

I GEO. VI. No. 31, 1937. *Health Act.*

HEALTH.

An Act to Consolidate and Amend the Laws relating to Public Health.

¹ Geo. VI.
No. 31.
THE
HEALTH
ACT
OF 1937.

[ASSENTED TO 2ND DECEMBER, 1937.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

PART I.—
PRELIMINARY.

1. This Act may be cited as "*The Health Act of 1937.*" Short title.

*2. Except as herein otherwise provided, this Act shall commence and take effect on and from a date to be proclaimed by the Governor in Council by Proclamation published in the *Gazette*, which date is herein referred to as the commencement of this Act. Commence-
ment of Act.

3. This Act is divided into Parts, as follows:—

Division of
Act.

PART I.—PRELIMINARY (ss. 1-6);

PART II.—GENERAL POWERS—

Division I.—Central Government (ss. 7-14),

Division II.—Director-General (ss. 15-18),

Division III.—Local Authority (ss. 19-26),

Division IV.—Appointment of Officers under and for the Purposes of the Act (ss. 27-28);

PART III.—PREVENTION, NOTIFICATION, AND TREATMENT OF DISEASE—

Division I.—Notification of Disease (ss. 29-30),

Division II.—Notification of Births (s. 31),

Division III.—Infectious Disease (ss. 32-47),

Division IV.—Vaccination (ss. 48-49),

Division V.—Hookworm (Ancylostomiasis) (s. 50),

* Proclaimed in force as from 1st January, 1938 (*Gazette* of 11th December, 1937, page 2020).

Division VI.—Leprosy (s. 51),

Division VII.—Tuberculosis (s. 52),

Division VIII.—Venereal Disease (ss. 53-60),

Division IX.—Industrial Hygiene (s. 61),

Division X.—Infirmity (s. 62),

Division XI.—Private Hospitals (ss. 63-76),

Division XII.—Nuisances and Offensive Trades
(ss. 77-92),

Division XIII.—Sanitary Provisions, Sewers,
Drains, Sanitary Conveniences, Camping
Grounds, and Moveable Dwellings (ss. 93-
100);

PART IV.—FOOD, DRUGS, AND OTHER ARTICLES—

Division I.—Preliminary (ss. 101-103),

Division II.—Pure Food, Drugs, Etc. (ss. 104-122),

Division III.—Cooking Utensils, Toys, Wearing
Apparel, Footwear, Matches, and Paints
(ss. 123-129),

Division IV.—Dangerous Drugs and Poisons
(ss. 130-131),

Division V.—Inspection, Removal, Sampling,
Analysis (ss. 132-154);

PART V.—MISCELLANEOUS PROVISIONS (ss. 155-
179);

SCHEDULES.

Repeals and Savings.

Repeals,
Schedule A.

4. Subject to the provisions hereinafter contained, the Acts specified in Schedule A to this Act are repealed to the extent in that Schedule indicated :

Provided that, without prejudice to **“ The Acts Shortening Acts ”*—

(i.) All Proclamations, Orders in Council, regulations, by-laws, authorities, delegations, notifications, rules, permits, prohibitions, orders, licenses, approvals, and agreements made, issued, or given under the repealed Acts or any of them and in force at the coming into

* 31 Vic. No. 6 and amending Acts, *supra*, pages 15 *et seq.*

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operation of this Act shall, subject as hereinafter provided, continue in force until the same or any of them are repealed or amended under this Act :

Provided that every such Proclamation, Order in Council, regulation, by-law, authority, delegation, notification, rule, permit, prohibition, order, license, approval, or agreement shall be read and construed subject to this Act.

(ii.) All proceedings and things commenced, or had, or done by the Governor in Council, or by the Minister, or by the Director-General, or by any Local Authority or Joint Local Authority, or by any other body or person under or in pursuance of the said repealed Acts or any of them may be continued and completed, and shall be and continue to be of the same force and effect to all intents and purposes as if no such repeal had taken place. Proceedings,
&c.

(iii.) All moneys which having accrued due under the repealed Acts or any of them are at the commencement of this Act due or payable to or leviable by the Crown, or the Minister, or the Director-General, or any Local Authority or Joint Local Authority, or any other body or person shall be and continue to be so due, payable, and leviable, and may be paid to and received, levied, and recovered as if this Act had not come into operation. Moneys, &c.,
due.

(iv.) All penalties and forfeitures imposed under any of the said repealed Acts or any of them and incurred at the commencement of this Act shall and may be enforced as if this Act had not come into operation. Penalties.

