) Any commander or other person in charge of any such vessel who, after receiving such notice, fails to hoist or keep hoisted such signal as aforesaid shall forfeit for every such offence the sum of one hundred pounds.

Penalty.

16. The provisions of subsections (II) and (III) of the next preceding section shall apply to every vessel ordered into quarantine and to the commander or other person in charge of such vessel, from the time when such commander or other person receives notice of such order.

All vessels ordered into quarantine to hoist signal.
58 Vic. No. 2, s. 6.

17. Any pilot who, after receipt of such written paper as aforesaid, whereby it is made to appear that the vessel is liable to quarantine, or without requiring and receiving such written paper, brings or causes to be brought or conducted any vessel liable to quarantine into any place not specially appointed for the reception of vessels so liable, shall, unless compelled thereto by stress of weather, adverse winds, or accidents of the sea, for every such offence forfeit the sum of two hundred pounds.

Pilot to incur penalty on wrongly conducting a vessel liable to quarantine.
3 Wm. IV No. 1, s. 4.

18. (I) No vessel arriving in any port or harbour in New South Wales from parts beyond the seas shall, until boarded by the health officer and granted pratique, be brought higher up such port or harbour than such spot or place in such port or harbour as the Governor may, by proclamation to be published in the Gazette, specify as the limit for such vessels.

Vessels not to pass certain limits till granted pratique.
17 Vic. No. 29, s. 6.
58 Vic. No. 2, ss. 4, 5.

(II) No person whatsoever on board any such vessel shall quit such vessel until pratique is granted as aforesaid.

Persons not to quit vessels.

(III) Whosoever offends against either of the above provisions of this section shall, on conviction before any two justices of the peace, forfeit any sum not exceeding one hundred pounds.

Penalty.

19. The provisions contained in the last preceding section shall not apply to vessels arriving from any of the Australasian Colonies, including New Zealand, unless—

Exemption of vessels arriving from any Australasian Colony.
17 Vic. No. 29, s. 7.

- (a) at the time of the arrival of any such vessel, or within fourteen days previously, there is or has been an infectious or contagious disease on board thereof ; or

(b)

Quarantine.

(b) any such vessel arrives from any port or place in any of the said Australasian Colonies proclaimed by the Governor as infected as aforesaid.

Boats not to go
alongside vessels
until health-officer
has boarded.

17 Vic. No. 29, s. 8.

58 Vic. No. 2, s. 5.

20. No person shall with any boat whatever, other than the boat belonging to the pilots, the post-office, the police, and the customs, board or go alongside any vessel arriving in any port or harbour in New South Wales from any place other than those coming within the exemption contained in the last preceding section, until such vessel has been boarded by the health-officer and the visiting-flag has been hauled down; and no person other than a pilot shall go on board such vessel from any post-office, police, or customs boat which has gone alongside until such time as aforesaid.

Penalty.

Whosoever offends against the provisions of this section, or, being a master of a merchant vessel in any such port or harbour, orders, or permits, or suffers any of his boats or crew to board or go alongside any such vessel so arriving as aforesaid for the purpose of communicating with the persons in such vessel whilst the visiting-flag continues to be flying at the mast thereof, shall, for every such offence, on conviction before any two justices of the peace, forfeit a sum not exceeding fifty pounds.

PART V.

Performance of quarantine.

Penalty on masters
not conveying vessels
into quarantine.

3 Wm. IV No. 1, s. 6.

21. Any commander, master, or other person in charge of any vessel ordered into quarantine as aforesaid, who does not, within a convenient time after due notice given for that purpose, cause such vessel and the lading thereof to be conveyed into the place or places appointed for such vessel and lading to perform quarantine shall forfeit the sum of four hundred pounds.

Masters to deliver to
superintendent of
quarantine their bill
of health, manifest,
&c.

Ibid. s. 5.

22. Every commander, master, or other person in charge of any vessel ordered into quarantine as aforesaid shall forthwith, after his arrival at the place appointed for the performance of quarantine, deliver on demand to the superintendent of quarantine, or his assistant or other officer authorised to act in that behalf (and which superintendent, assistant, or other officer as aforesaid, is hereby required to make such demand), his bill of health and manifest, together with his log-book and journal, under pain of forfeiting the sum of one hundred pounds if he wilfully refuses or neglects to do so.

Goods ordered into
quarantine to be
opened and aired in
places appointed by
the Governor.

Ibid. s. 11.

23. All goods and other articles ordered into quarantine as aforesaid shall be opened and aired in such place and for such time and in such manner as shall be directed by the Governor by any order notified by proclamation; and after such order has been duly complied with, then and in every such case the officer or person in charge of the vessel or place in which such goods and other articles have been opened and aired shall grant a certificate to such effect under his hand, and upon such certificate being approved and allowed by the Governor, then such goods and other articles shall be liable to no further restraint or detention either at the port or place where such quarantine was performed, or at any other place in New South Wales whereto they may be conveyed.

Penalty on persons
conveying, &c., goods
actually performing
quarantine.

Ibid. s. 13.

24. Whosoever clandestinely conveys, or secretes or conceals with intent to convey, any article whatsoever from any vessel actually performing quarantine, or from the place where such article is performing quarantine, shall forfeit the sum of one hundred pounds.

25.

Memo. and Certificate to accompany the Quarantine Bill.

THIS Bill consolidates three Acts :—

3 Wm. IV. No. 1 ;
17 Vic. No. 29 ;
58 Vic. No. 2.

This has been an exceedingly troublesome piece of consolidation. The Principal Act, 3 Wm. IV. No. 1, is verbose and involved to an extraordinary degree, full of useless and confusing repetitions, and of long, unpunctuated sentences—in one case, nearly two pages long. It has, therefore, been found necessary to largely recast the sections, and to subdivide them. Great care has been taken to avoid altering the meaning ; but without some such treatment, it would have been useless to attempt to consolidate it at all.

The amending Act, 58 Vic. No. 2, was found on examination to be curiously inconsistent, and indeed irreconcilable with the Principal Act, and to raise almost insuperable difficulties of interpretation. On inquiry, it was found that the whole Act was a mistake : it had been submitted to the Parliamentary draughtsmen, and condemned by them, and they had drawn another Bill to take its place ; but by some oversight the wrong Bill had gone forward. Under these circumstances, it was found necessary to make certain changes to prevent the consolidating statute from contradicting itself from one end to the other. These changes are as follows :—

1. Under section 1 of 3 Wm. IV. No. 1, every vessel arriving from a “proclaimed” port goes into quarantine at once without any further act ; while under section 6 of 58 Vic. No. 2, the Board of Health *may*, in certain cases (of which arriving from a proclaimed port is one), order a vessel into quarantine. In practice, the Board of Health does deal with vessels arriving from proclaimed ports, and this appears to have been the intention of the Legislature. It has, therefore, been made clear by the omission of a part of the earlier section.

2. Under the same section 1 of the Principal Act, a vessel arriving from a proclaimed port is liable to quarantine from the time she left such port, while in the later Act (58 Vic. No. 2) it is at least a possible reading that a vessel is only liable to quarantine from the time of the order of the Board. This inconsistency has been removed, and all vessels ordered into quarantine are made liable to quarantine as from the happening of the event which made them liable to the order.

3. Under the Principal Act, vessels receiving any person or thing from a vessel liable to quarantine became themselves liable to quarantine. It is very doubtful whether this liability was preserved in the 58 Vic. No. 2. The doubt has been cleared up in the present Bill, and what was certainly the intention of the Legislature made plain.

4. In section 4 of the Principal Act, it is provided that vessels going into quarantine under that Act shall hoist a yellow flag by day and a lantern by night. This provision was not repeated in the 58 Vic. No. 2, and therefore does not apply to ships going into quarantine for any of the causes therein mentioned. In fact, however, vessels going into quarantine for any cause have been required to hoist the signals, and in clause 16 this has now been made the law.

5. In clause 15 the words “such as is commonly used in Her Majesty’s ships of war” have been omitted as unnecessary.

6. The word “lazaret” has been omitted throughout, the word “station” (which has been retained) appearing to be quite sufficient.

7. In section 6 of the Principal Act, the word “quit” has been used in two meanings, apparently without any particular reason. The wider meaning has been here adopted, and the words “with intent to go on shore” have been omitted.

8. In section 15 of the Principal Act, the words “by the superintendent of quarantine, or his assistant or other officer authorised as aforesaid to act in that behalf,” which are so anomalous as to be almost unmeaning, have been omitted as quite unnecessary.

Sections have been recast and rearranged, verbose wording has been improved, unnecessary repetitions and implied repeals have been omitted ; but, except in the instances abovementioned, the sense has been preserved, and I certify that, except as aforesaid, the Bill now forwarded solely consolidates, and in no way alters, amends, or adds to the law contained in the Acts therein consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

THE HISTORY OF THE UNITED STATES

IN THE YEAR 1776, the Continental Congress declared the United States to be a free and independent nation. This was a bold step, and it was followed by a series of events that led to the American Revolution. The British, who had been ruling the colonies for many years, were determined to maintain their control. They imposed taxes on the colonies, and the colonists, in turn, resisted. The tension between the two sides grew, and eventually, war broke out. The colonists fought bravely, and in 1781, they won the Battle of Yorktown. This victory led to the British evacuating the colonies, and the United States became a free nation. The new government was established, and the country began to develop. Over the years, the United States grew in size and power, and it became a major world power. The American Revolution was a turning point in history, and it paved the way for the United States to become the country it is today.

