

No. , 1908.

A BILL

For the prevention and cure of certain contagious diseases ;
and for purposes consequent thereon or incidental thereto.

[MR. WADE ;—5 August, 1908.]

BE it enacted by the King'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 :—

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Preliminary.

1. This Act may be cited as the "Contagious Diseases Act, 1908," and shall commence on the day of , one thousand nine hundred and eight. Short title and commencement.

2. In this Act—

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"Contagious disease" means venereal disease, including gonorrhœa.
"Convicted" means convicted, whether summarily or otherwise,
of an offence punishable by imprisonment or penal servitude.

Definitions.

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" Court "

“ Court ” means court by or before which the person in question is convicted.

“ Lock hospital ” means hospital or part of a hospital or of a public gaol, prison, or house of correction, or of a place of detention declared to be a lock hospital for the purposes of this Act. 5

“ Sentence ” includes the imposition of a fine or penalty on a person convicted.

Lock hospitals.

Proclamation of lock hospitals.

3. (1) The Governor, by proclamation in the Gazette, may declare any hospital, or any part of a hospital or of a public gaol, prison, or house of correction, or of a place of detention to be a lock hospital for the purposes of this Act, and may revoke or vary any such proclamation. 10

The Governor may appoint a medical officer in charge of a lock hospital. 15

Application of Prisons Act.

(2) The provisions of the Prisons Act, 1899, shall apply to a lock hospital, and in applying such provision—

- (a) such hospital shall be a prison or place of detention for the purposes of the said Act ; 20
- (b) any person detained in a lock hospital in pursuance of this Act shall be deemed a convicted prisoner within the meaning of the Prisons Act, 1899.
- (c) the Comptroller-General of Prisons shall, subject to the control of the Governor, have the care, direction, and control of such hospital and the custody of all persons so detained. 25

Committal to lock hospital.

On conviction, order may be made for examination.

4. Where any person is convicted within the meaning of this Act, and it appears to the court from evidence placed before it that such person is a common prostitute, or is suspected to be suffering from a contagious disease, it may, before sentence, order that such person be examined by a legally qualified medical practitioner named or described in the order, who shall report, on oath or affidavit, whether the said person is suffering from a contagious disease. 30

Such order shall be sufficient authority to such practitioner to make such examination, and to any member of the police force to detain the said person and to convey him or her for the purpose of such examination to and from any place mentioned in the order. 35

Detention for medical treatment.

5. If such practitioner reports that the person so convicted is suffering from a contagious disease, the court may, in passing sentence on such person, order that he or she be detained in a lock hospital for medical treatment until discharged in pursuance of this Act. Such order 40

order shall be sufficient authority to any member of the police force to arrest such person and to take him to such lock hospital, and to the Comptroller-General of Prisons to detain such person in pursuance of this Act.

5 The period of such detention shall form part of any term of imprisonment or penal servitude imposed by the sentence.

6. It shall be the duty of the medical officer in charge of any lock hospital, as soon as in his opinion any person detained in such hospital in pursuance of an order of a court under this Act is free from a contagious disease, to so report to the Minister of Justice, and thereupon such person shall be discharged from the hospital and be remitted to custody to serve the remainder of the sentence if such sentence has not expired, or otherwise shall be discharged from custody.

Medical officer to report when detained person free from contagious disease.

Registers to be kept in public hospitals.

15 7. (1) At every hospital partly or wholly supported by public funds, there shall be kept, under the personal charge of the medical superintendent, or, where no medical superintendent has been appointed, of the matron of such hospital, a register of cases in which persons are treated by members of the medical staff of such hospital, as such members, for contagious diseases, stating the particulars prescribed by regulations under this Act.

Register kept by public hospitals of cases treated for contagious disease.

(2) In a hospital where the register is kept under the charge of a medical superintendent, any member of the medical staff of the hospital who, as such member, treats any case of contagious disease, shall report the same in writing in the prescribed form to the said superintendent, who shall make the prescribed entry in the register.

Manner of making entries in register.

In a hospital where no medical superintendent has been appointed, any member of the medical staff of the hospital who, as such member, treats any case of contagious disease, shall apply to the matron for the register and make the prescribed entry therein, and return the register to the personal charge of the matron. The matron shall hand over the register to any such member of the staff of the hospital on application made as aforesaid.

35 8. (1) Any person authorised in writing by the Board of Health, or by the president of the said board, may at any reasonable times inspect such register and take extracts from it.

Inspection of register.

(2) Such register shall, at the times prescribed by regulations under this Act, be forwarded by the medical superintendent or the matron, as the case may be, to the said board for inspection.

Register to be forwarded to board.

9. The medical superintendent or the matron, as the case may be, of such hospital, and every person who has prepared or assisted in the preparation of or has inspected any such register or any extract therefrom,

Secrecy to be observed.

therefrom, shall preserve and aid in preserving secrecy with regard to the matters contained in such register or extract and with regard to all matters in relation thereto which may come to his knowledge in his official capacity, and shall not communicate such matters to any other person, except in the lawful performance of his duties.

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Supplemental.

Regulations

Recovery of penalties.

10. The Governor may make regulations for carrying out the provisions of this Act, and may in such regulations impose any penalty not exceeding *fifty* pounds for any breach of the same. Any such penalty may be recovered before a stipendiary or police magistrate or 10 any two justices of the peace in petty sessions.