

Page 2060—*Health Ordinance, 1912-1924.*

Delete note (12) and substitute:—

“(12) By notice dated 15.4.1913 and published in *Papua Govt. Gaz.* of 15.4.1913 the Lieutenant-Governor applied Section 90 to the Town of Daru.”

Page 2071—*Health Ordinance, 1912-1924.*

In note (22), for “Section 34” read “Section 134”.

HEALTH ORDINANCE, 1912-1924. ⁽¹⁾

An Ordinance to consolidate and amend the Enactments relating to Public Health.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Health Ordinance, 1912-1924.* ⁽¹⁾

Short title.
Amended by
No. 2 of 1930,
s. 2.

It shall commence on the first day of March, 1912, and is divided into parts as follows:—

Commencement.

Part I.—Preliminary.

Division.

Part II.—Chief Health Officer.

Part III.—Health Authorities and Districts.

Part IV.—Officers.

Part V.—Insanitary Conditions and Their Removal.

Part VI.—Reports and Enquiries.

(1) The *Health Ordinance, 1912-1924*, comprises the *Health Ordinance, 1912*, as amended by the other Ordinances referred to in the following Table:—

ORDINANCES OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of assent by Lieut.-Gov.	Date of reservation by Lieut.-Gov.	Date on which assent of Gov.-Gen. in Council published in Papua Govt. Gaz.	Date on which came into operation.
<i>Health Ordinance, 1912</i> (No. 1 of 1912)	25.1.1912 ^(a)	—	—	1.3.1912 (Sec. 1, <i>Health Ordinance, 1912</i>)
<i>Ordinances Revision Ordinance, 1913</i> (No. 3 of 1914)	—	14.8.1913	4.2.1914	4.2.1914 (<i>Papua Govt. Gaz.</i> of 4.2.1914)
<i>Health Ordinance, 1920</i> (No. 12 of 1920)	11.11.1920 ^(b)	—	—	11.11.1920 (<i>Ordinances etc. of Papua, 1920</i> , p. 33)
<i>Health Ordinance, 1924</i> (No. 12 of 1924)	28.7.1924 ^(c)	—	—	28.7.1924 (<i>Ordinances etc. of Papua, 1924</i> , p. 37)

(a) No notice of non-disallowance by Gov.-Gen. in Council has been published in *Papua Govt. Gaz.*

(b) Notice of non-disallowance by Gov.-Gen. in Council was published in *Papua Govt. Gaz.* of 6.7.1921.

(c) Notice of non-disallowance by Gov.-Gen. in Council was published in *Papua Govt. Gaz.* of 24.12.1924.

HEALTH—

Part VII.—Sanitation—

Division 1—Of Air.

Division 2—Of Food.

Division 3—Of Premises.

Part VIII.—Infectious Diseases.

Part IX.—Infected Districts.

Part X.—Vaccination.

Part XI.—Regulations.

Part XII.—Miscellaneous.

Interpretation.

2. In this Ordinance unless a contrary intention appears—

“Ordinance” includes regulations.

“Cesspool” means any receptacle for night-soil or liquid refuse.

“District” means a Sanitary District established or deemed to be established under this Ordinance.

“Drain” means a drain used solely in connection with any building or premises within the same curtilage.

“Sewer” means any sewer and any drain except a drain as above defined.

“Infectious Disease” includes leprosy plague yellow fever small pox cholera diphtheria membranous croup erysipelas scarlet fever scarletina measles dysentery pulmonary tuberculosis whooping cough and the fevers known by any of the following names or descriptions;—typhus typhoid enteric relapsing or puerperal (including all puerperal conditions depending on infection) and also any other disease which the Lieutenant-Governor⁽²⁾ may by proclamation⁽³⁾ declare to be an infectious disease.

“Health Authority” means a Health Authority appointed under this Ordinance and “the Health Authority” means the Health Authority for the particular district.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(3) Pursuant to Section 2, the Lieutenant-Governor, by proclamations, particulars of which are set out in the Table below, declared the following diseases to be infectious diseases within the meaning of Section 2:

Date on which proclamation made.	Date on which published in in Papua <i>Govt. Gaz.</i>	Infectious disease declared.
25.11.1918	4.12.1918	Influenza
4.4.1916	5.4.1916	German Measles (Rothelm Rubeala)
27.4.1917	2.5.1917	Chicken Pox
26.4.1920	26.4.1920	Epidemic Mouth Disease
22.9.1930	1.10.1930	{ Acute Anterior Poliomyelitis { Encephalitis Lethargica { Cerebro-Spinal Fever

Health Ordinance, 1912-1924.

“Offensive trade” includes every trade business process or manufacture—

- (a) carried on in any candle house melting house fellmongery tannery or slaughter-house or in any building or place for boiling meat offal or blood or for boiling burning or crushing bones;
- (b) carried on so as to cause offensive effluvia;
- (c) whereby lead or other poisoning may be caused;
- (d) declared to be an offensive trade by proclamation.⁽⁴⁾

“Owner” includes every person for the time being entitled on his own or on any account to the receipt of any rent or profit of the premises referred to.

“Public Place” includes every place to which the public ordinarily have access.

“Private Place” means every place other than a public place.

“Proclamation” means a proclamation by the Lieutenant-Governor published in the *Gazette*.

3. The enactments specified in the First Schedule hereto are repealed.

Repeal.
First Schedule.

All proclamations⁽⁵⁾ orders⁽⁵⁾ regulations⁽⁶⁾ and by-laws⁽⁷⁾ made under the provisions of any of the enactments hereby repealed and in force at the commencement of this Ordinance shall notwithstanding such repeal be and continue to be of full force and effect until revoked or cancelled as if the same were made under the corresponding provisions of this Ordinance.

Saving.

All Sanitary Boards⁽⁵⁾ established districts⁽⁵⁾ created and officers appointed under any of the enactments hereby repealed and existing or in office at the commencement of this Ordinance shall be deemed to have been established created and appointed under the corresponding provisions of this Ordinance.

4. The Lieutenant-Governor in Council⁽²⁾ may by proclamation⁽⁸⁾ suspend the operation of any of the provisions of this Ordinance in the Territory or any part thereof for any period.

Suspension of provisions.
Compare Q. 64
Vic. No. 9, s. 4.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(4) No proclamation has been published in *Papua Govt. Gaz.*

(5) Particulars of Proclamations, Orders, Sanitary Boards, and districts continued in force by Section 3 are included in the relevant footnotes and Tables to this Ordinance.

(6) See footnote (20) printed on p. 2070.

(7) No by-laws under the repealed enactments were published in *British N.G. Govt. Gaz.* or *Papua Govt. Gaz.*

(8) No proclamation has been published in *Papua Govt. Gaz.*

HEALTH—

Alternative procedure.
S.A. 711, 1898,
s. 6.

5. In all cases where this Ordinance and any other Ordinance not hereby repealed contain provisions for effecting the same or a similar object but in different modes proceedings may be had under either Ordinance.

Other procedure not affected.
S.A. *Ib.* s. 7.

6. Nothing in this Ordinance shall affect any power of proceeding by indictment complaint or information or take away or affect any other remedy under any other Ordinance or otherwise.

Public buildings subject to this Ordinance.
S.A. *Ib.* s. 9.

7.—(1.) Premises owned or occupied by the Government or by public bodies shall be subject to the provisions of this Ordinance in the same manner as if they were owned or occupied privately.

Officer having chief control to be personally responsible.
S.A. *Ib.* s. 10.

(2.) The officer having the use or control of such premises shall be liable for any breach of the provisions of this Ordinance as if he were the actual owner or occupier of such premises.

PART II.—CHIEF HEALTH OFFICER.

Chief Health Officer.

8. The Lieutenant-Governor⁽²⁾ may appoint a Chief Health Officer.

To execute this Ordinance.
Compare S.A. *Ib.* s. 12.

9. The Chief Health Officer shall be charged with the due execution of this Ordinance for securing the proper sanitary condition of the Territory.

Concurrent powers.
S.A. *Ib.* s. 20.

10. Any powers which a health authority and its officers may exercise with respect to its particular district may be exercised by the Chief Health Officer and his officers with respect to the whole Territory.

Chief Health Officer to act as chairman or health officer in certain cases.

11. If the headquarters of the Chief Health Officer are within a district he shall unless or until another appointment is made under the provisions hereinafter contained—

- (a) be the health authority of that district if such health authority is a health officer; or
- (b) be the chairman of the Sanitary Board for that district if the health authority of the district is a Sanitary Board.

Inspectors and officers.
S.A. *Ib.* s. 22.

12. The Lieutenant-Governor⁽²⁾ may appoint such inspectors and other officers as he may deem necessary to assist the Chief Health Officer.

PART III.—HEALTH AUTHORITIES AND DISTRICTS.

Sanitary districts.
Pap. No. 9 of
1900, s. 4.