THE HISTORY OF THE UNITED STATES

THE HISTORY OF THE UNITED STATES

Quarantine Bill.

TABLE showing how the sections of the Acts intended to be consolidated have been dealt with.

Section of Act.	Clause of Bill.	Remarks.
3 WILLIAM IV. No. 1.		
1	6, 8	
2	33	
3	4	
4	12 (1), 15, 17	
5	22	
6	9	
7	10	
8	5	
9	28, 29, 30, 31	
10	27	
11	23	
12	32	
13	11, 24	
14	35	
15	36	
16	37	
17 VICTORIA No. 29.		
1	12 (II)	
2	14 (I)	
3	14 (II)	
4	12 (I)	
5	.....	Omitted. This section extends the provisions of s. 7 of 3 Wm. IV No. 1; but its reproduction is unnecessary in the Consolidated Act, as a simple reproduction of s. 7, 3 Wm. IV No. 1 gives full effect to the amendment.
6	18	
7	19	
8	20	
9	25	
10	26	
11	...	Omitted. Superseded by 58 Vic. No. 2, s. 7.
12	13	
58 VICTORIA No. 2.		
1	.....	Omitted. (Short title.)
2	3	
3	.....	Omitted. (Repeals.)
4	18	
5	18, 20	
6	6, 7, 8, 16	
7	34	
8	.....	Omitted. (Act to be construed with 3 Wm. IV No. 1 and 17 Vic. No. 29.)

Quarantine Bill.

Table showing how the sections of the Act intended to be consolidated have been dealt with.

Section of Act.	Consolidated Bill.	Remarks.
1	1	
2	2	
3	3	
4	4	
5	5	
6	6	
7	7	
8	8	
9	9	
10	10	
11	11	
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100	100	

Quarantine Bill.

ARRANGEMENT OF CLAUSES.

PART I.

Preliminary.

Clause.

1. Short title and divisions.
2. Repeals.
3. Interpretation.

PART II.

Quarantine stations.

4. Governor may appoint quarantine stations.
5. Governor may prohibit intercourse with quarantine stations.

PART III.

Liability to quarantine.

6. Conditions involving liability to quarantine.
7. Board of Health may order vessels into quarantine.
8. Effect of order.
9. Penalty on masters or persons quitting vessels liable to quarantine.
10. Persons liable to quarantine may be seized.
11. Penalty on persons landing or receiving goods from vessels liable to quarantine.

PART IV.

Proceedings on arrival of vessels.

12. Masters of vessels to report to pilot places at which they landed or touched, under penalty.
13. Copy of Act to be given to master.
14. Surgeon dispenser to answer questions, under penalty.
15. Pilot to give notice.
16. All vessels ordered into quarantine to hoist signal.
17. Pilot to incur penalty on wrongly conducting vessel liable to quarantine.
18. Vessels not to pass certain limits.
19. Unless from Australasian colonies.
20. Boats prohibited from communicating with vessels.

PART V.

Performance of quarantine.

21. Penalty on masters not conveying vessels into quarantine.
22. Masters to deliver to superintendent of quarantine their bill of health.
23. Goods, &c., liable to quarantine to be opened and aired.
24. Penalty on persons conveying or secreting goods.
25. Medical officer may be appointed for persons in quarantine.
26. Proper provisions and medicines to be supplied for persons in quarantine.
27. Certificate to be given on performance of quarantine.
28. Penalty on neglect of duty by officials.
29.)
30.) Other offences by officials.
31.)
32. Forging or uttering certificates.

PART VI.

Miscellaneous provisions.

33. For vesting certain powers in Governor to prevent infection in cases emergency.
34. Power to make regulations.
35. Recovery and appropriation of penalties.
36. Answers of persons having charge of vessels to be received as evidence
37. General issue and limitation of actions.

THE UNIVERSITY OF CHICAGO
CHICAGO, ILL.
1911

ARTS AND SCIENCES

1911

1911

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1911

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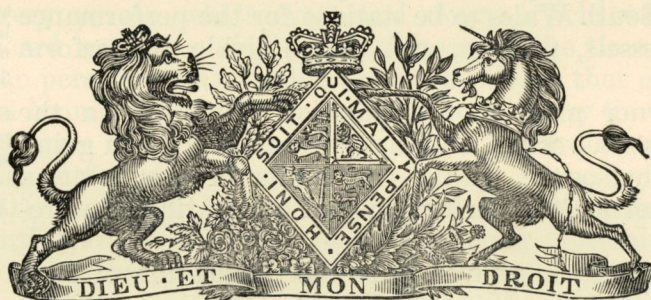
THE UNIVERSITY OF CHICAGO
CHICAGO, ILL.
1911

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

*Legislative Council Chamber,
Sydney, 28th October, 1897.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. . (A.D. 1897.)

An Act to consolidate the Laws relating to Quarantine.

BE it 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:—

5.

PART I.

Preliminary.

1. This Act may be cited as the "Quarantine Act, 1897," and Short title and division. is divided into Parts, as follows:—

- PART I.—*Preliminary.*—ss. 1–3.
10 PART II.—*Quarantine stations.*—ss. 4–5.
PART III.—*Liability to quarantine.*—ss. 6–11.
PART IV.—*Proceedings on arrival of vessels.*—ss. 12–20.
PART V.—*Performance of quarantine.*—ss. 21–32.
PART VI.—*Miscellaneous provisions.*—ss. 33–37.

Quarantine.

2. (I) The Acts mentioned in the Schedule to this Act are hereby repealed. Repeal of Acts, Schedule.

(II) All rules, regulations, and orders made under the authority of any Act hereby repealed and being in force at the time of the passing of this Act shall be and continue in force hereunder, and shall be deemed to have been made under this Act.

3. In this Act, unless the context or subject matter otherwise indicates or requires— Interpretation. 58 Vic. No. 2, s. 2.

10 “Board” means the Board of Health incorporated by the Noxious Trades and Cattle-slaughtering Act, 1894.

PART II.

Quarantine stations.

4. The Governor may by proclamation published in the Gazette appoint places in New South Wales to be stations for the performance of quarantine by all vessels, persons, and things liable to perform quarantine. Governor may appoint stations and lazarets for performance of quarantine. 3 Wm. IV, No. 1, s. 3.

5. (I) The Governor may by proclamation published in the Gazette prohibit all persons, vessels, and boats whatsoever from going under any pretence whatsoever within the limits of any station appointed by the Governor for the performance of quarantine as aforesaid. Governor may prohibit intercourse with stations and lazarets. Ibid. s. 8.

(II) If any person whatsoever, after the publication of such proclamation, presumes, under any pretence whatsoever, to go within the limits of any such station, he shall for every such offence forfeit the sum of two hundred pounds.

PART III.

Liability to quarantine.

6. (I) Whenever any vessel arrives in any port or harbour in New South Wales, and Conditions involving liability to quarantine. 3 Wm. IV, No. 1, s. 1. 58 Vic. No. 2, s. 6.

30 (a) there is at the time any infectious or contagious disease on board such vessel; or

(b) there has been during the voyage of such vessel any infectious or contagious disease on board; or

35 (c) such vessel has during the voyage communicated with any other vessel on board which any infectious or contagious disease existed; or

(d) such vessel has during the voyage touched at any port or place where any infectious or contagious disease prevailed; or

40 (e) such vessel has arrived from or after having touched at any place beyond the seas, and the Governor has by proclamation notified that such place is infected with any infectious or contagious disease highly dangerous to the public health, and that it is probable that such disease may be brought from such place to New South Wales,

45 then such vessel shall be and be deemed to have been liable to quarantine within the meaning of this Act, and of every proclamation of the Governor concerning quarantine and the prevention of infection, from the time the infectious or contagious disease broke out on board such vessel, or from the time such vessel communicated with such other vessel as aforesaid, or from the time such vessel touched at such port or place as aforesaid, or from the time such vessel sailed from or touched at such place beyond the seas, as the case may be.

(II)

Quarantine.

