



Australian Capital Territory

Sexually Transmitted Diseases Act 1956 No 9

Republication No 5

Effective: 16 December 2002

Republication date: 16 December 2002

Last amendment made by Act 2002 No 35

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Sexually Transmitted Diseases Act 1956* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 16 December 2002. It also includes any amendment, repeal or expiry affecting the republished law to 16 December 2002.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Sexually Transmitted Diseases Act 1956

Contents

	Page
1 Name of Act	2
4 Definitions for Act	2
5 Persons suffering from sexually transmitted disease to consult doctor	2
6 Notices by doctor in relation to sufferers from sexually transmitted disease	3
6A Notification by pathologist	3
7 Notice requiring persons to submit to examination	4
8 Apprehension of person failing to attend for examination	5
9 Magistrate may order persons suffering from sexually transmitted disease to be removed to hospital etc	6
10 Order for removal to another place of detention	7
11 Revocation of order	8
12 Persons ordered into hospital not to leave without consent	8

R5
16/12/02

Sexually Transmitted Diseases Act 1956

contents 1

Contents

	Page	
13	Medical examination ordered by Magistrates Court	8
15	Appeal against orders of detention	9
16	Carrying into effect of warrants and orders	9
17	No action against Territory etc	9
18	Signature of chief health officer to be judicially noted	9
19	Members of the Defence Force infected	10
20	Offences	10
21	Approved forms	10
22	Regulation-making power	11

Endnotes

1	About the endnotes	12
2	Abbreviation key	12
3	Legislation history	13
4	Amendment history	15
5	Earlier republications	17



Australian Capital Territory

Sexually Transmitted Diseases Act 1956

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

1 Name of Act

This Act is the *Sexually Transmitted Diseases Act 1956*.

4 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

chief health officer means the chief health officer under the *Public Health Act 1997*.

court means *the Magistrates Court*.

medical practitioner means a medical practitioner registered under the *Medical Practitioners Registration Act 1930-1956*.

sexually transmitted disease means—

- (a) chancroid, chlamydial disease, donovanosis, gonorrhoea, HIV/ AIDS, lymphogranuloma venereum or syphilis; or
- (b) a disease prescribed under the regulations.

5 Persons suffering from sexually transmitted disease to consult doctor

- (1) A person who has reason to believe that he or she is, or may be, suffering from sexually transmitted disease shall forthwith consult a doctor.

Maximum penalty: 5 penalty units.

- (2) If a person is informed by a doctor who is professionally attending him or her that that person is, or may be, suffering from sexually transmitted disease, that person shall submit himself or herself to such a course of treatment as the doctor directs and shall continue that course of treatment until he or she is cured of, or is free from, the disease.

Maximum penalty: 5 penalty units.

6 Notices by doctor in relation to sufferers from sexually transmitted disease

- (1) A doctor who has reason to believe that a person professionally attended by him or her is, or may be, suffering from sexually transmitted disease shall forthwith give to the chief health officer written notice stating the details of the case but without notifying the identity of the person suffering from the disease.

Maximum penalty: 5 penalty units.

- (2) If a person fails to submit himself or herself to a course of treatment as directed by a doctor under section 5 (2), the doctor shall forthwith give to the chief health officer written notice stating the details of the case together with any particulars within the knowledge of the doctor that may establish the identity and address of that person.

Maximum penalty: 5 penalty units.

6A Notification by pathologist

- (1) If—
- (a) a pathologist tests a specimen for the purpose of ascertaining whether a person is or may be suffering from sexually transmitted disease; and
 - (b) the test is positive;

the pathologist shall, as soon as practicable, notify in writing the chief health officer of the fact and of the name and address of the doctor from whom the specimen was received.

Maximum penalty: 5 penalty units.

- (2) A notification under this section shall not give the name of the person from whom the specimen was taken.

Maximum penalty: 5 penalty units.

- (3) If the test is made by a pathologist in the course of his or her employment, the person by whom he or she is employed or, for a pathologist employed in a laboratory at a hospital, the person in charge of the laboratory, shall notify the chief health officer in accordance with this section.

Maximum penalty: 5 penalty units.

- (4) In this section, a reference to a *pathologist* includes a reference to a laboratory assistant or technical officer employed in a laboratory.

7 Notice requiring persons to submit to examination

- (1) If the chief health officer—
- (a) receives a notice from a doctor under section 6 (2); or
 - (b) has other reason to believe that a person is, or may be, suffering from sexually transmitted disease;

the chief health officer may, by written notice, require that person to submit himself or herself to medical examination at the time and place specified in the notice, and that person shall submit himself or herself to examination accordingly.

- (2) If a notice under this section is given to a person under 16 years old, the chief health officer may give a copy of the notice to any parent, guardian or other person having, or ordinarily having, the charge of that firstmentioned person.

