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SAMOA HEALTH ORDER.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 7th day of February, 1921.

Present :

THE RIGHT HONOURABLE W. F. MASSEY, P.C., PRESIDING IN COUNCIL.

HIS Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of that Dominion, and in pursuance of the authority to make laws for the peace, order, and good government of the Territory of Western Samoa conferred upon him by the Western Samoa Order in Council, 1920, made by His Majesty on the eleventh day of March, nineteen hundred and twenty, under the Foreign Jurisdiction Act, 1890, and further in pursuance of the authority conferred upon him by the Treaties of Peace Act, 1919, and of all other powers and authorities enabling him in that behalf, doth hereby order as follows :—

SAMOA HEALTH ORDER.

1. (1.) This Order may be cited as the Samoa Health Order.
- (2.) This Order shall come into force on the seventh day of February, nineteen hundred and twenty-one.



2. In this Order, and in any Ordinance passed hereunder, except where a contrary intention appears,—

“ Board ” means the Board of Health established under this Order :

“ Carrier,” when used with reference to infectious disease, means any person having in his nose or throat, or in his excretions, or in his discharges, the germs of any infectious disease, though he may exhibit no other sign or symptom of that disease :

“ Cleansing,” used with reference to a building, includes lime-washing, papering, painting, and the destruction of vermin :

“ Contact,” when used with reference to infectious disease, means a person who has been exposed to risk of infection from an infectious disease within a period which does not exceed the prescribed period of incubation of that disease :

“ Dwelling ” or “ dwellinghouse ” includes any house, tent, or other structure, whether permanent or temporary, used in whole or in part for human habitation, and includes the land appurtenant to a dwelling :

“ Goods ” includes all kinds of movable property :

“ Infectious disease ” includes any disease mentioned in the Schedule hereto, and any other disease declared by the Administrator, by notice in the *Western Samoa Gazette*, to be an infectious disease.

3. (1.) Part I of the Health Act, 1920, shall, subject to the provisions of this Order, apply to the Territory of Western Samoa in the same manner as if that territory was part of New Zealand.

(2.) The term “ New Zealand ” as used in Part I of that Act shall, both in New Zealand and in Samoa, be construed as including Western Samoa.

(3.) Western Samoa shall from the time of the coming into force of this Order be deemed to be a health district in the meaning of section 15 of the Health Act, 1920 ; and the term “ the health district ” where hereinafter used shall be deemed to mean the Health District of Western Samoa.

4. Officers under the Health Act, 1920, stationed in Western Samoa shall as such be officers of the Samoan Public Service, and their appointment and tenure of office shall be governed by the Samoa Constitution Order accordingly.

5. The Sale of Food and Drugs Act, 1908, and the Medical Practitioners Act, 1914, together with all amendments thereof and all Orders in Council and regulations made thereunder respectively, shall, subject to the provisions of this Order, apply to the Territory of Western Samoa in the same manner as if that territory was part of New Zealand.

6. The Department of Health in Western Samoa shall comprise,—

(1.) A Division of Clinical Medicine and Hospitals, and a Division of Public Hygiene, and such other Divisions, if any, as the Administrator may appoint.

(2.) The said Department shall consist of—

(a.) The Board of Health constituted by this Order ;

(b.) A Chief Medical Officer, who shall be a qualified medical practitioner, and who shall be Director of the Division of Clinical Medicine and of Hospitals ;

(c.) The Medical Officer of Health, who shall be a medical practitioner with special qualifications in sanitary science, and who shall be Director of the Division of Public Hygiene ;

(d.) A Pathologist, who shall be in charge of any pathological and bacteriological work required by either Division of the Department ;

- (e.) A Resident Medical Officer, who shall be a medical practitioner with special experience in medicine and surgery, and who shall be in charge of the public hospital at Apia ;
 - (f.) Such number of medical practitioners and nurses as may from time to time be required ;
 - (g.) Such number of Inspectors of Health as may from time to time be required, who shall be holders of approved certificates in sanitation ;
 - (h.) An officer to be called the Secretary of the Samoan Department of Health, and an officer to be called the Hospital Steward ;
 - (i.) Such number of Native Sanitary Inspectors as may from time to time be appointed by the Board of Health constituted under this Act ; and
 - (j.) Such other officers as may from time to time be found necessary.
- (3.) Clauses 35 and 36 of the Samoa Constitution Order are hereby repealed.

