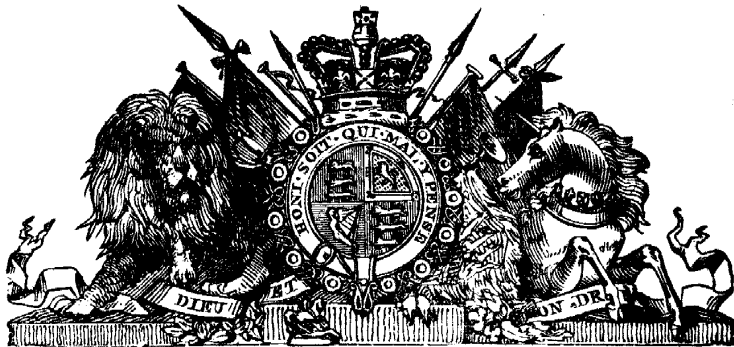


*Amended No 64 of 1877*

*to be refd in 545 of '92,  
Sec. 2*



1850.

No. 3.

*ORDINANCE Enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof.*

*To provide for the prevention of the spread of Epidemic and Contagious Diseases on the arrival of Merchant Vessels.*

[5th March, 1850.]

**W**HEREAS it is expedient that regulations should be made to prevent the introduction of Malignant Cholera and other Epidemic Diseases on the arrival of Merchant Vessels: Preamble.

Be it therefore Enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof: That from and after the passing hereof it shall be lawful for the Governor, with the advice of the Executive Council, from time to time, by Proclamation, published in the *South Australian Government Gazette*, to make and establish such regulations as shall seem most fitting for the prevention of the introduction and spread of epidemic, and contagious diseases by merchant vessels arriving in the

Executive may make sanitary regulations.

the Ports of the Province; and generally for carrying into execution the purposes and provisions of this Ordinance: And such regulations in like manner, from time to time, to alter and revoke, and to substitute new regulations in their place; all which regulations shall, during the time they shall be in force, be as valid and effectual in the Law as if they were specially inserted herein.

Cases of sickness on board ship to be notified to the Officer of Customs, &c.

Officer to enquire of persons sick.

Master to give means of sending notice and bringing on board the medical officer.

Master, on request of persons sick, or at his own instance, to send notice on shore, and to require the attendance of a medical practitioner.

Medical practitioner required to attend and examine the cases of sickness and treat.

II. And be it Enacted, That whensoever any merchant vessel shall arrive in any port of the Province, the master or person having the command of such vessel shall report to the Officer of Customs, Emigration Agent, or Pilot, who first comes on board, the number of persons on board, if any, whether passengers or seamen, who from illness, from whatsoever cause, are so unwell as to be unable to stand or to work: And such Officer of Customs, or other person as aforesaid, shall forthwith see the persons so reported unwell, and if upon enquiry, there is reasonable ground for desiring medical advice, or if such advice be desired by any person suffering, then such officer or person shall send notice thereof to the nearest medical officer who may have been specially appointed to act as Health Officer, or in case of there being no such officer, or of his absence, to any other duly qualified medical practitioner.

III. And be it Enacted, That for the purpose of sending such notification, the Master or Commander shall provide a boat and sufficient crew on being requested so to do, and shall cause such notice to be duly and expeditiously delivered, and shall provide, at the expense of the ship, conveyance for such Health Officer or Medical Practitioner to examine the cases of sickness on board.

IV. And be it Enacted, That in the event of the occurrence of one or more such cases of illness, other than cases of common sea-sickness on board, and upon request from any passenger or seaman, or without such request where there is reasonable ground for believing that there is a case of fever on board, or where more than one person on board is suffering from illness of the like symptoms, other than common sea-sickness, the Master or Commander of any such vessel shall himself, forthwith, and without any inquiry by any officer or person, send such notice as aforesaid, and procure the attendance on board of any Health Officer or person specially appointed, or in case such persons shall be absent or engaged, of some other duly qualified medical practitioner.

V. And be it Enacted, That such Health Officer, or Medical Practitioner, shall, upon receiving such notification, forthwith go on board such vessel and examine such cases of sickness,

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if they are cases of epidemic or contagious disease, and treat them in manner approved for the treatment of cases of epidemic or contagious disease occurring in dwellings on shore: And in case he shall find the cabin or hold of the vessel where any sick person lies, is in filthy or unwholesome condition, or without means of ventilation or proper accommodation, or that from the number of persons on board there is danger of the spreading of the disease, or that there is not on board such vessel proper attendance or means for the suitable treatment of the sick, and that the patient may be removed with less danger than if he remained on board; in every such case, the medical officer or practitioner shall take order for the providing for the removal of such patients, and for their reception and treatment elsewhere: And for such purposes, such Health Officer or Medical Practitioner is hereby authorised and required to proceed according to the regulations to be made in that behalf in pursuance of this Ordinance.

If the ship is unwholesome, over-crowded, or unventilated, the sick may be removed and treated elsewhere.