13.—(1.) The Lieutenant-Governor in Council⁽²⁾ may establish sanitary districts⁽⁹⁾ under this Ordinance.

(2.) Such establishment shall be notified in the *Gazette*.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(9) A Table containing particulars of notices establishing Sanitary Districts under the *Health Ordinance*, 1912-1924 (including notices continued in force by Section 3) is printed on p. 2095, and the notices are printed immediately after the Table.

Health Ordinance, 1912-1924.

14.—(1.) The Lieutenant-Governor⁽²⁾ may appoint a health authority for each sanitary district.

Health authorities.
See Pap. No. 9 of 1900, s. 4.

(2.) A health authority for any district may in the discretion of the Lieutenant-Governor⁽²⁾ be either—

Sanitary Board or health officer.

- (a) a Sanitary Board; or
(b) a health officer.

(3.) Every Sanitary Board shall keep minutes of its proceedings.

Minutes.

(4.) Every Health Authority shall be charged with the due execution of this Ordinance for securing the proper sanitary condition of its district and in particular shall abide by and carry out all such directions as it shall receive in that behalf from the Chief Health Officer.

Health authority to be executive.
S.A. 711, 1898, s. 24.

15.—(1.) If the health authority of a district is a Sanitary Board it shall consist of not more than three members including the chairman who shall also be appointed by the Lieutenant-Governor.⁽²⁾

Constitution, &c., of Sanitary Board.

(2.) A quorum of a Sanitary Board shall consist of two members: Provided that the chairman may act alone if neither of the other members are present within ten minutes from the time appointed for the meeting.

Compare Pap. No. 9 of 1900, s. 4.

(3.) Every chairman shall have a deliberative vote and also a casting vote in case of equality of voting.

16. The Lieutenant-Governor⁽²⁾ may at any time cancel the appointment of any health officer or of any member of a Sanitary Board.

Cancellation of appointment.
See Pap. *Ib.* s. 4.

17. Every Sanitary Board shall meet for the despatch of business on the second Tuesday of each month and at such other times as may be necessary.

Meetings of Sanitary Board.

PART IV.—OFFICERS.

18.—(1.) The Lieutenant-Governor⁽²⁾ may appoint such health officers inspectors and officers as he may deem necessary for each district.

Appointment of officers.
Compare S.A. *Ib.* s. 40.

(2.) Any person may be appointed a health officer notwithstanding that he is not a legally qualified medical practitioner.

Pap. Ib. s. 8.

19. For the purpose of any inspection an inspector may with or without others enter into and upon any premises between the hours of nine in the forenoon and six in the afternoon or in the case of any business or trade premises at any time when such business or trade is in progress or is usually carried on and for the purposes of inspection may open up drains and do any other necessary work.

Inspector may enter and inspect.
S.A. *Ib.* s. 43.

(2) See Section 19(2) of the Ordinance Interpretation Ordinance, 1911-1940.

HEALTH—

Health officer,
&c., to have
powers of
inspector.

Compare S.A.
711, 1898, s. 41.

Obstruction of
officer.

Compare S.A.
Ib. s. 40.

20. Every health officer and every chairman of a Sanitary Board shall possess all the powers vested in any inspector.

21. No person shall obstruct or incite any other person to obstruct any person acting in the execution of this Ordinance or of any powers thereunder and the police shall assist all persons acting as aforesaid.

Penalty: Ten Pounds.

PART V.—INSANITARY CONDITIONS AND THEIR REMOVAL.

Definition of
insanitary
condition.

S.A. *Ib.* s. 45.

22. The expression "insanitary condition" includes every breach or non-observance of any of the sanitary provisions of this Ordinance and also every condition declared to be an insanitary condition pursuant to section 28.

Health authority
to order
inspection in
certain cases.

S.A. *Ib.* s. 46.

23. Every health authority upon receiving from any person other than an inspector any information establishing reasonable grounds for suspicion of the existence of any insanitary condition shall forthwith instruct an inspector to inquire into and report upon the premises referred to.

To report to
health
authority.

S.A. *Ib.* s. 47.

24. If any inspector shall ascertain the existence of any insanitary condition he shall forthwith report the circumstances to the health authority.

Such report shall set out as far as possible—

- (a) The nature of the insanitary condition;
- (b) The apparent cause thereof and the suggested remedy;
- (c) The description and situation of the premises;
- (d) The name of the owner; and
- (e) The name of the occupier.

Occupier to
furnish owner's
name, &c.

S.A. *Ib.* s. 48.

25. Every occupier shall on request furnish any inspector with the name and address of the owner so far as same may be known to him.

Penalty: Ten Pounds.

Inspector may
give notice.

S.A. *Ib.* s. 49.

Compare Q. 48
Vic. No. 17,
s. 52.

26. If in the opinion of the inspector the insanitary condition should be immediately removed he shall in addition to reporting the circumstances to the health authority serve upon the occupier or owner a notice to remove or amend the same and therein shall specify what is required to be done and limit a time for compliance.

Health authority
may give notice.

S.A. *Ib.* s. 50.

Q. *Ib.* s. 74.

27. Upon the receipt of an inspector's report the health authority with or without further inquiry—

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- (a) May serve a notice requiring the removal or amendment of the insanitary condition; or
- (b) May if the inspector has already given notice—
 - (i) Adopt such notice; or
 - (ii) Issue a new notice in lieu thereof.

28. Any health authority upon being satisfied that it is proper so to do may serve a notice requiring the removal or amendment of any condition which such health authority shall declare to be an insanitary condition.

Notice re declared insanitary condition.
S.A. 711,1898, s.51.

29. Every notice under the last two preceding sections shall specify what is required to be done and shall limit a time for compliance and may direct to be done such works as the health authority may deem necessary to prevent a recurrence of the insanitary condition.

Requirements of notice.
S.A. *Ib.* s. 52.
Compare Q. 48 Vic. No. 17, s. 74.

30. The notice may be served in manner following—

Service.
S.A. *Ib.* s. 53.

- (a) If the owner be unknown or if in the opinion of the health authority the insanitary condition is caused by the act or neglect of the occupier the notice may be served on the occupier;
- (b) In all other cases the notice may be served on the owner or on any person by whose act or neglect such insanitary condition arises in the opinion of the health authority;
- (c) In the case of premises owned by the Government or by any public body the notice may be served upon the officer having or apparently having the chief control of such premises.

31. No person after service upon him shall fail to comply with—

Penalty for non-compliance with notice.
S.A. *Ib.* s. 54.

- (a) Any notice given by an inspector (provided the same be subsequently adopted); or
- (b) Any notice of the health authority.

Penalty: Twenty Pounds.

32. On failure to comply with any notice of the health authority or with any inspector's notice the health authority may carry out the requirements of the notice.

Health authority may carry out requirements of notice.
S.A. *Ib.* s. 55.
Q. *Ib.* s. 52.

33. In the case of unoccupied lands or premises if the owner and the person by whose act or neglect the insanitary condition is caused are unknown or cannot be found the health authority may remove or amend the insanitary condition without any previous notice whatever.

No notice necessary in certain cases.
S.A. *Ib.* s. 56.

HEALTH—

Health authority may make complaint before Justices &c.

S.A. 711,1898, s. 57.

Compare Q. 48 Vic. No. 17, s. 75.

34. In addition to or in lieu of summarily removing or amending any insanitary condition if either—

(a) The person on whom a notice to remove or amend any insanitary condition has been served makes default in complying with any of the requisitions thereof within the time specified; or

(b) The insanitary condition although amended or removed since the service of the notice is in the opinion of the health authority likely to recur on the same premises;

the health authority may institute summary proceedings against the person on whom the notice was served.

Powers of Justices.

S.A. *Ib.* s. 58.

Cf. Q. *Ib.* s. 76.

35. The Court if satisfied that the alleged insanitary condition exists or has been declared or is likely to recur on the same premises may by order require the defendant to remove or amend the same or to prevent the recurrence thereof within a time to be specified in the order and may if thought desirable specify the works to be executed for the purpose of removing amending or preventing the recurrence of the insanitary condition.

Penalty: One Pound for every day during default.

Expenses recoverable from persons served with notice.

S.A. *Ib.* s. 59.

Cf. Q. *Ib.* s. 78.

Expenses may be recovered by owner from occupier.

S.A. *Ib.* s. 60.

36. All expenses incurred by the health authority in connection with the removal or amendment of any insanitary condition may be recovered from the person upon whom the notice has been served.

37. All expenses incurred by an owner by reason of his compliance with any notice may be recovered by him from the occupier or other person in all cases where the insanitary condition concerning which the notice was given was caused by the act or neglect of such occupier or such other person.

Occupier from owner.

S.A. *Ib.* s. 61.

38. All expenses incurred by an occupier by reason of his compliance with any notice may be recovered by him from the owner in all other cases.

