

A N O R D I N A N C E

To provide for and regulate the Examination and Treatment of persons suffering from or suspected to be suffering from Tuberculosis and for the Prevention and Eradication of Tuberculosis.

(Assented to 16 MAR 1967)

Be it ordained by the Legislative Council for the Territory of Nauru, in pursuance of the powers conferred by the Nauru Act 1965, as follows:

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- Short Title 1. This Ordinance may be cited as the Tuberculosis Ordinance 1967.
- Repeal 2. The Tuberculosis Ordinance 1957 is repealed.
- Definition 3. In this Ordinance, unless the contrary intention appears, "medical practitioner" has the same meaning as in the Mentally-Disordered Persons Ordinance 1963-1966.
- Government Medical Officer to be informed, 4. (1.) A medical practitioner who -
(a) has reason to believe that any person is or may be suffering from tuberculosis;
or
(b) by post mortem examination or otherwise has reason to believe that any person was at the time of his death suffering from tuberculosis,
shall forthwith give notice to the Government Medical Officer accordingly.
- (2.) A notice under this section shall state -
(a) whether the disease is or was in an active form or is suspected of being or having been in that form; and

(b) whether the person to whom the notice relates is or was in an infectious condition or is suspected of being or having been in that condition.

Notice where Person has left the Territory

5. Where the Government Medical Officer has reason to believe that any person who has left the Territory is or may be suffering from tuberculosis, he may notify the appropriate authority at the place at which he believes that person to be at that time.

Compulsory X-ray examination.

6. The Administrator may, by notice in the Gazette addressed to all or any persons in the Territory over the age of twelve years, require those persons to submit themselves to radiological examination of their lungs at such times and places as are specified in the notice.

Compulsory tests and examinations.

7.-(1.) The Administrator may, by notice in the Gazette addressed to all or any persons in the Territory, require those persons to submit themselves to a tuberculin skin test and to a subsequent examination for the purpose of ascertaining the result of that test at such times and places as are specified in the notice.

(2.) Where upon the subsequent examination of a person it is found that he has shown a positive reaction to the tuberculin skin test, he shall submit himself to a radiological examination of his lungs.

(3.) Where upon the subsequent examination of a person it is found that he has shown a negative reaction to the tuberculin skin test, he shall submit himself to such vaccination or other prophylactic treatment as the Government Medical Officer determines.

Notices Requiring Examinations, etc.

8.-(1.) Where the Government Medical Officer is of the opinion that a person -

(a) has failed to comply with a notice under this Ordinance; or

(b) should submit himself or further submit himself to medical, radiological, or bacteriological examination, testing or treatment,

he may, by notice in writing, require that person to submit himself at a time and place specified in the last-mentioned notice to medical, radiological, or bacteriological examination or testing or to vaccination or other prophylactic treatment in accordance with the notice.

(2.) Where a person referred to in the last preceding sub-section has not attained the age of twelve years he shall not be required to submit to radiological examination unless he shows -

- (a) a positive reaction to a tuberculin skin test; or
- (b) symptoms which indicate that he is suffering from tuberculosis.

Service of
Notices.

9.--(1.) A notice under the last preceding section shall be delivered -

- (a) by handing it to the person to whom the notice relates, unless he has not attained the age of sixteen years;
- (b) by handing it to some other person apparently over the age of sixteen years who appears to reside at the ordinary place of residence of the person to whom the notice relates; or
- (c) by forwarding it by prepaid post to the person to whom the notice relates.

(2.) A notice purporting to have been given under this Ordinance and to have been signed by the Government Medical Officer shall be deemed to have been signed by the Government Medical Officer.

Obligation to
Comply with
Notices.

10.--(1.) A person who is required by a notice under this Ordinance to attend and to submit himself to an examination, test or treatment -

(a) shall attend at the time and place specified in the notice;

(b) shall submit himself to examination, testing the person having the immediate control of the examination, test or treatment, leave that place before the examination, test or treatment has been completed.

(2.) Where a person who has not attained the age of sixteen years is required by a notice under this Ordinance to attend and to submit himself to examination, testing or treatment, the parent, guardian or other person ordinarily having the charge of the first-mentioned person shall do all things in his power to ensure that the first-mentioned person complies with the notice.

(3.) ~~Where a person is required by a notice under this Ordinance to attend for and to submit himself to an examination, testing or treatment but the Government Medical Officer is satisfied that it is impractical or not in the interests of that person's health for him to comply with the notice, the Government Medical Officer may, by further notice, require that person to submit himself to the examination, test or treatment at some other time or place and that person shall be deemed to have complied with the first mentioned notice.~~

District Court may order persons suffering from tuberculosis to be removed to institution, etc.

