



# CONTAGIOUS DISEASES ACT 1957

[Consolidated as at 20 January 2013  
on the authority of the Administrator  
and in accordance with  
the *Enactments Reprinting Act 1980*]

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## Contagious Diseases Act 1957

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An Act to provide for and regulate the examination and treatment of persons suffering or suspected to be suffering from contagious diseases.

### Short title

1. This Act may be cited as the *Contagious Diseases Act 1957*.

### Definitions

2. In this Act, unless the contrary intention appears —
  - “contagious disease” means a disease which the Administrator, by notice published in the Gazette, declares to be a contagious disease for the purposes of this Act;
  - “Government Medical Officer” means any medical practitioner who is employed, in the person’s capacity as a medical practitioner, under paragraph 21(2)(b) of the *Norfolk Island Hospital Act 1985*;
  - “medical practitioner” means a registered medical practitioner within the meaning of the *Medical Practitioners Registration Act 1983*;
  - “Norfolk Island Hospital” means the Hospital referred to in section 5 of the *Norfolk Island Hospital Act 1985*.

### Person believed to be suffering from a contagious disease to submit to examination

3. (1) A person who has reason to believe that he is, or may be, suffering from a contagious disease shall forthwith submit himself for examination by the Government Medical Officer.

- (2) Where the Government Medical Officer has reason to believe that a person is, or may be, suffering from a contagious disease, the Government Medical Officer may, by notice in writing, require the person to submit himself for medical examination at such time and place as are specified in the notice, and the person shall submit himself to examination accordingly.

- (3) Where a notice under subsection 3(2) is given to a person under the age of 16 years, the Government Medical Officer shall deliver a copy of the notice to a parent, guardian or other person having, or ordinarily having, the charge of the first-mentioned person.

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



**Free treatment, etc**

4. (1) Where the Government Medical Officer is of the opinion that a person who has submitted himself for examination in accordance with section 3 is, or may be, suffering from a contagious disease and informs the person accordingly, the person shall submit himself to such course of treatment as the Government Medical Officer directs and shall continue that course of treatment until he is cured of, or is free from, the contagious disease.

(2) The costs and charges for the examination and treatment of such a person shall be borne by the Administration.

**Apprehension of person failing to attend for examination**

5. (1) Where a person who has been required in pursuance of a notice under section 3 to attend for a medical examination refuses or fails to submit himself for that examination at the time and place specified in the notice, the Court of Petty Sessions may, on the application of the Government Medical Officer, issue a warrant for the apprehension of the person.

(2) An application under subsection 5(1) shall not be heard in public.

(3) A warrant issued under this section authorises a member of the Police Force of Norfolk Island named in the warrant, with such assistance as the member thinks necessary, to apprehend the person named in the warrant.

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

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

- (a) fix a time and place for the medical examination of the person by the Government Medical Officer; and
- (b) advise the member of the Police Force of Norfolk Island accordingly.

(6) A person apprehended under this section may be detained in the Norfolk Island Hospital or another place approved by the Government Medical Officer until the time for examination fixed under subsection 5(5).

(7) The member of the Police Force of Norfolk Island who has been advised of the time and place of examination of a person fixed under subsection 5(5) shall bring the person to the place, and at the time, so fixed.

(8) If a person apprehended under this section refuses to submit to the medical examination as and when required by the Government Medical Officer under subsection 5(5), the Government Medical Officer may, with such assistance as he thinks necessary, forcibly examine the person.

(9) If, after an examination under this section, a person is informed by the Government Medical Officer that the person is, or may be, suffering from a contagious disease, the person shall submit himself to such course of treatment as the Government Medical Officer directs and shall continue that course of treatment until he is cured of, or is free from, the contagious disease.

