

PAPUA.



No. XIII. of 1918.

AN ORDINANCE

Relating to Public Health and Matters incidental thereto.

J. H. P. MURRAY.

[L.S.]

11th September, 1918.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. (1) This Ordinance may be cited as the *Health* Short title.
(Venereal Diseases) Ordinance, 1918.

(2) This Ordinance shall commence on a day to be fixed by the Lieutenant-Governor by Proclamation in the *Gazette*.

2. In this Ordinance unless the context otherwise Definitions.
indicates—

“Medical Practitioner” means any Government Medical Officer or legally qualified medical practitioner;

“Police Officer” includes any officer of Armed Constabulary, any Patrol Officer and any European Police Constable:

“Venereal Disease” includes gonorrhœa, primary and secondary syphilis, soft chancre, ulcerative granuloma and venereal warts.

Treatment of persons suffering from venereal disease.
Cf. Q. Health Acts, 1900-1917, s. 159.

3. (1) No person other than a medical practitioner or a person acting under the direct instructions of a medical practitioner shall attend upon or treat any person, whether male or female, suffering from venereal disease.

Any person who contravenes this subsection shall be liable to a penalty not exceeding fifty pounds, or to imprisonment for any period not exceeding six months.

This subsection shall not apply to—

- (a) The dispensing by a registered pharmaceutical chemist to or for the patient of a medical practitioner the prescription of such medical practitioner ; or
- (b) The prescription by any pharmaceutical chemist who, under a permit in writing from the Government Secretary (which permit the Government Secretary is hereby empowered to grant in any case where a medical practitioner is not available), prescribes any medicine or drug for any person suffering from such disease ; or
- (c) The sale by any person who, under a permit in writing from the Government Secretary (which permit the Government Secretary is hereby empowered to grant in any case where a medical practitioner is not available), sells any proprietary medicine or drug to any person suffering from such disease : Provided that such proprietary medicine or drug is approved of by the Government Secretary.

Every person who acts or assists in the administration of this subsection shall preserve, and aid in preserving, secrecy with regard to all matters which come to his knowledge in his official capacity, and shall not communicate such matters to any other person except in the performance of his duties under this section. Any person who contravenes this provision shall be liable to a penalty not exceeding fifty pounds.

(2) Every person, whether male or female, suffering from any venereal disease shall, within three days of his becoming aware or suspecting that he is so suffering, consult a medical practitioner thereon, and place himself under treatment by such practitioner; and for any failure so to do shall be liable to a penalty not exceeding twenty pounds.

Consulting a
medical
practitioner.
Cf. Q. Health
Acts, 1900-1917,
s. 159 (2).

Every medical practitioner, upon being consulted by a person, whether male or female, suffering from venereal disease, shall inquire of the person consulting him whether he or she has been previously under treatment by a medical practitioner, and, if so, shall thereupon send to the previous medical practitioner, if living within the Territory, a notification, in the prescribed form, advising that the patient has changed his or her medical adviser.

On any prosecution under this subsection it shall be a defence if the defendant proves—

- (i.) That he never was, to his knowledge, within the period of three days, within twenty miles of a medical practitioner; and
- (ii.) That he did within such period consult a medical practitioner by letter, and has followed, so far as possible, any advice given by such practitioner:

Provided that such proof shall afford no defence if it appears that at any time before the complaint was laid the condition set out in paragraph (i.) hereof has ceased to apply to the defendant, and he has not thereupon personally consulted and placed himself under treatment by a medical practitioner.

(3) Every person, whether male or female, suffering from a venereal disease who has consulted and placed himself under treatment by a medical practitioner shall (until he has received a certificate of cure) personally attend or cause himself to be attended by a medical practitioner for the purpose of treatment and advice at least once in every four weeks, and shall follow, as far as possible, the advice given by such practitioner; and for any failure so to do shall be liable to a penalty not exceeding twenty pounds.

Patients to
keep under
treatment.
Idem, ss. 3.

(4) If any such person at any time decides to change his medical adviser, or if the medical adviser of such person dies or for any reason is unable or unwilling to attend him

Changing
medical
adviser.
Idem, ss. 4.

further, then such person shall forthwith consult and place himself under the treatment of another medical practitioner, and immediately after doing so shall inform his new adviser of the name and address of his last previous adviser; and for any failure to comply with this provision he shall be liable to a penalty not exceeding five pounds.

Medical practitioner to report cases under treatment by him.
Cf. Q. Health Acts, 1900-1917 s. 159 (5).

(5) Every medical practitioner shall forthwith give notice to the Government Secretary in the prescribed form upon becoming aware that any person attended or treated by him is suffering from any venereal disease in an infectious stage; and for any failure so to do shall be liable to a penalty not exceeding five pounds. The notice shall state the age, sex, occupation, and marital status of the patient and the nature of the disease, but shall omit the patient's name and address.

Name and address of patient to be reported on his failure to continue treatment.
Idem, ss. 6.