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

Maximum penalty: 50 penalty units.

8 Apprehension of person failing to attend for examination

- (1) If a person has been required under a notice under section 7 to attend for a medical examination and that person fails to submit himself or herself to that examination at the time and place specified in the notice, the Magistrates Court may, on the application of the chief health officer, issue a warrant for the apprehension of that person.
- (2) A warrant issued under this section authorises a police officer named in the warrant with the assistance that the police officer considers necessary, to apprehend the person named in the warrant.
- (3) If the person named in a warrant issued under this section is a woman, the warrant shall, if practicable, be directed to a police officer who is a woman.
- (4) The police officer who apprehends a person under a warrant issued under this section shall forthwith notify the chief health officer accordingly.
- (5) The chief health officer shall, on the receipt of notification by a police officer of the apprehension of a person under this section—
- (a) fix a time and place for the examination of the person by a doctor appointed by the chief health officer; and
 - (b) advise that police officer accordingly.
- (6) A person apprehended under this section may be detained in a hospital or another place approved by the chief health officer until the time for examination fixed under subsection (5).

- (7) The police officer who has been advised of the time and place of examination of a person fixed under subsection (5) shall bring that person to the place, and at the time, so fixed.
- (8) If a person apprehended under this section refuses to submit to the examination as and when required by the doctor under subsection (5), the doctor may, with the assistance that the doctor considers necessary, forcibly examine that person.

9 Magistrate may order persons suffering from sexually transmitted disease to be removed to hospital etc

- (1) If, on application by the chief health officer for an order under this subsection, the Magistrates Court is satisfied that a person is suffering from sexually transmitted disease and that—
 - (a) it is in that person's interest that he or she should be properly attended and treated; and
 - (b) the person's circumstances are such that proper precautions to prevent the spread of sexually transmitted 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 court may order that person to be removed to a hospital or some other suitable place where he or she can be properly attended and treated and to be detained there for the period the court considers appropriate, or, if that person is an in-patient in a hospital and proposes, contrary to the advice of the chief health officer or of a medical officer of the hospital or of a doctor, to leave the hospital, order him or her to be detained in the hospital or in some other suitable place for the period the court considers appropriate.

- (2) At any time while a person is detained under an order for the time being in force under subsection (1), the Magistrates Court may, on application by the chief health officer for an order under this subsection, and on being satisfied that the conditions that led to that person's detention being ordered will again exist if he or she is not

detained for a further period after the end of the existing period of detention, order the detention of that person in the same place or in some other suitable place for the further period the court considers appropriate.

- (3) If an application for an order is made under this section, the chief health officer shall give to the person in relation to whom the application is made, and, for a person who is under 16 years old, to a parent, guardian other person having, or ordinarily having, the charge of the firstmentioned person, not less than 3 days written notice of the time when, and place where, the application will be heard.
- (4) Subject to subsections (5) and (6) and to section 15, an order under this section is final and binding on all parties.
- (5) An order under this section may be addressed to the chief health officer or any other person as the Magistrates Court considers appropriate, and the person to whom the order is addressed may do all acts necessary for giving effect to the order.
- (6) The medical officer or other person in charge of a hospital or other place to which a person is ordered under this section to be removed shall, on the presentation of the order, receive the person to whom the order relates and arrange for his or her medical treatment, and shall do any other acts necessary for giving effect to the order.

10 Order for removal to another place of detention

- (1) At any time while a person is detained in a hospital or other place under an order under section 9, the Magistrates Court may, if it considers appropriate, on the application of the chief health officer or of the medical officer or other person in charge of the hospital or place, order that person to be removed to another hospital or suitable place and to be detained there while the firstmentioned order continues in force.

- (2) The provisions of section 9 (3), (4), (5) and (6) apply, so far as applicable and with all necessary modifications, in relation to an application and order made under this section.

11 Revocation of order

- (1) At any time during the currency of an order under section 9 or 10, a person may, on behalf of the person to whom the order relates, apply to the Magistrates Court for the revocation of the order, and the court may, if it is satisfied that the lastmentioned person is cured of, or is free from, sexually transmitted disease, has ceased to be liable to convey infection or will present himself or herself for treatment by a medical practitioner, revoke the order.
- (2) If an application is made under subsection (1), the person making the application shall give to the chief health officer not less than 3 days written notice of the time when, and place where, the application will be heard.

12 Persons ordered into hospital not to leave without consent

A person who is removed to, or detained in, a hospital or other place under an order under this Act shall not, while the order continues in force, except with the consent of the chief health officer or of the medical officer or other person in charge of the hospital or place, leave or attempt to leave the hospital or place.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

13 Medical examination ordered by Magistrates Court

If an application for an order or revocation of an order is made under this Act, the Magistrates Court may, if it considers appropriate, require the person to whom the application relates to be examined by a doctor appointed by it for the purpose.