(v.) All rights, liabilities, contracts, and engagements of a Local Authority or Joint Local Authority under the repealed Acts or any of them existing at the commencement of this Act shall be and continue to be vested in and shall attach to and may be enforced by or against the Local Authority or Joint Local Authority, as the case may be. Rights and
liabilities,
&c.

(vi.) All actions and proceedings of whatever nature commenced or pending at the commencement of this Act under the repealed Acts or any of them may be carried on and prosecuted as if this Act had not come into operation, and no such action or proceeding shall abate or be discontinued or prejudicially affected by anything in this Act contained. Actions, &c.

Officers.

(vii.) All officers appointed under and in pursuance of the said repealed Acts or any of them shall, and without any further or other appointment whatsoever, be and be deemed to be respectively appointed under and in pursuance of this Act.

Rights of
Treasurer.

(viii.) All rights, powers, and authorities which at the commencement of this Act have accrued to the Treasurer under any of the said repealed Acts or any of them may be exercised and enforced as if this Act had not come into operation.

Documents
made
evidence.

(ix.) All books and documents made evidence under any of the said repealed Acts or any of them shall continue evidence to the same extent as if this Act had not come into operation.

Existing
licenses,
registrations,
and permits.

(x.) All licenses, registrations, permits, approvals, authorities, prohibitions, and orders issued, made, granted, or given before the commencement of this Act under or in pursuance of any of the said repealed Acts or any of them shall continue in force for the period (if any) respectively specified therein unless the same are sooner suspended, cancelled, or revoked under or in pursuance of this Act.

Reference to
repealed
Acts.

(xi.) When in any enactment reference is made to any provision of any of the said repealed Acts, or any of the Acts thereby repealed, it shall be taken, unless the context otherwise indicates, that such reference is to the corresponding provision of this Act, and such enactment shall be read and construed accordingly.

Interpreta-
tion.

5. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively :—

Advertise-
ment.

“Advertisement”—Any method of conveying information or making any claim with regard to any food, drug or article, whether orally or by writing or pictorially, or by telephone, gramophone, or wireless broadcast, or by label, letter, circular, pamphlet, book, magazine, newspaper, sign, poster, or otherwise ;

Analyst.

“Analyst”—A person appointed under this Act as a State analyst or a person registered as a duly qualified analyst under this Act, and whose name remains upon the register ;

- “Area ”—The district in which a Local Authority Area.
has jurisdiction including any place under the
control of the Local Authority outside the
boundaries of the Area ;
- “Article”—Without limit to the generality of its Article.
meaning, the term includes any food and
any article used in the preparing, cooking,
or serving of food, any article of clothing,
any medical or surgical apparatus or
appliance, any absorbent wool or surgical
dressing : the term also includes boots,
shoes, paint, poisons, drugs, and biological
preparations ;
- “Authorised person ”—A person authorised by Authorised
person.
this Act to do the act in relation to which
the expression is used : the term except where
otherwise provided includes a medical prac-
titioner, chemist, veterinary surgeon, or
dentist ;
- “Baker ”—Includes a person who makes bread for Baker.
sale or sells bread or exposes bread for sale ;
- “Barber ”—Means and includes a hairdresser, and Barber.
every person who shaves, cuts, trims, dresses,
waves, curls, stains, or dyes or who in any
other way treats the hair of any person for
pay or reward, and also any person (other
than a medical practitioner) who for pay or
reward performs scalp or facial massage,
manicure, pedicure, removal of superfluous
hairs, moles or birth marks, or shampoos, or
in any other way whatsoever treats the head,
scalp, face, hands, skin, finger nails, toe nails,
or feet, or tattoos the skin of any person or
manipulates violet rays or any other forms of
electrical treatment : the term also includes
every assistant of every such person as
aforesaid ;
- “Barber’s shop ”—Means and includes every Barber’s
shop.
premises or place wherein or whereon any
of the operations of a barber are conducted or
carried on ;
- “Biological preparation ”—Every Biological
preparation.
substance prescribed as such ;