- (II) Such liability shall equally extend to and be incurred by—
- (a) every person whatsoever who, for any purpose whatsoever, is on board such vessel at the time of her arrival in New South Wales, or was on board such vessel at any time before her said arrival and after she became liable to quarantine as aforesaid, or goes on board such vessel at any time after her said arrival and before she is discharged from quarantine or from the performance thereof as hereinafter mentioned;
- (b) every article whatsoever on board such vessel at the time of her arrival in New South Wales, or that was on board such vessel at any time before her said arrival and after she became liable to quarantine as aforesaid, or that is brought on board such vessel at any time after her said arrival and before she is discharged from quarantine or from the performance thereof;
- (c) every vessel or boat receiving from such vessel any person whatsoever liable to quarantine, or any article whatsoever liable to quarantine;
- (d) every person whatsoever, and every article whatsoever on board such receiving vessel or boat, at the time of receiving the person or thing liable to quarantine, or that goes or is put on board such receiving vessel or boat at any time after she so receives and before she is discharged from quarantine or from the performance thereof.
7. (I) It shall be lawful for the board by its officers to order into quarantine any vessel liable to quarantine as aforesaid : Board may order vessels into quarantine. 58 Vic. No. 2, s. 6.
- Provided that, except in the case mentioned in section six, subsection (I) (e), no such order shall be made unless danger to the public health may reasonably be apprehended from the immediate admission of the vessel to entry.
- (II) The board may take such further measures for the continuance of the vessel in quarantine, or for the release thereof, as may be judged expedient.
8. Whenever the board orders a vessel into quarantine, then
- (a) such vessel; and
- (b) every person whatsoever liable to quarantine in virtue of the liability thereto of such vessel, as aforesaid; and
- (c) every article whatsoever liable to quarantine in virtue of the liability thereto of such vessel, as aforesaid; and
- (d) every vessel or boat receiving or which has received from such vessel any person whatsoever liable to quarantine, or any article whatsoever liable to quarantine, as aforesaid; and
- (e) every person whatsoever and every article whatsoever liable to quarantine in virtue of the liability of such receiving vessel or boat, as aforesaid
- shall perform quarantine according to this Act, and to every proclamation of the Governor concerning quarantine and the prevention of infection.
9. (I) Any commander, master, or other person being in charge of any vessel liable to or ordered into quarantine who himself quits, or knowingly suffers any person whatsoever to quit such vessel before such vessel has been regularly discharged from the performance of quarantine (unless under any license granted by the Governor) shall, in every case for every such offence, forfeit the sum of four hundred pounds. Penalty on masters. 3 Wm. IV No. 1, s. 6.
- (II) Whosoever, coming in any vessel liable to or ordered into quarantine, or going on board the same before or after her arrival, quits such vessel (either before or after her arrival) before such vessel has been regularly discharged from the performance of quarantine, shall, for every such offence, be imprisoned for the term of six months, and shall forfeit the sum of three hundred pounds. Or other persons quitting vessels liable to or ordered into quarantine.

(III)

Quarantine.

(III) It shall be lawful for any person whatsoever by any kind of necessary force to compel any such person quitting any such vessel to return on board the same. Persons may be compelled to return.

(IV) The word "quit" in this section shall include going on board any other vessel. Meaning of "quit."

10. (I) It shall be lawful for any constable or any other person to seize and apprehend any person whatsoever who has, contrary to the provisions of this Act, quitted or come on shore from any vessel liable to quarantine, or who has escaped from or quitted any vessel under quarantine, or any vessel, or place appointed in that behalf, for the purpose of carrying such person before any justice of the peace. Persons liable to quarantine may be seized. 3 Wm. IV No. 1, s. 7. 17 Vic. No. 29, s. 5.

(II) Any justice of the peace may grant his warrant for the apprehending and conveying of any such person to the vessel or place which he has so quitted, or for confining such person in any such place of safe custody (not being a public gaol), and under such restrictions as to having communication with any other persons, as may in the discretion of such justice of the peace appear to be proper, until such person can safely and securely be conveyed to some place appointed for the performance of quarantine, or until directions can be obtained from the Governor as to the disposal of such person, and may make any further order that may be necessary in that behalf.

11. Whosoever lands or unships, or moves with intent to land or unship, any article whatsoever from any vessel liable to quarantine, or knowingly receives the same after it has been so landed or unshipped shall forfeit the sum of five hundred pounds. Penalty for landing or receiving goods liable to quarantine. 3 Wm. IV No. 1, s. 13.

PART IV.

Proceedings on arrival of vessels.

12. (i) Every commander, master, or other person having the charge of any vessel arriving at any port in New South Wales from parts beyond the seas shall give to the pilot or person boarding or conducting such vessel, or to any person appointed by the Governor to board such vessel, a written paper containing a true account of the names of the place and country at which such vessel loaded, and also of all the places at which such vessel touched on the voyage out to New South Wales, and shall truly answer all such questions as are put to him by such pilot or other person touching the health of the crew and passengers of such vessel during the voyage, and the cause of the death of any person, should such have taken place on board, whether such appointed person actually boards such vessel, or only goes alongside the same and demands such paper or puts such questions as aforesaid without such actual boarding. Masters of vessels arriving to report to pilot the places at which they loaded and touched, and to answer all questions respecting the health of the crew and passengers. Ibid. s. 4. 17 Vic. No. 29, s. 4.

(II) Any such commander, master, or other person having charge of any such vessel, who—

- (a) neglects or refuses to give such written paper; or
 - (b) delivers such written paper with any false statement contained therein; or
 - (c) wilfully omits to make in such written paper any statement required by this Act; or
 - (d) makes any false answer to any such question,
- shall be guilty of a misdemeanour, and shall on conviction be imprisoned with or without hard labour for any period not exceeding two years, or fined in any sum not exceeding three hundred pounds, at the discretion of the court or judge before whom he is convicted.

13. A copy of this Act shall be given by the pilot or person boarding any such vessel to the master thereof immediately on her arrival in any such port. Copy of this Act to be given to master on arrival. 14. Ibid. s. 12.

Quarantine.

14. (I) The surgeon, dispenser, or other medical officer of every vessel arriving at any port in New South Wales from parts beyond the seas shall truly answer all such questions as are put to him by such pilot or other person as aforesaid, touching the health of the crew and passengers of such vessel during the voyage, and the cause or causes of the death of any person who may have died on board, or of any of the passengers or crew who may have died on shore in the course of the voyage, and touching the existence of any infectious or contagious disease at any port or place from which such vessel has come or at which it touched. Surgeon, &c., to truly answer all questions as to health of crew and passengers, &c. 17 Vic. No. 29, s. 2.
15. (II) Any such surgeon, dispenser, or other medical officer who refuses to answer any such question so put to him, or makes any false answer to any such question, shall be guilty of a misdemeanour, and shall on conviction be imprisoned with or without hard labour for any period not exceeding two years, or fined in any sum not exceeding three hundred pounds, at the discretion of the court or judge before whom he is convicted. And failing so to do to be guilty of a misdemeanour. Ibid. s. 3.
16. (I) Whenever any vessel arriving at any port in New South Wales from parts beyond the seas has come from any place proclaimed by the Governor as infected as aforesaid, the pilot or person boarding or conducting such vessel shall immediately give notice thereof to the commander or other person in charge of such vessel, on pain of forfeiting the sum of one hundred pounds for any neglect therein. Pilot to give notice to master if vessel has arrived from proclaimed part. 3 Wm. IV No. 1, s. 4.
17. (II) Upon receipt of such notice, such commander or other person in charge shall immediately hoist a signal and shall keep such signal hoisted until such vessel is legally discharged from the performance of quarantine. Such signal shall be, in the day-time a yellow flag of six breadths of bunting at the main topmast head, and in the night-time a large signal lantern at the same mast head. Master to hoist signal.
18. (III) Any commander or other person in charge of any such vessel who, after receiving such notice, fails to hoist or keep hoisted such signal as aforesaid shall forfeit for every such offence the sum of one hundred pounds. Penalty.
19. The provisions of subsections (II) and (III) of the next preceding section shall apply to every vessel ordered into quarantine and to the commander or other person in charge of such vessel, from the time when such commander or other person receives notice of such order. All vessels ordered into quarantine to hoist signal. 58 Vic. No. 2, s. 6.
20. Any pilot who, after receipt of such written paper as aforesaid, whereby it is made to appear that the vessel is liable to quarantine, or without requiring and receiving such written paper, brings or causes to be brought or conducted any vessel liable to quarantine into any place not specially appointed for the reception of vessels so liable, shall, unless compelled thereto by stress of weather, adverse winds, or accidents of the sea, for every such offence forfeit the sum of two hundred pounds. Pilot to incur penalty on wrongly conducting a vessel liable to quarantine. 3 Wm. IV No. 1, s. 4.
21. (I) No vessel arriving in any port or harbour in New South Wales from parts beyond the seas shall, until boarded by the health officer and granted pratique, be brought higher up such port or harbour than such spot or place in such port or harbour as the Governor may, by proclamation to be published in the Gazette, specify as the limit for such vessels. Vessels not to pass certain limits till granted pratique. 17 Vic. No. 29, s. 6. 58 Vic. No. 2, ss. 4, 5.
22. (II) No person whatsoever on board any such vessel shall quit such vessel until pratique is granted as aforesaid. Persons not to quit vessels.
23. (III) Whosoever offends against either of the above provisions of this section shall, on conviction before any two justices of the peace, forfeit any sum not exceeding one hundred pounds. Penalty.
24. The provisions contained in the last preceding section shall not apply to vessels arriving from any of the Australasian Colonies, including New Zealand, unless—
- (a) at the time of the arrival of any such vessel, or within fourteen days previously, there is or has been an infectious or contagious disease on board thereof ; or
- (b)
25. Exemption of vessels arriving from any Australasian Colony. 17 Vic. No. 29, s. 7.