PART VI.—REPORTS AND INQUIRIES.

Health authority to report annually.

S.A. *Ib.* s. 63.

39. Every health authority shall during July in every year and at such other times as the Chief Health Officer may direct report to the Chief Health Officer concerning the sanitary condition of its district in such form as may be prescribed.

Monthly return of infectious diseases.

S.A. *Ib.* s. 64.

40. Every health authority shall forward monthly to the Chief Health Officer during the first week in each month a return of all cases of infectious disease reported within the district in such form as may be prescribed.

Health Ordinance, 1912-1924.

41. Every health authority shall immediately report to the Chief Health Officer the outbreak within its district of any infectious disease or the occurrence of any indications thereof or of any circumstances of special importance likely to affect the health of any part of the district together with all such particulars as can aid in the complete comprehension of the case and of its nature and cause.

Outbreak of infectious disease to be reported.
Compare S.A. 711, 1898, s. 66.

42. The Chief Health Officer shall annually not later than the month of August and also whenever required by the Lieutenant-Governor report to him concerning all matters affecting the public health.

Chief Health Officer to report annually.
Compare S.A. *Ib.* s. 67.

43. The annual report of the Chief Health Officer shall be laid before the Legislative Council.

Annual report to be laid before Legislative Council.
S.A. *Ib.* s. 68.

44. Whenever it shall appear to the Chief Health Officer necessary or proper to make formal inquiry into any matter for the purposes of this Ordinance the following provisions shall have effect:—

Power to institute inquiries.
Compare S.A. *Ib.* s. 69.
Q. 48 Vic. No: 17, ss. 11, 14.

- (a) The Chief Health Officer shall specify in writing the general scope and object of the inquiry and such general directions as it may think proper to secure its due performance;
- (b) The inquiry shall be thereupon held by the health officer or chairman of a Sanitary Board or such other person as the Chief Health Officer may appoint.

The health officer chairman or other person is hereinafter in this Part included in the expression "the chairman";

- (c) The inquiry shall be held either in public or with closed doors and at such place or places as the chairman may think fit;
- (d) The chairman shall hold sittings at such places with power from time to time to adjourn the same. He may summon and examine witnesses and receive any evidence that may be offered respecting the subject of the inquiry;

All parol evidence shall be reduced to writing;

The chairman may require any person to sign any evidence given by him;

- (e) Witnesses may be summoned by being served with a notice in writing under the hand of the chairman calling upon them to attend and give evidence at a time and place to be therein specified. Such notice shall be served so long before the time appointed as the chairman may deem reasonable.

HEALTH—

Penalty for non-attendance.

S.A. 711,
1898, s. 70.

45. No person served with such notice and having been paid or tendered in advance such moneys as he would have been entitled to receive had he been a witness summoned to attend a Small Debts Court shall fail to comply with the same or having attended refuse to give evidence or sign the same.

Penalty: Five Pounds.

Certificate of chairman to be sufficient proof.

S.A. *Ib.* s. 71.

46. A certificate under the hand of the chairman to that effect shall be sufficient proof of non-compliance with the notice to attend and give evidence and of all other facts necessary to be proved to show it was incumbent upon such person to comply therewith.

Power of inspection.

S.A. *Ib.* s. 72.

47. The chairman either alone or with others for the purposes of the inquiry may enter and inspect any land or premises between sunrise and sunset.

Chairman to report to Chief Health Officer.

S.A. *Ib.* s. 73.

48. The chairman may at any time during the progress of the inquiry and shall upon its completion make to the Chief Health Officer a written report under his hand setting forth the result of the inquiry his opinion thereon and his reasons for such opinion. Such report shall be accompanied by all evidence and information received during the inquiry.

False evidence.

S.A. *Ib.* s. 74.

49. Any person wilfully giving false evidence on any inquiry shall be guilty of a misdemeanour and shall be liable to a fine not exceeding Two Hundred pounds or to imprisonment for any term not exceeding twelve months with or without hard labour.

Penalty: Fifty Pounds.

PART VII.—SANITATION.

Division 1.—Of Air.

All sewers and drains to be kept properly.

S.A. *Ib.* s. 75.

Compare Q. 48
Vic. No. 17,
s. 22.

50. Every health authority shall cause all sewers and drains to be kept properly cleared cleansed and emptied so as not to become or likely to become injurious to health or offensive and for this purpose may construct all necessary works and direct any sewer or drain into or through such places as may be deemed proper except into fresh water running streams.

Sewers drains stagnant water and collections of offensive matter.

S.A. *Ib.* s. 76.

Compare Q. *Ib.*
ss. 22, 50.

51. No person shall—

- (a) Without the consent of the health authority cause or permit any private sewer or drain to be emptied or flow into any public sewer or drain;
- (b) Do anything which in the opinion of the health authority shall tend to the injury of any drain or sewer;
- (c) Suffer any waste or stagnant water to remain in any cellar yard or place within or around any dwelling-

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- house so as to be or be likely to become injurious to health or offensive;
- (d) Allow the contents of any privy or cesspool to overflow or soak therefrom;
 - (e) Allow any drainage filth water night-soil or matter to collect or to be deposited in any place so as to become or be likely to become injurious to health or offensive;
 - (f) Allow any dead animal to remain in any place so as to cause an offensive smell;
 - (g) Allow any place to become or likely to become in such a state as to be a nuisance or injurious to health or offensive;
 - (h) Carry or convey offensive or injurious matter through the streets except at hours specified by the health authority;
 - (i) Without the consent of the health authority remove or allow to be removed any night-soil from a ditch or pit in which the same has been deposited by any health authority.

Penalty: Twenty pounds.

52. Any health authority may provide and maintain water closets earth closets privies urinals and other similar conveniences for public accommodation.

Health authority may provide public conveniences.
S.A. 711, 1898, s. 77.
Q. 48 Vic. No. 17, s. 41.

53. A health authority may make regulations⁽¹⁰⁾ with respect to the removal of refuse or excreta from private places and may prescribe the manner in which all refuse and excreta shall be disposed of.

Regulations for removal, &c. of refuse, &c.
Pap. No. 9 of 1900, s. 5 (4).

54. Any health authority may itself—

- (a) Undertake contract or arrange for the removal of refuse or excreta from private places;
- (b) Provide for the owner or occupier of private places convenient and sufficient receptacles or pans for such refuse or excreta at a reasonable cost or free of cost.

Removal of refuse, &c.
Pap. *Ib.* s. 5.
S.A. *Ib.* s. 78.

55. No person shall deposit any refuse in any place except in such receptacles.

Disposal of refuse on premises.
S.A. *Ib.* s. 78.

(10) No regulations made by a health authority have been published in Papua *Govt. Gaz.* See, however, the following regulations made pursuant to Section 126:—
Health (Port Moresby Sanitary) Regulations, 1922, printed on p. 2075;
Health (Port Moresby Sanitary) Regulations, 1940, printed on p. 2080;
Health (Port Moresby Sanitary—Septic Tanks) Regulations, 1941, printed on p. 2082;
Health (Samarai Sanitary) Regulations, 1925, printed on p. 2087.

HEALTH—

Such receptacles shall be placed in convenient situations at convenient times for the removal of their contents.

Penalty: Ten pounds.

Health authority may fix sum to be contributed by owner, &c.

Compare Pap. No. 9 of 1900, s. 6.

Owner, etc., liable for cost. Pap. *ib.* s. 7.

56. When any health authority undertakes contracts or arranges for the work or to provide the articles mentioned in the last preceding section but one the health authority may by regulation fix such sum as it shall deem necessary to be contributed by each owner or occupier of premises towards the cost thereof.

57. The owner and occupier of any premises shall be severally liable for the cost (if charged) of any pan and receptacle so provided by the health authority and also for the cost of any work determined under the last preceding section in respect of such premises.

Public places. S.A. 711, 1898, s. 79.

58. Every health authority shall take all necessary and proper measures to ensure that all public places are properly cleansed and kept free from offensive matter.

Private places. Compare S.A. *ib.* s. 80.

59. Every street lane yard passage and other premises formed or set out on private premises shall be formed paved levelled or made and cleansed and drained by the owners when required by the health authority.

The owner of any such premises and the respective owners of the premises fronting adjoining or abutting upon such parts thereof as may be defective shall be deemed to be the owners thereof for the purposes of this Ordinance.

Cesspools to be provided. S.A. *ib.* s. 81.

60. Every distillery manufactory brewery slaughter-house and every establishment for the boiling preserving or preparing of any animal matter shall be provided with a watertight cesspool constructed and kept covered in such a manner as the health authority may require.

All refuse which may be or be likely to become injurious to health or offensive shall be deposited therein and periodically removed at prescribed times.

Penalty: Twenty pounds.

No pigs to be kept within 100 feet of street or dwelling-house. S.A. *ib.* s. 82.

