

New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

\*\*\*\*\*

Act No. 11, 1908.

An Act for the detention and cure of prisoners suffering from certain diseases; and for purposes consequent thereon or incidental thereto. [Assented to, 3rd December, 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:—

*Preliminary.*

1. This Act may be cited as the "Prisoners Detention Act, 1908," and shall commence on the first day of January, one thousand nine hundred and nine. Short title and commencement.

2. In this Act—

"Contagious disease" means venereal disease, including gonorrhœa.

"Convicted" means convicted, whether summarily or otherwise, of an offence punishable by imprisonment or penal servitude.

"Court"

Definitions.



*Prisoners Detention.*

“ 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.

“ Magistrate ” means stipendiary magistrate or police magistrate.

*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.

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

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 ;
- (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.

*Committal to lock hospital.*

Magistrate may  
order detention of  
prisoner in lock  
hospital.

4. (1) Where the surgeon of a prison or place of detention certifies in writing to the Comptroller-General of Prisons that a convicted prisoner detained therein is suffering from a contagious disease, such prisoner may be brought before a magistrate, and, on proof being made in private on oath that such prisoner is so suffering, the magistrate may order that he be detained in a lock hospital until discharged in pursuance of this Act :

Provided that any prisoner against whom an order has been made as aforesaid may, on notice as prescribed, appeal therefrom to any court of Quarter Sessions for the district where the order was made, or, with the leave of the Attorney-General, to any other court of Quarter Sessions. Such appeal may be heard in private. The notice of appeal shall not suspend the operation of the order of the magistrate.

Appeal.

(2) The court hearing the appeal may, by its order, confirm, set aside, or vary the order appealed from. (3)



*Prisoners Detention.*

(3) Any order under this section that a convicted prisoner be detained in a lock hospital shall be sufficient authority to the Comptroller-General of Prisons to remove the prisoner to such hospital, and to detain him in pursuance of such order, subject to the provisions of this Act. Order sufficient authority for detention of prisoner.

(4) The period of such detention shall run concurrently with but may exceed any term of imprisonment or penal servitude to which the prisoner has been sentenced. Period of detention.

5. 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 magistrate or 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, but if such sentence has expired he shall be discharged from custody. Medical officer to report when detained person free from contagious disease.

*Supplemental.*

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

7. All regulations so made shall—

- (i) be published in the Government Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (iii) be laid before both Houses of Parliament within seven days after publication if Parliament is in Session, and if not, then within seven days after the commencement of the next Session. But if either House of the Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Regulations to be published.







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

*Legislative Assembly Chamber,  
Sydney, 25 November, 1908, A.M. }*

*RICHD. A. ARNOLD,  
Clerk of the Legislative Assembly.*

## New South Wales.



ANNO OCTAVO

## EDWARDI VII REGIS.

\*\*\*\*\*

### Act No. 11, 1908.

An Act for the detention and cure of prisoners suffering from certain diseases; and for purposes consequent thereon or incidental thereto. [Assented to, 3rd December, 1908.]

**B**E 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:—

#### *Preliminary.*

1. This Act may be cited as the "Prisoners Detention Act, 1908," and shall commence on the first day of January, one thousand nine hundred and nine. Short title and commencement.

2. In this Act—

"Contagious disease" means venereal disease, including gonorrhœa.

"Convicted" means convicted, whether summarily or otherwise, of an offence punishable by imprisonment or penal servitude.

"Court"

Definitions.

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

*JOHN J. COHEN,  
Chairman of Committees of the Legislative Assembly.*



*Prisoners Detention.*

“ 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.

“ Magistrate ” means stipendiary magistrate or police magistrate.

*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.

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

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 ;
- (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.

*Committal to lock hospital.*

Magistrate may  
order detention of  
prisoner in lock  
hospital.

4. (1) Where the surgeon of a prison or place of detention certifies in writing to the Comptroller-General of Prisons that a convicted prisoner detained therein is suffering from a contagious disease, such prisoner may be brought before a magistrate, and, on proof being made in private on oath that such prisoner is so suffering, the magistrate may order that he be detained in a lock hospital until discharged in pursuance of this Act :

Provided that any prisoner against whom an order has been made as aforesaid may, on notice as prescribed, appeal therefrom to any court of Quarter Sessions for the district where the order was made, or, with the leave of the Attorney-General, to any other court of Quarter Sessions. Such appeal may be heard in private. The notice of appeal shall not suspend the operation of the order of the magistrate.

Appeal.

