

T A S M A N I A

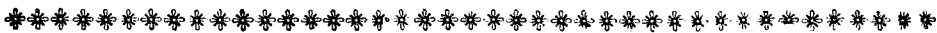


1881.

ANNO QUADRAGESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 1.



AN ACT to provide for the performance of A.D. 1881.
Quarantine. [19 September, 1881.] —

WHEREAS it is expedient to consolidate and amend the Law PREAMBLE.
relating to Quarantine in *Tasmania* :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as “The Quarantine Act.” Short title.

2 If the Governor in Council shall by proclamation notify that any
place beyond the seas is infected with the Small-pox or other infectious
or contagious disease and that it is probable such disease may be brought
from such place to *Tasmania*, or that it is probable that such disease may
be brought from or through any place beyond the seas, whether such
place be actually so infected or not, 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 any such
infected place as aforesaid, (whether such person or thing shall have come
or been brought in such vessel, or shall have gone or have been put on
board the same either before or after the arrival of such vessel at any
place in *Tasmania*, and whether such vessel was or was not bound to any
place in *Tasmania*), 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,
Vessels, goods,
and passengers
arriving from
places notified by
the Governor in
Council as in-
fected and persons
having commu-
nication with
them to be liable to
perform quaran-
tine.

Quarantine.

A.D. 1881.

shall be liable to quarantine within the meaning of this Act, and of any order made by the Governor in Council 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.

No person or thing to be put on shore until after due performance of quarantine.

3 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 *Tasmania*, and all persons and things as aforesaid on board such receiving vessel or boat as aforesaid, shall upon their arrival at any place in *Tasmania* be obliged to perform quarantine in such places for such time and in such manner as shall be from time to time directed by the Governor in Council and notified by proclamation as aforesaid. 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 *Tasmania*, 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).

Vessels coming from infected places to be subject to the orders of Governor in Council.

4 All such vessels and 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 *Tasmania*, 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 in Council as aforesaid concerning quarantine and prevention of infection.

Punishments for breach of regulations.

5 The Governor in Council 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 wilful disobedience of such order or breach of any of the regulations therein contained; and the person so wilfully disobeying any such order or breaking any such regulation 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 shall be provided by such order as aforesaid for wilful disobedience thereof or for breach of any regulation therein contained, the person so offending shall forfeit and pay for every such offence a sum not exceeding Twenty Pounds.

Powers of the Governor in Council to prevent

6 The Governor in Council 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

Quarantine.

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 in Council 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 likewise make such orders as the Governor in Council 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 in Council and notified by Proclamation aforesaid: Provided that it shall be lawful for the Governor in Council 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 health officer for the time being.

7 In case of any such infectious disease appearing or breaking out in *Tasmania*, the Governor in Council 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 to the Governor in Council necessary and expedient for that purpose; and may likewise make such orders as the Governor in Council may deem fit for shortening the time of quarantine to be performed by particular persons or things, or for absolutely or conditionally releasing them or any of them from quarantine: Provided that it shall be lawful for the Governor in Council 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 health officer or officer of health for the time being.

8 The Governor in Council may from time to time by any order notified by proclamation appoint certain stations or places within or near any harbour or place within *Tasmania* 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 superintendent 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 inter-

A. D. 1881.

infection in cases of emergency in respect of vessels arriving in particular cases.

Powers of Governor in Council to prevent infection in other cases of emergency.

Governor in Council to appoint lazarets and places for performing quarantine.

6 Geo. IV. c. 78. s. 18.

Quarantine.

A.D. 1881.

course 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 duly 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.

Masters of vessels arriving to make report to and answer questions of health officer.

9 The master or other person (excepting the pilot) having the charge of any vessel coming from parts beyond seas shall give to the person for the time being authorised to act as the health officer or on behalf of the health officer of the port at which such vessel shall arrive (hereinafter designated as the health officer) 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 *Tasmania*, 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 Council in that behalf and published in the *Hobart 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. And if such master or other person in charge of such vessel as aforesaid shall refuse or omit to give such true account or answers, or shall answer falsely any of such questions either in writing or orally as aforesaid, he shall be liable to a penalty not exceeding One hundred Pounds for any such refusal, omission, or false statement.

First Schedule.

Inspection of ship, crew, and passengers may be made.

10 Such master or other 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 or 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.

When vessel not liable to quarantine clean bill of health to be given.
Second Schedule.

11 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 in the form in the Second Schedule hereto or in such other form as shall be from time to time prescribed in that behalf by the Governor in Council and published in the *Gazette*.

When quarantine to be performed.

12 If it shall appear by the written paper, answers to questions, or by inspection as aforesaid, that such vessel shall have arrived from any place notified by the Governor in Council 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

Quarantine.

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.

A.D. 1881.

13 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 hundred Pounds.

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

14 If any vessel shall arrive from parts beyond the sea in any port or harbour of *Tasmania*, 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, the Police or Stipendiary Magistrate acting in and for the district in which such port or harbour is situated, or if there be no Police or Stipendiary Magistrate, any two justices 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 at *Tasmania*) shall be subject 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.

Justices may order vessel into quarantine.