Quarantine.

(b) any such vessel arrives from any port or place in any of the said Australasian Colonies proclaimed by the Governor as infected as aforesaid.

20. No person shall with any boat whatever, other than the
 5 boat belonging to the pilots, the post-office, the police, and the customs, Boats not to go alongside vessels until health-officer has boarded.
 board or go alongside any vessel arriving in any port or harbour in New South Wales from any place other than those coming within the 17 Vic. No. 29, s. 8.
 exemption contained in the last preceding section, until such vessel 58 Vic. No. 2, s. 5.
 has been boarded by the health-officer and the visiting-flag has been
 10 hauled down; and no person other than a pilot shall go on board such
 vessel from any post-office, police, or customs boat which has gone
 alongside until such time as aforesaid.

Whosoever offends against the provisions of this section, or, Penalty.
 being a master of a merchant vessel in any such port or harbour, orders,
 15 or permits, or suffers any of his boats or crew to board or go alongside
 any such vessel so arriving as aforesaid for the purpose of communi-
 cating with the persons in such vessel whilst the visiting-flag continues
 to be flying at the mast thereof, shall, for every such offence, on con-
 viction before any two justices of the peace, forfeit a sum not exceeding
 20 fifty pounds.

PART V.

Performance of quarantine.

21. Any commander, master, or other person in charge of any Penalty on masters not conveying vessels into quarantine.
 25 vessel ordered into quarantine as aforesaid, who does not, within a
 convenient time after due notice given for that purpose, cause such
 vessel and the lading thereof to be conveyed into the place or places
 appointed for such vessel and lading to perform quarantine shall forfeit
 the sum of four hundred pounds. 3 Wm. IV No. 1, s. 6.

22. Every commander, master, or other person in charge of Masters to deliver to superintendent of quarantine their bill of health, manifest, &c.
 30 any vessel ordered into quarantine as aforesaid shall forthwith, after
 his arrival at the place appointed for the performance of quarantine,
 deliver on demand to the superintendent of quarantine, or his assistant
 or other officer authorised to act in that behalf (and which superin- Ibid. s. 5.
 tendent, assistant, or other officer as aforesaid, is hereby required to
 35 make such demand), his bill of health and manifest, together with his
 log-book and journal, under pain of forfeiting the sum of one hundred
 pounds if he wilfully refuses or neglects to do so.

23. All goods and other articles ordered into quarantine as Goods ordered into quarantine to be opened and aired in places appointed by the Governor.
 40 aforesaid shall be opened and aired in such place and for such time
 and in such manner as shall be directed by the Governor by any order
 notified by proclamation; and after such order has been duly complied
 with, then and in every such case the officer or person in charge of the
 vessel or place in which such goods and other articles have been opened
 and aired shall grant a certificate to such effect under his hand, and
 45 upon such certificate being approved and allowed by the Governor,
 then such goods and other articles shall be liable to no further restraint
 or detention either at the port or place where such quarantine was
 performed, or at any other place in New South Wales whereto they may
 be conveyed. Ibid. s. 11.

24. Whosoever clandestinely conveys, or secretes or conceals Penalty on persons conveying, &c., goods actually performing quarantine.
 50 with intent to convey, any article whatsoever from any vessel actually
 performing quarantine, or from the place where such article is per-
 forming quarantine, shall forfeit the sum of one hundred pounds. Ibid. s. 13.

Quarantine.

25. In case it is deemed necessary by the Governor to appoint any medical officer to take charge of any of the crew and passengers of a vessel placed in quarantine, it shall be competent to the Governor to fix the amount of remuneration to be paid to such medical officer for his services, and to cause the same to be paid by the Colonial Treasurer, and the amount so paid shall be repaid to the said Colonial Treasurer by the owners or agents of such vessel before she is permitted to clear out and leave the port in which she then is :

Medical officer may be appointed for persons in quarantine at the cost of the owners of vessel.

17 Vic. No. 29, s. 9

Provided that this section shall not apply to any vessel chartered by the Government for the conveyance of immigrants.

26. It shall be the duty of the owners and agents of any vessel placed in quarantine to supply the crew and passengers thereof with such wholesome and suitable provisions and medicines as are required by the medical practitioner in charge; and if such provisions and medicines are not forthwith supplied accordingly the same may be provided under the order of the Governor, and the cost thereof, including the conveyance of the same, shall be paid by the said owners or agents into the hands of the Colonial Treasurer before such vessel shall be permitted to clear out or leave the port in which she then is :

Proper provisions and medicines to be supplied for persons in quarantine.

Ibid. s. 10.

27. After quarantine has been duly performed by any vessel or person obliged to perform quarantine as aforesaid according to this Act, and to such order made as aforesaid, the chief officer who superintended the quarantine of the said vessel, or the person acting for him, shall and he is hereby required to give a certificate thereof under his hand, and upon the same being approved and allowed by the Governor then every such vessel and every such person so having performed quarantine shall be liable to no further restraint or detention upon the same account for which such vessel or person has performed quarantine as aforesaid.

After proof of performance of quarantine and proper certificate to that effect vessels or persons shall be liable to no further detention.

3 Wm. IV No. 1, s. 10.

28. Any officer or person whatsoever to whom it appertains to execute any order made or to be made concerning quarantine, and notified by proclamation, or to see the same put in execution, who is knowingly and wilfully guilty of any breach or neglect of his duty in respect of the vessels, persons, goods, or chattels performing quarantine shall forfeit and pay the sum of two hundred pounds.

Penalty on neglect of duty by officials.

Ibid. s. 9.

29. Any such officer or person who—

- (I) deserts from his duty when employed as aforesaid; or
- (II) knowingly and willingly permits any person, vessel, goods, or merchandise to depart or be conveyed out of the said vessel or other place as aforesaid unless by permission under the order of the Governor

Officials deserting or permitting departure without authority guilty of felony.

Ibid. s. 9.

shall be guilty of felony.

30. Any person hereby authorised and directed to give a certificate of a vessel having duly performed quarantine or airing who knowingly gives a false certificate thereof shall be guilty of felony.

Persons giving false certificates guilty of felony.

Ibid. s. 9.

31. Any such officer or person, as in the last three preceding sections mentioned, who knowingly or wilfully damages any goods performing quarantine under his direction shall be liable to pay one hundred pounds damages and full costs of suit to the owner of the same.

Penalty on officials damaging goods.

Ibid. s. 9.

32. Whosoever—

- (I) knowingly or wilfully forges or counterfeits, interlines, erases, or alters any certificate, directed or required to be granted by any order of the Governor touching quarantine; or
- (II) procures to be forged or counterfeited, interlined, erased, or altered any such certificate; or
- (III)

Persons forging or uttering false certificates guilty of felony.

Ibid. s. 12.

Quarantine.

- (III) publishes any such forged or counterfeited, interlined, erased, or altered certificate, knowing the same to be forged or counterfeited, interlined, erased, or altered; or
- 5 (IV) knowingly and wilfully utters and publishes any such certificate with intent to obtain the effect of a true certificate to be given thereto, knowing the contents of such certificate to be false,
- shall be guilty of felony.

PART VI.

10

Miscellaneous provisions.

33. The Governor may make such order as shall be deemed necessary and expedient upon any unforeseen emergency or in any particular case with respect to any vessel arriving under any alarming or suspicious circumstances as to infection, though not being liable to quarantine within the meaning of this Act, and also with respect to any person and any article on board the same; and in case of any infectious or contagious disease highly dangerous to the public health appearing or breaking out in New South Wales may make such order and give such directions in order to cut off all communication between any persons infected with any such disease and the rest of Her Majesty's subjects as appear to the Governor to be necessary and expedient for that purpose; and likewise to make such order as the Governor sees fit for shortening the time of quarantine to be performed by particular vessels or particular persons or articles, or for absolutely or
- 15 20 25 conditionally releasing them or any of them from quarantine.

For vesting certain powers in the Governor to prevent infection in certain cases of emergency.

3 Wm. IV No. 1, s. 2.

- All such orders so made as aforesaid shall be as good, valid, and effectual to all intents and purposes as well with respect to the commander, master, or other person having charge of any vessel, and all other persons on board the same, as with respect to any other person having any intercourse or communication with them, and to the penalties, forfeitures, and punishments to which they may respectively become liable, as any order concerning quarantine made by the Governor and notified by proclamation as aforesaid.

34. The Governor may, on the recommendation of the Board make regulations for the purpose of carrying this Act into effect, and by such regulations may impose for any breach thereof a penalty not exceeding one hundred pounds, to be recovered in a summary way before a stipendiary or police magistrate, or any two justices of the peace, and in default of payment the offender shall be liable to imprisonment for any period not exceeding six months.

Power to make regulations.

58 Vic. No. 2. s. 7.

- All regulations shall be published in the Gazette, and shall thereupon if not inconsistent with this or any other Act have the force of law.

35. All forfeitures and penalties incurred by reason of any offence committed against this Act may, except as hereinbefore otherwise provided, be recovered by action in the Supreme Court, and two-thirds of every such forfeiture and penalty shall be given to the person who informs and sues for the same.