Compare Q. 48 Vic. No. 17, s. 50.

61. No person shall keep any pig in any sty or place at a less distance than one hundred feet from any dwelling-house dairy or public street.

Penalty: Ten pounds.

Commencement and extension. S.A. *ib.* s. 83. Q. *ib.* s. 90.

62. No person shall without the consent in writing of the health authority commence or extend any offensive trade.

Penalty: Fifty pounds.

Health Ordinance, 1912-1924.

No consent shall be granted except subject to the following conditions:—

- (a) One month's prior notice of the intention to apply for such consent shall be published in the *Gazette* and in a local daily newspaper (if any) circulating in the district;
- (b) Such notice shall specify the proposed site and trade;
- (c) Any person may state his objections to the health authority;
- (d) If nevertheless consent is granted any such person within one month may appeal to the Lieutenant-Governor⁽²⁾ who may affirm vary or rescind such consent and whose decision shall be final.

This section shall apply only to such districts or portions of a district as may from time to time be declared by proclamation to be under the protection of this section.

63. If in the opinion of—

- (a) The health authority; or of
- (b) Any six householders of the district;

any place used for any trade or business shall be or be likely to become injurious to the health of or offensive to any of the inhabitants of the district or any person employed therein the health authority may institute summary proceedings against the person by or on whose behalf the trade or business is carried on.

Trade nuisances.
S.A. 711, 1898,
s. 84.
Compare Q. 48
Vic. No. 17,
s. 92.

64. If on the hearing it shall appear to the Court that such trade or business is or is likely to become injurious to the health of or offensive to any of the inhabitants of the district or any person employed therein then unless it be shown that the best practicable means for preventing injury to health or offence have been used the person so summoned shall be liable to a penalty—

- (a) Of not less than Two pounds or more than Ten pounds;
- (b) Of Twenty pounds upon a conviction for a second or continued offence;
- (c) Of double the amount of the penalty imposed for the then last preceding offence for every subsequent or continued offence: Provided that no penalty shall exceed Two Hundred pounds.

Penalty.
S. A. *Ib.* s. 85.
Q. *Ib.* s. 92(2).

65. The Court may suspend its final determination in any case upon condition that the person summoned shall undertake to adopt within a time to be fixed by the Court such means as may be deemed practicable and ordered to be carried into effect for preventing or mitigating injury or offence.

Final determination may be suspended.
S.A. *Ib.* s. 86.
Q. *Ib.* s. 92(3).

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

HEALTH—

Accumulations of
offensive matter.
S.A. 711, 1898,
s. 87.

66. No person shall keep any accumulation or deposit of offensive matter longer than in the opinion of the health authority is necessary for the purposes of the trade or business or omit to take the best available means for preventing injury thereby to the public health.

Penalty: Twenty pounds.

Division 2.—Of Food.

Fruit cases.
S.A. *Ib.* s. 89.

67. No person shall permit any case or receptacle used or intended to be used for the carriage of fresh fruit or vegetables to come into direct contact with any manure or other offensive matter.

Penalty: Five pounds.

Definition.
S.A. *Ib.* s. 90.

68. "Water supply" includes any river stream watercourse creek swamp waterhole well tank or reservoir.

Riparian rights.
S.A. *Ib.* s. 91.

69. Whenever the pollution of any water supply becomes or is likely to become injurious to health the health authority shall for the purpose of preventing such pollution have within its districts the rights of a riparian proprietor and may enforce such rights by summary proceedings against the person in default and may generally prevent the pollution of any water.

Penalty: Ten pounds and for every subsequent offence a penalty of double the amount of the penalty imposed on the then last preceding offence.

Sources of water
supply may be
closed.

S.A. *Ib.* s. 92.

70. Any health authority may direct that any water supply which shall in the opinion of the chairman of a Sanitary Board or of a health officer or any legally qualified medical practitioner be so polluted or unwholesome as to be unfit for human consumption shall be closed and that the contents thereof shall cease to be used for human consumption either absolutely or for such time as the health authority may direct.

When closed not
to be used.

S.A. *Ib.* s. 93.

71. No person shall use or permit to be used for human consumption any such well or other source of water while such direction shall remain in force.

Penalty: Ten pounds.

Offensive matter
not to be thrown
in or near water.

S.A. *Ib.* s. 94.

72. No person shall throw or permit to be thrown any night-soil animal or other offensive matter into any water supply or deposit the same in any place whence such offensive matter flows or falls or is liable to flow or fall into any water supply.

Penalty: Fifty pounds.

73. No person shall keep any swine sheep or cattle on any butcher's business premises or dress any carcase therein unless such premises are duly licensed for slaughtering purposes.

No swine, &c., to be kept or dressed in butchers' shops.
S.A. 711, 1898, s. 95.

Penalty: Ten pounds.

74. No person in charge of any slaughter-house shall keep or permit to be kept in or about any slaughter-house any swine unless intended for immediate slaughter or any dog unless constantly chained when not being used for yarding purposes.

No swine to be kept at slaughter-houses without permission.
S.A. 7b. s. 96.

No such person shall permit any swine to feed on any blood offal manure night-soil filth or other refuse matter:

Provided that the health authority may grant written permission to any person to keep swine on the following conditions:—

- (a) That such swine are to be kept at such distance from the slaughter-house as may be directed; and
- (b) That such swine may be fed with offal if such offal has been first thoroughly cleansed and boiled.

Penalty: Ten pounds.

75. No permit pursuant to the preceding section shall be granted for a longer period than for one year at any one time and every such permit may be withdrawn on proof to the satisfaction of the health authority of any non-observance of any condition thereof.

Permit.
S.A. 7b. s. 98.

76. No person shall use any slaughter-house or other premises connected therewith unless the same shall in the opinion of the health authority be constructed of suitable material and be paved with brick stone cement or other impervious material.

Slaughter-houses to be suitably constructed and paved.
S.A. 7b. s. 98.

All such slaughter-houses and premises shall be provided with impervious drains and receptacles for blood offal dung and other refuse.

Penalty: Twenty pounds.

77. No person shall sell consign or expose for sale or supply for food any diseased animal or any meat therefrom.

No diseased meat to be exposed for sale.
S.A. 7b. s. 109.
Compare Q. 48
Vic. No. 17,
s. 94.

Any person having for sale any such animal or meat in his possession or under his control shall be deemed to be a person who exposes such animal or meat for sale.

Penalty: Twenty pounds.

78. No person shall keep or expose for sale any food intended for human consumption which is diseased unsound unwholesome or otherwise unfit for human consumption.

Unwholesome provisions.
S.A. 7b. s. 110.
Compare Q. 7b.
s. 94.

HEALTH—

On proof of the keeping or exposure for sale it shall be presumed that the food in question was intended for human consumption unless the defendant shall prove the contrary.

Penalty: Twenty pounds.

Contamination
of milk.
S.A. 711, 1898,
s. 111.
Compare Q. 50
Vic. No. 21,
ss. 11, 12.

79. No person shall—

- (a) Supply to any person the milk of any diseased animal or any animal suffering from ulcers or other diseases of the udder;
- (b) Mix any such milk with other milk intended for human consumption sale or for butter or cheese making;
- (c) Use any such milk for human consumption or for the food of swine or other animals unless such milk shall have been boiled for at least ten minutes provided the health authority has been notified of the intention to so use the milk;
- (d) Allow any person suffering from any infectious disease or who may be living in any house where any such disease exists to—
 - (i) Milk any cow;
 - (ii) Handle any vessel for the reception of milk intended for sale or for human consumption;
 - (iii) Take part or assist in the business of dairyman cowkeeper or vendor of milk; or
 - (iv) To be employed in a dairy.

Penalty: Twenty pounds.

It shall not be a defence to any prosecution under this section that the owner did not know that the animal was diseased or that the person was suffering from an infectious disease unless he shall also show that it was not practicable to discover the fact by the exercise of reasonable diligence: Provided in cases when proper isolation is secured the health authority may grant exemption from the operation of this section to any one living in the house where any such disease exists.

List of customers
to be furnished.
S.A. *Ib.* s. 112.
Compare Q.
Ib. s. 12.

80. Every person on production of a certificate of the chairman of a Sanitary Board or of a health officer that the milk supplied by such person or from his dairy is suspected of causing disease shall furnish to the health authority a list of the names and addresses of his customers and a full statement of the names and residence of the persons from whom the milk is obtained.

Penalty: Ten pounds.

No milk to be
stored in sleeping
or dwelling
place.
S.A. *Ib.* s. 113.

81. No person shall store keep or deposit any milk in any room used for sleeping or in any other place or mode likely to render such milk unwholesome.

Health Ordinance, 1912-1924.

82. All food products intended for human consumption in the Territory imported by land or sea shall be subject to examination by any inspector or analyst appointed by the Treasurer and if upon inspection or analysis such food products shall be found unfit for human consumption the same shall be forfeited and destroyed or otherwise disposed of in such manner as the Treasurer may direct.

