

VENEREAL DISEASES ORDINANCE

1920-1925.⁽¹⁾

WHEREAS owing to the exigencies of the British Military Occupation of the Colony of German New Guinea and in the interests of public health it is expedient to make provision for the treatment of Venereal Diseases and to prevent the spread of such diseases and for the purposes consequent thereon or incidental thereto: Now therefore I Thomas Griffiths Brigadier-General British Military Administrator of the Colony of German New Guinea by virtue of the powers me thereunto enabling do hereby order enact and proclaim as follows:—

1. This Ordinance may be cited as the *Venereal Diseases Ordinance 1920-1925*,⁽¹⁾ and shall come into force upon publication in the *Government Gazette*.⁽¹⁾

Short title.

Amended by
No. 3 of 1934,
s. 50.

2. In this Ordinance, if not inconsistent with the context or subject matter—

Definitions.

“Child” means a person under the age of sixteen years.

“Commissioner” means the commissioner appointed under this Ordinance.

“Managers” includes board, committee, or other body managing any hospital.

“Medical practitioner” means legally qualified medical practitioner registered in a State of the Commonwealth of

Amended by
No. 33 of 1925,
s. 3.

(1) The *Venereal Diseases Ordinance 1920-1925* comprises the *Venereal Diseases Ordinance 1920*, as amended by the other Ordinance referred to in the following Table:—

TABLE.

PART I.—ORDINANCE MADE BY THE BRITISH MILITARY ADMINISTRATOR OF THE COLONY OF GERMAN NEW GUINEA.

Short title.	Date on which made by British Military Administrator.	Date on which published in <i>Govt. Gaz.</i>	Date on which came into force.
<i>Venereal Diseases Ordinance 1920</i> ^(a)	12.7.1920	31.7.1920	31.7.1920 (<i>Govt. Gaz.</i> of 31.7.1920)

(a) Continued in force by the *Laws Repeal and Adopting Ordinance 1921-1939*.

PART II.—ORDINANCE MADE BY THE GOVERNOR-GENERAL IN COUNCIL.

Short title, number and year.	Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cwlth. Gaz.</i>	Date on which took effect.
<i>Venereal Diseases Ordinance 1925</i> (No. 33 of 1925)	5.8.1925	6.8.1925	15.11.1924 (Sec. 2, <i>Venereal Diseases Ordinance 1925</i>)

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Australia and resident in the Territory of New Guinea or a Medical Officer of the Administration of the Territory of New Guinea.⁽²⁾

“Prescribed” means prescribed by this Ordinance or by regulations under this Ordinance.

“Venereal Disease” means gonorrhœa, gleet, gonorrhœal ophthalmia, syphilis, soft chancre, venereal warts, or venereal granuloma.

Treatment by
medical
practitioner
only.

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 prescribe for or supply any drug or medicine to any person suffering from any venereal disease for the purpose of curing, alleviating, or treating such disease.

Chemists.

(2.) A registered pharmaceutical chemist may dispense to the patient of a medical practitioner the prescription of such practitioner if such prescription is dated, and bears the address and usual signature (including the surname) of such practitioner.

(3.) A registered pharmaceutical chemist may, in the ordinary course of business, sell or supply any drug or medicine (except such drugs or medicine as are specified by regulations made under the Ordinance) if such drug or medicine is not prescribed by such chemist for any person suffering from any venereal disease for the purpose of curing, alleviating, or treating such disease.

(4.) Any person contravening this section shall be liable to a penalty not exceeding Fifty pounds or to imprisonment with or without hard labour for a term not exceeding six months.

Persons
suffering from
venereal
disease to
place them-
selves under
treatment, etc.

4.—(1.) Every person suffering from any venereal disease, or suspecting that he is so suffering, shall within three days of becoming aware of his condition, consult a medical practitioner thereon, furnish his correct name, occupation, and address to such practitioner, and place himself under treatment by such practitioner, or shall attend at some hospital or other place prescribed for the purpose and place himself under treatment thereat.

(2.) Any person contravening the preceding sub-section of this section shall be liable to a penalty not exceeding One hundred pounds, or imprisonment for a period not exceeding three months.

Penalty for
divulging name
or address of
person
suffering from
any venereal
disease.