(2) The court hearing the appeal may, by its order, confirm, set aside, or vary the order appealed from. (3)



*Prisoners Detention.*

(3) Any order under this section that a convicted prisoner be detained in a lock hospital shall be sufficient authority to the Comptroller-General of Prisons to remove the prisoner to such hospital, and to detain him in pursuance of such order, subject to the provisions of this Act. Order sufficient authority for detention of prisoner.

(4) The period of such detention shall run concurrently with but may exceed any term of imprisonment or penal servitude to which the prisoner has been sentenced. Period of detention.

5. 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 magistrate or 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, but if such sentence has expired he shall be discharged from custody. Medical officer to report when detained person free from contagious disease.

*Supplemental.*

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

7. All regulations so made shall—

- (i) be published in the Government Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (iii) be laid before both Houses of Parliament within seven days after publication if Parliament is in Session, and if not, then within seven days after the commencement of the next Session. But if either House of the Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

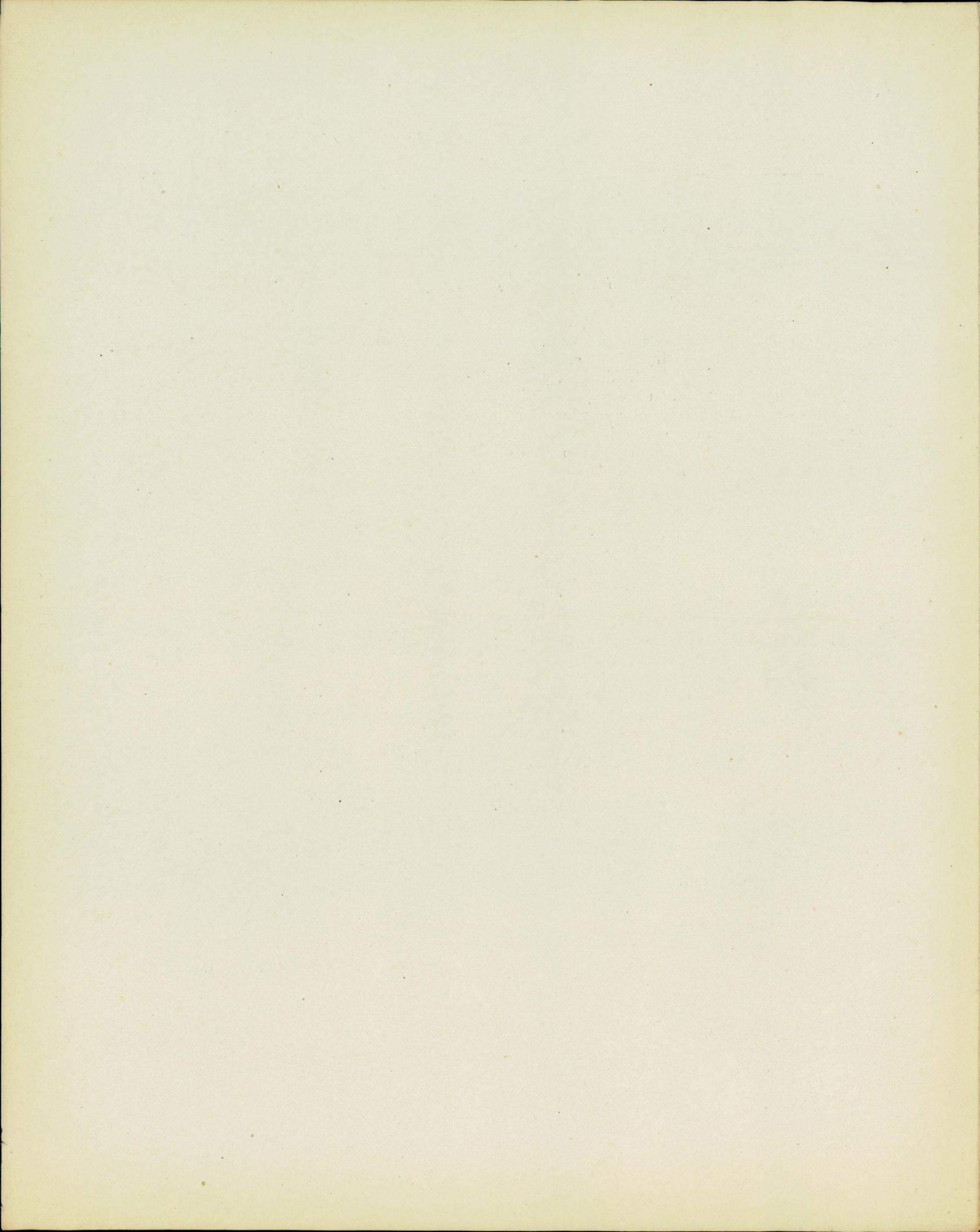
Regulations to be published.