Examination of food products.
S.A. 711, 1898, s. 114.

Penalty: Five pounds.

83. Any health authority may by regulation⁽¹¹⁾ provide—

For the licensing of cowkeepers dairymen and vendors of milk;

Registration and licensing of dairies and regulations.

S.A. *Ib.* s. 115.

For the registration and inspection of dairies milkstores and milkshops;

Compare Q. 50 Vic. No. 21, s. 13.

For the inspection of dairy farms and grazing grounds;

For the sanitary conditions of cowyards cowsheds dairies milkstores milkshops and vessels used for milk;

For preserving the health and good condition of cattle kept at any dairy;

For prohibiting the sale of milk by other than licensed persons and except from registered dairies milkstores and milkshops;

For prohibiting the adulteration of milk;

For temporarily prohibiting on the certificate of any Government Medical Officer the sale of milk from dairies where animals are diseased or supposed to be diseased or where persons are suffering or supposed to be suffering from an infectious disease or where there are reasonable grounds for suspecting that the milk supply from such dairies is causing the spread of infectious disease.

Division 3.—Of Premises.

84. Any health authority may by notice in writing declare that any building or any specified part thereof is unfit for human habitation.

Unfit for human habitation.

S.A. *Ib.* s. 116.

Compare Q. 48 Vic. No. 17, s. 77.

The notice may direct that such building or part thereof shall not after a time to be specified in such notice be inhabited or occupied by any person.

The notice shall be affixed to some conspicuous part of the building.

(11) No regulations have been published in *Papua Govt. Gaz.*

HEALTH—

Not to be let or occupied.

S.A. *Ib.* s. 118, s. 117.

Q. 48 Vic. No. 17, s. 78.

85. No person after the expiration of the specified time shall inhabit or occupy or suffer to be inhabited or occupied such building or part thereof.

Penalty: Ten pounds.

Condemned building to be removed or amended.

S.A. *Ib.* s. 118.

Compare Q. *Ib.* s. 77.

86. A notice may be served upon the owner of such building directing him to either amend the same in some specified manner or to take down and remove the same.

Penalty: Twenty pounds.

Over-crowding.

S.A. *Ib.* s. 119.

Q. *Ib.* s. 71(5).

87. No person shall suffer any building or part thereof to be so over-crowded as to be or be likely to become injurious to health.

Penalty: Twenty pounds.

All houses to have proper conveniences.

S.A. *Ib.* s. 120.

Compare Q. *Ib.* ss. 37, 38.

88. All houses shall have in proper and convenient situations such closets and privies with such conveniences and of such size and so constructed as shall in the opinion of the health authority be necessary and sufficient.

Penalty: Ten pounds.

No house to be erected on insanitary land.

S.A. *Ib.* s. 121.

89. The health authority may by notice prohibit the erection of any house or building on any land which in their opinion for sanitary reasons is unfit for human habitation until any sanitary defects existing in connection with such land have been removed to the satisfaction of the health authority.

Penalty: Ten pounds.

Prevention of mosquitoes, &c.

90.—(1.) No person shall—

(a) Allow any yard or premises owned or occupied by him within any district or anything placed or being thereon to be or likely to become in the opinion of the health authority a breeding place for mosquitoes;

Penalty: Twenty pounds.

(b) Allow any rubbish or litter to collect or remain in any yard premises or place owned or occupied by him.

Penalty: Five pounds.

(2.) The provisions of this section shall apply only to the towns of Port Moresby and Samarai and to such districts or portions of districts as may be decided on by the Lieutenant-Governor⁽²⁾ and notified in the *Gazette*.⁽¹²⁾

Drains may be made on private or public property.

S.A. *Ib.* s. 122.

Compare Q. *Ib.* ss. 26, 27.

91. Any health authority when necessary or expedient may enter into and construct drains and other works upon any public

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(12) No notification has been published in *Papua Govt. Gaz.*

Health Ordinance, 1912-1924.

or private land for the purposes of draining surface water from other lands.

Where the land upon which such works are constructed is private property the health authority shall pay full compensation to any person who shall sustain damage by reason of the exercise of the above power. Where the land is Crown or native owned land the health authority shall first obtain the consent of the Lieutenant-Governor.⁽²⁾

92. All houses hereafter to be erected or re-built in districts shall have such drains means of ventilation and sanitary requirements constructed of such materials and in such manner as the health authority may prescribe.

New houses to have proper drains.
S.A. 711, 1898, s. 123.
Compare Q. 48 Vic. No. 17. s. 28.

Plans and specifications showing the proposed drains means of ventilation and sanitary arrangements must be submitted to and approved by the health authority before the occupation of any such house.

Penalty: Twenty pounds.

92A. The owner or occupier of every building whether erected before or after the commencement of this Ordinance shall provide such building with such means for the catchment and storage of rain water as may be prescribed.⁽¹³⁾

Rain water storage.
Inserted by No. 3 of 1914, s. 3 and Second Schedule.

92B. The owner or occupier of any such building shall comply with the regulations made under the last preceding section hereof and if the occupier complies therewith he shall in the absence of any agreement to the contrary between them be entitled to recover from the owner the cost of such compliance.

Compliance with regulations.
Inserted by No. 12 of 1924, s. 2.

93. The owner or occupier of every building whether erected before or after the coming into operation of this Ordinance:—

Factories to have proper conveniences and to be ventilated.
S.A. 7b. s. 124.
Compare Q. 7b. s. 40.

- (a) Which is used as a workshop or manufactory; or
- (b) In which persons are employed or are intended to be employed in any trade or business;
- (c) Which is used as a school church theatre or hall capable of ordinarily accommodating a meeting or assembly of more than twenty persons;
 - (i) Shall provide such building with suitable accommodation in the way of urinals closets and privies. Where both sexes are employed separate accommodation shall be provided with separate approaches thereto;

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(13) See the *Health (Tank Accommodation) Regulations, 1924*, printed on p. 2084.

HEALTH—

- (ii) Shall keep such building in a clean state and ventilate the same in such manner as to render harmless as far as practicable any impurities generated by the work carried on therein.

Penalty: Twenty pounds.

Type of sanitary conveniences may be prescribed.
Section 93A inserted by No. 12 of 1920, s. 2.

93A.—(1.) With respect to houses or buildings which are referred to in sections eighty-eight and ninety-three of this Ordinance whether erected before or after the coming into operation of this section and which are situated in a sanitary district the sanitary authority may make regulations⁽¹⁴⁾ requiring the owners or occupiers thereof respectively to provide in proper and convenient situations urinals closets and privies of such number and of such types and size and of such construction as may be prescribed by the regulations.

(2.) The owner or occupier of any such house or building shall comply with the regulations and if the occupier complies therewith he shall in the absence of any agreement to the contrary between them be entitled to recover from the owner the cost of such compliance.

Lodging house.
Definition.
S.A. 711, 1898, s. 125.

94. Whenever any building or part thereof is let in lodgings or for the purpose of board and lodging the same shall be deemed to be a lodging house.

Limit of number of inmates.
S.A. *Ib.* s. 126.
Compare Q. 48
Vic. No. 17,
ss. 69 (1), (2), (3).

95. The health authority may fix the number of persons who may occupy any lodging house and may by regulation provide for the registration and special inspection thereof.

PART VIII.—INFECTIOUS DISEASES.

Infectious diseases to be reported.
S.A. *Ib.* s. 127.
Compare Q. *Ib.* ss. 66, 69.

96. Where any inmate of any building or part of a building is or is supposed to be suffering from any infectious disease unless such building is a public or licensed hospital into which persons suffering from infectious diseases are received—

- (a) The head of the family;
- (b) On his default the nearest relative of such inmate present in the building or being in attendance on such inmate;
- (c) On default by such relative every person in charge or in attendance on such inmate; or
- (d) On default by any such persons the occupier or owner of the building; and in any case
- (e) Every medical practitioner attending on or called in to visit such inmate;

(14) No regulations have been published in *Papua Govt. Gaz.* See, however, footnote (20) printed on p. 2070.

Health Ordinance, 1912-1924.

shall so soon as he becomes aware that such inmate is suffering from any infectious disease report the same to the health authority who shall immediately report the same to the Chief Health Officer.

Penalty: Five pounds.

Provided that any person not being a person required to make a report in the first instance but only in case of default by some other person shall not be liable to any penalty if he prove that he had reasonable cause to suppose that the report had been duly made.

The owner or occupier of every building used as a hospital shall as soon as he or his manager or superintendent becomes aware that an inmate is suffering from any infectious disease report the same to the health authority.

97. If the health authority shall be of opinion that the cleansing or disinfection of any building or part thereof or any bedding clothes or other articles whatever would tend to prevent the spread of tuberculosis or any infectious disease the health authority may order and supervise the use of disinfectants and take such other sanitary precautions as it may deem necessary to cleanse or disinfect such building or part thereof and articles and for that purpose may remove any such articles.