(3.) Any medical practitioner who otherwise than in accordance with the provisions of this Ordinance communicates to any person or in any other way makes known any name or address so furnished to him shall be liable to a penalty not exceeding One hundred pounds, and shall be deemed to be guilty of professionally infamous conduct.

(2) See Section 5 of the *Venereal Diseases Ordinance 1925*, printed on p. 2380.

Venereal Diseases Ordinance 1920-1925.

5.—(1.) Every person suffering from any venereal disease who has consulted and placed himself under treatment by a medical practitioner, or who has attended and placed himself under treatment at a hospital or other prescribed place, shall (until he has received a certificate that he is cured of or is free from venereal disease) visit or cause himself to be attended by a medical practitioner, or attend at a hospital or other prescribed place, for the purpose of treatment and advice at least once in every such period as is prescribed, and shall follow the advice given by such medical practitioner or by a medical practitioner at such hospital or place.

Persons suffering from venereal disease to keep under treatment.

(2.) Any person contravening this section shall be liable to a penalty not exceeding Twenty pounds.

6.—(1.) If any person suffering from any venereal disease who has consulted and placed himself under treatment by a medical practitioner changes his address, he shall within seven days, notify the said practitioner of such change, and of the address to which he has gone.

Change of address.

(2.) Any person contravening this section shall be liable to a penalty not exceeding Five pounds.

7.—(1.) If any person suffering from any venereal disease who has consulted and placed himself under treatment by a medical practitioner desires to discontinue such treatment and to place himself under treatment by some other medical practitioner, or if the medical practitioner treating such person dies or for any reason is unable or unwilling to treat him further, such person shall, unless he places himself under treatment at some hospital or other prescribed place, forthwith consult and place himself under the treatment of another medical practitioner, and inform him of the name and last known address of the medical practitioner by whom he was previously treated. The medical practitioner so informed shall forthwith send to the medical practitioner by whom such person was previously treated a notice in the prescribed form if the practitioner last mentioned is resident in the Colony of German New Guinea.

Change of medical practitioner.

(2.) Any person contravening this section shall be liable to a penalty not exceeding Five pounds.

8. The fact that a person who has been suffering from any venereal disease has ceased to be liable to convey infection, but has not been cured, shall not exonerate such person from complying with the provisions of this Ordinance with respect to treatment, or any medical practitioner from complying with the requirements of this Ordinance with respect to notices.

Treatment to continue till cure effected.

9.—(1.) If a medical practitioner becomes aware that any person consulting him, or attended, or treated by him, is suffering

Reporting cases.

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from any venereal disease, such medical practitioner shall give notice thereof to the commissioner in the prescribed form, and within the prescribed period.

(2.) Such notice shall not disclose the name and address of the patient.

(3.) Any medical practitioner contravening this section shall be liable to a penalty not exceeding Twenty pounds, and for a second and every subsequent offence to a penalty of not less than Twenty pounds, but not exceeding One hundred pounds.

Name and address of patient to be reported on failure to continue treatment.

10.—(1.) If a person suffering from any venereal disease who has been attended or treated by a medical practitioner for such disease fails to consult or attend such medical practitioner during one such period as is prescribed under section five of this Ordinance or within ten days thereafter, and the medical practitioner has not before the expiration of such ten days received from another medical practitioner a notice that such person has placed himself under treatment by such other medical practitioner, such first-mentioned medical practitioner shall send to the commissioner in a sealed envelope marked "confidential" a notice of the facts in the prescribed form.

(2.) Any medical practitioner contravening this section shall be liable to a penalty not exceeding Twenty pounds, and for a second or any subsequent offence to a penalty of not less than Twenty pounds, but not exceeding One hundred pounds.

Warnings to patients.

11.—(1.) Every medical practitioner who attends, treats, or advises any person for or in respect of any venereal disease from which such person is suffering, shall (except in the case of a child)—

(a) by written notice in the prescribed form delivered to such person—

(i) direct such person's attention to the infectious nature of the disease, and to the legal consequences of infecting others; and

(ii) warn such person against contracting any marriage until certified under this Ordinance as cured; and

(b) give such person such printed information as may be prescribed regarding the disease and the duties of persons suffering therefrom.

Parents and guardians.