7. (1.) There is hereby established a Board to be called the Board of Health of Samoa (hereinafter referred to as the Board).

(2.) The Board shall consist of—

(a.) The Administrator, who shall be Chairman of the Board.

(b.) The Chief Medical Officer.

(c.) The Medical Officer of Health.

(d.) The Engineer in Charge of Public Works.

(3.) The powers of the Board shall not be affected by any vacancy in the membership thereof.

8. (1.) Meetings of the Board shall be held at such times and places as the Chairman or the Board may from time to time appoint : Provided that such meetings shall be held at intervals not exceeding one month in any case.

(2.) Special meetings of the Board may be called by any two members of the Board.

(3.) At all meetings of the Board three members shall constitute a quorum.

(4.) In the event of the absence of the Administrator from any meeting of the Board the senior medical officer shall be Chairman of the Board, and shall preside at such meeting.

(5.) By "senior medical officer" in the last preceding subclause is meant the medical officer who has been the longest time in the Samoan Public Service.

(6.) At any meeting of the Board the Chairman shall have a deliberative vote, and in case of an equality of votes shall also have a casting-vote. At any such meeting the decision of a majority of the members present shall be the decision of the Board.

(7.) The Chairman of the Board may appoint as associate members of the Board one or more medical officers in the Samoan Public Service who may, in his opinion, be able to give expert advice on any subject under consideration.

(8.) Associate members of the Board appointed in pursuance of the last preceding subclause shall attend any meeting of the Board indicated by the Chairman, and at any such meeting the votes of associate members shall count as if they were the votes of permanent members of the Board. After every such meeting every associate member shall cease to be a member of the Board until he is reappointed by the Chairman.

9. The functions of the Board of Health shall be—

(a.) To hold all such inquiries, to give such decisions and consents, to make such recommendations, and to do all such other acts and things as are hereinafter in this Order provided

for in that behalf, or as may be lawfully required of it, or in its opinion may be necessary for the effective administration of this Order or for the conservation of the public health :

- (b.) To advise the Administration in Samoa on all matters relating to the preservation, limitation, and suppression of diseases :
- (c.) To promote or carry out researches and investigations in relation to matters concerning the causation and prevention of diseases ;
- (d.) To publish reports, information, and advice concerning the public health :
- (e.) To secure the appointment of such Native Inspectors and other officers and servants as are in its opinion necessary for the proper discharge of its duties under this Order :
- (f.) Generally to take such steps by Ordinance of the Legislative Council or otherwise as may be desirable to secure the preparation, effective carrying-out, and co-ordination of measures conducive to the public health.

10. (1.) The Board of Health may from time to time divide Western Samoa or any part thereof into districts (hereinafter referred to as medical districts), with such names and boundaries as it thinks fit.

(2.) For the purposes of this Order each such district shall be in charge of a medical practitioner (to be called the District Medical Officer) appointed under this Order and assigned to that district by the Chief Medical Officer.

(3.) Medical practitioners in the Samoan Public Service other than those otherwise specified in this Order shall be termed Assistant Medical Officers, and shall be assigned such duties as the Chief Medical Officer may specify.

11. The Chief Medical Officer shall be charged, subject to the control of the Administrator, with the administration of all laws and regulations relating to lunacy, hospitals, and medical aid, and shall be responsible for the efficiency of the hospital service and of the clinical, medical, and nursing services throughout Western Samoa, including such general measures for preventive treatment of disease as may be decided on by the Board of Health.

12. The Medical Officer of Health shall be charged, subject to the control of the Administrator, with the administration of all laws and regulations relating to sanitation, quarantine, and the purity of food and of drugs, and for that purpose he is hereby empowered and directed—

- (a.) To cause inspection of Western Samoa to be regularly made for the purpose of ascertaining if any nuisances or conditions likely to be dangerous to health, or offensive, exist, and to cause all proper steps to be taken to secure the abatement of such nuisance or the removal of such condition :
- (b.) To obtain such information as to births, deaths, and the incidence of disease as he may deem necessary for the effective carrying-out of his duties :
- (c.) To supervise and secure the efficiency of the work of the Inspectors of Health and any other officers and servants engaged in sanitary work.