<i>British Pharmacopœia.</i>	“ <i>British Pharmacopœia</i> ”—The <i>British Pharmacopœia</i> within the meaning of * <i>“The British Pharmacopœia Adopting Act, 1898”</i> ;
By-laws.	“By-laws”—By-laws made under the provisions of this Act and/or the Local Government Act;
Chemist or pharmaceutical chemist.	“Chemist” or “pharmaceutical chemist”—A pharmaceutical chemist within the meaning of † <i>“The Pharmacy Acts, 1917 to 1936,”</i> or of any Act amending or in substitution for those Acts;
Daily penalty.	“Daily penalty”—A penalty for each day on which any offence is continued, after notice has been given to the offender of the commission of the offence, or after a conviction or order by any court, as the case may be;
Dairy produce.	“Dairy produce”—Milk, cream, butter, cheese, processed cheese, condensed milk, dried milk in any form, and any other product of milk or cream intended for the food of man;
Dangerous drug.	“Dangerous drug”—Every substance or article prescribed as such;
Dentist.	“Dentist”—A dentist within the meaning of ‡ <i>“The Dental Acts, 1902 to 1935,”</i> or of any Act amending or in substitution for those Acts;
Deputy Director-General.	“Deputy Director-General”—The Deputy Director-General of Health and Medical Services for the State of Queensland;
Director-General.	“Director-General”—The Director-General of Health and Medical Services for the State of Queensland;
Drain.	“Drain”—Any drain for the carrying-off of waters other than sewage;
Drug.	“Drug”—Without limiting the ordinary meaning of the term, any article used for or in the composition or preparation of medicine for internal or external consumption or use by man: the term includes disinfectants, germicides, antiseptics, preservatives, deodorants,

* 62 Vic. No. 22, *supra*, page 2128.† 8 Geo. V. No. 11 and amending Acts, *supra*, pages 8320 *et seq.*‡ 2 Edw. VII. No. 25 and amending Acts, *supra*, pages 8061 *et seq.*

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anæsthetics, tobacco, narcotics, soaps, cosmetics, dusting powders, essences, unguents, and all other toilet articles ;

- “ Drug addict ”—Any person who has acquired, Drug addict.
as a result of repeated administration, an overpowering desire for the continued administration of any dangerous drug or restricted drug, and in whom the cessation of the administration of any such drug so desired leads to definite symptoms of mental or physical distress or disorder, and who does not require the use of any such drug so desired for the relief of symptoms of organic disease ;
- “ Food ”—Includes every article which is used for Food.
food or drink by man, or which enters into or is used in the composition or preparation of any such article : the term includes infant foods, flavouring matters, colouring matters, essences, condiments, spices, and confectionery ;
- “ General fund ”—The general fund of the Local General
Authority ; fund.
- “ Have in possession ”—Includes having under Have in
control in any place whatever, whether for possession.
the use or benefit of the person of whom the term is used or of another person, and although another person has the actual possession or custody of the thing in question ;
- “ House ”—Includes a school, also a factory or House.
shearing or wool shed or tent, and any other building or structure in which persons dwell or are employed : the term also includes any vessel lying in any river, harbour, or other water within the territorial waters of Queensland other than a vessel which is under the command or charge of any officer bearing His Majesty’s commission, or which belongs to the Government of any foreign State ;
- “ Infectious disease ”—Any disease prescribed by Infectious
this Act to be an infectious disease ; disease.
- “ Injurious ”—Includes dangerous ; Injurious.

Inspector.	“Inspector”—Includes a chief inspector or any medical or engineering inspector, and also includes an assistant inspector ;
Label.	“Label”—A label, tag, brand, mark, or statement in writing, whether or not containing any pictorial or other descriptive matter ;
License.	“License”—A license issued by the Minister or by the Director-General under the provisions of this Act and legally in force for the time being ;
Licensee.	“Licensee”—The term when used with reference to a license issued under this Act means the holder for the time being of such license ;
Local Authority.	“Local Authority”—A Local Authority constituted in accordance with the laws in force for the time being relating to local government : the term also includes a Joint Local Authority and the Brisbane City Council constituted under * <i>“The City of Brisbane Acts, 1924 to 1936,”</i> or any Act amending or in substitution for those Acts ;
Local Government Act.	“Local Government Act”—† <i>“The Local Government Act of 1936,”</i> or any Act amending or in substitution for that Act : the term also includes * <i>“The City of Brisbane Acts, 1924 to 1936,”</i> or any Act amending or in substitution for those Acts ;
Meat.	“Meat”—Any part of the carcass of any animal or bird which is intended to be used for the food of man, whether fresh, or prepared by freezing, chilling, preserving, salting, or by any other process ;
Medical officer of health.	“Medical officer of health”—The medical officer of health appointed by the Local Authority or other the person performing the duties of such office for the time being under the provisions of this Act ;
Medical practitioner.	“Medical practitioner”—A medical practitioner within the meaning of ‡ <i>“The Medical Acts, 1925 to 1935,”</i> or of any Act amending or in substitution for those Acts ;

* 15 Geo. V. No. 32 and amending Acts, *supra*, pages 11140 *et seq.*† 1 Geo. VI. No. 1, *supra*, page 16035.‡ 16 Geo. V. No. 24 and amending Acts, *supra*, pages 11337 *et seq.*

