ANNO QUADRAGESIMO ET QUADRAGESIMO PRIMO

VICTORIÆ REGINÆ.

A.D. 1877.

No. 64.

An Act to amend the Laws relating to Quarantine.

[Assented to, 21st December, 1877.]

WHEREAS it is expedient to amend the Laws now in force respecting Quarantine—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

1. This Act may be cited for all purposes as “The Quarantine Act, 1877.”

2. Act No. 3 of 1850 shall be and the same is hereby repealed.

3. If the Governor shall by Proclamation notify that any place beyond the seas is infected with small-pox, cholera, or other infectious or contagious disease, and that it is probable such disease may be brought from such place to South Australia, immediately after such notification all vessels whatever arriving from or having touched at any such place, and all vessels and boats receiving any person or thing whatsoever from or out of any vessel so coming from or having touched at such infected place as aforesaid, whether such person or thing shall have come or been brought in such vessel, or such person shall have gone or have been put on board the same either before or after the arrival of such vessel at any place in South Australia, and whether such vessel was or was not bound to any place in South Australia; and all persons and things whatsoever on board of any vessel so coming from or having touched at such infected place as aforesaid, or on board of any such receiving vessels or boats as aforesaid, shall be liable to quarantine within the meaning of Act No. 3 of 1850.
meaning of this Act, and of any order made by the Governor and notified by Proclamation concerning quarantine and the prevention of infection from the time of the departure of such vessels from such infected place as aforesaid, or from the time such persons or things shall have been received on board respectively.

4. All such vessels and boats as aforesaid, and all persons (as well pilots as others) and all things whether coming or brought in such vessels or boats from such infected place as aforesaid, or going or being put on board the same either before or after the arrival of such vessels or boats at any place in South Australia, and all persons and things as aforesaid on board such receiving vessel or boat as aforesaid shall upon their arrival at any place in South Australia be required to perform quarantine in such places for such time and in such manner as shall be from time to time directed by the Chief Secretary until such vessels and boats, persons and things as aforesaid shall have respectively performed and shall be duly discharged from quarantine; no such persons or things shall either before or after the arrival of such vessels or boats at any place in South Australia come or be brought on shore, or go or be put on board any other vessel or boat in order to come or be brought on shore in any such place unless in such manner, and in such cases, and by such licence as shall be directed or permitted by any such order as aforesaid.

5. All such vessels or boats, whether coming from such infected place as aforesaid or being otherwise liable to quarantine as aforesaid, and all persons (as well pilots as others) and things as aforesaid, whether coming or brought in such vessels or boats, or going or being put on board the same, either before or after the arrival of such vessels or boats at any place in South Australia, and all masters or other persons having the charge or command of any such vessels or boats, whether coming from any infected place or being otherwise liable to quarantine as aforesaid, shall be subject to all the provisions, rules, regulations and restrictions, contained in this Act or in any orders which shall be made by the Governor as aforesaid, concerning quarantine and prevention of infection.

6. The Governor may in any order made under the provisions of this Act, attach a penalty not exceeding the sum of Fifty Pounds, or a liability to imprisonment for any term not exceeding three months to the disobedience of such order, or breach of any of the regulations therein contained; and the person disobeying any such order, or breaking any such regulations, shall be punishable therefor as if such penalty or term of imprisonment provided as aforesaid had been provided by this Act as the punishment for the offence committed by such person; and when no penalty or term of imprisonment provided as aforesaid had been provided by this Act as the punishment for the offence committed by such person, and when no penalty or term of imprisonment shall be provided by such order as aforesaid for disobedience thereof, or for breach of any regulat
The Quarantine Act.—1877.

7. The Governor may make such order as shall be deemed expedient upon any unforeseen emergency, or in particular cases, with respect to any vessel arriving and having any such infectious or contagious disease on board, or on board of which any such infectious or contagious disease may have appeared in the course of the voyage, or arriving under any other alarming or suspicious circumstances as to infection or contagion, although such vessel shall not have arrived from any place from which the Governor may have declared it probable that any such infectious disease may be brought; and also with respect to the persons and things as aforesaid on board the same, and may require all or any persons on board of any such vessel to be vaccinated. In case of any such infectious disease appearing or breaking out in South Australia, the Governor may make such orders 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 shall appear necessary and expedient for that purpose; and may likewise make such orders as the Governor may deem fit for shortening the time of quarantine to be performed by particular vessels or particular persons or things, or for absolutely or conditionally releasing them or any of them from quarantine; and 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 master or other person having charge of any vessel and all other persons on board the same, as with respect to any other persons having any intercourse or communication with them, and to the penalties and punishments to which they may respectively become liable, as any order concerning quarantine, made by the Governor and notified as aforesaid: Provided, however, that all unnecessary hardship or inconvenience may be prevented, it shall be lawful for the Governor to allow such persons suffering from contagious or infectious diseases to be visited by their friends, relations, or private medical adviser at any time, under the recommendation or request of the Colonial Surgeon or of the President of the Board of Health.