Disinfection of buildings and articles.
S.A. 711, 1898, s. 131.
Q. 48 Vic. No. 17, ss. 98, 99.

Any expenses incurred by the health authority may be recovered from the owner or occupier of such building or part thereof.

98. If at any time any legally qualified medical practitioner shall certify to the health authority that any person suffering from any infectious disease is residing in a building or part of a building used for the storage of milk or for the storage or manufacture of other article of human food and that there is reason to believe that such milk or other article of human food may be contaminated by such disease the health authority may order the owner or person in charge of such building to close the same until the health authority is assured that such person has been removed from such building and that all necessary precautions have been taken to prevent such contamination.

Factories, &c., may be closed.
S.A. 17, s. 132.

Any person neglecting to comply with such order shall be guilty of an offence under this Ordinance.

Penalty: Twenty pounds.

99. Any health authority may—

- (a) Provide proper places apparatus and attendance for disinfecting purposes;
- (b) Disinfect any articles;

Disinfecting apparatus may be provided etc.
S.A. 17, s. 133.
Compare Q. 17, s. 100.

HEALTH—

- (c) Make arrangements for disinfection with any hospital possessing disinfecting apparatus;
- (d) Make arrangements with any laboratory for scientific examinations.

Exposure of infected person.
S.A. 711, 1898,
s. 134.
Q. 48 Vic. No.
17, s. 104.

100. No person knowing himself to be suffering from any infectious disease or having so suffered not being sufficiently recovered to be free from all risks of infecting others shall—

- (a) Expose himself in any public place without taking reasonable precautions against spreading such disease;
- (b) Enter any place of common resort;
- (c) Enter any ship vessel railway carriage or public conveyance without previously notifying to the master conductor or person in charge the fact of such disease.

Penalty: Five pounds.

Expenses of disinfection of conveyances.
S.A. *Ib.* s. 135.
Q. *Ib.* s. 104.

101. Any such person entering a public conveyance in breach of sub-section (c) of the last preceding section shall in addition to such penalty be liable to pay to the owner all loss and expense incurred in respect of the disinfection of such conveyance.

Owner of conveyance to give notice.
S.A. *Ib.* s. 146.
Compare Q. *Ib.* s. 105.

102. Every owner or person in charge of any public conveyance having conveyed any person suffering or having so suffered not being sufficiently recovered from any infectious disease shall immediately after he becomes aware of such fact give notice to the health authority of the district wherein he resides.

Penalty: Five pounds.

Disinfection of conveyance.
S.A. *Ib.* s. 137.

103. The health authority may disinfect such conveyance and may recover all expenses incurred from the owner.

Children attending school.
S.A. *Ib.* s. 138.

104. No person shall suffer any child to attend school who is or has been suffering or has been resident where any person is or has been suffering from any infectious disease unless and until he shall—

- (a) Have had the clothes of such child properly disinfected; and
- (b) Have procured a certificate from some duly qualified medical practitioner and^(14A) there is no risk of infection.

Penalty: Five pounds.

Letting infected buildings.
S.A. *Ib.* s. 139.
Q. *Ib.* s. 106.

105. No person shall knowingly let for hire any building or part of a building in which any person is or has been suffering from any infectious disease without having had such building or

(14A) The word "and" appeared in the original Ordinance. *Semble*, "that" was intended.

part thereof and all articles therein liable to retain infection disinfected in manner directed by a legally qualified medical practitioner.

For the purposes of this section the keeper of an inn shall be deemed to let for hire part of a building to any person admitted as a guest.

Penalty: Twenty pounds.

106. Upon the receipt of a certificate in writing or by telegram from any chairman of a Sanitary Board or health officer or any legally qualified medical practitioner that any infectious disease exists within a district and that isolation is necessary to prevent the spreading thereof the Lieutenant-Governor⁽²⁾ may authorise the health authority to stop all or any traffic and to limit and prevent the ingress and egress of any persons to or from any house or premises for such time and in such manner as the health authority may think necessary.

Isolation of tenements and premises.
S.A. 711, 1898, s. 141.

Penalty: Twenty pounds.

107. Any health authority may provide and maintain vehicles suitable for the conveyance of persons suffering from any infectious disease and may convey any such person to a hospital or other place free of charge.

Ambulance vehicles may be provided.
S.A. Ib. s. 142.
Q. 48 Vic.
No. 17, s. 101.

108. Where any suitable hospital quarantine station or place for the reception of the sick is provided within any district or within a reasonable distance therefrom any person is suffering from any infectious disease and—

Removal of persons to hospitals.
S.A. Ib. s. 142.
Q. Ib. s. 102.

(a) Proper isolation is otherwise impracticable; or

(b) Such person is lodged in a room occupied by others of more than one family or on board any ship or vessel or in a common lodging-house or in a boarding house;

any health authority may on a certificate signed by any legally qualified medical practitioner and with the consent of the medical officer or such hospital quarantine station or place compulsorily remove any such person to such hospital quarantine station or place at the cost of the health authority.

109. Any health authority may provide for the use of inhabitants of the district temporary places for the reception of any person suffering from any infectious disease and for that purpose may—

Temporary hospitals may be provided.
S.A. Ib. s. 144.

(a) Build such places;

(b) Arrange with any person for the reception of the suffering.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

HEALTH—

Maintenance.
S.A. 711, 1898,
s. 145.

110. Any expenses incurred by a health authority in maintaining any such person shall be deemed to be a debt due from such person to the health authority.

Power to make
regulations for
prevention of
diseases.

Q. 48 Vic. No. 17,
s. 109.

Amended by
No. 3 of 1914,
s. 3 and Second
Schedule.

111. Whenever any part of the Territory appears to be threatened with or is affected by any formidable epidemic endemic or infectious disease the Lieutenant-Governor⁽²⁾ may make regulations⁽¹⁵⁾ for all or any of the following purposes:—

- (a) For the speedy interment of the dead;
- (b) For house to house visitation;
- (c) For compelling the reporting to the health authority of any case of epidemic endemic or infectious disease;
- (d) For the provision of medical aid and accommodation;
- (e) For the promotion of cleansing ventilation and disinfection; and
- (f) For guarding against the introduction and spread of disease;

and may by Order in Council declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any health authority and to apply to any vessels whether on inland waters or on arms or parts of the sea within the territorial jurisdiction of the Territory for the period in such Order mentioned; and may by any subsequent Order abridge or extend such period.

PART IX.—INFECTED DISTRICTS.

Any part of
Territory may
be declared
infected.

Pap. No. 10 of
1898, s. 1.

112.—(1.) The Lieutenant-Governor⁽²⁾ may at any time by proclamation⁽¹⁶⁾ declare that any part of the Territory in which he suspects that an infectious or contagious disease exists shall for a period to be fixed by such proclamation be an infected district within the meaning of this Part of this Ordinance. Every such proclamation shall come into force and take effect on the day fixed therein and shall as soon as possible after it has been made be published in the *Gazette* and thereafter in every *Gazette* published whilst such proclamation remains in force.

Revocation of
proclamation.

Pap. 1b. s. 2.

(2.) The revocation of a proclamation made under sub-section (1.) of this section shall be by proclamation and shall take effect either on the day of the making of such revoking proclamation or on a future date to be therein specified. Every such last mentioned proclamation shall as soon as possible after it has been made be published in at least two consecutive issues of the *Gazette*.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(15) No regulations have been published in *Papua Govt. Gaz.*

(16) No proclamation has been published in *Papua Govt. Gaz.*

Health Ordinance, 1912-1924.

113. No person shall leave an infected district unless he shall have first obtained the permission in writing of the Lieutenant-Governor⁽²⁾ or of some person empowered by him in that behalf. Any person who offends against the provisions of this section shall be guilty of a misdemeanour and shall be liable on conviction to imprisonment with or without hard labour for any period not exceeding two years.

No person to leave infected district without permission.
Pap. No. 10 of 1898, s. 3.

114. Any person who shall unlawfully leave an infected district may be ordered either orally or in writing by any European Officer of the Government or by any other person authorized thereto by the Lieutenant-Governor—⁽²⁾

Persons leaving infected district may be ordered back.
Pap. Ib. s. 4.

- (a) To go back into such infected district; or
- (b) To go to and remain in some specified place for a specified period: Provided that such period may be extended by subsequent orders of any person hereby authorized to make any such order in the first instance.

Any person hereby authorized as aforesaid may arrest or cause to be arrested any person who shall refuse or neglect to obey any such order and may use such force as may seem necessary to compel him to comply therewith.

Force may be used.
Pap. Ib. s. 4.

