



REPUBLIC OF NAURU
Tuberculosis Ordinances 1967

As in force from 20 March 1967

This compilation comprises Ordinance No. 4 of 1967 as amended and in force from 20 March 1967 (being, at the time the compilation was prepared on 16 May 2011, the date of effect of the most recent amendment).

The notes section at the end of the compilation includes a reference to the law by which each amendment was made. The Table of Amendments in the notes section sets out the legislative history of individual provisions.

The operation of amendments that have been incorporated in the text of the compilation may be affected by application provisions that are set out in the notes section at the end of the compilation.

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REPUBLIC OF NAURU
Tuberculosis Ordinances 1967

AN ORDINANCE 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

1 Short title

This Ordinance may be cited as the *Tuberculosis Ordinances 1967*.

2 Repeal

The *Tuberculosis Ordinance 1957* is repealed.

3 Definition

In this Ordinance, unless the contrary intention appears:

'medical practitioner' has the same meaning as in the *Mentally-disordered Persons Ordinance 1963-1966*.

4 Government Medical Officer to be informed

(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.

5 Notice where person has left the Territory¹

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.

6 Compulsory x-ray examination

The Administrator² 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.

7 Compulsory tests and examinations

- (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.

¹ In relation to the expression '**Territory**', section 3 of the *Interpretation Act 1971* provides:

'Unless the context otherwise requires or the subject or context is inconsistent with such amendment, the words "Territory of Nauru" or "Island of Nauru" shall, where they are used or appear in any written law, instrument or document in force or made at the date of commencement of this Act, be replaced from that date by the words "Republic of Nauru".'

Because the direction made by that section is not unconditional and does not relate to the simple expression 'Territory', no textual change to give effect to it is incorporated in this compilation.

² In relation to the expression '**Administrator**', clause 86(2) of the *Constitution of Nauru* provides:

'Subject to this Constitution, a reference in a law continued in force by clause (1) or (2) of Article 85 to the Administrator of the Territory of Nauru shall, unless the context otherwise requires, be read as a reference to the President or where responsibility for the administration of that law is assigned to a Minister under Article 23, to that Minister.'

8 Notices requiring examinations, etc.

- (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, test 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 test or to vaccination: or other prophylactic treatment in accordance with the notice.
- (2) Where a person referred to in the last preceding subsection 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.

9 Service of notices

- (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.

10 Obligation to comply with notices

- (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 the examination, test or treatment in accordance with the notice; and
 - (c) shall not, except with the permission of 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, test 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, test 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.

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

- (1) Where, upon application by the Government Medical Officer for an order under this subsection, 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 subsection 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 others unless an order under this subsection 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 subsection, 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 Appeal to Supreme Court

- (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 Supreme Court Registry a notice in writing setting out:
 - (a) the part of the order or decision appealed against; and
 - (b) the grounds of appeal.
- (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 Supreme 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 Supreme Court shall be by way of rehearing.

- (5) Upon hearing the appeal the Supreme Court may affirm, reverse or modify the order or decision of the District Court and the order or decision of the Supreme Court:
- (a) shall be final and binding on all persons; and
 - (b) shall not have any retrospective operation.

13 Medical examination

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.

14 Offences

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.

15 Regulations

The Administrator in Council³ 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.

³ In relation to the expression '**Administrator in Council**', clause 86(3) of the *Constitution of Nauru* provides:

'Subject to this Constitution, a reference in a law continued in force by clause (1) or (2) of Article 85 to the Administrator of the Territory of Nauru acting in accordance with the advice of the Executive Council of the Territory of Nauru shall, unless the context otherwise requires, be read as a reference to the Cabinet.'

Notes for Tuberculosis Ordinances 1967

Table of Constituent Legislation

Citation	Number	Made	Gazettal*	Commencement
<i>Tuberculosis Ordinance 1967</i>	1967/04	16.03.1967	20.03.1967 (GN 52/1967)	20.03.1967
<i>Tuberculosis Ordinance (No. 2) 1967</i>	1967/16	29.05.1967	29.05.1967 (GN 110/1967)	29.05.1967*
<i>Adaptation of Laws Order 1969</i>	GN 188/1969	09.10.1969	13.10.1969	31.01.1968

* Section 2 of 1967/16 provides that the amendments effected by sections 3, 4, 5 and 6 of that Ordinance shall be deemed to have come into operation on the day on which the Tuberculosis Ordinance 1967 (1967/04) came into operation.

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
om. = omitted os. = omitted and substituted

Provision affected	How affected
Section 1	Citation am. by Ord. 1967/16.
Section 3	Am. by Ord. 1967/16.
Section 8	Subs. (1) am. by Ord. 1967/16.
Section 10	Subs. (1) am. by Ord. 1967/16. Subs. (2) am. by Ord. 1967/16. Subs. (3) am. by Ord. 1967/16.
Section 12	Subs. (1) am. by GN 188/1969. Subs. (3) am. by GN 188/1969. Subs. (4) am. by Ord. 1967/16, am. by GN 188/1969. Subs. (5) am. by GN 188/1969.