13. The Pathologist shall be responsible to the Board of Health for the effective carrying-out of all pathological and bacteriological investigations, and matters submitted to him by direction of the Chief Medical Officer, Medical Officer of Health, or Resident Medical Officer, and shall be charged with the administration of any regulations made in that behalf.

14. The Resident Medical Officer shall be responsible to the Chief Medical Officer for the efficient administration of the hospital at Apia,

and of the nursing service attached thereto, and for the carrying-out of any regulations from time to time in force in respect of his duties.

15. Every District Medical Officer and every Assistant Medical Officer shall be responsible to the Chief Medical Officer for the efficient execution of the duties assigned to him under any regulations made in accordance with this Order or by the Chief Medical Officer.

16. The Secretary of the Department shall carry out such duties as are provided by regulations or as are assigned to him by the Senior Medical Officer (as defined in subclause (5) of clause 9 hereto).

17. The Hospital Steward shall carry out such duties as are assigned to him by regulations or by the Resident Medical Officer.

18. The Inspectors of Health shall perform such duties as are provided by regulations under this Order, or as are assigned to them by the Medical Officers of Health.

19. The Administrator, on the advice of the Board of Health, may from time to time make regulations for all or any of the aforesaid purposes and for the conservation and promotion of the public health.

SCHEDULE.

INFECTIOUS DISEASES.

Anthrax.
 Cerebro-spinal fever (cerebro-spinal meningitis).
 Cholera.
 Dengue.
 Diphtheria.
 Erysipelas.
 Enteric fever (typhoid fever; paratyphoid fever).
 Leprosy.
 Plague (bubonic or pneumonic).
 Puerperal fever (puerperal septicaemia, puerperal sapraemia).
 Scarlet fever (scarlatina).
 Smallpox (variola, including varioloid, alastrim, amaas, Cuban itch, and Philippine itch).
 Typhus.
 Yellow fever.
 Chicken-pox (varicella).
 Encephalitis lethargica.
 Influenza.
 Fulminant influenza.
 Pneumonic influenza.
 Septicæmic influenza.
 Measles (morbilli).
 German measles (rubella).
 Mumps (epidemic parotitis).
 Ophthalmia neonatorum.
 Acute primary pneumonia.
 Acute poliomyelitis (infantile paralysis).
 Ringworm of the scalp (tinea tonsurans).
 Scabies (itch).
 Trachoma (granular conjunctivitis, granular ophthalmia, granular eyelids).
 Tuberculosis (pulmonary).
 Tetanus.
 Whooping-cough (pertussis).

F. D. THOMSON,
 Clerk of the Executive Council.

SAMOA CONSTITUTION AMENDMENT ORDER.

JELLICOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 7th day of February,
1921.

Present :

THE RIGHT HONOURABLE W. F. MASSEY, P.C., PRESIDING IN COUNCIL.

HIS Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of that Dominion, and in pursuance of the authority to make laws for the peace, order, and good government of the Territory of Western Samoa conferred upon him by the Western Samoa Order in Council, 1920, made by His Majesty on the eleventh day of March, nineteen hundred and twenty, under the Foreign Jurisdiction Act, 1890, and further in pursuance of the Treaties of Peace Act, 1919, and of all other powers and authorities enabling him in that behalf, doth hereby order as follows :—

1. This Order may be cited as the Samoa Constitution Amendment Order, 1921, and shall be read with and form part of the Samoa Constitution Order, 1920 (hereinafter referred to as the said Order).

2. This Order shall come into force on the seventh day of February, nineteen hundred and twenty-one.

Criminal Offences.

3. Clauses 103, 104, and 105 of the said Order are hereby revoked, and the following clauses substituted in lieu thereof :—

“ 103. Homicide is the killing of a human being by another, directly or indirectly, by any means whatsoever.

“ 104. (1.) Homicide may be either culpable or not culpable.

“ (2.) Homicide is culpable when it consists in the killing of any person either—

“ (a.) By an unlawful act ; or

“ (b.) By an omission without lawful excuse to perform or observe any legal duty ; or

“ (c.) By both combined ; or

“ (d.) By causing a person by threats or fear of violence, or by deception, to do an act which causes that person's death ;
or

“ (e.) By wilfully frightening a child or sick person.