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

State Government House,  
Sydney, 3rd December, 1908.

HARRY H. RAWSON,  
Governor.







PRISONERS DETENTION BILL.

---

*SCHEDULE of Amendments referred to in Message of 12th November, 1908.*

---

- Page 1, Title. *Omit* "prevention and cure of" *insert* "detention and cure of prisoners  
"suffering from"
- Page 2, clause 4, line 38. *After* "Sessions" *insert* "Such appeal may be heard in  
"private"; *omit* "Such" *insert* "The"
- Page 3, clause 4 (3), lines 2 and 3. *Omit* "any member of the police force to take"  
*insert* "the Comptroller-General of Prisons to remove"
- Page 3, clause 4 (3), lines 4 and 5. *Omit* "to the Comptroller-General of Prisons"
- Page 3, clause 4 (4), line 7. *Omit* "form part of" *insert* "run concurrently with but  
"may exceed"
- Page 3, clause 5, line 16. *Omit* "or otherwise" *insert* "but if such sentence has  
"expired he"
- Pages 3 and 4. *Omit* short heading and clauses 6, 7, and 8.
- Page 4. *After* clause ~~9~~ 6 *insert* new clause 7.
-



THE UNIVERSITY OF CHICAGO

SCHEIDT of American School to be Member of 1911 November 1911

The first of the two papers referred to in the above is of interest  
"The University of Chicago" and the second is of interest in  
the history of the University of Chicago. The first paper is  
of interest in the history of the University of Chicago and  
the second is of interest in the history of the University of  
Chicago. The first paper is of interest in the history of the  
University of Chicago and the second is of interest in the  
history of the University of Chicago. The first paper is of  
interest in the history of the University of Chicago and the  
second is of interest in the history of the University of  
Chicago.

THE UNIVERSITY OF CHICAGO



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

*Legislative Assembly Chamber,  
Sydney, 4 November, 1908, A.M. }*

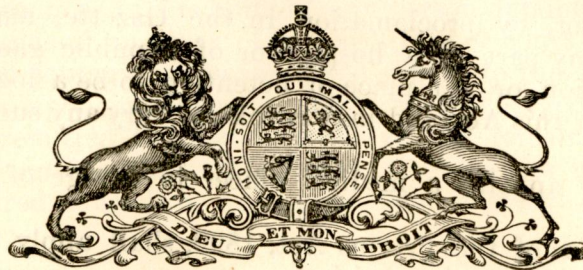
**RICHD. A. ARNOLD,**  
*Clerk of the Legislative Assembly.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

*Legislative Council Chamber,  
Sydney, 12th November, 1908. }*

**JOHN J. CALVERT,**  
*Clerk of the Parliaments.*

## New South Wales.



ANNO OCTAVO

# EDWARDI VII REGIS.

\*\*\*\*\*

Act No. , 1908.

An Act for the prevention and cure of detention and cure of prisoners suffering from certain diseases ; and for purposes consequent thereon or incidental thereto.

**B**E 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 :—

5

### *Preliminary.*

1. This Act may be cited as the "Prisoners Detention Act, 1908," and shall commence on the first day of January, one thousand nine hundred and nine. Short title and commencement.

2. In this Act—

10

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

Definitions.

25739

102—

"Court"

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



*Prisoners Detention.*

“ 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.

“ Magistrate ” means stipendiary magistrate or police magistrate.

*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.

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

(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 ;
- (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.

*Committal to lock hospital.*

4. (1) Where the surgeon of a prison or place of detention certifies in writing to the Comptroller-General of Prisons that a convicted prisoner detained therein is suffering from a contagious disease, such prisoner may be brought before a magistrate, and, on proof being made in private on oath that such prisoner is so suffering, the magistrate may order that he be detained in a lock hospital until discharged in pursuance of this Act :

Provided that any prisoner against whom an order has been made as aforesaid may, on notice as prescribed, appeal therefrom to any court of Quarter Sessions for the district where the order was made, or, with the leave of the Attorney-General, to any other court of Quarter Sessions. **Such appeal may be heard in private.** Such The notice of appeal shall not suspend the operation of the order of the magistrate.