**Persons suffering from a contagious disease may be removed to the Norfolk Island Hospital, etc**

6. (1) Where the Government Medical Officer is satisfied that a person is suffering from a contagious disease and that —

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

the Government Medical Officer may order the person to be removed to the Norfolk Island Hospital or some other suitable place where he can be properly attended and treated and to be detained there for such period as the Government Medical Officer specifies in the order, being a period which the Government Medical Officer considers necessary to enable the person to be cured of, or free from, the contagious disease.

(2) If a person suffering from a contagious disease is an in-patient in the Norfolk Island Hospital and proposes, contrary to the advice of the Government Medical Officer to leave the hospital and the Government Medical Officer is satisfied that the conditions referred to in paragraphs 6(1)(a), 6(1)(b) and 6(1)(c) exist, the Government Medical Officer may order him to be detained in the hospital or in some other suitable place for such period as the Government Medical Officer specifies in the order, being a period which the Government Medical Officer considers necessary to enable the person to be cured of, or free from, the contagious disease.

(3) At any time while a person is detained in pursuance of an order for the time being in force under either subsection 6(1) or 6(2), the Government Medical Officer may, upon being satisfied that the conditions which led to the person's detention being ordered will again exist if he is not detained for a further period after the expiration of the existing period of detention, order the detention of the person in the same place or in some other suitable place for such further period as the Government Medical Officer specifies in the order, being a period which the Government Medical Officer considers necessary to enable the person to be cured of, or free from, the contagious disease.

(4) The Government Medical Officer shall not make an order under this section unless and until he has, by notice in writing, given to the person in respect of whom the order may be made and, in the case of a person under the age of 16 years, to a parent, guardian or other person having, or ordinarily having, the charge of the first-mentioned person, an opportunity to be heard before him at the time, not less than 3 days after the giving of the notice, and place specified in the notice.

(5) Subject to sections 7 and 8 and to section 11 an order under this section is final and binding on all parties.

(6) An order under this section may be addressed to a member of the Police Force of Norfolk Island or such other person as the Government Medical Officer thinks fit, and the person to whom the order is addressed may do all acts necessary for giving effect to the order.

(7) The Director of the Norfolk Island Hospital Enterprise within the meaning of the *Norfolk Island Hospital Act 1985* or person in charge of another place to which a person is ordered under this section to be removed or detained shall, on presentation of the order, receive the person to whom the order relates and arrange for his medical treatment and shall do such other acts as are necessary for giving effect to the order.

#### **Order for removal to another place of detention**

7. (1) At any time while a person is detained in the Norfolk Island Hospital or another place in pursuance of an order under section 6, the Government Medical Officer may, if he thinks fit, order the person —

- (a) to be removed, if he is in the Hospital, to another suitable place or, if he is not in the Hospital to the Hospital or to another suitable place; and
- (b) to be detained there while the first-mentioned order continues in force.

(2) The provisions of subsections 6(4), 6(5), 6(6) and 6(7) apply, so far as applicable and with all necessary modifications, with respect to an application and order made under this section.

#### **Revocation of order**

8. The Government Medical Officer shall, if he is satisfied that a person who has been ordered to be detained in accordance with either section 6 or 7 is cured of, or is free from, a contagious disease, has ceased to convey infection or will present himself for treatment as directed by the Government Medical Officer, revoke the order.

#### **Treatment of person who is apprehended or detained to be free only with approval of Administrator**

9. A person who —

- (a) has been apprehended in accordance with section 5 and is informed by the Government Medical Officer that he is, or may be, suffering from a contagious disease; or
- (b) has been ordered to be removed or detained in accordance with section 6 or 7,

shall bear any charges payable under the *Norfolk Island Hospital Act 1985*, and such other costs as the Administrator determines, for his examination, removal, accommodation, services, maintenance and treatment in relation to the contagious disease unless the Administrator, in writing, directs that those costs and charges, or so much of them as he specifies, shall be borne by the Administration.