Recovery and appropriation of penalties.

3 Wm. IV No. 1, s. 14.

36. (1) In any prosecution, action, or other proceeding against any person whatsoever for any offence against this Act or any Act which may hereafter be passed concerning quarantine, or for any breach or disobedience of any order made by the Governor concerning quarantine, and the prevention of infection, and notified as aforesaid, the statement and

Answers of persons having charge of vessels shall be received as evidence in certain cases.

Ibid. s. 15.

Quarantine.

and answer of the commander, master, or other person having charge of any vessel, made as hereinbefore directed to the pilot or person boarding or conducting such vessel shall be received as *prima facie* evidence so far as the same may relate to the place from which such vessel has arrived or come, or to the place at which such vessel touched in the course of the voyage, and also as *prima facie* evidence that such vessel was liable to quarantine.

(II) Where any such vessel has, in fact, been put under quarantine at any port or place and is actually performing the same, such vessel shall in any prosecution, action, or other proceeding against any person whatever for any offence against this Act or against any other Act which may hereafter be passed concerning quarantine, and the prevention of infection, or against any order made by the Governor as aforesaid, be deemed to be liable to quarantine without proving in what manner or from what circumstance such vessel became liable thereto.

37. (I) In any action or other proceeding brought against any pilot, superintendent, constable, or other person for any matter or thing done in pursuance of any order of the Governor made for the preventing the introduction of any such infectious or contagious disease as aforesaid, or in pursuance of the provisions of this Act, the defendant may plead the general issue, and may give this Act and the special matter in evidence.

(II) In any such action or other proceeding, if the verdict is for the defendant, or if the plaintiff is nonsuited or discontinues his action after the defendant has appeared, or if upon demurrer judgment is given against such plaintiff, the defendant shall have treble costs, and shall have the like remedy for the same as any other defendant has in any other case to recover costs by law.

(III) No such action or other proceeding shall be brought against any person for any matter or thing done as aforesaid, but within the space of six months after such matter or thing has been done.

SCHEDULE.

Reference to Act.	Title or short title.	Extent of Repeal. Section 2.
3 Wm. IV. No. 1 ...	An Act for subjecting vessels coming to New South Wales from certain places to the performance of quarantine.	The whole.
17 Vict. No. 29 ...	An Act to amend the Quarantine Laws in certain particulars.	The whole.
40 58 Vict. No. 2 ...	Quarantine Law Amendment Act, 1894 ...	The whole.

Memo. and Certificate to accompany the Quarantine Bill.

THIS Bill consolidates three Acts :—

3 Wm. IV. No. 1 ;
17 Vic. No. 29 ;
58 Vic. No. 2.

This has been an exceedingly troublesome piece of consolidation. The Principal Act, 3 Wm. IV. No. 1, is verbose and involved to an extraordinary degree, full of useless and confusing repetitions, and of long, unpunctuated sentences—in one case, nearly two pages long. It has, therefore, been found necessary to largely recast the sections, and to subdivide them. Great care has been taken to avoid altering the meaning ; but without some such treatment, it would have been useless to attempt to consolidate it at all.

The amending Act, 58 Vic. No. 2, was found on examination to be curiously inconsistent, and indeed irreconcilable with the Principal Act, and to raise almost insuperable difficulties of interpretation. On inquiry, it was found that the whole Act was a mistake : it had been submitted to the Parliamentary draughtsmen, and condemned by them, and they had drawn another Bill to take its place ; but by some oversight the wrong Bill had gone forward. Under these circumstances, it was found necessary to make certain changes to prevent the consolidating statute from contradicting itself from one end to the other. These changes are as follows :—

1. Under section 1 of 3 Wm. IV. No. 1, every vessel arriving from a “proclaimed” port goes into quarantine at once without any further act ; while under section 6 of 58 Vic. No. 2, the Board of Health *may*, in certain cases (of which arriving from a proclaimed port is one), order a vessel into quarantine. In practice, the Board of Health does deal with vessels arriving from proclaimed ports, and this appears to have been the intention of the Legislature. It has, therefore, been made clear by the omission of a part of the earlier section.

2. Under the same section 1 of the Principal Act, a vessel arriving from a proclaimed port is liable to quarantine from the time she left such port, while in the later Act (58 Vic. No. 2) it is at least a possible reading that a vessel is only liable to quarantine from the time of the order of the Board. This inconsistency has been removed, and all vessels ordered into quarantine are made liable to quarantine as from the happening of the event which made them liable to the order.

3. Under the Principal Act, vessels receiving any person or thing from a vessel liable to quarantine became themselves liable to quarantine. It is very doubtful whether this liability was preserved in the 58 Vic. No. 2. The doubt has been cleared up in the present Bill, and what was certainly the intention of the Legislature made plain.

4. In section 4 of the Principal Act, it is provided that vessels going into quarantine under that Act shall hoist a yellow flag by day and a lantern by night. This provision was not repeated in the 58 Vic. No. 2, and therefore does not apply to ships going into quarantine for any of the causes therein mentioned. In fact, however, vessels going into quarantine for any cause have been required to hoist the signals, and in clause 16 this has now been made the law.

5. In clause 15 the words “such as is commonly used in Her Majesty’s ships of war” have been omitted as unnecessary.

6. The word “lazaret” has been omitted throughout, the word “station” (which has been retained) appearing to be quite sufficient.

7. In section 6 of the Principal Act, the word “quit” has been used in two meanings, apparently without any particular reason. The wider meaning has been here adopted, and the words “with intent to go on shore” have been omitted.

8. In section 15 of the Principal Act, the words “by the superintendent of quarantine, or his assistant or other officer authorised as aforesaid to act in that behalf,” which are so anomalous as to be almost unmeaning, have been omitted as quite unnecessary.

Sections have been recast and rearranged, verbose wording has been improved, unnecessary repetitions and implied repeals have been omitted ; but, except in the instances abovementioned, the sense has been preserved, and I certify that, except as aforesaid, the Bill now forwarded solely consolidates, and in no way alters, amends, or adds to the law contained in the Acts therein consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

Quarantine Bill.

TABLE showing how the sections of the Acts intended to be consolidated have been dealt with.

Section of Act.	Clause of Bill.	Remarks.
3 WILLIAM IV. No. 1.		
1	6, 8	
2	33	
3	4	
4	12 (1), 15, 17	
5	22	
6	9	
7	10	
8	5	
9	28, 29, 30, 31	
10	27	
11	23	
12	32	
13	11, 24	
14	35	
15	36	
16	37	
17 VICTORIA No. 29.		
1	12 (II)	
2	14 (I)	
3	14 (II)	
4	12 (I)	
5	.....	Omitted. This section extends the provisions of s. 7 of 3 Wm. IV No. 1; but its reproduction is unnecessary in the Consolidated Act, as a simple reproduction of s. 7, 3 Wm. IV No. 1 gives full effect to the amendment.
6	18	
7	19	
8	20	
9	25	
10	26	
11	...	Omitted. Superseded by 58 Vic. No. 2, s. 7.
12	13	
58 VICTORIA No. 2.		
1	.....	Omitted. (Short title.)
2	3	
3	.....	Omitted. (Repeals.)
4	18	
5	18, 20	
6	6, 7, 8, 16	
7	34	
8	.....	Omitted. (Act to be construed with 3 Wm. IV No. 1 and 17 Vic. No. 29.)

Quarantine Bill.

Table showing how the sections of the Bill are intended to be consolidated into one Bill.

Section of Bill	Chapter of Bill	Section of Bill
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
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7	7	7
8	8	8
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100	100	100

Quarantine Bill.

ARRANGEMENT OF CLAUSES.

PART I.

Preliminary.

Clause.

1. Short title and divisions.
2. Repeals.
3. Interpretation.

PART II.

Quarantine stations.

4. Governor may appoint quarantine stations.
5. Governor may prohibit intercourse with quarantine stations.

PART III.

Liability to quarantine.

6. Conditions involving liability to quarantine.
7. Board of Health may order vessels into quarantine.
8. Effect of order.
9. Penalty on masters or persons quitting vessels liable to quarantine.
10. Persons liable to quarantine may be seized.
11. Penalty on persons landing or receiving goods from vessels liable to quarantine.

PART IV.

Proceedings on arrival of vessels.

12. Masters of vessels to report to pilot places at which they landed or touched, under penalty.
13. Copy of Act to be given to master.
14. Surgeon dispenser to answer questions, under penalty.
15. Pilot to give notice.
16. All vessels ordered into quarantine to hoist signal.
17. Pilot to incur penalty on wrongly conducting vessel liable to quarantine.
18. Vessels not to pass certain limits.
19. Unless from Australasian colonies.
20. Boats prohibited from communicating with vessels.

PART V.

Performance of quarantine.

21. Penalty on masters not conveying vessels into quarantine.
22. Masters to deliver to superintendent of quarantine their bill of health.
23. Goods, &c., liable to quarantine to be opened and aired.
24. Penalty on persons conveying or secreting goods.
25. Medical officer may be appointed for persons in quarantine.
26. Proper provisions and medicines to be supplied for persons in quarantine.
27. Certificate to be given on performance of quarantine.
28. Penalty on neglect of duty by officials.
29.)
30. } Other offences by officials.
31. }
32. Forging or uttering certificates.