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- “Minister”—The Secretary for Health and Home Affairs or other Minister of the Crown charged for the time being with the administration of this Act ; Minister.
- “Notifiable disease”—Any disease prescribed by this Act to be a notifiable disease ; Notifiable disease.
- “Occupier”—Includes a person having the charge, management, or control of premises, and in the case of a house which is let out in separate tenements, or in the case of a lodging-house which is let to lodgers, the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another person, and in the case of a vessel, the master or other person in charge thereof ; Occupier.
- “Officer”—The term includes a health officer or a medical officer of health, an analyst, or an inspector, or any other person appointed to discharge the duties of an office under this Act, and whether, in any such case, any such appointment has been made by the Governor in Council or by the Local Authority ; moreover, the term where necessary includes any person for the time being discharging the duties of an office under this Act ; Officer.
- “Official dose”—The term when used with reference to any drug or other article means the maximum dose (if any) stated in the *British Pharmacopœia* ; Official dose.
- “Opium”—The term includes raw opium, prepared opium, medicinal opium, smoking opium, charcoal opium, and every other morphine containing preparation of the juice of the opium poppy, also any admixture, preparation, or solution containing any of those substances ; Opium.
- “Owner”—The owner, whether jointly or severally, of any premises, or the authorised agent, manager, or superintendent of the owner, and in the case of mortgaged premises both the mortgagor and the mortgagee ; Owner.

Package.	“Package” (with its derivatives)—Includes every means by which goods are cased, covered, enclosed, contained, or packed: the term includes a cask, bottle, jar, vessel, bag, box, or other receptacle;
Paint.	“Paint”—Without limiting the ordinary meaning, includes any substance of any kind whatsoever used or intended to be used for application as a colouring or protective coating to any surface: the term includes oil paint, water paint, enamel, and distemper, and any substance of any kind whatsoever used in the composition of any paint;
Parent.	“Parent”—The father or mother or any other person having the custody of a child;
Person.	“Person”—Includes a company, partnership, and any body or association of persons;
Place.	“Place”—Includes any house, building, ship, barge, boat, vehicle, car, station, wharf, shed, land, or premises;
Poison.	“Poison”—Every substance or article prescribed as such;
Premises.	“Premises”—Includes messuages, buildings, lands, easements, and tenements of any tenure, and also any vehicle;
Prescribed.	“Prescribed”—Prescribed by this Act or by a by-law of a Local Authority in cases where a Local Authority has jurisdiction over the matter in question;
Prohibited article.	“Prohibited article”—An article the manufacture, sale, or use of, or other dealing with which in its then state or condition is prohibited by this Act, either absolutely or conditionally;
Regulations.	“Regulations”—Regulations made under the provisions of this Act;
Restricted drug.	“Restricted drug”—Every substance or article prescribed as such;
Road.	“Road”—The term shall have the meaning assigned to it by the Local Government Act;

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- “Sale” (with its derivatives)—Includes barter, and ^{Sale.} also includes offering or attempting to sell, or receiving for sale, or having in possession for sale, or exposing for sale, or sending, forwarding, or delivering for sale, or causing or suffering or permitting or allowing to be sold or offered or exposed for sale: unless the context otherwise indicates, the term refers only to sale for consumption or use by man: the term also, so far as relates to any poison, or to any restricted drug, or to any dangerous drug, or to any biological preparation includes supplying, exchanging, lending, or giving away, and whether for consumption or use by man or for any other purpose whatsoever;
- “Sanitary convenience”—The term shall have ^{Sanitary} the meaning assigned to it by the Local ^{convenience} Government Act;
- “School”—Includes State schools, grammar ^{School.} schools, technical schools, private schools, Sunday schools, and all other schools at which children attend;
- “Sewerage”—The term shall have the meaning ^{Sewerage.} assigned to it by the Local Government Act: as also shall the terms “sewer,” “sewage,” and “sewerage apparatus”;
- “Shoes”—Includes the articles usually sold as ^{Shoes.} slippers or sandals;
- “Sole”—All that part of a boot or shoe which in ^{Sole.} use is under the foot of the wearer, including both the outsole and the insole and the heel, but not including the thin slip of leather, paper, or like material which is affixed to the upper surface of the inner sole;
- “State”—The term when used with reference to ^{State.} any person appointed to an office under or for the purposes of this Act means an appointment so made by the Governor in Council;
- “Substance”—Includes a preparation, admixture, ^{Substance.} or derivative of a substance;
- “This Act”—This Act and all Proclamations, ^{This Act.} Orders in Council, regulations, by-laws, delegations, authorities, notifications, permits, prohibitions, orders, or approvals made, granted, or given under this Act;