#### **Persons ordered into Norfolk Island Hospital or other place not to leave without consent**

10. A person who is removed to, or detained in, the Norfolk Island Hospital or another place in pursuance of an order under this Act shall not, while the order continues in force, except with the consent of the Government Medical Officer, leave or attempt to leave the Hospital or other place.

**Appeals against orders of detention**

11. (1) A person aggrieved by an order under section 6 or 7 may, within 7 days after the making of the order, or within such further time as the Administrator in his discretion allows, appeal to the Administrator against the order.

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

**Carrying into effect of warrants and orders**

12. A warrant or order issued under this Act has effect according to its tenor and a member of the Police Force of Norfolk Island, the Director of the Norfolk Island Hospital Enterprise, within the meaning of the *Norfolk Island Hospital Act 1985* or the person in charge and the officers of another place in which a person is detained under this Act shall do all acts necessary for carrying into effect the provisions of such a warrant or order.

**No action against the Administrator, etc**

13. No action lies against the Administration, the Administrator, the Government Medical Officer, a member of the Police Force of Norfolk Island or other person acting in accordance with this Act in respect of the apprehension, examination or detention in pursuance of this Act, but if the Administrator is satisfied that an apprehension, examination or detention was made or done without reasonable cause, he shall award reasonable compensation in respect of it.

**Judicial notice of signature of Government Medical Officer**

14. In judicial proceedings in Norfolk Island, judicial notice shall be taken of the signature of a person who is, or was, a Government Medical Officer or who is or was, for the time being, performing the duties of that office.

**Offences**

15. (1) A person shall not —

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

Penalty: \$200 or imprisonment for 6 months.

(2) A person who knows that he is suffering from a venereal disease that is a contagious disease for the purposes of this Act shall not —

- (a) infect any other person with that disease; or
- (b) do or permit or suffer to be done any act likely to lead to the infection of any other person with that disease.

Penalty: \$100.

**Regulations**

16. The Commonwealth Minister may make Regulations, not inconsistent with this Act prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for prescribing penalties, not exceeding a fine of \$200, or imprisonment for a period not exceeding 6 months, for any breach of the Regulations.

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**NOTES**

The *Contagious Diseases Act 1957* as shown in this consolidation comprises Act No. 1 of 1957 and amendments as indicated in the Tables below.

<b>Enactment</b>	<b>Number and year</b>	<b>Date of commencement</b>	<b>Application saving or transitional provision</b>
<i>Contagious Diseases Act 1957</i>	1, 1957	4.4.57	
<i>Amendments Incorporation Act 1963</i>	2, 1963	28.3.63	
<i>Contagious Diseases Act 1964</i>	7, 1964	30.6.64	
<i>Acts Citation Act 1976</i>	11, 1976	25.11.76	
<i>Acts Revision Act 1979</i>	13, 1979	7.8.79	5
<i>Acts Revision (Decimal Currency) Act 1980</i>	31, 1980	15.1.81	
<i>Healthcare (Consequential Amendments and Transitional Provisions) Act 1993</i>	5, 1993	31.5.93	

*[Previously consolidated as at 31 May 2002]*

<i>Interpretation (Amendment) Act 2012</i>	14, 2012	28.12.12	
<i>[to substitute throughout — Commonwealth Minister for Minister; and to substitute Minister for executive member]</i>			



## Table of Amendments

ad = added or am = amended rep = repealed rs = repealed and  
 inserted substituted

Provisions affected	How affected
1	am 2, 1963; 11, 1976
2	am 7, 1964; 5, 1993
4(2)	am 13, 1979
5(1)	am 7, 1964
5(6)	am 5, 1993
6(1)	am 5, 1993
6(2)	am 5, 1993
6(7)	am 5, 1993
7(1)	am 5, 1993
9	am 13, 1979; 5, 1993
10	am 5, 1993
12	am 5, 1993
13	am 13, 1979
14	am 5, 1993
15(1)	am 31, 1980
15(2)	ad 7, 1964
	am 31, 1980
16	am 31, 1980

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