

## TUBERCULOSIS AMENDMENT BILL

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### EXPLANATORY NOTE

*Clause 2:* Under section 8 (1) of the principal Act, if the Medical Officer of Health considers it necessary that the residence of any person known or suspected to be suffering from tuberculosis, or to be a contact of such a sufferer, should be inspected, and the occupier refuses permission to enter, the Medical Officer of Health or a medical practitioner or district nurse authorized by him may enter at reasonable times to inspect the premises and make inquiries. The same provision is made by section 8 (2) for the inspection of the place of work of an actual sufferer or a contact, if the Medical Officer of Health suspects that the source of the infection is there. This clause adds Inspectors of Health to the classes of persons who may in each case be authorized by the Medical Officer of Health to make the inspection.

*Clause 3:* Under section 16 of the principal Act, if the Medical Officer of Health is satisfied that a person suffering from tuberculosis is in an infectious condition, that the patient should, in his own interests, be properly attended and treated, that precautions to prevent the spread of the infection cannot be or are not being taken, and that substantial risk of infection is or will be thereby caused to others, he may apply to a Magistrate, who may order the detention of the patient in a public hospital or sanatorium or other suitable place for a period not exceeding three months. The section contains provisions for further successive orders by Magistrates, for applications by or on behalf of the patient for the rescission of orders, and for the reception and treatment of the patient. Section 17 gives the patient a right of appeal to a Judge of the Supreme Court. Although the patient is liable to a fine if he disobeys the order by leaving the institution, there is no authority for the staff of the institution to restrain him from leaving, or for his being returned after he has left. In the cases to which section 16 can apply the imposition of a fine fails to give the public the protection from infection which it is the intention of the section to provide. This clause provides the necessary power to detain the patient, and to return him to the institution if he leaves in breach of the order. The new subsections are based on the similar provisions for the detention of persons suffering from infectious diseases contained in subsections (5) and (6) of section 31 of the Statutes Amendment Act, 1941, which formerly applied to cases of tuberculosis.

*Hon. Mr. Watts*

## TUBERCULOSIS AMENDMENT

Title.	ANALYSIS
1. Short Title.	
2. Section 8 of principal Act (as to power of entry in certain cases) amended.	3. Section 16 of principal Act (as to isolation, in certain cases, of persons likely to spread infection) amended.

### A BILL INTITULED

AN ACT to Amend the Tuberculosis Act, 1948.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority  
5 of the same, as follows:—

1. This Act may be cited as the Tuberculosis Amendment Act, 1950, and shall be read together with and deemed part of the Tuberculosis Act, 1948 (hereinafter referred to as the principal Act).

Short Title.

1948, No. 36

10 2. Section eight of the principal Act is hereby amended by omitting from subsection one, and also from subsection two, the words “or district nurse”, and substituting in each case the words “district nurse or Inspector of Health under the Health Act,  
15 1920”.

Section 8 of principal Act (as to power of entry in certain cases) amended.

See Reprint of Statutes, Vol. VI, p. 1061

3. (1) Section sixteen of the principal Act is hereby amended by inserting, after subsection eight, the following subsection:—

Section 16 of principal Act (as to isolation, in certain cases, of persons likely to spread infection) amended.

20 “(8A) Subject to the provisions of subsection nine of this section, while any order under this section for the detention of a patient in any institution or other

place continues in force, the medical officer or other person in charge of the institution or place shall detain the patient or cause him to be detained in that institution or place, by force if necessary."

(2) The said section sixteen is hereby further amended by inserting, after subsection twelve, the following subsection:—

" (12A) If any person who is removed to or detained in any institution or other place pursuant to an order under this section leaves the institution or place while the order continues in force, then (without prejudice to any proceedings that may be taken against him or any other person in respect of an offence under this section) that person may be arrested by an officer of the Department of Health or by any member of the staff of that institution or place or by any constable without warrant and delivered forthwith, by force if necessary, to the same or another suitable institution or place. If in any such case the patient is delivered to any institution or place other than that to which the order relates, the person by whom he was arrested shall, as soon as may be practicable, cause him to be removed to the institution or place to which the order relates. Until he is so removed the institution or place to which he was so delivered shall be deemed for the purposes of this section to be an institution or place to which the order relates, and the provisions of this section shall apply accordingly."

(3) The said section sixteen is hereby further amended by omitting from subsection nine the words "subsections three to eight and subsections ten to twelve", and substituting the words "subsections three to eight<sup>A</sup> and subsections ten to twelve<sup>A</sup>".