115. The person in charge of or controlling the movements of any vessel or boat on board of which there is any person who has left an infected district may be ordered either orally or in writing by any European Officer of the Government or other person authorized thereto by the Lieutenant-Governor⁽²⁾ to take such vessel or boat to a specified place and there to keep it for a specified period which period may be extended by subsequent orders of any person hereby authorized to make any such order in the first instance. And any person so authorized may further order all persons who are then on board of such vessel or boat to remain thereon for a specified period or to go on shore at and to remain in some specified place for a specified period which periods may be extended by subsequent orders of any person authorized as aforesaid. During the said periods the said boat and the said specified place shall be an infected district within the meaning of this Part of this Ordinance and notification thereof shall be published in the *Gazette*. When such period shall have expired notice thereof shall be given as soon as possible thereafter in the *Gazette* for at least two consecutive publications.

Vessel or boat and passengers may be detained.
Pap. Ib. s. 5.

Vessel or boat, &c., to be infected district.

116. No person outside an infected district unless he shall have first obtained in writing from the Lieutenant-Governor⁽²⁾ or some person empowered thereto by him permission to do so shall—

No communication allowed.
Pap. Ib. s. 6.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

HEALTH—

- (a) Hold communication with any person who is within an infected district;
- (b) If he is in charge of or controlling the movements of any vessel or boat
 - (i) anchor or cause to be anchored such vessel or boat nearer than a quarter of a mile to an infected district unless it is absolutely necessary for the safety of such vessel or boat so to do; or
 - (ii) take such vessel or boat nearer than a quarter of a mile to the shore of such district unless it is absolutely necessary for the safe navigation of such vessel or boat so to do.

Punishment for certain offences.
Pap. No. 10 of 1898, s. 7.

117. Any person who offends against any of the provisions of either of the last two preceding sections shall be liable on summary conviction to a penalty not exceeding One Hundred pounds and in default of payment of any such penalty of imprisonment with or without hard labour for any period not exceeding six months.

Persons offending against certain provisions of this Ordinance may be isolated.
Pap. *Ib.* s. 9.

118. When any person is arrested for any offence against any of the provisions of this Part of this Ordinance he may in the first instance be kept in custody isolated from communication with other persons as far as practicable until it is ascertained whether he has or has not contracted an infectious or contagious disease such as is mentioned in the proclamation declaring a portion of the Territory as aforesaid to be an infected district. And if it is found that he has contracted such disease he may be further kept in custody isolated from communication with other persons as far as practicable until there shall cease to be any danger of his communicating the same to any other person.

This part not to apply to persons excepted by proclamation.

119. The Lieutenant-Governor⁽²⁾ may by any proclamation declaring an infected district or by any subsequent proclamation⁽¹⁷⁾ declare that the provisions of this Part of this Ordinance shall not apply to certain persons or a certain class of persons specified in such proclamation and thereupon such provisions shall not apply to the persons or class of persons as specified.

PART X.—VACCINATION.

Public vaccinators may be appointed.
Pap. *Ib.* s. 11.

120. The Lieutenant-Governor⁽²⁾ may from time to time appoint one or more persons to be public vaccinators. Every Government Medical Officer shall by virtue of his office be a public vaccinator.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(17) No proclamation has been published in *Papua Govt. Gaz.*

Health Ordinance, 1912-1924.

121. Every public vaccinator shall vaccinate every person who presents himself or any child who is presented by his parent or guardians to him for that purpose and after he has vaccinated him shall when such person presents himself or is presented as the case may be duly inspect him in order to ascertain whether he has been effectually vaccinated.

Public vaccinators shall vaccinate and inspect.
Pap. No. 10 of 1898, s. 12.

122. The Lieutenant-Governor⁽²⁾ or any Government Medical Officer may grant to any person whom he deems to be competent to perform the operation of vaccination and to determine whether a person has or has not been effectually vaccinated a certificate in the form of the Second Schedule hereto or to the like effect and the Lieutenant-Governor⁽²⁾ may in his discretion at any time cancel the same. Any person to whom such a certificate shall have been granted shall be deemed to be qualified and empowered to perform the operation of vaccination whilst such certificate remains uncancelled.

Certificate may be granted to other persons empowering them to vaccinate.
Pap. Ib. s. 13.
Second Schedule.

No public vaccinator and no person qualified and empowered to vaccinate under the provisions of this section shall be entitled to charge for vaccinating or for services in connection therewith unless he shall first have obtained the permission in writing of the Lieutenant-Governor⁽²⁾ so to do. But it shall not be obligatory upon any person qualified or empowered by certificate as aforesaid to vaccinate any person.

No charge except by permission.
Pap. Ib. s. 13.

123. Nothing in this Ordinance contained shall be deemed to preclude any legally qualified medical practitioner not in the service of the Government of the Territory from vaccinating any person or from accepting remuneration for doing so.

Medical practitioners who are not Government Officers may vaccinate and charge.
Pap. Ib. s. 14.

124. Every public vaccinator and every person qualified and empowered to vaccinate as aforesaid and every legally qualified medical practitioner shall keep a register in the form in the Third Schedule to this Ordinance and shall as soon as possible after he has vaccinated any person enter therein the particulars required under the said Schedule and he shall as soon as possible after the thirtieth day of June and the thirty-first day of December in each year prepare a transcript of all the entries made in his said register during the preceding six months and sign the same with his name and forward it to the Registrar-General.

Every person who vaccinates to keep a register and forward transcript twice a year to Registrar-General.
Pap. Ib. s. 15.
Third Schedule.

Penalty: Ten pounds.

Penalty for breach.

125. The Lieutenant-Governor⁽²⁾ may by Order in Council⁽¹⁸⁾ from time to time direct that certain persons or a certain class of persons or all persons living in a specified locality shall present themselves their children and wards to any person who under this

Lieutenant-Governor may direct certain persons to present themselves their children and wards for vaccination.
Pap. Ib. s. 16.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(18) No Order in Council has been published in *Papua Govt. Gaz.*

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Ordinance is entitled to vaccinate for the purpose of being vaccinated if the latter shall deem it necessary and it shall thereupon become the duty of every such person to submit himself his children and wards without delay to be vaccinated and after vaccination to be inspected by any person entitled to vaccinate as aforesaid as often as he may require them so to be.

Penalty: Ten pounds.

PART XI.—REGULATIONS.

126. The Lieutenant-Governor in Council⁽²⁾ may make—

- (a) Model regulations⁽¹⁹⁾ for the guidance of health authorities in the execution of this Ordinance;
- (b) All such regulations⁽²⁰⁾ as a health authority is by this Ordinance authorised to make.

127. Every health authority—

- (a) May and when expressly directed by the Lieutenant-Governor⁽²⁾ shall adopt the model regulations made by the Lieutenant-Governor in Council.⁽²⁾
- (b) And may make all such regulations⁽²¹⁾ not being repugnant to the said model regulations if adopted by it as it may deem useful or necessary for properly carrying into effect the provisions of this Ordinance within its district.

128. Any regulation may be made to apply only to particular districts or to particular parts of a district.

129. In all cases not otherwise provided for any regulation may impose any penalty not exceeding Twenty pounds for any breach or non-observance of the same or in the case of a continuing breach not exceeding Two pounds for each day that the breach is continued.

130. All regulations made by a health authority shall before being laid before the Legislative Council be submitted to the Chief Health Officer and by him to the Lieutenant-Governor⁽²⁾ for approval.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(19) No model regulations have been published in *Papua Govt. Gaz.*

(20) See the —

Health (Port Moresby Sanitary) Regulations, 1922, printed on p. 2075;
Health (Port Moresby Sanitary) Regulations, 1940, printed on p. 2080;
Health (Port Moresby Sanitary—Septic Tanks) Regulations, 1941, printed on p. 2082;
Health (Tank Accommodation) Regulations, 1924, printed on p. 2084;
Health (Samarai Sanitary) Regulations, 1925, printed on p. 2087.
Health Regulations No. 3, (made under the repealed *The Health Act of 1884* (Queensland, adopted) and continued in force by the present Section 3), printed on p. 2093.

(21) No regulations made by a health authority have been published in *Papua Govt. Gaz.* For the power of the Lieutenant-Governor to make such regulations as a Health Authority may make, see Section 126 and footnote (20), above.

Lieutenant-Governor may make regulations.
S.A. *Ib.* s. 148, s. 147.

Powers of health authority.
S.A. *Ib.* s. 148.

Paragraph (b) amended by No. 3 of 1914, s. 3 and Second Schedule.

Application of regulations may be limited.

Pap. No. 10 of 1898, s. 1.

Penalties may be imposed.

S.A. *Ib.* s. 150.

Regulations of health authority to be submitted to Chief Health Officer.

S.A. *Ib.* s. 151.

Health Ordinance, 1912-1924.

131. The *Gazette* containing any regulations shall be conclusive evidence of the due making thereof.

Evidence of regulations.
S.A. 711, 1898, s. 154.