8. The Governor may from time to time, by any order notified by Proclamation, appoint certain stations or places within or near any harbor or place within South Australia, for the performance of quarantine under this Act, where all vessels liable to quarantine, and the crews, passengers, and persons on board thereof shall perform the same; and also, if necessary, appoint lazarets and other places where the crews, passengers, and other persons, and the things which shall or may be on board the said vessels shall be detained and kept for the performance of quarantine. All persons liable to perform quarantine, and all persons having had any intercourse with them (whether in vessels, or in a lazaret, or elsewhere), shall be subject, during the time they are liable to quarantine, to such orders as they shall receive from the person in charge of such station, lazaret, or place, or his assistant; and the said officers
are required to enforce all necessary obedience to the said orders, and in case of necessity, to call in others to their assistance; and such officers shall compel all persons liable to quarantine, and persons having had any intercourse with them, to repair to such station, lazaret, or place; and if any person liable to perform quarantine, or any person having had any intercourse with him, shall wilfully refuse or neglect to repair, when required by such officers or either of them, to the said station, lazaret, or place appointed, or having been placed in the said station, lazaret, or place, shall escape, or attempt to escape out of the same before quarantine duty performed, the said officers, or either of them, and also the watchman and other persons appointed may, by such necessary force as the case shall require, compel every person so refusing, or neglecting, escaping, or attempting to escape, to repair, or return to such station, lazaret, or place; and every person so refusing, or neglecting, and also every person actually escaping, shall forfeit a sum not exceeding Two Hundred Pounds, or in default of payment shall be imprisoned for any period not exceeding six months.

9. 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 any harbor of the said Province from any place other than those coming within the exemption contained in the last preceding section, 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 until such time as aforesaid; and if any person shall offend against the provisions hereof, or if any master of a merchant vessel in harbor 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 forfeit and pay a sum not less than Thirty and not exceeding Fifty Pounds, or in default of payment, shall be imprisoned for any period not exceeding three months.

10. In case it shall be 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 said 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 Treasurer, and the amount so paid shall be repaid to the said 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.

11. 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
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 Chief Secretary, and the cost thereof, including the conveyance of the same, shall be paid by the said owners or agents into the hands of the 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.

12. The master, or person (excepting the pilot) having the charge of any vessel, and the surgeon, dispenser, or other medical officer of any vessel coming from parts beyond seas, shall give to the person for the time being authorized to act as the Health Officer, or on behalf of the Health Officer of the port at which such vessel shall arrive, either alongside or on board such vessel as such Health Officer may desire, a written paper containing a true account of the name or names of the place or places at which such vessel shall have loaded, or shall have touched on the voyage to South Australia, and of the health of the crew and passengers of such vessel during the voyage, and the cause of death of any person who shall have died on such voyage; and also true answers to the questions contained in the form provided by the First Schedule hereto, or in such other form as shall be prescribed from time to time by the Governor in that behalf, and published in the Government Gazette; and shall also truly answer orally any questions which may be put to him touching all or any of the matters aforesaid by such Health Officer.

13. Any such master or person in charge of such vessel as aforesaid, or 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 thereof, 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.

14. Such master, or person in charge of such vessel as aforesaid, shall permit the Health Officer to inspect any part of the vessel, and all or any of the passengers or crew of such vessel; any master, or other person in charge of such vessel, refusing to permit such inspection, or obstructing the Health Officer therein, shall for every such offence be liable to a penalty not exceeding Fifty Pounds, or in default of payment shall be imprisoned for any period not exceeding three months.

15. If it shall appear to the Health Officer that such vessel is not liable to perform quarantine, he shall give to the master, or other person in charge of such vessel as aforesaid, a clean bill of health, when vessel not liable to quarantine clean bill of health to be given.
The Quarantine Act—1877.

