

AUSTRALIAN CAPITAL TERRITORY.

No. 9 of 1956.

AN ORDINANCE

To provide for and regulate the Examination and Treatment of Persons suffering or suspected to be suffering from Venereal Diseases.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government (Administration) Act 1910-1955*, as follows:—

1. This Ordinance may be cited as the *Venereal Diseases Short title. Ordinance 1956.**
2. This Ordinance shall come into operation on the second Commencement. day of July, One thousand nine hundred and fifty six.
3. This Ordinance shall be administered by the Minister of Administration. State for Health.
4. In this Ordinance, unless the contrary intention appears— Definitions.
 - “medical practitioner” means a medical practitioner registered under the *Medical Practitioners Registration Ordinance 1930-1956*;
 - “the Court” means the Court of Petty Sessions established under the *Court of Petty Sessions Ordinance 1930-1951*;
 - “the Medical Officer of Health” means the Medical Officer of Health appointed under the *Public Health Ordinance 1928-1951* and includes a medical officer for the time being performing the duties of the Medical Officer of Health;
 - “the Minister” means the Minister of State for Health;
 - “venereal disease” includes all stages and forms of syphilis, gonorrhoea, gleet, soft chancre, venereal warts and granuloma venereum.
- 5.—(1.) A person who has reason to believe that he is, or may be, suffering from venereal disease shall forthwith consult a medical practitioner. Persons suffering from venereal disease to consult medical practitioner.

* Notified in the *Commonwealth Gazette* on 21st June, 1956.

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(2.) If a person is informed by a medical practitioner who is professionally attending him that that person is, or may be, suffering from venereal disease, that person shall submit himself to such a course of treatment as the medical practitioner directs and shall continue that course of treatment until he is cured of, or is free from, the disease.

Notices by medical practitioner in respect of sufferers from venereal disease.

6.—(1.) A medical practitioner who has reason to believe that a person professionally attended by him is, or may be, suffering from venereal disease shall forthwith give to the Medical Officer of Health notice in writing stating the details of the case but without notifying the identity of the person suffering from the disease.

(2.) Where a person refuses or fails to submit himself to a course of treatment as directed by a medical practitioner under sub-section (2.) of the last preceding section, the medical practitioner shall forthwith give to the Medical Officer of Health notice in writing stating the details of the case together with such particulars within the knowledge of the medical practitioner as may establish the identity and address of that person.

Notice requiring persons to submit to examination.

7.—(1.) Where the Medical Officer of Health—

(a) receives a notice from a medical practitioner under sub-section (2.) of the last preceding section; or

(b) has other reason to believe that a person is, or may be, suffering from venereal disease,

the Medical Officer of Health may, by notice in writing, require that person to submit himself to medical examination at such time and place as are specified in the notice, and that person shall submit himself to examination accordingly.

(2.) Where a notice under this section is given to a person under the age of sixteen years, the Medical Officer of Health may deliver a copy of the notice to any parent, guardian or other person having, or ordinarily having, the charge of that first-mentioned person.

(3.) A parent, guardian or other person to whom a copy of a notice is given under this section shall do all things within his power to ensure that the person in, or ordinarily in, his charge complies with the notice.

Apprehension of person failing to attend for examination.

8.—(1.) Where a person has been required in pursuance of a notice under the last preceding section to attend for a medical examination and that person refuses or fails to submit himself to that examination at the time and place specified in the notice, the Court may, on the application of the Medical Officer of Health, issue a warrant for the apprehension of that person.

(2.) A warrant issued under this section authorizes a member of the Police Force of the Territory named in the warrant, with such assistance as that member thinks necessary, to apprehend the person named in the warrant.

(3.) If the person named in a warrant issued under this section is a woman, the warrant shall, if practicable, be directed to a member of the Police Force of the Territory who is a woman.

(4.) The member of the Police Force of the Territory who apprehends a person under a warrant issued under this section shall forthwith notify the Medical Officer of Health accordingly.

(5.) The Medical Officer of Health shall, upon the receipt of notification by a member of the Police Force of the Territory of the apprehension of a person under this section—

- (a) fix a time and place for the examination of the person by a medical practitioner appointed by the Medical Officer of Health; and
- (b) advise that member of the Police Force of the Territory accordingly.

(6.) A person apprehended under this section may be detained in a hospital or another place approved by the Medical Officer of Health until the time for examination fixed under the last preceding sub-section.

(7.) The member of the Police Force of the Territory who has been advised of the time and place of examination of a person fixed under sub-section (5.) of this section shall bring that person to the place, and at the time, so fixed.

(8.) If a person apprehended under this section refuses to submit to the examination as and when required by the medical practitioner under sub-section (5.) of this section, the medical practitioner may, with such assistance as he thinks necessary, forcibly examine that person.

9.—(1.) Where, upon application by the Medical Officer of Health for an order under this sub-section, the Court is satisfied that a person is suffering from venereal disease and that—

Magistrate may order persons suffering from venereal disease to be removed to hospital, &c.

- (a) it is in that person's interest that he should be properly attended and treated;
- (b) the person's circumstances are such that proper precautions to prevent the spread of venereal disease cannot be taken, or that those precautions are not being taken; and
- (c) substantial risk of infection is or will be thereby caused to others,

the Court may order that person to be removed to a hospital or some other suitable place where he can be properly attended and treated and to be detained there for such period as the Court thinks fit, or, if that person is an in-patient in a hospital and proposes, contrary to the advice of the Medical Officer of Health or of a medical officer of the hospital or of a medical practitioner, to leave the hospital, order him to be detained in the hospital or in some other suitable place for such period as the Court thinks fit.