“ (3.) Culpable homicide is either murder or manslaughter.

“ (4.) Homicide that is not culpable is not an offence.

“ 105. Culpable homicide is murder in each of the following cases :—

“ (a.) If the offender means to cause the death of the person killed :

“ (b.) If the offender means to cause to the person killed any bodily injury that is known to the offender to be likely to cause death, and is reckless whether death ensues or not :

“ (c.) If the offender means to cause death, or, being so reckless as aforesaid, means to cause such bodily injury as aforesaid to one person, and by accident or mistake kills another person, though he does not mean to hurt the person killed :

“(d.) If the offender for any unlawful object does an act that he knows or ought to have known to be likely to cause death, and thereby kills any person, though he may have desired that his object should be effected without hurting any one.

“105A. (1.) Culpable homicide is also murder in each of the following cases, whether the offender means or does not mean death to ensue, or knows or does not know that death is likely to ensue:—

“(a.) If he means to inflict grievous bodily injury for the purpose of facilitating the commission of any of the offences mentioned in this section, or the flight of the offender upon the commission or attempted commission thereof, and death ensues from such injury:

“(b.) If he administers any stupefying or overpowering thing for either of the purposes aforesaid, and death ensues from the effects thereof:

“(c.) If he by any means wilfully stops the breath of any person for either of the purposes aforesaid, and death ensues from such stopping of the breath.

“(2.) The following are the offences referred to in the last preceding subclause: Treason; inciting to mutiny; piracy and offences deemed to be piracy; escape or rescue from prison or lawful custody; resisting lawful apprehension; murder; rape; forcible abduction; robbery; burglary; arson.

“105B. Culpable homicide not amounting to murder is manslaughter.

“105C. Every one who commits murder shall upon conviction thereof be sentenced to death.

“105D. Every one who commits manslaughter is liable to imprisonment with hard labour for life.”

4. The following clauses are added to Part V of the said Order:—

“166A. Every one is liable to five years' imprisonment with hard labour who unlawfully enters or is in any dwellinghouse by night with intent to commit a criminal offence therein, or who is found by night in any dwellinghouse without lawful justification for his presence there.

“166B. Every one is liable to five years' imprisonment with hard labour who, by night, or to two years' imprisonment who, by day, with intent to intimidate or annoy any person—

“(a.) Breaks or injures or threatens to break or injure any dwellinghouse; or

“(b.) By the discharge of firearms or otherwise alarms or attempts to alarm any person in any dwellinghouse.

“166C. Every one is liable to five years' imprisonment with hard labour who sends or causes to be received, knowing the contents thereof, any letter or writing containing threats to kill or do bodily harm to any person, or who verbally makes a threat to kill or do bodily harm to any person.”

Criminal Procedure.

5. Clause 206 of the said Order is hereby revoked, and the following substituted in lieu thereof:—

“206. Every prosecution in the High Court for an offence shall be commenced by an information in writing filed in the Court by a constable or with the leave of a Judge, Commissioner, Registrar, or Deputy Registrar of the Court by any other prosecutor.”

6. Clause 209 of the said Order is hereby amended by adding, after the words “fine only,” the words “or by imprisonment for a term not exceeding three months.”

7. Subclause (1) of clause 210 is hereby amended by adding at the end thereof the words “or any offence created by an Ordinance where

such Ordinance has been passed on or after the first day of January, nineteen hundred and twenty-one, and gives power to arrest without warrant."

8. Clause 212 of the said Order is hereby amended by adding, after the words "On the trial," the words "except upon a plea of guilty."

9. Subclause (2) of clause 214 of the said Order is hereby revoked.

10. The following clause is added to Part VI of the said Order:—

"235A. When on application made on behalf of any person convicted of a crime or offence the Administrator entertains a doubt whether such person ought to have been convicted, he may, after such inquiry as he thinks proper, by an order in writing under his hand, direct a new trial at such time and place and before such Court as he thinks proper."

F. D. THOMSON,
Clerk of the Executive Council.

By Authority: MARCUS F. MARKS, Government Printer, Wellington.