PART VI.

Miscellaneous provisions.

33. For vesting certain powers in Governor to prevent infection in cases emergency.
34. Power to make regulations.
35. Recovery and appropriation of penalties.
36. Answers of persons having charge of vessels to be received as evidence.
37. General issue and limitation of actions.

Legislative Council.

No. , 1897.

A BILL

To consolidate the Laws relating to Quarantine.

[MR. WANT;—13 October, 1897.]

BE it 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:—

5

PART I.

Preliminary.

1. This Act may be cited as the "Quarantine Act, 1897," and is divided into Parts, as follows:—

Short title
and division.

PART I.—*Preliminary.*—ss. 1-3.

10 PART II.—*Quarantine stations.*—ss. 4-5.

PART III.—*Liability to quarantine.*—ss. 6-11.

PART IV.—*Proceedings on arrival of vessels.*—ss. 12-20.

PART V.—*Performance of quarantine.*—ss. 21-32.

PART VI.—*Miscellaneous provisions.*—ss. 33-37.

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2.

Repeal of Acts.
Schedule.

2. (I) The Acts mentioned in the Schedule to this Act are hereby repealed.

(II) All rules, regulations, and orders made under the authority of any Act hereby repealed and being in force at the time of the passing of this Act shall be and continue in force hereunder, and shall be deemed to have been made under this Act. 5

Interpretation.

58 Vic. No. 2, s. 2.

3. In this Act, unless the context or subject matter otherwise indicates or requires—

“Board” means the Board of Health incorporated by the Noxious Trades and Cattle-slaughtering Act, 1894. 10

PART II.

Quarantine stations.

Governor may
appoint stations and
lazarets for per-
formance of quaran-
tine.
3 Wm. IV, No. 1, s. 3.

4. The Governor may by proclamation published in the Gazette appoint places in New South Wales to be stations for the performance of quarantine by all vessels, persons, and things liable to perform quarantine. 15

Governor may
prohibit intercourse
with stations and
lazarets.
Ibid. s. 8.

5. (I) The Governor may by proclamation published in the Gazette prohibit all persons, vessels, and boats whatsoever from going under any pretence whatsoever within the limits of any station appointed by the Governor for the performance of quarantine as afore- 20
said.

(II) If any person whatsoever, after the publication of such proclamation, presumes, under any pretence whatsoever, to go within the limits of any such station, he shall for every such offence forfeit the sum of two hundred pounds. 25

PART III.

Liability to quarantine.

Conditions involving
liability to
quarantine.
3 Wm. IV, No. 1, s. 1.
58 Vic. No. 2, s. 6.

6. (I) Whenever any vessel arrives in any port or harbour in New South Wales, and

- (a) there is at the time any infectious or contagious disease on board such vessel; or 30
- (b) there has been during the voyage of such vessel any infectious or contagious disease on board; or
- (c) such vessel has during the voyage communicated with any other vessel on board which any infectious or contagious disease existed; or 35
- (d) such vessel has during the voyage touched at any port or place where any infectious or contagious disease prevailed; or
- (e) such vessel has arrived from or after having touched at any place beyond the seas, and the Governor has by proclamation notified that such place is infected with any infectious or contagious disease highly dangerous to the public health, and that it is probable that such disease may be brought from such place to New South Wales, 40

then such vessel shall be and be deemed to have been liable to quarantine within the meaning of this Act, and of every proclamation of the Governor concerning quarantine and the prevention of infection, from the time the infectious or contagious disease broke out on board such vessel, or from the time such vessel communicated with such other vessel as aforesaid, or from the time such vessel touched at such port or place as aforesaid, or from the time such vessel sailed from or touched at such place beyond the seas, as the case may be. 50

(II)

- (II) Such liability shall equally extend to and be incurred by—
- (a) every person whatsoever who, for any purpose whatsoever, is on board such vessel at the time of her arrival in New South Wales, or was on board such vessel at any time before her said arrival and after she became liable to quarantine as aforesaid, or goes on board such vessel at any time after her said arrival and before she is discharged from quarantine or from the performance thereof as hereinafter mentioned;
 - (b) every article whatsoever on board such vessel at the time of her arrival in New South Wales, or that was on board such vessel at any time before her said arrival and after she became liable to quarantine as aforesaid, or that is brought on board such vessel at any time after her said arrival and before she is discharged from quarantine or from the performance thereof;
 - (c) every vessel or boat receiving from such vessel any person whatsoever liable to quarantine, or any article whatsoever liable to quarantine;
 - (d) every person whatsoever, and every article whatsoever on board such receiving vessel or boat, at the time of receiving the person or thing liable to quarantine, or that goes or is put on board such receiving vessel or boat at any time after she so receives and before she is discharged from quarantine or from the performance thereof.
7. (I) It shall be lawful for the board by its officers to order into quarantine any vessel liable to quarantine as aforesaid : Board may order vessels into quarantine.
58 Vic. No. 2, s. 6.
- Provided that, except in the case mentioned in section six, subsection (I) (e), no such order shall be made unless danger to the public health may reasonably be apprehended from the immediate admission of the vessel to entry.
- (II) The board may take such further measures for the continuance of the vessel in quarantine, or for the release thereof, as may be judged expedient.
8. Whenever the board orders a vessel into quarantine, then Effect of order.
3 Wm. IV. No. 1, s. 1.
58 Vic. No. 2, s. 6.
- (a) such vessel; and
 - (b) every person whatsoever liable to quarantine in virtue of the liability thereto of such vessel, as aforesaid; and
 - (c) every article whatsoever liable to quarantine in virtue of the liability thereto of such vessel, as aforesaid; and
 - (d) every vessel or boat receiving or which has received from such vessel any person whatsoever liable to quarantine, or any article whatsoever liable to quarantine, as aforesaid; and
 - (e) every person whatsoever and every article whatsoever liable to quarantine in virtue of the liability of such receiving vessel or boat, as aforesaid
- shall perform quarantine according to this Act, and to every proclamation of the Governor concerning quarantine and the prevention of infection.
9. (I) Any commander, master, or other person being in charge of any vessel liable to or ordered into quarantine who himself quits, or knowingly suffers any person whatsoever to quit such vessel before such vessel has been regularly discharged from the performance of quarantine (unless under any license granted by the Governor) shall, in every case for every such offence, forfeit the sum of four hundred pounds. Penalty on masters.
3 Wm. IV. No. 1, s. 6.
- (II) Whosoever, coming in any vessel liable to or ordered into quarantine, or going on board the same before or after her arrival, quits such vessel (either before or after her arrival) before such vessel has been regularly discharged from the performance of quarantine, shall, for every such offence, be imprisoned for the term of six months, and shall forfeit the sum of three hundred pounds. Or other persons quitting vessels liable to or ordered into quarantine.

(III)

Persons may be compelled to return.

(III) It shall be lawful for any person whatsoever by any kind of necessary force to compel any such person quitting any such vessel to return on board the same.

Meaning of "quit."

(IV) The word "quit" in this section shall include going on board any other vessel.

Persons liable to quarantine may be seized.

3 Wm. IV No. 1, s. 7.
17 Vic. No. 29, s. 5.

10. (I) It shall be lawful for any constable or any other person to seize and apprehend any person whatsoever who has, contrary to the provisions of this Act, quitted or come on shore from any vessel liable to quarantine, or who has escaped from or quitted any vessel under quarantine, or any vessel, or place appointed in that behalf, for the purpose of carrying such person before any justice of the peace.

(II) Any justice of the peace may grant his warrant for the apprehending and conveying of any such person to the vessel or place which he has so quitted, or for confining such person in any such place of safe custody (not being a public gaol), and under such restrictions as to having communication with any other persons, as may in the discretion of such justice of the peace appear to be proper, until such person can safely and securely be conveyed to some place appointed for the performance of quarantine, or until directions can be obtained from the Governor as to the disposal of such person, and may make any further order that may be necessary in that behalf.

Penalty for landing or receiving goods liable to quarantine.
3 Wm. IV No. 1, s. 13.

11. Whosoever lands or unships, or moves with intent to land or unship, any article whatsoever from any vessel liable to quarantine, or knowingly receives the same after it has been so landed or unshipped shall forfeit the sum of five hundred pounds.

PART IV.

Proceedings on arrival of vessels.

Masters of vessels arriving to report to pilot the places at which they loaded and touched, and to answer all questions respecting the health of the crew and passengers.

Ibid. s. 4.
17 Vic. No. 29, s. 4.

12. (i) Every commander, master, or other person having the charge of any vessel arriving at any port in New South Wales from parts beyond the seas shall give to the pilot or person boarding or conducting such vessel, or to any person appointed by the Governor to board such vessel, a written paper containing a true account of the names of the place and country at which such vessel loaded, and also of all the places at which such vessel touched on the voyage out to New South Wales, and shall truly answer all such questions as are put to him by such pilot or other person touching the health of the crew and passengers of such vessel during the voyage, and the cause of the death of any person, should such have taken place on board, whether such appointed person actually boards such vessel, or only goes alongside the same and demands such paper or puts such questions as aforesaid without such actual boarding.