If at the time of the arrival of any such vessel at any port or harbour of *Tasmania* as aforesaid there shall be no legally qualified medical practitioner at such port or harbour, or there shall be no surgeon or medical officer of such vessel, or if from any cause whatever the certificate in this section mentioned cannot be obtained, such vessel may nevertheless be ordered into quarantine under the powers herein contained in like manner as if such certificate had been obtained.

15 Any Police or Stipendiary Magistrate or justices making such order as aforesaid imposing quarantine, and any health officer ordering

Vessel having been placed in

Quarantine.

A.D. 1881.

quarantine to be reported to Governor in Council.

any vessel into quarantine as aforesaid, shall forthwith report the fact that such order has been made to the Governor in Council in order that further measures may if necessary be taken according to law for the continuance of such vessel in quarantine or the release thereof.

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

16 Every master or other person having charge of any vessel which shall be liable to perform 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 a sum not exceeding One hundred Pounds if he shall wilfully refuse or neglect to do so.

Penalty on masters quitting or suffering persons to quit vessels liable to quarantine, or not conveying such vessels to appointed places.

17 If any master or any 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 licence as shall be granted by virtue of any orders made by the Governor in Council 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.

Penalty on persons quitting such vessels.

18 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 *Tasmania*) shall either before or after such arrival quit such vessel (unless by such licence as aforesaid) by going on shore or by going on board any other vessel or boat with intent to go on shore as aforesaid before such vessel so liable to quarantine as aforesaid shall be regularly discharged from the performance thereof, any person whosoever 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 not exceeding Six Months and shall also forfeit a sum not exceeding Three hundred Pounds.

Persons liable to perform quarantine may be seized.

19 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; and any such Justice 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 appear proper, until such person can safely and securely be conveyed to some place appointed for the per-

Quarantine.

formance of quarantine or until directions can be obtained from the Governor in Council as to the disposal of any such person; and may make any further order that may be necessary in that behalf.

A.D. 1881

20 The Governor in Council by order notified by proclamation may prohibit all persons vessels and boats whatsoever from going under any pretence whatsoever within the limits of any station which by any order of the Governor in Council 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.

Intercourse with lazarets and stations allotted for quarantine may be prohibited by order of the Governor in Council.

21 If any person whosoever to whom it shall appertain 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; 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 in Council, or if any person hereby authorised and directed to give a certificate of a vessel having duly performed quarantine or airing 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.

Penalty on persons neglecting their duty or deserting or permitting persons, vessels, &c. to depart without authority or giving false certificates,

or damaging goods, &c.

22 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 superintendent of quarantine or person acting for him shall give a certificate thereof under his hand; and upon the same being approved and allowed by the Governor in Council, 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.

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

23 All things liable to quarantine as aforesaid shall be opened, aired, and disinfected in such place and for such time and in such manner as shall be directed by the Governor in Council 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, aired, and disinfected shall grant a certificate to such effect under his hand; and upon the same being approved and allowed by the Governor in Council, 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 *Tasmania* whereto they may be afterwards conveyed.

Goods, &c. liable to quarantine shall be opened and aired in certain places to be appointed by the Governor in Council.

Quarantine.

A.D. 1881.

Persons forging
or uttering false
certificates guilty
of felony.

24 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 in Council 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 thereto 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.

Penalty on
persons landing
or receiving goods
&c. from vessels
liable to perform
quarantine;
or secreting them
from vessels
actually perform-
ing quarantine.

25 If any person shall land, or unship, or shall move in order to the landing or unshipping thereof any thing 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; and if any person shall clandestinely convey or secrete or conceal 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.

Medical Officer
may be appointed
for persons in
Quarantine.

26 In case it shall be deemed necessary by the Governor in Council to appoint any Medical Officer to take charge of any of the crew and passengers of a vessel placed in Quarantine, the Governor in Council may 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.

Proper provisions
and medicines to
be supplied for
persons in Qua-
rantine.

27 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 or the Board of Immigration under charters by which the owners are exempted from liability for the maintenance and care of such immigrants whilst under Quarantine.

Proceedings to be
taken before
justices.

28 All proceedings under this Act, except with regard to offences hereby declared to be felony, shall be heard and determined before two Justices in a summary way in the mode prescribed by *The Magistrates Summary Procedure Act*.

Informer to
receive one-half
of penalties.

29 Where any penalty shall be incurred under any of the provisions of this Act, one-half of such penalty shall belong to the informer.

Limitation of
actions.

30 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

Quarantine.

A.D. 1881.

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 that 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.....

Section 11.

(2.)

Clean Bill of Health granted to the

Master.

Given under my hand, this

day of

188 .

Health Officer.

(3.)

ACTS TO BE REPEALED.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>
4 Vict. No. 19...	<i>An Act to enable the Lieutenant-Governor of this Island upon any unforeseen emergency to subject vessels to the performance of Quarantine.</i>
5 Vict. No. 14...	<i>An Act to amend an Act passed in the Fourth year of Her present Majesty, intituled "An Act to enable the Lieutenant-Governor of this Island upon any unforeseen emergency to subject vessels to the performance of Quarantine" and to make further provision in respect thereof.</i>