(2.) Every medical practitioner who attends, treats, or gives advice with respect to a child suffering from venereal disease shall give to the parent or guardian or other person in charge of the child such directions and printed information as may be prescribed.

(3.) Any medical practitioner contravening this section shall be liable to a penalty not exceeding Five pounds.

12. If a medical practitioner has reason to believe that a person suffering from venereal disease intends to contract a marriage, it shall be lawful for such medical practitioner, after giving an intimation of his intention to the person suffering from such disease, to inform any person, whom he believes on reasonable grounds to be the other party to the proposed marriage, that the person suffering from such disease is so suffering, and he may also give the like information to any parent or guardian of such party and to the commissioner, and every communication made in good faith in exercise or supposed exercise of the powers conferred by this section shall be absolutely privileged.

Privilege of medical practitioner.

13. Any person who, while suffering from any venereal disease in an infectious stage, marries, knowing that he is so suffering, shall be guilty of an indictable offence, and shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding five years or a fine not exceeding Five hundred pounds, or both fine and imprisonment.

Marriage of person suffering from venereal disease.

14.—(1.) When any person who has been suffering from any venereal disease becomes cured of or free from such disease, or has ceased to be liable to convey infection, any medical practitioner, on being satisfied thereof shall, subject to the provisions of this Ordinance and the regulations thereunder, give such person, at his request, a certificate in the prescribed form that such person is cured of or is free from venereal disease, or is no longer liable to convey infection, as the case may be.

Certificates of cure or freedom from venereal disease.

(2.) Any medical practitioner who gives to any person a certificate that such person is cured of or is free from venereal disease, or is no longer liable to convey infection, knowing the said certificate to be false in any material particular, or except under the conditions and in the circumstances prescribed with respect to such certificates by regulations under this Ordinance, shall be liable to a penalty not exceeding Fifty pounds.

15. Any person who uses for the purposes of or in relation to or in connection with prostitution any certificate given by a medical practitioner under the provisions of the last preceding section shall be liable to a penalty not exceeding Twenty pounds.

Using certificate for purposes of prostitution.

16.—(1.) Any parent, guardian, or other person in charge of any child suffering from venereal disease shall cause such child to be treated for such disease in accordance with the provisions of this Ordinance.

Parents and guardians.

(2.) When any child is or becomes liable under this Ordinance

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to do or submit to any act, matter, or thing, any parent or guardian or other person in charge of such child, knowing that such child is so liable, shall exercise his authority to compel or induce such child to do or submit⁽³⁾ such act, matter, or thing as aforesaid.

(3.) Any parent or guardian or other person in charge of any such child who knows that such child has failed to comply with any provision of this Ordinance shall report the fact, together with such particulars as may be prescribed, to the commissioner.

(4.) Any parent, guardian, or other person contravening this section shall be liable to a penalty not exceeding Ten pounds.

Person suffering from venereal disease working in factory, &c.

17.—(1.) Any person who, knowing himself to be suffering from any venereal disease in an infectious stage, works in or about any factory, shop, hotel, restaurant, house, or other place in any capacity requiring him to handle food intended for human consumption shall be guilty of an offence, and shall be liable on summary conviction to imprisonment for a period not exceeding one year, or to a fine not exceeding One hundred pounds.

Employing person suffering from venereal disease to handle food.

(2.) Any person who knowingly employs or continues to employ any person suffering from a venereal disease in an infectious stage at any work or in any capacity requiring him to handle food intended for human consumption shall be liable to a penalty of not less than Twenty pounds and not exceeding One hundred pounds.

Protection of medical practitioner.

18. No certificate, notice, or other communication, verbal or in writing, given by any medical practitioner for the purpose of this Ordinance, *bona fide* and without negligence, that any person is suffering from venereal disease shall be made the ground of any legal proceedings, civil or criminal, against such medical practitioner.

Privacy of proceedings.

19.—(1.) Any matter to be heard by a magistrate under this Ordinance shall be heard and decided in chambers, and in private, and no person other than the magistrate, the party concerned, the commissioner, and such officers, witnesses, or persons as the magistrate may require, or at the request of the party concerned may permit to be present, shall have access to or be permitted to be present in any room where the matter is being heard.