PART XII.—MISCELLANEOUS.

132. No health authority except in cases of grave emergency (which it shall immediately report to the Chief Health Officer) shall incur any expense unless—

Health authority not to incur expense except in certain cases.

- (a) The recoupment thereof by some person is provided for in this Ordinance; or
- (b) The Treasurer or the health authority has in hand sufficient funds properly and specially applicable to the payment thereof; or
- (c) The sanction of the Lieutenant-Governor⁽²⁾ for incurring such expense has been first obtained.

133. The Lieutenant-Governor⁽²⁾ may allow any health authority the services of such Government officers labourers and prisoners for the due execution of this Ordinance and the several matters therein provided for upon such terms and conditions as the Lieutenant-Governor⁽²⁾ may think fit to impose.

Lieutenant-Governor may provide assistance.

134. The Lieutenant-Governor⁽²⁾ may from time to time by Order in Council⁽²²⁾ declare the place where and the person to whom all or any moneys (except fines) payable by any person under this Ordinance shall be paid.

Moneys payable where to be paid.

135.—(1.) An account or notice to pay shall be given by or on behalf of any health authority to any person liable to pay any money (except fines) under this Ordinance and the same shall contain a notification thereon or therein as to the place where or the person to whom the money referred to therein must be paid.

Account or notice to pay moneys.

(2.) All such moneys shall be paid within one week after an account therefor or a notice to pay the same specifying the place where a person to whom they are to be paid has been given to the person by whom they are payable or left at or sent by post addressed to his last known place of residence in the Territory.

Time for payment.
Pap. No. 9 of 1900, s. 7.

(3.) If default shall be made in payment thereof the same may on complaint of the health authority or of an inspector on its behalf be recovered in a summary manner under the provisions of any Ordinance in force for the time being relating to summary proceedings before Justices of the Peace.

In case of default.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(22) By notice dated 12.4.1916 and published in *Papua Govt. Gaz.* of 5.7.1916, the Administrator directed "that all moneys for sanitary fees for the Samarai Sanitary District, payable under the *Health Ordinance*, 1912, shall be paid to the Sanitary Inspector of Samarai Sanitary District at his office." Pursuant to Section 34, the Lieutenant-Governor by Order in Council dated 10.8.1925 and published in *Papua Govt. Gaz.* of 2.9.1925 ordered "that the Sub-Treasury, Samarai, be the place at which moneys due for Sanitary Services rendered are to be paid, and that the Receiver of Public Moneys, Sub-Treasury, Samarai, be the Officer to whom such payments are to be made."

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Health authority
to furnish
accounts monthly.
Compare
Pap. No. 9 of
1900, s. 4.

136. Every health authority shall during the first week in each month furnish written statements of account in duplicate of the preceding month in such form and containing such particulars as the Treasurer may from time to time require.

Penalties.
S.A. 711, 1898,
s. 155.

137. To secure the due execution of this Ordinance all persons failing to do any act directed to be done or doing any act forbidden to be done by any provision or by any part of any provision of this Ordinance or by any Order in Council or regulation or by any notice or order of the Chief Health Officer or of any health authority or any notice of any officer or order of Court shall be guilty of an offence and shall be liable—

- (a) To any sum not exceeding the particular penalty specified in or at the foot of any such provision or regulation or in or at the foot of the particular provision under which any such notice or order is given or made;
- (b) If there be no specified penalty then in the case of a breach—
 - (i) Of a provision of this Ordinance to a penalty not exceeding Fifty pounds; or
 - (ii) Of any Order in Council regulation notice or order to a penalty not exceeding Twenty pounds.

Hearing of
complaints.
S. A. *Ib.* s. 156.
See Q. 48
Vic. No. 17,
s. 124.

138. All complaints shall be heard and determined and all moneys costs and expenses shall be recovered in a summary way before a magistrate or any two or more justices.

Legal
proceedings
in names of
authority or
officers.
S.A. *Ib.* s. 158.

139. All complaints and legal proceedings by or against the Chief Health Officer or any health authority may be preferred prosecuted or defended in the name of such Chief Health Officer or health authority respectively.

No proceeding
to be taken
without
authority.
S.A. *Ib.* s. 159.

140. Except where otherwise provided no proceedings shall be instituted under this Ordinance except by or on behalf or with the authority of the Chief Health Officer or of the health authority. Such authority may be either general or particular and may be proved by the production of the authority in writing under the hand of the Chief Health Officer health officer or chairman of a Sanitary Board as the case may be or a copy of a resolution of a Sanitary Board under the hand of the chairman or secretary.

Constitution
need not be
proven.
S.A. *Ib.* s. 160.

141. It shall not be necessary in any legal proceedings to prove the existence constitution or appointment of the Chief Health Officer or any health authority or of any chairman officer or member thereof.

Health Ordinance, 1912-1924.

142. A certificate under the hand of any person appearing to be the Chief Health Officer or health officer or the chairman or secretary of a Sanitary Board or the oath of any officer shall be sufficient evidence of—

(a) The boundaries of any district;

(b) The appointment of any officer;

until the contrary be proved and any notice thereof in the *Gazette* shall be conclusive evidence.

143. Every document required to be made or authenticated by any Chief Health Officer or health authority shall (unless otherwise provided) be sufficiently authenticated if appearing to be signed by such Chief Health Officer or any member of a Sanitary Board.

Proof of boundaries and appointment of officers.
S.A. 711, 1898, s. 161.

Authentication of documents.
S.A. *Ib.* s. 167.
Q. 48 Vic.
No. 17, s. 139.

144. Any document required to be served may be served by posting the same in an envelope addressed to the person for whom it is intended at his last known or most usual place of abode or business in the Territory or by delivering the same to such person or at such place.

Service of documents.
S.A. *Ib.* s. 168.
Q. *Ib.* s. 140.

In the case of unoccupied land or premises it shall be sufficient to affix any necessary notice on some conspicuous part of the land or premises.

Any notice consent permission or licence by this Ordinance required to be given or obtained shall be in writing.

Any document posted pursuant to this section shall be deemed to have been duly served at the time when in the ordinary course of post it would have arrived at its address.

145. Whenever any person shall fail to perform any duty cast upon him by this Ordinance or fail to comply with any order or notice the health authority may perform such duty or carry out the terms of such order or notice and recover all expenses from the person in default.

Neglect of duty.
S.A. *Ib.* s. 169.
Compare Q. *Ib.* s. 129.

146. No Chief Health Officer or health authority shall except where otherwise expressly provided be liable for anything in good faith done or caused or omitted to be done by it in carrying out the provisions of this Ordinance and every person acting under the authority of any Chief Health Officer or health authority shall be indemnified by such Chief Health Officer or health authority for all liability in so acting.

Authorities not to be liable in certain cases.
S.A. *Ib.* s. 170.
Q. *Ib.* s. 138.

147. Every legal proceeding against any such person or against any Chief Health Officer health authority or person in good faith acting or intending to act under this Ordinance on account of anything done or omitted to be done shall be commenced within six months after the cause of action shall have arisen and not afterwards.

Action against authority to be commenced within two months.
S.A. *Ib.* s. 171.
Compare Q. *Ib.* s. 137.

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Members and officers not to be interested in contracts &c.
S.A. 711, 1898, s. 172.
Q. 48 Vic. No. 17, s. 118.

148. No member of a Sanitary Board or officer of any health authority—

- (a) Shall be directly or indirectly interested in any bargain or contract entered into by such Board or health authority;
- (b) Shall exact take or accept any fee or reward whatsoever other than his proper remuneration.

Penalty: Fifty pounds.

FIRST SCHEDULE.

Reference to Enactment.	Title or Short Title.	Extent of Repeal.
48 Vic. No. 17 (Queensland adopted)	<i>The Health Act of 1884</i>	The whole.
50 Vic. No. 21 (Queensland adopted)	<i>The Health Act Amendment Act of 1886</i>	The whole.
53 Vic. No. 6 (Queensland adopted)	<i>The Health Act Amendment Act of 1889</i>	The whole.
54 Vic. No. 19 (Queensland adopted)	<i>The Health Act Amendment Act of 1890</i>	The whole.
10 of 1898	<i>The Public Health Ordinance of 1898</i>	The whole.
9 of 1900	<i>The Health Ordinance of 1900</i>	The whole.

SECOND SCHEDULE.

I, _____ by virtue of the powers conferred upon me by the *Health Ordinance, 1912* do hereby appoint _____ in the Territory of Papua a Vaccinator under the said Ordinance.
Dated at _____ this _____ day of _____ 19 _____.

THIRD SCHEDULE.

Register of Vaccinations under the *Health Ordinance, 1912.*

Date of vaccination operation.	Name of person vaccinated.	Age or supposed age of person vaccinated.	Town village or district of person vaccinated.	Name of father or guardian of person vaccinated.	Name of mother of person vaccinated.