(6) If any patient who has been attended or treated by a medical practitioner for a venereal disease in an infectious stage fails to consult or attend such practitioner for a period of four weeks, and the practitioner has not within that period received from another medical practitioner a notice that the patient has changed his medical adviser, then such first-mentioned practitioner shall send to the Government Secretary, in the prescribed form, a notice of the facts, and stating, in addition to the particulars required by the last preceding subsection, the name and address of the patient; and for any failure so to do shall be liable to a penalty not exceeding five pounds.

Medical practitioners to warn patients of dangers of venereal diseases.
Idem, ss. 7.

(7) Every medical practitioner who attends or advises any patient for, or in respect of any venereal disease in an infectious stage from which the patient is suffering shall, by written notice delivered to the patient, direct such patient's attention to the contagious character of the disease, and to the legal consequences of infecting others, and shall by such notice warn the patient against contracting any marriage until the patient is certified as cured; and for any failure so to do shall be liable to a penalty not exceeding five pounds.

Privilege.
Idem, ss. 8.

(8) If any infectious patient persists in the intention to marry, despite the warning aforesaid, a communication made *bona fide* by the medical practitioner in attendance to the person to be married, or to the parent or guardian

of such person, or to any officer of police, shall be absolutely privileged, and it shall be the duty of such officer of police to whom such communication has been made to take all such lawful steps as may be necessary to prevent such marriage.

(9) When any such patient as aforesaid becomes cured of the disease, any medical practitioner shall, on being satisfied of the fact, give such patient a certificate of cure in the prescribed form.

Certificate of cure.
 Cf. Q. Health Acts, 1900-1917. s. 159 (9).

(10) The Government Secretary shall cause to be conducted free of charge any bacteriological or other examination which is required by any medical practitioner who has notified the Government Secretary that he is attending or treating a person suffering from venereal disease.

Bacteriological examination free of charge.
Idem, ss. 10.

(11) When any person under the age of sixteen years is or becomes liable under this section to do or submit to any act, matter, or thing, any parent or guardian of such person, who knows that such person is so liable, shall exercise his authority and use his best endeavours to compel or induce such person to do or submit to such act, matter, or thing as aforesaid; and for any neglect so to do shall be liable to a penalty not exceeding ten pounds.

Responsibility of parents and guardians of diseased persons under sixteen.
Idem, ss. 11.

Any parent or guardian of any such person as aforesaid who knows or believes that such person has failed to comply with any provision of this Ordinance with which he ought to have complied shall report the fact to the Government Secretary; and for any failure so to do shall be liable to a penalty not exceeding ten pounds.

(12) Any person who knowingly infects any other person with any venereal disease shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any period not exceeding twelve months.

Infecting others with venereal disease.
Idem, ss. 12.

4. (1) Whenever the Government Secretary has received a statement signed by a medical practitioner or other person, in which shall be set forth the full name and address of the informant, that any person (whether male or female) is suffering from venereal disease, and the Government Secretary has reason to believe from evidence disclosed in the said statement that the person (named therein) is suffering from such disease, he may give notice, in writing, to such person requiring such person to consult

Compulsory examination and treatment.
Idem, ss. 161.

a medical practitioner, and to produce to the satisfaction of the Government Secretary within a time to be specified in the notice, a certificate of such medical practitioner that such person is or is not suffering from such disease; and if such certificate is not produced within the time stated in such notice, or if the Government Secretary is not satisfied with such certificate, he may, by warrant under his hand, authorise any medical practitioner to examine such person to ascertain whether such person is suffering from such disease, and the said officer or practitioner shall have power to examine the person accordingly, and shall report the result of his examination to the Government Secretary in writing.

Any medical practitioner or other person who delivers or sends to the Government Secretary a statement that any person is suffering from venereal disease, knowing or having reason to believe that such statement is false, shall be liable to a penalty not exceeding fifty pounds.

Detention of
diseased
persons.
Cf. Q. Health
Acts, 1900-1917.
s. 161 (2).

(2) When any medical practitioner certifies in writing that any person (whether male or female) is suffering from venereal disease and is likely to convey such disease to others, the following provisions shall apply:—

- (a) A Resident Magistrate or the Government Secretary may order such person to be detained for any period not exceeding six weeks in a hospital or other suitable place for the purpose of bacteriological and other investigations, and it shall be lawful to make such investigations; the Resident Magistrate making any such order shall advise the Government Secretary thereof;
- (b) If thereafter such person is found to the satisfaction of the Government Secretary to be suffering from venereal disease in an infectious stage, the Lieutenant-Governor in Council, on the recommendation of the Government Secretary may from time to time order that such person shall be detained under such conditions in such place and for such time as may be necessary to ensure that such person shall be no longer infectious, or as may be named in such order, and may extend or vary such order from time to time, or at any time terminate

its operation, and thereafter if found necessary renew such order. And every such order shall be sufficient warrant for the apprehension, if necessary, and for the removal and detention of the person named therein;

- (c) If such person is actually undergoing imprisonment in any prison within the Territory, the order under paragraph (a) hereof may be made by the visiting justice of the prison, and any order under paragraph (a) or paragraph (b) hereof shall have effect notwithstanding that it extends beyond the period of such person's imprisonment.

