

PUBLIC HEALTH (AMENDMENT) ACT.

Act No. 1, 1937.

An Act to make provision for preventing the occurrence or spread of certain diseases; to amend the Public Health Act, 1902, and certain other Acts; and for purposes connected therewith. [Assented to, 25th August, 1937.]

George VI,
No. 1, 1937

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:—

1. This Act may be cited as the "Public Health (Amendment) Act, 1937." Short title.

2. (1) In this Act, unless the context or subject matter otherwise indicates or requires— Interpretation.

"Disease" means any disease to which the provisions of this Act are applied in accordance with section three of this Act.

(2) This Act and any proclamations made thereunder shall be read and construed subject to the Commonwealth of Australia Constitution Act and so as not to exceed the legislative power of this State, to the intent that where any provision of this Act or of any proclamation made thereunder or the application thereof to any person or circumstance is held invalid, the remainder of this Act or of such proclamation and the application of such provision to other persons or circumstances shall not be affected.

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be pro-
claimed.

3. (1) The Governor may, from time to time, where he is satisfied that a particular disease is communicable from one person to another, or is suspected of being so communicable, declare, by proclamation published in the Gazette, that the provisions of this Act shall apply to and in respect of such disease.

(2) Where the provisions of this Act have been so applied to a disease, the disease shall be an infectious disease within the meaning of the Public Health Act, 1902, the Public Health (Amendment) Act, 1921, and any Act amending or replacing either of such Acts.

Infected
areas may
be pro-
claimed.

4. The Governor may, from time to time, by proclamation published in the Gazette, declare that any area situated beyond or in the State of New South Wales is infected with a disease, or that a disease may be brought or carried from or through that area, if he is satisfied that in that area the disease has existed in any person at any time within the period of three months next preceding the day of the making of the proclamation.

Upon the publication in the Gazette of such proclamation and so long as the proclamation remains in force, that area shall be an infected area within the meaning of this Act.

General
power.

5. Where the Governor is satisfied that it is necessary so to do for the purpose of preventing the occurrence or spread of a disease in the State of New South Wales, he may, by proclamation published in the Gazette, require persons to observe such rules, orders and directions as may be set out in the proclamation.

Powers in
relation to
persons in
infected
area situ-
ated in
New South
Wales.

6. (1) Without prejudice to the generality of section five of this Act the Governor may by proclamation published in the Gazette prohibit persons---

(a) from moving from any place within an infected area which is within the State of New South Wales to any other place within such infected area;

(b) from moving out of any such infected area into any other part of the State of New South Wales.

(2) The power of prohibition conferred by this section shall extend to authorise prohibition generally

or

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or with limitations as to a specified portion of the infected area and either absolutely or subject to any conditions or restrictions specified in the proclamation.

7. (1) Without prejudice to the generality of section five of this Act the Governor may by proclamation published in the Gazette regulate and restrict the entry into the State of New South Wales of any person who, at any time during the period of one month next preceding the day upon which such entry is made or is proposed to be made, has been or is suspected to have been in an infected area which is situated in any other State or country.

Entry of
Persons into
New South
Wales from
infected area
outside New
South Wales.

(2) Without prejudice to the generality of subsection one of this section the Governor may in and by such proclamation—

- (a) prohibit the entry into the State of New South Wales of any sea-going vessel which comes from or which has called or touched at any other State or country within which an infected area is situated except at ports of entry specified in the proclamation;
- (b) prescribe the rules, orders and directions to be observed by the master of any such vessel; and prescribe the conditions under which and the circumstances in which persons referred to in subsection one of this section may be allowed to land in the State of New South Wales from any such vessel and the rules, orders and directions to be observed by such persons after so landing;
- (c) prohibit persons referred to in subsection one of this section from entering the State of New South Wales by land travel from any State or country within which an infected area is situated except at places of entry specified in the proclamation; and prescribe the conditions under which and the circumstances in which such persons may be allowed so to enter the State of New South Wales, and the rules, orders and directions to be observed by such persons after so entering;
- (d) prohibit the landing in the State of New South Wales of any vessel engaged in navigation by air which comes from or has called at any other State

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State or country within which an infected area is situated, except at landing places specified in the proclamation; prescribe the rules, orders and directions to be observed by the person in charge of the navigation of such vessel; prescribe the conditions under which and the circumstances in which persons referred to in subsection one of this section may be allowed to land in the State of New South Wales from any such vessel, and the rules, orders and directions to be observed by such persons after so landing.

Limitation
as to
exercise of
certain
powers.

8. A power conferred on the Governor by section six, section seven or subsection three of section nine of this Act shall only be exercised in cases where the Governor is satisfied that the exercise of the power is necessary for the purpose of preventing the occurrence or spread of a disease in the State of New South Wales.

Provisions
as to pro-
clamations.

9. (1) A power conferred on the Governor by section five, section six or section seven of this Act in relation to persons may be exercised either generally in relation to all such persons or particularly in relation to a class or classes of such persons specified in the proclamation; and in the exercise of any such power in relation to any particular class of persons such class may be specified by reference to the age of such persons, the period during which such persons have been in an infected area, or a specified portion thereof, or otherwise in any manner whatsoever.

(2) A power conferred on the Governor by section five, section six or section seven of this Act may be exercised either generally in relation to the subject matter, or in relation to particular cases or classes of cases within such subject matter, and any provision in a proclamation made under any of those sections may apply either absolutely or subject to any specified conditions or restrictions.

(3) The Governor may in and by any proclamation made under section five, section six or section seven of this Act—

- (a) authorise and require any officer or person appointed by him, either generally or specially, in that behalf to exercise and discharge such powers

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powers, authorities, duties and functions as the Governor may deem necessary to secure the observance of any rules, orders, directions, conditions or restrictions made, given or imposed in or by the proclamation; and

- (b) prohibit persons from obstructing or otherwise hindering any such officer or person in the exercise or discharge of any of such powers, authorities, duties or functions; and
- (c) require persons to afford such reasonable facilities to any such officer or person as will enable him to exercise and discharge effectually any of such powers, authorities, duties or functions.

10: The Governor may, by proclamation published in the Gazette, revoke or vary any proclamation made under this Act. Revocation
of pro-
clamations.

11. (1) Any person who contravenes or fails to comply with any provision of a proclamation made under this Act shall be guilty of an offence against this Act and shall be liable upon summary conviction to a penalty not exceeding one hundred pounds. **Offences.**

(2) Any person who aids, abets, counsels or procures or by act or omission is in any way directly or indirectly knowingly concerned in the commission of any such offence, shall be deemed to have committed that offence and shall be punishable accordingly.

12. New Section Added Oct 3 9/1.

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