11.--(1.) Where, upon application by the Government Medical Officer for an order under this sub-section, the District Court is satisfied that a person (in this section referred to as "the patient") is suffering from tuberculosis in an infectious condition and that -

(a) in the patient's interest he should be properly attended and treated; and

- (b) there will be a substantial risk of infection to others unless an order under this sub-section is made,

the District Court may -

- (c) order that the patient be apprehended and removed to an institution or other suitable place in the Territory or, with the consent of the patient, outside the Territory, where he can be properly attended and treated, and that he be detained there for such period, not exceeding twelve months, as the District Court thinks fit; or
- (d) if the patient is already an in-patient in an institution or other suitable place and proposes to leave that institution or place contrary to the advice of the Government Medical Officer or some other medical practitioner, order that the patient be detained in that institution or in some other suitable place in the Territory or, with the consent of the patient, outside the Territory, for such period, not exceeding twelve months, as the District Court thinks fit.

(2.) At any time during the currency of any order under this section, the District Court, upon application by the Government Medical Officer and upon being satisfied that -

- (a) in the patient's interest he should continue to be properly attended and treated; and
- (b) there will be a substantial risk of infection to others unless an order under this sub-section is made,

may, by order, extend the current period of detention for such further period, not exceeding six months, as the District Court thinks fit.

(3.) Subject to the provisions of this section and the next succeeding section, every order made under this section shall be final and binding on all persons.

(4.) At any time during the currency of an order under this section the patient or any person on his behalf may apply to the District Court for the revocation of that order and the District Court may, if it thinks fit, revoke that order.

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

(6.) At any time during the currency of an order under this section the patient and the Government Medical Officer may agree in writing to the patient being detained for the balance of the period of detention in some other institution or suitable place, whether in or outside the Territory, and upon the filing of a copy of the agreement at the District Court Registry the order shall be deemed to have been varied accordingly.

(7.) At any time during the currency of an order under this section the District Court may, upon application by the Government Medical Officer, vary that order to provide that the patient be removed to and detained in some other institution or suitable place in the Territory.

(8.) Where the Government Medical Officer applies for an order under this section he shall give to the patient and, where the patient has not attained the age of twenty-one years, to any parent or guardian or other person ordinarily having the charge of the patient, not less than three clear days' written notice of the time and place of hearing of the application.

(9.) An order under this section may be addressed to the Government Medical Officer or to such other person as the District Court thinks expedient and any person to whom the order is addressed shall do all acts necessary for giving effect to the Order.

(10.) The medical officer or other person in charge of an institution or place to which a patient is ordered under this section shall, upon the presentation of the order, receive the patient, arrange for his medical treatment and do such other acts as are necessary for giving effect to the order.

(11.) A patient shall not, during the currency of an order under this section, leave or attempt to leave the institution or other place where he is detained pursuant to the order without the consent of the Government Medical Officer or the person in charge of that institution or place.

12.-(1.) Any person aggrieved by an order or decision of the District Court under the last preceding section may, within fourteen days of the making of that order or decision, appeal against it by filing at the Central Court Registry a notice in writing setting out -

- (a) the part of the order or decision appealed against; and
- (b) the grounds of appeal.

Appeal to
Central
Court.

(2.) The appellant shall, within seven days of the filing of the notice of appeal, serve a copy of that notice upon every person directly affected by that order or decision.

(3.) The Central Court may, by order -

- (a) extend the time allowed for the filing of the notice of appeal or for serving a copy of that notice upon any person;
- (b) direct that substituted service of the notice of appeal be effected upon any person to be served who has left the Territory; or
- (c) stay the order or decision of the District Court pending the determination of the appeal.

(4.) The appeal to the Central Court shall be by way of rehearing.

(5.) Upon hearing the appeal the Central Court may affirm, reverse or modify the order or decision of the District Court and the order or decision of the Central Court -

- (a) shall be final and binding on all persons; and
- (b) shall not have any retrospective operation.

Medical
examination

13. A Court hearing an application or appeal under this Ordinance may, if it thinks fit, -

- (a) appoint a medical practitioner to test and examine the person to whom the application or appeal relates and to report the result of his test and examination to the Court; and

(b) order that person to submit himself
to that medical examination.

Offences

14. Any person who contravenes any provision of this Ordinance or an order under this Ordinance shall be guilty of an offence

Penalty - Twenty dollars or imprisonment for one month, or both.

Regulations

15. The Administrator in Council 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, prescribing penalties not exceeding a fine of Twenty dollars or imprisonment for one month, or both, for offences against the regulations.