(2) The court hearing the appeal may, by its order, confirm, set aside, or vary the order appealed from.

(3)



*Prisoners Detention.*

(3) Any order under this section that a convicted prisoner be detained in a lock hospital shall be sufficient authority to ~~any member of the police force to take~~ <sup>Order sufficient authority for detention of prisoner.</sup> **the Comptroller-General of Prisons to remove** the prisoner to such hospital, and ~~to the Comptroller-General of Prisons to detain him in pursuance of such order,~~ subject to the provisions of this Act.

(4) The period of such detention shall ~~form part of~~ <sup>Period of detention.</sup> **run concurrently with but may exceed** any term of imprisonment or penal servitude to which the prisoner has been sentenced.

10 **5.** 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 magistrate or 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 15 hospital and be remitted to custody to serve the remainder of the sentence if such sentence has not expired, ~~or otherwise~~ <sup>Medical officer to report when detained person free from contagious disease.</sup> **but if such sentence has expired he shall be discharged from custody.**

*Registers to be kept in public hospitals.*

20 **6.** (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 25 prescribed by regulations under this Act. <sup>Register kept by public hospitals of cases treated for contagious disease.</sup>

(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 to the said superintendent, 30 who shall make the prescribed entry in the register. <sup>Manner of making entries in register.</sup>

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 35 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.

**7.** (1) Any person authorised in writing by the Board of Health, or by the president of the said board, may at any reasonable 40 times inspect such register and take extracts from it. <sup>Inspection of register.</sup>

(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. <sup>Register to be forwarded to board.</sup>



*Prisoners Detention.*

8. 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, 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.

Secrecy to be observed.

*Supplemental.*

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

Regulations.

Recovery of penalties.

7. All regulations so made shall—

Regulations to be published.

- (i) be published in the Government Gazette ;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations ; and
- (iii) be laid before both Houses of Parliament within seven days after publication if Parliament is in Session, and if not, then within seven days after the commencement of the next Session.

But if either House of the Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.



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

*Legislative Assembly Chamber,  
Sydney, 4 November, 1908, A.M. }*

*RICHD. A. ARNOLD,  
Clerk of the Legislative Assembly.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

*Legislative Council Chamber,  
Sydney, November, 1908. }*

*Clerk of the Parliaments.*

## New South Wales.



ANNO OCTAVO

# EDWARDI VII REGIS.

\*\*\*\*\*

Act No. , 1908.

An Act for the ~~prevention and cure of~~ detention and cure of prisoners suffering from certain diseases ; and for purposes consequent thereon or incidental thereto.

**B**E 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 :—

5

### *Preliminary.*

1. This Act may be cited as the "Prisoners Detention Act, 1908," and shall commence on the first day of January, one thousand nine hundred and nine. Short title and commencement.

2. In this Act—

"Contagious disease" means venereal disease, including gonorrhœa. Definitions.

"Convicted" means convicted, whether summarily or otherwise, of an offence punishable by imprisonment or penal servitude.

102—

"Court"

25739

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



*Prisoners Detention.*

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

5 “ 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.

“ Magistrate ” means stipendiary magistrate or police magistrate.

*Lock hospitals.*

10 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.

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

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

- 20 (a) such hospital shall be a prison or place of detention for the purposes of the said Act ;
- (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.
- 25 (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.

*Committal to lock hospital.*

30 4. (1) Where the surgeon of a prison or place of detention certifies in writing to the Comptroller-General of Prisons that a convicted prisoner detained therein is suffering from a contagious disease, such prisoner may be brought before a magistrate, and, on proof being made in private on oath that such prisoner is so suffering, the magistrate may order that he be detained in a lock hospital until discharged in pursuance of this Act :

35 Provided that any prisoner against whom an order has been made as aforesaid may, on notice as prescribed, appeal therefrom to any court of Quarter Sessions for the district where the order was made, or, with the leave of the Attorney-General, to any other court of Quarter Sessions. **Such appeal may be heard in private.** The notice of appeal shall not suspend the operation of the order of the

40 magistrate.

(2) The court hearing the appeal may, by its order, confirm, set aside, or vary the order appealed from.

(3)



*Prisoners Detention.*

(3) Any order under this section that a convicted prisoner be detained in a lock hospital shall be sufficient authority to ~~any member of the police force to take~~ <sup>Order sufficient authority for detention of prisoner.</sup> **the Comptroller-General of Prisons to remove** the prisoner to such hospital, and ~~to the Comptroller-General of Prisons~~ to detain him in pursuance of such order, subject to the provisions of this Act.