Second Schedule.

When quarantine to be performed.

16. If it shall appear by the written paper or answers to questions, or by inspection as aforesaid, that such vessel shall have arrived from any place notified by the Governor as being infected as aforesaid, or if the Health Officer shall apprehend any danger to the public health from the immediate admission of such vessel to entry, by reason of there then being, or of there having been during the voyage any infectious or contagious disease on such vessel, or of such vessel having touched at any place where any such disease shall have prevailed, or having communicated with any other vessel on board which any such disease may have existed, such vessel shall be liable to perform quarantine; and such Health Officer shall immediately notify the same to the master or other person in charge as aforesaid, under a penalty of One Hundred Pounds for any neglect therein; and the master or other person in charge as aforesaid, shall immediately after such notice hoist a signal to denote that such vessel is liable to the performance of quarantine (which 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 such as is commonly used on board Her Majesty's ships of war, at the same mast head), and shall keep such signal hoisted until the time when such vessel shall be legally discharged from the performance of quarantine, and on any and every neglect therein shall incur a penalty not exceeding One Hundred Pounds, or in default of payment shall be imprisoned for any period not exceeding three months.

Penalty on pilot conducting vessel liable to quarantine to any place but that provided for quarantine.

17. If any pilot shall knowingly bring, or cause to be brought or conducted, any vessel liable to the performance of quarantine into any place not specially appointed for the reception of vessels so liable, unless compelled thereto by stress of weather, adverse winds, or accidents of the sea, he shall for every such offence forfeit a sum not exceeding Two Hundreds Pounds, or in default of payment shall be imprisoned for any period not exceeding six months.

Justices may order vessel into quarantine.

18. If any vessel shall arrive from parts beyond the seas, in any port or harbor of South Australia, and if during the voyage there shall have been, or at the time of arrival there shall be on board such vessel, any infectious or contagious disease, or if such vessel shall have sailed from, or touched at any place during the voyage where any such disease shall have prevailed, or shall have communicated with any other vessel on board which any such disease may have existed, and if any legally qualified medical practitioner, or the surgeon or medical officer of such vessel, shall certify in writing that danger may reasonably be apprehended to the public health from the immediate admission of such vessel to entry, any two Justices of the Peace may, by writing under their hands, order such vessel into quarantine; and every such vessel so placed in quarantine with the contents thereof, and every person on board (whether such person shall belong to or shall have come as a passenger by such vessel, or shall have gone on board her after arrival in South Australia) shall be subject to
to the same laws, rules, and penalties in all respects as are in force
with respect to vessels, persons, and things placed in quarantine
under the provisions of this Act, until released thereunder, or by an
order under the hands of the Justices of the Peace making such
first mentioned order.

19. Any Justice of the Peace making such order as aforesaid
imposing quarantine, and any Health Officer ordering any vessel into
quarantine as aforesaid, shall forthwith report the fact that such
order has been made to the Chief Secretary in order that further
measures may, if necessary, be taken according to law for the con-
tinuance of such vessel in quarantine, or the release thereof.

20. Every master or other person having charge of any vessel
which shall be liable to perform quarantine as aforesaid, shall, forth-
with, after his arrival at the place appointed for the performance of
quarantine, deliver on demand to the Health Officer or his assistant,
or other officer authorized to act in that behalf (and the Health
Officer, assistant, or other officer, as aforesaid, is hereby required to
make such demand), his bill of health and manifest, together with
his logbook and journal, under pain of forfeiting a sum not exceed-
ing One Hundred Pounds if he shall willfully refuse or neglect to
do so, or, in default of payment, of imprisonment for any period not
exceeding three months.

21. If any master or other person being in charge of any vessel
liable to perform quarantine, shall himself quit, or shall knowingly
permit or suffer any person to quit, such vessel by going on shore, or
by going on board any other vessel before such quarantine shall be
fully performed (unless by such license as shall be granted by
virtue of any orders made by the Governor as aforesaid); or in
case any master or person having charge of such ship shall 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 appointed for such vessel and lading to perform quarantine,
then and in every such case every such master or person, for every
such offence, shall forfeit and pay a sum not exceeding Four
Hundred Pounds, or in default of payment shall be imprisoned for
any period not exceeding six months.