(3) Every warrant or order issued under this section may authorise the use of such force as may be necessary to carry it into complete effect, and shall have effect according to its tenor, and all police officers shall, on sight of the warrant or order, aid and assist in its execution in so far as they may be requested so to do by any person to whom the warrant or order is directed.

(4) Any person who contravenes this section by act or omission, or obstructs the carrying into effect of any warrant or order issued thereunder, or refuses to do or submit to anything which such person is by this section or any such warrant or order required to do or submit to, shall be liable to a penalty not exceeding twenty pounds.

5. (1) The persons having the management or control of any public hospital shall make effective provision for the examination and treatment, in accordance with the regulations of such persons or classes of persons suffering from venereal disease as may, by such regulations, be declared fit to be treated at or by such hospital:

Public hospitals to give treatment. Cf. Q. Health Acts, 1900-1917, s. 162.

Provided that every patient who is examined and treated at a hospital as aforesaid shall be liable to contribute toward the cost of his examination and treatment, according to his means, any sum not exceeding the cost of such examination and treatment as the Government Secretary may direct.

(2) Where no public hospital as aforesaid is within a suitable distance and patients are examined and treated by a medical practitioner, the Government Secretary shall,

upon receipt of a claim for remuneration from such medical practitioner within three months after such examination and treatment, and upon receipt of full particulars regarding each case, including the name and address of the patient, pay a reasonable remuneration for such examination and treatment: Provided that no such payments shall be made unless the Government Secretary is satisfied that the patient in question has not sufficient means to pay for examination and treatment.

Proceedings
to be
in camera.
Cf. Q. Health
Acts, 1900-1917,
s. 163 (1).

6. (1) All proceedings under this Ordinance in any court shall be heard *in camera*; and it shall be unlawful to publish in any newspaper a report of any such proceedings under a penalty, for the first offence, not exceeding one hundred pounds, or imprisonment with or without hard labour for any period not exceeding six months, and for any subsequent offence a penalty not exceeding five hundred pounds, or imprisonment with or without hard labour for any period not exceeding twelve months.

Prohibition
of advertise-
ments of
cures of
certain
diseases.
Idem, ss. 2.

(2) No person shall publish any statement which is intended by such person or any other person to promote the sale of any article as a medicine, instrument, or appliance for the alleviation or cure of any venereal disease or disease affecting the generative organs or functions, or of sexual impotence, or of any complaint or infirmity arising from or relating to sexual intercourse or of female or menstrual irregularities.

Any person shall be deemed to have published a statement who—

- (a) So affixes or inscribes any statement on anything whatsoever that it is visible to persons being in or passing along any street, railway, or public place;
- (b) Delivers or offers or exhibits any statement to any person being in or passing along any street, pathway, public place, or public conveyance;
- (c) Throws any statement into the yard, garden, or enclosure of any house;
- (d) Exhibits any statement to public view in any house, shop, or place;
- (e) Prints or publishes any statement in any newspaper;

- (f) Sells, offers, or shows or sends by post any statement to any person.

The word "statement" includes any document, book, or paper containing any statement.

Books, documents, and papers published in good faith for the advancement of medical or surgical science are exempt from the provisions of this section.

Any person who contravenes the provisions of this subsection shall be liable to a penalty not exceeding twenty pounds, and in default of payment, to imprisonment for any period not exceeding six months.

(3) Before any proceedings are taken under this section against any newspaper proprietor, printer, or publisher for printing or publishing any statement in a newspaper, the Government Secretary shall notify the proprietor, printer, and publisher of such newspaper that the publication of the matter complained of is an infringement of this section; and such proprietor, printer, and publisher shall not be liable to prosecution for an offence against this section except in respect of an offence of the same or a similar nature after such notification.

7.-(1) The Lieutenant-Governor in Council may from time to time make regulations for the following purposes with respect to any venereal disease:—

Regulations.
Cf. Q. Health
Acts, 1900-1917,
s. 155.

- (a) Prescribing the forms of notification to be used in notifying cases of venereal diseases;
- (b) Prescribing the treatment at hospitals and otherwise of venereal diseases;
- (c) Prescribing the establishment, management, and control of dispensaries or other places for gratuitous treatment of venereal diseases;
- (d) Prescribing the examination by clinical and bacteriological methods, and by specified tests of persons suspected of being infected with venereal disease, and for requiring such persons to submit themselves to such examination at specified times and places;
- (e) Prescribing precautions to be taken by persons suffering from venereal disease or by persons having charge of them for the prevention of infection;

(2) A Regulation may impose a penalty for any breach thereof but no such penalty shall exceed fifty pounds.

Recovery of penalties.

8. (1) All offences against the provisions of this Ordinance or the Regulations and all penalties forfeitures costs and expenses under the provisions of this Ordinance or the Regulations may be prosecuted and recovered in a summary way before a Magistrate or any two or more Justices.

(2) No prosecution for any offence under this Ordinance shall be commenced without the authority in writing of the Government Secretary. Such authority may be either general or particular in its terms.

Application of Ordinance.

9. The provisions of this Ordinance except those of Subsection (2) of Section 6 thereof shall not apply to natives.

Passed in Council this eleventh day of September, in the year of Our Lord One thousand nine hundred and eighteen.