(4) The period of such detention shall ~~form part of~~ <sup>run</sup> **concurrently with but may exceed** any term of imprisonment or penal servitude to which the prisoner has been sentenced. <sup>Period of detention.</sup>

10 **5.** 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 magistrate or 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 <sup>Medical officer to report when detained person free from contagious disease.</sup> hospital and be remitted to custody to serve the remainder of the **15 sentence if such sentence has not expired, or otherwise but if such sentence has expired he shall be discharged from custody.**

*Registers to be kept in private hospitals.*

20 **6.** (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 <sup>Register kept by public hospitals of cases treated for contagious disease.</sup> prescribed by regulations under this Act.

(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 to the said superintendent, <sup>Manner of making entries in register.</sup> who shall make the prescribed entry in the 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 **35 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.

**7.** (1) Any person authorised in writing by the Board of Health, or by the president of the said board, may <sup>Inspection of register.</sup> at any reasonable times inspect such register and take extracts from it.

(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 <sup>Register to be forwarded to board.</sup> for inspection.



*Prisoners Detention.*

8. 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, 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.

Secrecy to be observed.

*Supplemental.*

10 9. 6. The Governor may make regulations for carrying out the provisions of this Act, and may in such regulations impose any penalty not exceeding twenty-five pounds for any breach of the same. Any such penalty may be recovered before a stipendiary or police magistrate or any two justices of the peace in petty sessions.

Regulations.

Recovery of penalties.

15 7. All regulations so made shall—

Regulations to be published.

- (i) be published in the Government Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (iii) be laid before both Houses of Parliament within seven days after publication if Parliament is in Session, and if not, then within seven days after the commencement of the next Session. But if either House of the Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

20

25



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

*Legislative Assembly Chamber,  
Sydney, 4 November, 1908, A.M. }*

*RICHD. A. ARNOLD,  
Clerk of the Legislative Assembly.*

## New South Wales.



ANNO OCTAVO

## EDWARDI VII REGIS.

\*\*\*\*\*

Act No. , 1908.

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

**B**E 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 :—

5

### *Preliminary.*

1. This Act may be cited as the "Prisoners Detention Act, 1908," and shall commence on the first day of January, one thousand nine hundred and nine. Short title and commencement.

2. In this Act—

10

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

Definitions.

102—

"Court"



*Prisoners Detention.*

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

5 “ 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.

“ Magistrate ” means stipendiary magistrate or police magistrate.

*Lock hospitals.*

10 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.

Proclamation of lock hospitals.

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

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

Application of Prisons Act.

- 20 (a) such hospital shall be a prison or place of detention for the purposes of the said Act ;
- (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.
- 25 (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.

*Committal to lock hospital.*

30 4. (1) Where the surgeon of a prison or place of detention certifies in writing to the Comptroller-General of Prisons that a convicted prisoner detained therein is suffering from a contagious disease, such prisoner may be brought before a magistrate, and, on proof being made in private on oath that such prisoner is so suffering, the magistrate may order that he be detained in a lock hospital until discharged in pursuance of this Act :

Magistrate may order detention of prisoner in lock hospital.

35 Provided that any prisoner against whom an order has been made as aforesaid may, on notice as prescribed, appeal therefrom to any court of Quarter Sessions for the district where the order was made, or, with the leave of the Attorney-General, to any other court of Quarter Sessions. Such notice of appeal shall not suspend the operation of the order of the magistrate.

40 (2) The court hearing the appeal may, by its order, confirm, set aside, or vary the order appealed from.

(3)



*Prisoners Detention.*

(3) Any order under this section that a convicted prisoner be detained in a lock hospital shall be sufficient authority to any member of the police force to take the prisoner to such hospital, and to the Comptroller-General of Prisons to detain him in pursuance of  
 5 such order, subject to the provisions of this Act.

Order sufficient authority for detention of prisoner.

(4) The period of such detention shall form part of any term of imprisonment or penal servitude to which the prisoner has been sentenced.

Period of detention.

5. 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 magistrate or 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  
 10 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.*

6. (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  
 20 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 to the said superintendent, who shall make the prescribed entry in the register.

Manner of making entries in register.

30 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  
 35 over the register to any such member of the staff of the hospital on application made as aforesaid.

7. (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.

40 (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



---

*Prisoners Detention.*

---

8. 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, 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.

Secrecy to be observed.

*Supplemental.*

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

Regulations

Recovery of penalties.

[3d.]