22. If any person coming in any such vessel liable to quarantine
or any pilot or other person going on board the same, either before
or after the arrival of such vessel at any place within South Aus-
tralia, shall either before or after such arrival quit such vessel (unless
by such license as aforesaid) by going on shore, or by going on
board any other vessel or boat with intent to go on shore as afore-
said, before such vessel so liable to quarantine as aforesaid shall be
regularly discharged from the performance thereof, any person how-
soever may, by any kind of necessary force, compel such pilot or
other person so quitting such vessel to return on board the same;
and every such pilot or other person so quitting such vessel shall for
every such offence suffer imprisonment for the space of six months,
and shall forfeit a sum not exceeding Three Hundred Pounds.

23. Any
23. Any person may seize and apprehend any person that shall, contrary to the provisions of this Act, have quitted or come on shore from any vessel liable to perform quarantine, or who shall have escaped from or quitted any vessel under quarantine, or from any lazaret, vessel, or place appointed in that behalf, for the purpose of carrying such person before any Justice of the Peace; and any Justice of the Peace may grant his warrant for the apprehending and conveying of any such person to the vessel from which he shall have come on shore, or to any vessel performing quarantine or lazaret from which he shall have escaped, or for confining any 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 to such Justice of the Peace appear 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 any such person, and may make any further order that may be necessary in that behalf.

24. The Governor by order, notified by Proclamation, may prohibit all persons, vessels, and boats from going, under any pretence whatsoever, within the limits of any station which by any order of the Governor as aforesaid has been or may be assigned for the performance of quarantine; and if any person whosoever, after such notification of any such order, shall go within the limits of any such station, he shall for every such offence forfeit and pay a sum not exceeding Two Hundred Pounds, or in default of payment shall be imprisoned for any period not exceeding six months.

25. If any person whosoever, whose duty it may be to execute any order made or to be made concerning quarantine, and notified as aforesaid, or to see the same put in execution, shall knowingly and wilfully be guilty of any breach or neglect of his duty in respect of the vessels, persons, or things performing quarantine, every person so offending shall forfeit and pay a sum not exceeding Two Hundred Pounds, or in default of payment shall be imprisoned for any period not exceeding six months; and if any such person shall desert from his duty when employed as aforesaid, or shall knowingly and willingly permit any person, vessel, or thing to depart or be conveyed out of the said lazaret, vessel, or other place as aforesaid, unless by permission under the order of the Governor, or if any person hereby authorized and directed to give a certificate of a vessel having duly performed quarantine, shall knowingly give a false certificate thereof, every such person so offending shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding ten years; and if any such person shall knowingly or wilfully damage any goods performing quarantine under his direction he shall be liable to pay One Hundred Pounds damages and costs of suit to the owner of the same.

26. After quarantine shall have been duly performed by any vessel or person obliged to perform quarantine as aforesaid according to this Act, and to any order made as aforesaid, the Health Officer
The Quarantine Act.—1877.

Officer or person acting for him shall give a certificate thereof under his hand; and upon the same being approved and allowed by the Chief Secretary, every such vessel and all 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 shall have performed quarantine as aforesaid.

27. All things liable to 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 such order to be made as aforesaid; and after such order shall have been duly complied with, then, and in every such case, the person in charge of the lazaret, or vessel, or other place in which the things shall have been opened or aired, shall grant a certificate to such effect under his hand; and upon the same being approved and allowed by the Chief Secretary, then such things shall be liable to no further restraint or detention either at the place where such quarantine shall have been performed, or at any other place within South Australia whereto they may be afterwards conveyed.

28. If any person shall, knowingly or wilfully forge or counterfeit, interline, erase, or alter, or procure to be forged or counterfeited, interlined, erased, or altered any certificate directed or required to be granted by an order of the Governor hereafter to be made touching quarantine, or shall publish any such forged or counterfeited, interlined, erased, or altered certificate, knowing the same to be forged or counterfeited, interlined, erased, or altered, or shall knowingly and wilfully utter and publish any such certificate with intent to obtain the effect of a true certificate to be given thereunto, knowing the contents of such certificate to be false, he shall be guilty of felony, and being convicted thereof, shall be liable at the discretion of the Court to be imprisoned for any term not exceeding ten years.