VI. And be it Enacted, That in case of the occurrence on board of such vessel of any case of epidemic, or contagious disease, or in case of the arrival of such vessel from any part or coast of any country, where it is known that cholera, or other epidemic or contagious diseases are prevalent, such Health Officer or Medical Practitioner shall, and is hereby authorised to take measures for the protection of the passengers and crew on board such vessel, and the prevention of the spread of epidemic and contagious diseases in the manner approved for the treatment of such cases occurring on shore; and for such purposes he is hereby authorised and required to proceed according to the regulations made in that behalf in pursuance of this Ordinance.

Measures when vessel has come from infected places, &c.

VII. And be it Enacted, That as well such Officer of Customs, Emigration Agent, and Pilot, as such Health Officer or Medical Practitioner boarding any such vessel, shall have authority to put all such questions as they shall deem necessary to ascertain the state of health of all persons who shall have been on board of such vessel during the voyage, and all particulars necessary for their guidance in the execution hereof; and the Master, or person in command of such vessel, the surgeon (if any), and other officers and seamen thereof, shall, either in writing or verbally, as they may be required, true answer make to all such questions as shall be put to them as aforesaid.

Questions may be put.

VIII. And be it Enacted, That after such enquiry as aforesaid, the Officer of Customs, Emigration Officer, or Pilot, shall have authority, and is hereby required, if he shall deem it necessary, to cause such vessel

Vessels may be detained.

vessel to be detained outside or at such part of the Port, as may be appointed in that behalf, until the Health Officer, or Medical Practitioner shall have arrived on board, and thereafter the orders of such Health Officer, or Medical Practitioner shall be followed, subject to the regulations to be made in pursuance hereof.

Copies of this Ordinance and regulations in pursuance hereof to be taken.

IX. And be it Enacted, That all Officers of Customs and Emigration Agents, appointed to take charge of, or inspect vessels on their arrival, and every pilot, shall keep and carry with them copies of this Ordinance, and of all regulations made in pursuance hereof, and shall call the attention of the Master or person in charge of the vessel, and all persons whom it may concern, to the same.

Charges of medical practitioner, and expenses attending removal and treatment, to be recoverable.

X. And be it Enacted, That for the services required to be performed under this Ordinance, every such Health Officer and Medical Practitioner shall be entitled to charge at the same rates as shall be usual in the case of private patients of the class of those attended and treated on shipboard; and such charges shall be payable and paid by the Master or person in charge of such vessel, on behalf of the owners, together with all reasonable expenses incurred in the removal and treatment of the sick, and may be recovered at the suit of the party to whom the same shall be payable, in a summary way, in like manner as penalties under this Ordinance.

Wilful falsehood a misdemeanor.

XI. And be it Enacted, That if any Master or person in command of any vessel, surgeon, or other officer thereof, so required to report or to answer as aforesaid, shall wilfully make any false report, or false answer, to any such matter as aforesaid, such Master or officer shall be deemed guilty of a misdemeanor, and on conviction thereof before any competent jurisdiction, shall be liable to fine or imprisonment, at the discretion of the Court.

Penalties for offences.

XII. And be it Enacted, That if any Master, Officer, Medical Practitioner, or other person, who shall have any duty to perform, or who shall be required to do any act or thing under this Ordinance, or any regulation made in pursuance thereof, shall refuse or omit to perform such duty, or to do such act or thing, or if any person whatsoever shall in any manner offend against or contravene the provisions of this Ordinance, or any such regulation, or shall obstruct, hinder, or resist any public officer, Medical Practitioner, or other person duly employed in the execution hereof, every such offender shall, on conviction for every such offence, forfeit and pay a penalty not less than five pounds, nor more than fifty pounds, at the discretion of the convicting Justices; to be applied

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to the public uses of the Province and support of the Government thereof.

XIII. And be it Enacted, That all penalties and sums of money incurred or payable under this Ordinance, shall and may be recovered before any two or more Justices of the Peace in a summary way, and any party aggrieved by any adjudication, order, or conviction, may appeal therefrom, according to the laws of the Province for the time being for regulating summary proceedings before Justices of the Peace. Recovery of penalties, &c.

XIV. And be it Enacted, That every such Health Officer and Medical Practitioner receiving any moneys under the authority of this Ordinance, shall make and return true accounts of the same to the Colonial Treasurer, at such times, and in such manner and form, as the Governor may appoint. Returns and accounts of medical fees.

XV. And be it Enacted, That the term "Medical Practitioner" as used in this Ordinance, shall be construed to mean any legally qualified Medical Practitioner, certified according to the provisions of the Ordinance in that behalf, made on the third day of September, one thousand eight hundred and forty-four. Definition of Medical Practitioner.  
No. 17, of 1844.

H. E. F. YOUNG,  
Lieutenant-Governor.

*Passed the Legislative Council, this }  
Fifth day of March, One Thou- }  
sand Eight Hundred and Fifty. }*

W. L. O'HALLORAN,  
Clerk of Council.