(2.) At any time while a person is detained in pursuance of an order for the time being in force under the last preceding sub-section, the Court may, upon application by the Medical Officer of Health for an order under this sub-section, and upon being satisfied that the conditions which led to that person's detention being ordered will again exist if he is not detained for a further period after the expiration of the existing period of detention, order the detention of that person in the same place or in some other suitable place for such further period as the Court thinks fit.

(3.) Where an application for an order is made under this section, the Medical Officer of Health shall give to the person in respect of whom the application is made, and, in the case of a person who has not attained the age of sixteen years, to a parent, guardian or other person having, or ordinarily having, the charge of the first-mentioned person, not less than three days' notice in writing of the time and place at which the application will be heard.

(4.) Subject to the next two succeeding sections and to section fifteen of this Ordinance, an order under this section is final and binding on all parties.

(5.) An order under this section may be addressed to the Medical Officer of Health or such other person as the Court thinks fit, and the person to whom the order is addressed may do all acts necessary for giving effect to the order.

(6.) The medical officer or other person in charge of a hospital or other place to which a person is ordered under this section to be removed shall, on the presentation of the order, receive the person to whom the order relates and arrange for his medical treatment, and shall do such other acts as are necessary for giving effect to the order.

Order for
removal to
another place
of detention.

10.—(1.) At any time while a person is detained in a hospital or other place in pursuance of an order under the last preceding section, the Court may, if it thinks fit, on the application of the Medical Officer of Health or of the medical officer or other person in charge of the hospital or place, order that person to be removed to another hospital or suitable place and to be detained there while the first-mentioned order continues in force.

(2.) The provisions of sub-sections (3.), (4.), (5.) and (6.) of the last preceding section apply, so far as applicable and with all necessary modifications, with respect to an application and order made under this section.

Revocation of
order.

11.—(1.) At any time during the currency of an order under either of the last two preceding sections, a person may, on behalf of the person to whom the order relates, apply to the Court for the revocation of the order, and the Court may, if it is satisfied

that the last-mentioned person is cured of, or is free from, venereal disease, has ceased to be liable to convey infection or will present himself for treatment by a medical practitioner, revoke the order.

(2.) Where an application is made under the last preceding sub-section, the person making the application shall give to the Medical Officer of Health not less than three days' notice in writing of the time and place at which the application will be heard.

12. A person who is removed to, or detained in, a hospital or other place in pursuance of an order under this Ordinance shall not, while the order continues in force, except with the consent of the Medical Officer of Health or of the medical officer or other person in charge of the hospital or place, leave or attempt to leave the hospital or place.

Persons ordered into hospital not to leave without consent.

13. Where an application for an order or revocation of an order is made under this Ordinance, the Court may, if it thinks fit, require the person to whom the application relates to be examined by a medical practitioner appointed by it for the purpose.

Medical examination ordered by Court.

14. Proceedings before the Court under this Ordinance, except proceedings for an offence against this Ordinance, shall not be heard in public.

Hearings in camera.

15.—(1.) The Medical Officer of Health or any person aggrieved by an order or decision of the Court under section nine or ten of this Ordinance may, within seven days after the making of the order or decision, or within such further time as the Judge in his discretion allows, appeal to the Judge of the Supreme Court, sitting in chambers, against the order or decision.

Appeal against orders of detention.

(2.) On the hearing of the appeal, the Judge may confirm, modify or reverse the order or decision of the Court and the Judge's decision shall be final and binding on all parties.

(3.) The Judge shall make no order as to costs in respect of an appeal under this section except where the appeal is by or on behalf of a person aggrieved and is successful.

16. A warrant or order issued under this Ordinance has effect according to its tenor and members of the Police Force of the Territory and governing authorities and officers of a hospital or place in which a person is detained under this Ordinance shall do all acts necessary for carrying into effect the provisions of warrants and orders issued under this Ordinance.

Carrying into effect of warrants and orders.

No action
against
Commonwealth,
&c.

17. No action lies against the Commonwealth, the Medical Officer of Health, a member of the Police Force of the Territory a medical practitioner or other person acting in accordance with this Ordinance in respect of an apprehension, examination or detention in pursuance of this Ordinance, but, if the Governor-General is satisfied that an apprehension, examination or detention was made or done without reasonable cause, he may award reasonable compensation in respect of it.

Signature of
Medical Officer
of Health
to be
judicially
noted.

18. All courts of the Territory shall take judicial notice of the signature of the person who holds or has held the office of the Medical Officer of Health or who is or was, for the time being, performing the duties of that office.

Members of
the Defence
Force
infected.

19.—(1.) The provisions of this Ordinance with respect to the requirement to submit to an examination, the apprehension and the detention of a person do not apply to a member of the Defence Force of the Commonwealth.

(2.) Where the Medical Officer of Health has reason to believe that a member of the Defence Force of the Commonwealth is or may be suffering from venereal disease, the Medical Officer of Health shall forthwith give to the senior administrative medical officer of the service or force to which the member is attached notice in writing setting out the details of the case together with such particulars within the knowledge of the Medical Officer of Health as may establish the identity and address of the member.

Offences.

20. A person shall not—

- (a) wilfully disobey an order, direction or requirement under this Ordinance;
- (b) obstruct, delay or interfere with the prompt execution of, or compliance with, any such order, direction or requirement; or
- (c) contravene or fail to comply with any of the provisions of this Ordinance.

Penalty: One hundred pounds or imprisonment for six months.

Regulations.

21. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular for—

- (a) prescribing forms for applications, orders, notices or certificates to be made or given under this Ordinance; and

- (b) prescribing penalties not exceeding a fine of One hundred pounds, or imprisonment for a period not exceeding six months, for any breach of the regulations.

Dated this sixth day of June, 1956.

W. J. SLIM

Governor-General.

By His Excellency's Command,

DONALD A. CAMERON

for and on behalf of the Minister of
State for the Interior.