(2.) Every person who acts or assists in the administration of this Ordinance, and every person present in any room where any matter under this Ordinance is being heard, shall preserve and aid in preserving secrecy with regard to all matters and things which come to his knowledge while so acting or assisting, or present, and shall not communicate any such matter or thing to any other person, except in the performance of his duties under this Ordinance, or in answer to some question which he is legally bound to answer.

(3) The words "submit such act" appeared in the original Ordinance. The word "to" has now been inserted after the word "submit" by the First Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

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(3.) Any person contravening this section shall be liable to penalty not exceeding Fifty pounds.

20.—(1.) It shall not be lawful to publish in any newspaper the report of any proceeding or matter heard in private under this Ordinance, but this prohibition shall not extend to any reports which are published on the written authority of the commissioner.

(2.) Any person contravening this section shall be liable to a penalty not exceeding Fifty pounds.

21. Any person who knowingly infects any other person with a venereal disease, or knowingly does or permits or suffers to be done any act likely to lead to the infection of any other person with such a disease shall be liable to a penalty not exceeding One hundred pounds, or to imprisonment with or without hard labour for a term not exceeding twelve months, or to both such penalty and such imprisonment.

22. Any person who, being the owner or occupier of any house, room or place, knowingly permits any female suffering from venereal disease to occupy such house, room or place for the purpose of prostitution, or to resort thither for such purpose, shall be guilty of an offence under this Ordinance and shall be liable to a penalty not exceeding One hundred pounds, or to imprisonment with or without hard labour for a term not exceeding twelve months: Provided that no conviction under this section shall exempt the offender from any penal or other consequences to which he may be liable for keeping or being concerned in keeping a bawdy-house or disorderly house or for the nuisance thereby occasioned.

23. A medical practitioner appointed by the Administrator shall be the commissioner under this Ordinance.

24. The Administrator may arrange with the managers of any hospital receiving aid from the Administration to make effective provision as prescribed for the reception, accommodation, examination, and treatment free of charge of such numbers of persons, or such classes of persons, suffering from venereal disease as are prescribed.

25.—(1.) No person shall publish any statement whether by way of advertisement or otherwise 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.

(2.) Any person who—

(a) affixes or inscribes any statement on any thing whatsoever so as to be visible to persons being in or passing

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along any street, road, highway, pathway, public place, or public conveyance; or

- (b) delivers or offers, or exhibits any statement to any person being in or passing along any street, road, highway, pathway, public place, public conveyance; or
- (c) throws any statement into or upon any street, road, highway, pathway, public place or public conveyance, or into the area, yard, garden, or enclosure of any house; or
- (d) exhibits any statement to public view in any house, shop or place; or
- (e) prints or publishes any statement in any newspaper; or
- (f) sells, offers, or shows or sends by post any statement to any person,

shall be deemed to have published that statement.

(3.) The word statement includes any document, book, or paper containing any statement.

(4.) Any person contravening this section shall be liable to a penalty not exceeding Fifty pounds:

Provided that nothing in this section shall apply to any books, documents or papers, published in good faith for the advancement of medical or surgical science, or to any advertisement, notice, or recommendation published by the authority of the Commissioner, or to any publication sent only to medical practitioners or to registered pharmaceutical chemists for the purposes of their business.

Seizure of articles capable of being used unlawfully for the alleviation of venereal disease.

26.—(1.) A District Officer or the Judge of the Central Court⁽⁴⁾ at Rabaul may, subject to the provisions of this Ordinance, authorise by special warrant any member of the police to enter into any house, office, shop, room, or other place, not being the house, office, shop, room, or surgery of a medical practitioner, or of a registered pharmaceutical chemist, and to search for, seize, and bring before any such District Officer or Judge all articles, medicines, instruments, or appliances found therein which are capable of being used for the alleviation or cure of any venereal disease.

(2.) No such warrant shall be issued except upon complaint made on oath by the Commissioner that he has reason to believe and does believe that such articles, medicines, instruments, or appliances are kept, held, or exhibited in such house, office, shop, room, or place, for the purpose of sale or unlawful use.

(3.) The member of the police to whom any such special warrant is issued may if necessary obtain assistance and use force by breaking open doors or otherwise in order to effect an entrance.

(4) See Section 7A of the *Judiciary Ordinance* 1921-1938.