15 Appeal against orders of detention

- (1) The chief health officer or any person aggrieved by an order of decision of the Magistrates Court under section 9 or 10 may, within 7 days after the making of the order or decision, or within any further time that the judge in his or her discretion allows, appeal to a judge of the Supreme Court against the order or decision.
- (2) On the hearing of the appeal, the judge may confirm, modify or reverse the order or decision of the court and the judge's decision shall be final and binding on all parties.
- (3) The judge shall make no order about costs in relation to an appeal under this section except if the appeal is by or on behalf of a person aggrieved and is successful.

16 Carrying into effect of warrants and orders

A warrant or order issued under this Act has effect according to its tenor and police officers and governing authorities and officers of a hospital or place where a person is detained under this Act shall do all acts necessary for carrying into effect the provisions of warrants and orders issued under this Act.

17 No action against Territory etc

No action lies against the Territory, the chief health officer, a police officer, a doctor or other person acting in accordance with this Act in relation to an apprehension, examination or detention under this Act, but, if the Executive is satisfied that an apprehension, examination or detention was made or done without reasonable cause, the Executive may award reasonable compensation in relation to it.

18 Signature of chief health officer to be judicially noted

All courts of the Territory shall take judicial notice of the signature of the person who holds or has held the office of the chief health

officer or who is or was, for the time being, performing the duties of that office.

19 Members of the Defence Force infected

- (1) The provisions of this Act in relation to the requirement to submit to an examination, the apprehension and the detention of a person do not apply to a member of the Defence Force of the Commonwealth.
- (2) If the chief health officer has reason to believe that a member of the Defence Force of the Commonwealth is or may be suffering from sexually transmitted disease, the chief health officer shall forthwith give to the senior administrative medical officer of the service or force to which the member is attached written notice setting out the details of the case together with any particulars within the knowledge of the chief health officer that may establish the identity and address of the member.

20 Offences

A person shall not—

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

Maximum penalty:

- (a) for paragraph (a)—50 penalty units; and
- (b) for paragraph (b)—50 penalty units, imprisonment for 6 months or both.

21 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see *Legislation Act 2001*, s 255.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

22 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Venereal Diseases Ordinance 1956* No 9 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

It was renamed as the *Sexually Transmitted Diseases Act 1956* by the *Statute Law Revision (Miscellaneous Provisions) Act 1992* (see sch 1).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

Legislation before becoming Territory enactment

Sexually Transmitted Diseases Act 1956 No 9

notified 21 June 1956

commenced 2 July 1956 (s 2)

as amended by

Ordinances Revision (Decimal Currency) Ordinance 1966 No 19

notified 23 December 1966

commenced 23 December 1966

Ordinances Revision (Health Commission) Ordinance 1975 No 17

notified 1 July 1975

commenced 1 July 1975

Venereal Diseases (Amendment) Ordinance 1977 No 40

notified 24 August 1977

commenced 24 August 1977

Endnotes

3 Legislation history

Ordinances Revision Ordinance 1978 No 46

notified 28 December 1978
commenced 28 December 1978

Ordinances Revision (Penalties) Ordinance 1979 No 26

notified 31 August 1979
commenced 31 August 1979

Magistrates Court Ordinance 1985 No 67 sch pt 1

notified 19 December 1985
commenced 1 February 1986 (s 2 and Cwlth Gaz 1986 No G3)

Community and Health Services (Consequential Provisions) Ordinance 1988 No 29 sch

notified 30 June 1988
commenced 2 July 1988 (s 2)

Self-Government (Consequential Amendments) Ordinance 1989 No 38 pt 2 div 30, sch 1

notified 10 May 1989 (Cwlth Gaz 1989 No S160)
s 1, s 2 commenced 10 May 1989 (s 2 (1))
pt 2 div 30, sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

Legislation after becoming Territory enactment

Sexually Transmitted Diseases (Amendment) Act 1990 No 61

notified 21 December 1990 (Gaz 1990 No S92)
commenced 21 December 1990

Health Services (Consequential Provisions) Act 1990 No 63 sch 1

notified 28 December 1990 (Gaz 1990 No S102)
s 1, s 2 commenced 28 December 1990 (s 2 (1))
sch 1 commenced 31 January 1991 (s 2 (2) and see Gaz 1991 No S4)

Statute Law Revision (Miscellaneous Provisions) Act 1992 No 23 sch 1

notified 4 June 1992 (Gaz 1992 No S71)
commenced 4 June 1992

Health (Consequential Provisions) Act 1993 No 14 sch 1

notified 1 March 1993 (Gaz 1993 No S23)
commenced 1 March 1993 (s 2)

Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch pt 1

notified 15 December 1994 (Gaz 1994 No S280)
s 1, s 2 commenced 15 December 1994 (s 2 (1))
sch pt 1 commenced 15 December 1994 (s 2 (2) and Gaz 1994
No S293)

Public Health (Miscellaneous Provisions) Act 1997 No 70 s 26, sch 1, note

notified 9 October 1997 (Gaz 1997 No S300)
ss 1-3 commenced 9 October 1997 (s 2 (1))
s 26 never commenced
sch 1, note commenced 13 August 1998 (s 2 (2) and Gaz 1998 No
S185)

Note s 26 proposed the repeal of the *Sexually Transmitted Diseases Act 1956* but the section was repealed before it commenced (see Act 2000 No 36 s 13).

Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)
s 1, s 2 commenced 27 November 1998 (s 2 (1))
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

Law Reform (Miscellaneous Provisions) Act 1999 No 66 sch 3

notified 10 November 1999 (Gaz 1999 No 45)
commenced 10 November 1999 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 363

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 363 commenced 12 September 2001 (s 2 and see Gaz 2001 No
S65)

Prostitution Amendment Act 2002 No 35 s 25

notified LR 8 October 2002
s 1, s 2 commenced 8 October 2002 (LA s 75 (1))
s 25 commenced 16 December 2002 (s 2 and CN2002-15)

4 Amendment history

Title	
title	am 1990 No 61 s 3

Endnotes

4 Amendment history

Name of Act

s 1 am 1992 No 23 sch 1

Commencement

s 2 om 2001 No 44 amdt 1.3886

Administration

s 3 om 1978 No 46

Definitions for Act

s 4 am 1977 No 40; 1978 No 46; 1985 No 67 sch pt 1
def **chief health officer** ins 1997 No 70 sch 1
def **medical officer of health** sub 1994 No 97 sch pt 1
om 1997 No 70 sch 1
def **sexually transmitted disease** sub 1990 No 61 s 4; 2002
No 35 s 25

Persons suffering from sexually transmitted disease to consult doctor

s 5 hdg am 1990 No 61 note
s 5 am 1990 No 61 s 5; 1998 No 54 sch

Notices by doctor in relation to sufferers from sexually transmitted disease

s 6 hdg am 1990 No 61 note
s 6 am 1990 No 61 s 5; 1997 No 70 sch 1; 1998 No 54 sch

Notification by pathologist

s 6A ins 1977 No 40
am 1990 No 61 s 5; 1997 No 70 sch 1; 1998 No 54 sch

Fee

s 6B ins 1977 No 40
om 1990 No 61 s 6

Notice requiring persons to submit to examination

s 7 am 1977 No 40; 1990 No 61 s 5; 1997 No 70 sch 1; 1998 No 54
sch

Apprehension of person failing to attend for examination

s 8 am 1997 No 70 sch 1

Magistrate may order persons suffering from sexually transmitted disease to be removed to hospital etc

s 9 hdg am 1990 No 61 note
s 9 am 1990 No 61 s 5; 1997 No 70 sch 1

Order for removal to another place of detention

s 10 am 1997 No 70 sch 1

Revocation of order

s 11 am 1990 No 61 s 5; 1997 No 70 sch 1

Persons ordered into hospital not to leave without consent

s 12 am 1997 No 70 sch 1; 1998 No 54 sch

Hearings *in camera*

s 14 om 1999 No 66 sch 3

Appeal against orders of detention

s 15 am 1997 No 70 sch 1; 1999 No 66 sch 3

No action against Territory etc

s 17 am 1975 No 17; 1988 No 29 sch; 1989 No 38 s 54; 1990 No 63 sch 1; 1993 No 14 sch 1; 1997 No 70 sch 1

Signature of chief health officer to be judicially noted

s 18 hdg am 1997 No 70 notes

s 18 am 1997 No 70 sch 1

Members of the Defence Force infected

s 19 am 1990 No 61 s 5; 1997 No 70 sch 1

Offences

s 20 am 1966 No 19; 1979 No 26; 1998 No 54 sch

Approved formss 21 am 1966 No 19; 1979 No 26; 1989 No 38 sch 1; 1998 No 54 sch
sub 2001 No 44 amdt 1.3887**Regulation-making power**

s 22 ins 2001 No 44 amdt 1.3887

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1990 No 63	30 June 1991
2	Act 1992 No 23	31 August 1992
3	Act 1993 No 14	31 January 1994
4	Act 2001 No 44	18 July 2002

Authorised when accessed at www.legislation.act.gov.au or in authorised printed form

© Australian Capital Territory 2002