

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

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No. , 1919.

A BILL

To validate certain proclamations, orders, regulations, and by-laws; to prevent the institution of certain legal proceedings; to discharge and avoid certain legal proceedings; to indemnify certain persons in respect of certain acts advised, commanded, ordered, directed, and done in connection with such proclamations, orders, regulations, and by-laws; and for purposes consequent thereon or incidental thereto.

WHEREAS in the interests of public health and Preamble. safety at a time of grave public peril, due to an outbreak of a contagious or infectious disease known as Spanish or pneumonic influenza in the State of New South Wales, His Excellency the Governor of the said State and other persons caused certain proclamations, orders, regulations, and by-laws to be made and published in the Gazette for the purpose of preventing the spread of the said disease, the cutting off of all communication between persons infected with the said disease and others of His Majesty's subjects, the closing of certain premises and places, and for other purposes and otherwise in connection with the said disease: And whereas divers acts, matters, and things have been advised, commanded, ordered, directed, and done in respect of the said proclamations, orders, regulations, and by-laws by His Excellency the Governor aforesaid, members of the Executive Council of the said State, and other persons acting under their advice, command, order, or direction or with their approval for the purpose of causing the said proclamations, orders, regulations, and by-laws to be made, published, and carried into effect and otherwise in pursuance of the same: And whereas doubts have arisen as to the validity or legality of certain of the said proclamations, orders, regulations, by-laws, acts, matters, and things: Be it therefore 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 "Influenza Proclamations Validation and Indemnity Act, 1919." Short title.

2. All proclamations, orders, regulations, and by-laws made and published in the Gazette since the first day of January, one thousand nine hundred and nineteen, referring to or in connection with an infectious or contagious disease, highly dangerous to public health, or the disease Spanish or pneumonic influenza, or cancelling, amending, or varying any such proclamation, order, regulation, or by-law, shall be deemed to have been and to be good and valid and to have had and to have the force of law. Validation of proclamations, orders, and regulations.

3.

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3. No action, indictment, or other legal proceeding whatever shall on or after the date of the commencement of this Act be brought or instituted against His Excellency the Governor aforesaid, any member of the Executive Council aforesaid, or any other person whomsoever acting, or purporting to act, under or in consequence of their command, order or direction, or with their approval respectively, or in pursuance of the said proclamations, orders, regulations, or by-laws or any of them for on account of or in respect of any acts, matters, or things whatsoever in good faith advised, commanded, ordered, directed, or done, or purporting to be advised, commanded, ordered, directed, or done, in respect of or in consequence of the making or publication of the said proclamations, orders, regulations or by-laws, or any of them or in pursuance of the same.

No action,
&c., to be
brought.

4. Any such action, indictment, or other legal proceeding whatever which may have been brought or instituted prior to the commencement of this Act is hereby discharged and made void.

Pending
action, &c.,
discharged.

5. Every person mentioned or described in section three by whom any such act, matter, or thing has been advised, commanded, ordered, directed, or done in respect of any of the matters in that section described is hereby freed, acquitted, discharged, released, and indemnified against all and every person and persons whomsoever in respect thereof.

Indemnity.

6. Every such act, matter, or thing shall be presumed to have been advised, commanded, ordered, directed, or done (as the case may be) in good faith until the contrary is alleged and proved by the party complaining.

Presumption
of good faith.

7. Nothing in this Act shall be deemed to affect the order, decision, or judgment of any court in any matter in which no appeal is pending at the date of the commencement of this Act.

Saving.