29. If any person shall unlawfully land or unship, or shall move, in order to the landing or unshipping thereof, anything from on board any vessel liable to perform quarantine as aforesaid, or shall knowingly receive the same after it has been so landed or unshipped, every such person shall forfeit and pay a sum not exceeding Five Hundred Pounds, or in default of payment shall be imprisoned for any period not exceeding six months; and if any person shall clandestinely convey or secrete, or take or remove for the purpose of conveying anything from any vessel actually performing quarantine, or from the lazaret or other place where such thing shall be performing quarantine, every person so offending as last aforesaid, shall forfeit a sum not exceeding One Hundred Pounds, or in default of payment shall be imprisoned for any period not exceeding three months.

30. All proceedings under this Act, except with regard to any offence hereby declared to be felony, shall be heard and determined before two Justices of the Peace in a summary way, and may be appealed against in manner provided by Act No. 6 of 1850.

31. Where
31. Where any penalty shall be recovered under any of the provisions of this Act, one-half of such penalty shall be paid to the informer, and the other half to the Treasurer for the public uses of the said Province.

32. No action, suit, or other proceeding shall be brought against any person for any matter or thing done in pursuance of this Act but within six months after such matter or thing shall have been done; and if any action, suit, or other proceeding shall be brought or prosecuted against any person for anything done in pursuance of this Act, the defendant in every such action, suit, or other proceeding may plead the general issue, and may give this Act and the special matter in evidence in any trial to be had thereupon.

33. In any prosecution, suit, or other proceeding against any person for any offence against this Act, or any order of the Governor made thereunder, the statements or answers made by the master or other person in charge of any vessel arriving in South Australia (other than the pilot) to the Health Officer, shall be received as evidence so far as the same relate to the place from which such vessel shall arrive or come, or to the places at which such vessel touched in the course of the voyage; and that such vessel was liable to quarantine unless satisfactory proof shall be produced by the defendant in any such prosecution, suit, or other proceeding, to show that the vessel did not arrive from or touch at any such place as is mentioned in the said statement or answer, or that such vessel, although directed to perform quarantine, was not liable to the performance thereof; and where any vessel shall have been in fact put under quarantine at any place by the Health Officer or his assistant, or by any person duly authorized in that behalf, and shall be actually performing quarantine, such vessel shall, in any prosecution, suit, or other proceeding against any person for any offence against this Act, or any order of the Governor made hereunder, be deemed and taken to be liable to quarantine without proving in what manner such liability arose.

34. Immediately on the arrival in any part of the said Province of any vessel from beyond seas with sickness on board, or on which sickness shall have occurred during the voyage, a copy of this Act shall be given to the master by the pilot, or other person boarding such vessel, together with a copy of any rules and regulations then in force.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.

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THE
THE FIRST SCHEDULE.

Report and Answers to Questions as to the present and previous state of the Health of the Passengers and Crew on board the undermentioned Vessel.

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<th>Name of Vessel</th>
<th>Class</th>
<th>Tonnage</th>
<th>Port of Departure or Landing</th>
<th>Places at which Vessel has touched</th>
<th>Duration of Voyage</th>
<th>Number of Persons now on Board</th>
<th>Health of Passengers and Crew during Voyage</th>
<th>Number of Deaths which occurred during the Voyage</th>
<th>Causes of Death in each instance</th>
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Question No. 1—Did any contagious or infectious disease prevail at the port from which you sailed? If so, what was the nature of such disease?

Answer—

Question No. 2—Have you had any communication with any infected port or vessel during the voyage? If so, when and where and what was the nature of the disease infecting such port or vessel?

Answer—

Question No. 3—Have you any sickness on board at present? If so, what is the nature of the sickness, and what number of cases have you under treatment?

Answer—

Question No. 4—Has any case of small-pox, or any form of eruptive skin disease, fever, scarlatina, plague, cholera, or other infectious or contagious disease, or has any case of any other kind of sickness or disease occurred on board during the voyage. If so, state the number of cases and the dates of attack and convalescence or termination of the first and last cases of each disease?

Answer—

Question No. 5—Have the clothes and bedding used by those persons who have suffered from infectious or contagious disease during the voyage been either destroyed or passed through boiling water?

Answer—

Question No. 6—What means (if any) have been adopted for preventing the spread of any infectious or contagious disease which has occurred during the voyage, from the person or persons affected, amongst the other persons on board?

Answer—
THE SECOND SCHEDULE.

Clean Bill of Health granted to the master.

Given under my hand this day of 18

Health Officer.