

No. XXIX.

QUARANTINE.

An Act to amend the Quarantine Laws in certain particulars. [24th October, 1853.]

Preamble.

WHEREAS the Laws relating to Quarantine require amendment as hereinafter provided Be it enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows :—

Every Commander Master &c. of any vessel arriving from parts beyond seas truly to answer questions put to him by Pilot &c. as to health of crew and passengers and failing so to do to be deemed guilty of a misdemeanor.

1. Every Commander Master or other person having the charge of any vessel arriving at any port in the said Colony from parts beyond the seas who shall neglect or refuse to give to the Pilot Health Officer or person boarding or conducting any such vessel as aforesaid such written paper as is required by the fourth section of the Quarantine Act passed in the third year of the reign of His late Majesty King William the Fourth or who shall deliver any such written paper as is required by the said enactments with any false statement contained therein or who shall wilfully omit to make therein any statement required by the said Act or who shall make any false answer to any such questions which may be put to him by such Pilot or person boarding or conducting such vessel as aforesaid shall be guilty of a misdemeanor and shall on conviction be imprisoned with or without hard labor 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 shall be convicted.

Surgeon Dispenser &c. truly to answer all such questions as to health of crew and passengers

2. The Surgeon Dispenser or other Medical Officer of every such vessel shall truly answer all such questions as shall be put to him by such Pilot Health Officer 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 shall have come or at which it shall have touched.

And failing so to do to be deemed guilty of a misdemeanor.

3. Any such Surgeon Dispenser or other Medical Officer who shall refuse to answer such questions as shall be so put to him or shall make any false answer to any question put to him as aforesaid shall be guilty of a misdemeanor and shall on conviction be imprisoned with or without hard labor 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 shall be convicted.

Words "person boarding any such vessel" to be held to

4. The words "person boarding any such vessel" as the same are used in the said in part recited Act shall be held to apply to any Health

Quarantine.

Health Officer appointed by the said Governor and to any other person appointed by the said Governor to board any vessel arriving in any port in the said Colony whether such Health Officer or other person shall actually board such vessel or shall only go alongside the same and demand such written paper or put such questions as aforesaid without such actual boarding.

5. The provisions of the seventh section of the Quarantine Act passed in the third year of the reign of His Majesty King William the Fourth shall be deemed to apply to all vessels and persons liable to perform Quarantine notwithstanding that no such Proclamation as is mentioned in the sixth section of that Act shall have been issued.

apply to the Health Officer &c.

Amending provisions of 3 Will. IV. No. 1 as to arrest of persons liable to perform Quarantine.

6. No vessel arriving in the Harbour of Port Jackson from parts beyond the seas except as provided by the next section hereof in respect of vessels from the Australasian Colonies shall be brought higher up the Harbour than Pinchgut Island nor shall any person whatsoever quit such vessel until the same shall have been boarded by the Health Officer and admitted to pratique and if any person shall offend against the provisions of this enactment he shall on conviction of such offence before any two Justices of the Peace forfeit and pay any sum not exceeding one hundred pounds.

Vessels not to pass Pinchgut Island and persons not to quit vessels until boarded by Health Officer.

7. The provisions contained in the last preceding clause shall not nor shall the provision contained in the eighth section of the Harbour Act passed in the seventh year of Her present Majesty's reign requiring a blue flag to be hoisted and kept flying apply to vessels arriving from any of the Australasian Colonies including New Zealand unless at the time of the arrival of any such vessel or within fourteen days previously thereto there shall be or shall have been an infectious disease on board thereof or unless a Proclamation shall have been issued by the Governor with the advice of the Executive Council under the first section of the said recited Act requiring in consequence of the existence of any infectious or contagious disease in any one or more of the Australasian Colonies that vessels arriving therefrom should be placed in Quarantine in either of which cases the said provisions respectively shall apply to such vessels and to all persons on board thereof in the same manner as to vessels not arriving from any of the Australasian Colonies.

Exemption of vessels arriving from any Australian Colony.

Unless contagious or infectious disease on board at time of or shortly before arrival or when Proclamation issued under 3 Wm. IV. No. 1 s. 1.

8. 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 of any vessel arriving in the Harbour of Port Jackson from any place other than those coming within the exemption contained in the last preceding clause until such vessel shall have been boarded by the Health Officer and the visiting flag shall have 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 shall have gone alongside until such time as aforesaid and if any person shall offend against the provisions hereof or if any Master of a merchant vessel in harbour shall order or permit or suffer 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 any such vessel as last mentioned whilst the visiting flag shall continue to be flying at the mast thereof every such master or other person shall for every such offence on conviction thereof before any two Justices of the Peace forfeit and pay a sum not exceeding fifty pounds.

Prohibiting boats from communicating with vessels until visited by Health Officer.

9. In case it shall be deemed necessary by the Governor with the advice of his Executive Council 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 said Governor with such advice 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

Medical Officer may be appointed for persons in Quarantine at the cost of the owners of vessel.

Police Recruiting.

Treasurer and the amount so paid shall be repaid to the said Colonial Treasurer by the owners or agents of such vessel before she shall be permitted to clear out and leave the port in which she shall then be Provided that this enactment shall not apply to any vessel chartered by the Government for the conveyance of immigrants.

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

10. 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 shall be 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 shall then be 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.

Governor and
Executive Council
to make regulations
for observance by
persons in Quarantine.

11. It shall be lawful for the Governor with the advice of the Executive Council to make such rules and regulations as to His Excellency and the said Council shall seem meet for observance by the masters officers and crews of vessels in Quarantine and by the passengers and all other persons whomsoever whilst performing Quarantine on board such vessels or on shore and by such rules and regulations to impose such fines or penalties not exceeding twenty pounds in any case as the said Governor and Executive Council shall think fit and all such fines and penalties shall be recoverable before any two Justices of the Peace at any time within two months after the offenders shall have been released from Quarantine.

Copy of this Act and
of 3 Wm. IV. No. 1
and of 5 Vic. No. 12
to be given to Master
on arrival.

12. A copy of this Act and of the said recited Act and of the Act for amending the same passed in the fifth year of Her present Majesty's reign shall be given by the Pilot or person boarding any such vessel to the Master thereof immediately on her arrival in any such port.