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(4.) Whenever any such articles, medicines, instruments, or appliances are seized and brought before a District Officer or Judge in pursuance of any such special warrant such District Officer or Judge shall thereupon issue a summons calling upon the occupier of the house, office, shop, room, or other place entered by virtue of such warrant to appear within seven days before such District Officer or Judge to show cause why the articles, medicines, instruments, and appliances so seized should not be destroyed or forfeited.

(5.) The District Officer or Judge issuing such summons shall—

- (a) if the occupier or some other person claiming to be the owner of the articles, medicines, instruments, or appliances seized does not appear within the time limited; or
- (b) if the occupier or such other person appears and it is found that the articles, medicines, instruments, or appliances seized or any of them are of the character stated in the warrant, and kept, held, or exhibited for the purpose of sale or unlawful use,

order them, or any of them, to be destroyed or forfeited.

(6.) The District Officer or Judge shall, if satisfied that the articles, medicines, instruments, and appliances seized are not of the character stated in the warrant, or are not kept, held, or exhibited for the purpose of sale or unlawful use, direct them to be restored to the occupier of the house, office, shop, room, or other place in which they were seized, or to the person appearing to be the owner thereof.

27. The Administrator shall—

Powers of
Administrator.

- (a) establish hospitals or places for the reception and treatment of persons suffering from venereal disease;
- (b) arrange for the examination or treatment by medical practitioners of persons suffering from venereal disease and for the remuneration of the practitioners under any such arrangement;
- (c) provide by regulation for the reception examination, and treatment of such persons at such hospitals and places or by such medical practitioners free of charge;
- (d) arrange for chemical, bacteriological, and other examinations and investigations free of charge to the patient for the purpose of ascertaining whether a person is suffering from, or is cured of or is free from venereal disease, or is no longer liable to convey infection, and for the remuneration payable under any such arrangement;

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- (e) arrange for the supply of drugs, medicines, and appliances for the treatment, alleviation, and cure of venereal disease in the case of persons unable, through poverty or otherwise, to pay for such drugs, medicines, or appliances; and
- (f) provide for the preparation and distribution of information relating to venereal disease.

Power to prosecute.

28. No prosecution or proceeding for the recovery of penalties under this Ordinance or any regulation thereunder shall be instituted except by the Commissioner or some person thereunto authorised in writing by the Commissioner either generally or in the particular case:

Provided that nothing herein contained shall affect any right to institute proceedings independently of this section in respect of any act or omission which is an offence at common law or under some Ordinance or law other than this Ordinance.

False allegation as to persons suffering from venereal disease.

29. Without limiting the operations of the provisions of this or any other Ordinance or law, every person who, without legal justification or excuse, falsely alleges, whether by words or otherwise, that any other person is suffering or has suffered from venereal disease (whether the form of such disease is specified or not), shall be guilty of the offence of publishing a defamatory libel.

Power of District Officer or Judge to order examination of child.

30.—(1.) If a District Officer or the Judge of the Central Court⁽⁴⁾ at Rabaul, has reason to believe that a child, male or female, is suffering from venereal disease, the District Officer or the Judge may, at any time either before or after committal of such child, order an examination to be made of such child by a medical practitioner, either male or female.

(2.) In the event of the medical practitioner reporting that any child is so suffering, the Court shall forthwith notify the Commissioner in writing, who may thereupon deal with such child as provided in this Ordinance.

Regulations under the Ordinance.

31.—(1.) The Administrator may make regulations⁽⁵⁾ for or with respect to all matters necessary or convenient to be prescribed for carrying out the provisions of this Ordinance.

(2.) In any regulations which the Administrator may make under this Ordinance a penalty not exceeding Twenty-five pounds may be imposed for the breach of any such regulation. Any such

(4) See Section 7A of the *Judiciary Ordinance* 1921-1938.

(5) See the *Venereal Diseases Regulations* 1920, printed on p. 2381.

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penalty may be recovered before a District Officer or the Judge of the Central Court,⁽⁴⁾ Rabaul.

(3.) All regulations made under this section shall—

(a) be published in the *Government Gazette*.

(b) take effect from the date of publication or from a later date to be specified in such regulations.

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Section 32
repealed by
No. 33 of 1925,
s. 4 (c).

(4) See Section 7A of the *Judiciary Ordinance 1921-1938*.