And failing so to do, to be deemed guilty of a misdemeanour.

Ibid. s. 1.

(II) Any such commander, master, or other person having charge of any such vessel, who—

- (a) neglects or refuses to give such written paper; or
- (b) delivers such written paper with any false statement contained therein; or
- (c) wilfully omits to make in such written paper any statement required by this Act; or

(d) makes any false answer to any such question, shall be guilty of a misdemeanour, and shall on conviction be imprisoned with or without hard labour for any period not exceeding two years, or fined in any sum not exceeding three hundred pounds, at the discretion of the court or judge before whom he is convicted.

Copy of this Act to be given to master on arrival.

Ibid. s. 12.

13. A copy of this Act shall be given by the pilot or person boarding any such vessel to the master thereof immediately on her arrival in any such port.

14. (I) The surgeon, dispenser, or other medical officer of every vessel arriving at any port in New South Wales from parts beyond the seas shall truly answer all such questions as are put to him by such pilot or other person as aforesaid, touching the health of the crew and passengers of such vessel during the voyage, and the cause or causes of the death of any person who may have died on board, or of any of the passengers or crew who may have died on shore in the course of the voyage, and touching the existence of any infectious or contagious disease at any port or place from which such vessel has come or at which it touched.

Surgeon, &c., to truly answer all questions as to health of crew and passengers, &c.
17 Vic. No. 29, s. 2.

(II) Any such surgeon, dispenser, or other medical officer who refuses to answer any such question so put to him, or makes any false answer to any such question, shall be guilty of a misdemeanour, and shall on conviction be imprisoned with or without hard labour for any period not exceeding two years, or fined in any sum not exceeding three hundred pounds, at the discretion of the court or judge before whom he is convicted.*

And failing so to do to be guilty of a misdemeanour.
Ibid. s. 3.

15. (I) Whenever any vessel arriving at any port in New South Wales from parts beyond the seas has come from any place proclaimed by the Governor as infected as aforesaid, the pilot or person boarding or conducting such vessel shall immediately give notice thereof to the commander or other person in charge of such vessel, on pain of forfeiting the sum of one hundred pounds for any neglect therein.

Pilot to give notice to master if vessel has arrived from proclaimed part.
3 Wm. IV No. 1, s. 4.

(II) Upon receipt of such notice, such commander or other person in charge shall immediately hoist a signal and shall keep such signal hoisted until such vessel is legally discharged from the performance of quarantine. Such signal shall be, in the day-time a yellow flag of six breadths of bunting at the main topmast head, and in the night-time a large signal lantern at the same mast head.

Master to hoist signal.

(III) Any commander or other person in charge of any such vessel who, after receiving such notice, fails to hoist or keep hoisted such signal as aforesaid shall forfeit for every such offence the sum of one hundred pounds.

Penalty.

16. The provisions of subsections (II) and (III) of the next preceding section shall apply to every vessel ordered into quarantine and to the commander or other person in charge of such vessel, from the time when such commander or other person receives notice of such order.

All vessels ordered into quarantine to hoist signal.
58 Vic. No. 2, s. 6.

17. Any pilot who, after receipt of such written paper as aforesaid, whereby it is made to appear that the vessel is liable to quarantine, or without requiring and receiving such written paper, brings or causes to be brought or conducted any vessel liable to quarantine into any place not specially appointed for the reception of vessels so liable, shall, unless compelled thereto by stress of weather, adverse winds, or accidents of the sea, for every such offence forfeit the sum of two hundred pounds.

Pilot to incur penalty on wrongly conducting a vessel liable to quarantine.
3 Wm. IV No. 1, s. 4.

18. (I) No vessel arriving in any port or harbour in New South Wales from parts beyond the seas shall, until boarded by the health officer and granted pratique, be brought higher up such port or harbour than such spot or place in such port or harbour as the Governor may, by proclamation to be published in the Gazette, specify as the limit for such vessels.

Vessels not to pass certain limits till granted pratique.
17 Vic. No. 29, s. 6.
58 Vic. No. 2, ss. 4, 5.

(II) No person whatsoever on board any such vessel shall quit such vessel until pratique is granted as aforesaid.

Persons not to quit vessels.

(III) Whosoever offends against either of the above provisions of this section shall, on conviction before any two justices of the peace, forfeit any sum not exceeding one hundred pounds.

Penalty.

19. The provisions contained in the last preceding section shall not apply to vessels arriving from any of the Australasian Colonies, including New Zealand, unless—

Exemption of vessels arriving from any Australasian Colony.
17 Vic. No. 29, s. 7.

(a) at the time of the arrival of any such vessel, or within fourteen days previously, there is or has been an infectious or contagious disease on board thereof ; or

(b)

(b) any such vessel arrives from any port or place in any of the said Australasian Colonies proclaimed by the Governor as infected as aforesaid.

Boats not to go
alongside vessels
until health-officer
has boarded.
17 Vic. No. 29, s. 8.
58 Vic. No. 2, s. 5.

20. No person shall with any boat whatever, other than the boat belonging to the pilots, the post-office, the police, and the customs, board or go alongside any vessel arriving in any port or harbour in New South Wales from any place other than those coming within the exemption contained in the last preceding section, until such vessel has been boarded by the health-officer and the visiting-flag has been hauled down; and no person other than a pilot shall go on board such vessel from any post-office, police, or customs boat which has gone alongside until such time as aforesaid.

Penalty.

Whosoever offends against the provisions of this section, or, being a master of a merchant vessel in any such port or harbour, orders, or permits, or suffers any of his boats or crew to board or go alongside any such vessel so arriving as aforesaid for the purpose of communicating with the persons in such vessel whilst the visiting-flag continues to be flying at the mast thereof, shall, for every such offence, on conviction before any two justices of the peace, forfeit a sum not exceeding fifty pounds.

PART V.

Performance of quarantine.

Penalty on masters
not conveying vessels
into quarantine.
3 Wm. IV No. 1, s. 6.

21. Any commander, master, or other person in charge of any vessel ordered into quarantine as aforesaid, who does not, within a convenient time after due notice given for that purpose, cause such vessel and the lading thereof to be conveyed into the place or places appointed for such vessel and lading to perform quarantine shall forfeit the sum of four hundred pounds.

Masters to deliver to
superintendent of
quarantine their bill
of health, manifest,
&c.

Ibid. s. 5.

22. Every commander, master, or other person in charge of any vessel ordered into quarantine as aforesaid shall forthwith, after his arrival at the place appointed for the performance of quarantine, deliver on demand to the superintendent of quarantine, or his assistant, or other officer authorised to act in that behalf (and which superintendent, assistant, or other officer as aforesaid, is hereby required to make such demand), his bill of health and manifest, together with his log-book and journal, under pain of forfeiting the sum of one hundred pounds if he wilfully refuses or neglects to do so.

Goods ordered into
quarantine to be
opened and aired in
places appointed by
the Governor.

Ibid. s. 11.

23. All goods and other articles ordered into quarantine as aforesaid shall be opened and aired in such place and for such time and in such manner as shall be directed by the Governor by any order notified by proclamation; and after such order has been duly complied with, then and in every such case the officer or person in charge of the vessel or place in which such goods and other articles have been opened and aired shall grant a certificate to such effect under his hand, and upon such certificate being approved and allowed by the Governor, then such goods and other articles shall be liable to no further restraint or detention either at the port or place where such quarantine was performed, or at any other place in New South Wales whereto they may be conveyed.

Penalty on persons
conveying, &c., goods
actually performing
quarantine.

Ibid. s. 13.

24. Whosoever clandestinely conveys, or secretes or conceals with intent to convey, any article whatsoever from any vessel actually performing quarantine, or from the place where such article is performing quarantine, shall forfeit the sum of one hundred pounds.

25.

25. In case it is deemed necessary by the Governor to appoint any medical officer to take charge of any of the crew and passengers of a vessel placed in quarantine, it shall be competent to the Governor to fix the amount of remuneration to be paid to such medical officer for his services, and to cause the same to be paid by the Colonial Treasurer, and the amount so paid shall be repaid to the said Colonial Treasurer by the owners or agents of such vessel before she is permitted to clear out and leave the port in which she then is:

Medical officer may be appointed for persons in quarantine at the cost of the owners of vessel.
17 Vic. No. 29, s. 9

Provided that this section shall not apply to any vessel chartered by the Government for the conveyance of immigrants.

26. It shall be the duty of the owners and agents of any vessel placed in quarantine to supply the crew and passengers thereof with such wholesome and suitable provisions and medicines as are required by the medical practitioner in charge; and if such provisions and medicines are not forthwith supplied accordingly the same may be provided under the order of the Governor, and the cost thereof, including the conveyance of the same, shall be paid by the said owners or agents into the hands of the Colonial Treasurer before such vessel shall be permitted to clear out or leave the port in which she then is:

Proper provisions and medicines to be supplied for persons in quarantine.
Ibid. s. 10.

