

poc kww 1-84



Analysis

<p>Title</p> <p>1. Short title</p> <p>2. Infectious diseases</p> <p>3. Board of Health</p> <p>4. Cleansing of buildings</p>	<p>13A. Cleansing orders</p> <p>5. Appeals against cleansing and closing orders</p> <p>6. Amending references to Courts</p> <p>7. Regulations Schedules</p>
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1969, No. 23.

AN ACT to amend the Health Ordinance 1959.

[11 December 1969]

BE IT ENACTED by the Legislative Assembly of Western Samoa in Parliament assembled as follows:—

1. **Short title**—This Act may be cited as the Health Amendment Act 1969, and shall be read together with and be deemed part of the Health Ordinance 1959 (hereinafter referred to as the principal Ordinance).

2. **Infectious diseases**—The First Schedule to the principal Ordinance is hereby repealed, and the First Schedule to this Act is hereby substituted therefor.

3. **Board of Health**—Section 9 of the principal Ordinance is hereby amended by repealing subsection (2), and substituting the following subsection:

- (2) The Board shall hereafter consist of six members being —
- (a) The Minister of Health, who shall be the Chairman of the Board;
 - (b) The Director of Health, who shall be the Deputy Chairman of the Board;
 - (c) The Director of Works;
 - (d) The Director of Lands;

- (e) A medical practitioner to be chosen and appointed by the Minister;
- (f) A medical practitioner to be chosen and appointed by the Minister from a panel of three medical practitioners nominated by the Western Samoa Medical Association Incorporated;

4. Cleansing of buildings—The principal Ordinance is hereby amended by inserting, in Part II after section 13, the following two sections:

13A. Cleansing orders—(1) If the Director is of opinion that any building needs cleansing in any respect in order to remove a danger to health or otherwise make it fit for human habitation or occupation, he may issue an order in writing (hereinafter referred to as a cleansing order) and cause the cleansing order to be served on the owner or occupier of that building requiring him to cleanse that building in the manner and within the time specified in the cleansing order.

(2) If the owner or occupier of a building on whom a cleansing order is served makes default in cleansing that building or causing the same to be cleansed in the manner and within the time specified in the cleansing order served on him—

- (a) He commits an offence, and is liable to a fine not exceeding forty tālā, and to a further fine not exceeding ten tālā for every day during which such default continues; and
- (b) The Director and necessary workmen employed by him may enter on the land on which that building stands and may cause that building to be cleansed in the manner specified in the cleansing order served on the owner or occupier thereof, and recover the cost and expense of so doing as a debt due to the Government.

5. Appeals against cleansing and closing orders—The principal Ordinance is hereby amended by repealing section 15, and substituting the following section—

15. Appeals against cleansing and closing orders—(1) Within fourteen days after the service of a cleansing order or a closing order on an owner or occupier of any building or

other premises, he may give notice of appeal to the Director and to the Registrar of the Magistrate's Court.

(2) Pending the expiration of the time for an appeal under this section, and the determination of any such appeal, the cleansing order or the closing order in question shall be deemed to be suspended.

6. Amending references to Court—The principal Ordinance is hereby amended by omitting the word "High" wherever it appears in section 19, 26 and 28, and substituting the word "Supreme".

7. Regulations—Section 58 of the principal Ordinance is hereby amended by—

- (a) Inserting in paragraph (a) of subsection (2), after the word "treatment", the words "or maintenance";
- (b) Inserting, in subsection (2), after paragraph (a), the following six paragraphs:
 - (aa) Defining who shall be deemed to be residents of Western Samoa, and providing for the payment of fees or charges by them on a lower scale than for non-residents in respect of medical or hospital treatment or maintenance or the supply of medicines;
 - (ab) Conferring on the Minister power to remit or reduce any fee or charge on the ground that the treatment maintenance or medicines provided are for an infectious disease and are necessary in the interest of public health, or on the ground that neither the patient nor anyone liable for his maintenance is able to pay for the treatment maintenance or medicines by reason of poverty, conditional in either case on a proper record being kept of all remissions and reductions and of the reasons therefor;
 - (ac) Providing that any fee or charge for medical or hospital treatment or maintenance or the supply of medicines to any expatriate officer of the Public Service who is serving therein as a member of the New Zealand Volunteer Service Abroad Organisation or the United States of America Peace Corps or any similar organisation of any other foreign country shall not be payable by that officer or the organisation of

- which he is a member, but may be made payable by the Department in which that officer is serving;
- (ad) Conferring on the Director power to fix any fee or charge up to a prescribed maximum where the service may vary according to the circumstances of the case;
- (ae) Providing as to the time and manner of payment of any fee or charge for medical or hospital treatment or maintenance or the supply of medicines;
- (af) Providing as to the government and management of public hospitals and the patients therein or attending thereat, the admission and discharge of patients, the admission of visitors and the powers and duties of the staff.

Cf. 1955, No. 13, s. 6 (Fiji).

SCHEDULES

FIRST SCHEDULE

Section 2:

New First Schedule to principal Ordinance
Infectious Diseases

- Part I. Cholera.
Plague.
Relapsing fever (epidemic louse-borne).
Smallpox.
Typhus (epidemic louse-bourne).
Yellow fever.
- Part II. Acute anterior poliomyelitis.
Anthrax.
Cerebro-spinal meningitis (meningococcal).
Chickenpox (Varicella).
Dengue.
Diphtheria.
Dysentery: Amoebic
Bacillary (Shigellosis).
Other types.
Encephalitis.
Enteric fevers (Typhoid fever, Paratyphoid fever).
German measles (Rubella).
Infantile diarrhoea.
Infective hepatitis.
Influenza.
Leprosy.

Leptospirosis.
Measles (Rubeola or Morbilli).
Mumps.
Ophthalmia neonatorum (gonococcal).
Psittacosis (Ornithosis).
Puerperal fever.
Scarlet fever.
Tetanus.
Tuberculosis: Pulmonary.
 Other sites.
Typhus (flea-borne).
Typhus (mite-borne).
Undulant fever (Brucellosis).
Venereal diseases: Gonorrhoea.
 Syphilis.
 Other types.
Whooping cough (Pertussis).
Yaws (Framboesia).