27. Provided that nothing herein contained shall apply to or in respect of immigrants conveyed at the charge of the Government under charters by which the owners are exempted from liability for the maintenance and care of such immigrants whilst under quarantine.

27. After quarantine has been duly performed by any vessel or person obliged to perform quarantine as aforesaid according to this Act, and to such order made as aforesaid, the chief officer who superintended the quarantine of the said vessel, or the person acting for him, shall and he is hereby required to give a certificate thereof under his hand, and upon the same being approved and allowed by the Governor then every such vessel and every such person so having performed quarantine shall be liable to no further restraint or detention upon the same account for which such vessel or person has performed quarantine as aforesaid.

After proof of performance of quarantine and proper certificate to that effect vessels or persons shall be liable to no further detention.
3 Wm. IV No. 1, s. 10.

28. Any officer or person whatsoever to whom it appertains to execute any order made or to be made concerning quarantine, and notified by proclamation, or to see the same put in execution, who is knowingly and wilfully guilty of any breach or neglect of his duty in respect of the vessels, persons, goods, or chattels performing quarantine shall forfeit and pay the sum of two hundred pounds.

Penalty on neglect of duty by officials.
Ibid. s. 9.

29. Any such officer or person who—
(i) deserts from his duty when employed as aforesaid; or
(ii) knowingly and willingly permits any person, vessel, goods, or merchandise to depart or be conveyed out of the said vessel or other place as aforesaid unless by permission under the order of the Governor shall be guilty of felony.

Officials deserting or permitting departure without authority guilty of felony.
Ibid. s. 9.

30. Any person hereby authorised and directed to give a certificate of a vessel having duly performed quarantine or airing who knowingly gives a false certificate thereof shall be guilty of felony.

Persons giving false certificates guilty of felony.
Ibid. s. 9.

31. Any such officer or person, as in the last three preceding sections mentioned, who knowingly or wilfully damages any goods performing quarantine under his direction shall be liable to pay one hundred pounds damages and full costs of suit to the owner of the same.

Penalty on officials damaging goods.
Ibid. s. 9.

32. Whosoever—

(i) knowingly or wilfully forges or counterfeits, interlines, erases, or alters any certificate, directed or required to be granted by any order of the Governor touching quarantine; or
(ii) procures to be forged or counterfeited, interlined, erased, or altered any such certificate; or

Persons forging or uttering false certificates guilty of felony.
Ibid. s. 12.

(iii)

- (III) publishes any such forged or counterfeited, interlined, erased, or altered certificate, knowing the same to be forged or counterfeited, interlined, erased, or altered; or
- (IV) knowingly and wilfully utters and publishes any such certificate with intent to obtain the effect of a true certificate to be given thereto, knowing the contents of such certificate to be false, 5
- shall be guilty of felony.

PART VI.

Miscellaneous provisions.

10

For vesting certain powers in the Governor to prevent infection in certain cases of emergency.

3 Wm. IV No. 1, s. 2.

33. The Governor may make such order as shall be deemed necessary and expedient upon any unforeseen emergency or in any particular case with respect to any vessel arriving under any alarming or suspicious circumstances as to infection, though not being liable to quarantine within the meaning of this Act, and also with respect to 15 any person and any article on board the same; and in case of any infectious or contagious disease highly dangerous to the public health appearing or breaking out in New South Wales may make such order and give such directions in order to cut off all communication between any persons infected with any such disease and the rest of Her Majesty's 20 subjects as appear to the Governor to be necessary and expedient for that purpose; and likewise to make such order as the Governor sees fit for shortening the time of quarantine to be performed by particular vessels or particular persons or articles, or for absolutely or conditionally releasing them or any of them from quarantine. 25

All such orders so made as aforesaid shall be as good, valid, and effectual to all intents and purposes as well with respect to the commander, master, or other person having charge of any vessel, and all other persons on board the same, as with respect to any other person having any intercourse or communication with them, and to the 30 penalties, forfeitures, and punishments to which they may respectively become liable, as any order concerning quarantine made by the Governor and notified by proclamation as aforesaid.

Power to make regulations.

58 Vic. No. 2. s. 7.

34. The Governor may, on the recommendation of the Board make regulations for the purpose of carrying this Act into effect, and 35 by such regulations may impose for any breach thereof a penalty not exceeding one hundred pounds, to be recovered in a summary way before a stipendiary or police magistrate, or any two justices of the peace, and in default of payment the offender shall be liable to imprisonment for any period not exceeding six months. 40

All regulations shall be published in the Gazette, and shall thereupon if not inconsistent with this or any other Act have the force of law.

Recovery and appropriation of penalties.

3 Wm. IV No. 1, s. 14.

35. All forfeitures and penalties incurred by reason of any offence committed against this Act may, except as hereinbefore otherwise provided, be recovered by action in the Supreme Court, and two-thirds of every such forfeiture and penalty shall be given to the person who informs and sues for the same. 45

Answers of persons having charge of vessels shall be received as evidence in certain cases.

Ibid. s. 15.

36. (1) In any prosecution, action, or other proceeding against any person whatsoever for any offence against this Act or any Act which 50 may hereafter be passed concerning quarantine, or for any breach or disobedience of any order made by the Governor concerning quarantine, and the prevention of infection, and notified as aforesaid, the statement and

and answer of the commander, master, or other person having charge of any vessel, made as hereinbefore directed to the pilot or person boarding or conducting such vessel shall be received as *prima facie* evidence so far as the same may relate to the place from which such vessel has arrived or come, or to the place at which such vessel touched in the course of the voyage, and also as *prima facie* evidence that such vessel was liable to quarantine.

(II) Where any such vessel has, in fact, been put under quarantine at any port or place and is actually performing the same, such vessel shall in any prosecution, action, or other proceeding against any person whatever for any offence against this Act or against any other Act which may hereafter be passed concerning quarantine, and the prevention of infection, or against any order made by the Governor as aforesaid, be deemed to be liable to quarantine without proving in what manner or from what circumstance such vessel became liable thereto.

37. (I) In any action or other proceeding brought against any pilot, superintendent, constable, or other person for any matter or thing done in pursuance of any order of the Governor made for the preventing the introduction of any such infectious or contagious disease as aforesaid, or in pursuance of the provisions of this Act, the defendant may plead the general issue, and may give this Act and the special matter in evidence.

(II) In any such action or other proceeding, if the verdict is for the defendant, or if the plaintiff is nonsuited or discontinues his action after the defendant has appeared, or if upon demurrer judgment is given against such plaintiff, the defendant shall have treble costs, and shall have the like remedy for the same as any other defendant has in any other case to recover costs by law.

(III) No such action or other proceeding shall be brought against any person for any matter or thing done as aforesaid, but within the space of six months after such matter or thing has been done.

SCHEDULE.

Reference to Act.	Title or short title.	Extent of Repeal. Section 2.
3 Wm. IV. No. 1 ...	An Act for subjecting vessels coming to New South Wales from certain places to the performance of quarantine.	The whole.
17 Vict. No. 29 ...	An Act to amend the Quarantine Laws in certain particulars.	The whole.
58 Vict. No. 2 ...	Quarantine Law Amendment Act, 1894 ...	The whole.

and answer of the commander, master or other person having charge of any vessel, made as hereinafter directed to the pilot or person boarding or conducting such vessel shall be received as prima facie evidence so far as the same may relate to the place at which such vessel has arrived or come, or to the place at which such vessel touched in the course of the voyage, and also as prima facie evidence that such vessel was liable to quarantine.

(1) Where any such vessel has in fact been put under quarantine at any port or place and is actually performing the same, no such vessel shall in any prosecution, action or other proceeding against any person whatever for any offence against this Act or against any other Act which may hereafter be passed concerning quarantine, and the prevention of infection, or against any order made by the Governor as aforesaid, be deemed to be liable to quarantine without proving in what manner or from what circumstances such vessel became liable thereto.

(2) In any action or other proceeding brought against any pilot, supercargo, consignee or other person for any matter or thing done in pursuance of any order of the Governor made for the prevention of the introduction of any such infection or contagious disease as aforesaid, or in pursuance of the provisions of this Act, the defendant may plead the general issue, and may give this Act and the special matter in evidence.

(3) In any such action or other proceeding, if the verdict is for the defendant, or if the plaintiff is nonsuited or discontinues his action after the defendant has appeared, or if upon a summary judgment is given against the plaintiff, the defendant shall have costs, and shall have the like remedy for the same as any other defendant has in any other case to recover costs by law.

(4) No such action or other proceeding shall be brought against any person for any matter or thing done as aforesaid, but within the space of six months after such matter or thing has been done.

SCHEDULE

Section of Act.	Section of Act.	Section of Act.
33-37 Act No. 2.	Quarantine Law Amendment Act 1894.	The whole.
17 Act No. 10.	Act to amend the Quarantine Laws in certain particulars.	The whole.
2 Act No. 1.	An Act for regulating vessels coming to New South Wales from certain places to the performance of quarantine.	The whole.
33-37 Act No. 2.	Quarantine Law Amendment Act 1894.	The whole.