Vehicle.	“ Vehicle ”—Without limiting the ordinary meaning of the term, any motor vehicle, omnibus, coach, cart, sulky, bicycle, velocipede, train, railway carriage, aeroplane, airship, balloon, or other means of conveyance or transit ;
Venereal disease.	“ Venereal disease ”—Gonorrhœa, ophthalmia neonatorum, syphilis, soft chancre, ulcerative granuloma, and venereal warts ;
Vessel.	“ Vessel ”—Includes a ship, a boat, and every other kind of vessel used in navigation : the term also includes any aircraft ;
Veterinary surgeon.	“ Veterinary surgeon ”—A veterinary surgeon within the meaning of * <i>“ The Veterinary Surgeons Act of 1936,”</i> or of any Act amending or in substitution for that Act ;
Writing.	“ Writing ”—Includes partly printing and partly writing, and printing, typewriting, lithography, photography, and other modes of representing and reproducing words in a visible form.

Generally all terms used in this Act shall, unless this Act otherwise provides, have the meanings (if any) assigned to them by the Local Government Act.

Savings
of this Act
generally.

6. (1.) Notwithstanding anything contained in any other Act, or law, or rule, or process of law—

(a) No provision of this Act shall be or be deemed to be repealed, modified, or amended by any enactment contained in any other Act (and whether such other Act has been passed before, on, or after the commencement of this Act) unless by an enactment contained in some such other Act passed after the commencement of this Act which expressly repeals, modifies, or, as the case may be, amends this Act : and to the intent that in so far as any other Act (not being an Act passed after the commencement of this Act expressly repealing, modifying, or amending this Act or any provision thereof) contains any enactment relating to the subject-matter

* 1 Edw. VIII. No. 17, *supra*, page 16360.

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- of any provision contained in this Act, such other Act shall be and be deemed to be in aid of and not in derogation of this Act ; and
- (b) No enactment contained in any other Act (not being an Act passed after the commencement of this Act expressly repealing, amending, or modifying this Act or any provision thereof) shall prevent or be deemed to prevent the Director-General, the Deputy Director-General, any medical inspector, any health officer, any medical officer of health, any State analyst, any analyst, any inspector, and/or any other officer from doing and executing all powers, duties, authorities, and jurisdiction respectively conferred or imposed upon the Director-General, the Deputy Director-General, a medical inspector, a health officer, a medical officer of health, a State analyst, an analyst, an inspector, or other officer by this Act ; and
- (c) No enactment contained in any other Act (not being an Act passed after the commencement of this Act expressly repealing, amending, or modifying this Act or any provisions thereof) shall prevent or be deemed to prevent the enforcement and recovery of any penalty, fee, fine, or forfeiture which is enforceable and recoverable under and in pursuance of this Act : provided that where any act or omission constitutes the same offence both under this Act and under some other Act, any person doing or omitting to do such act may be proceeded against either under this Act or under such other Act, but so that no person shall be twice punished for the same offence ; and
- (d) Generally the provisions of this Act relating to all matters affecting the public health shall have effect and be in force notwithstanding anything contained in any other Act, and the provisions of any other Act relating to any such matter shall be deemed to be in addition to and not to be in

derogation of or to abridge or otherwise affect the operation of the provisions of this Act, and this Act and any such other Act shall be read and construed accordingly.

Construction of subsection one of this section.

(2.) Subsection one of this section shall, but without limiting its generality, be read and construed so as to repeal any provision of any other Act which suspends or purports to suspend or may be deemed to suspend any provision of this Act.

Savings as to powers of Local Authority.

(3.) All powers given to a Local Authority under the provisions of this Act shall, except as otherwise provided in this Act, be deemed to be in addition to and not in derogation of any other powers conferred upon such Local Authority by any other Act, and such other powers may, subject to this Act, be exercised in the same manner as if this Act had not been passed.

Savings as to nuisances.

(4.) Nothing in this Act shall render lawful any act, matter, or thing whatsoever which but for this Act would be deemed to be a nuisance, nor exempt any person from any action, liability, prosecution, or punishment to which such person would have been otherwise subject in respect of any such act, matter, or thing.

Proceedings for nuisance by Local Authority.

(5.) A Local Authority may, if in its opinion summary proceedings would afford an inadequate remedy, cause any proceedings to be taken against any person in the Supreme Court to enforce the abatement or prohibition of any nuisance, or for the recovery of any penalties from, or for the punishment of any person offending against the provisions of this Act or any regulation or by-law.

General powers as to nuisances.

(6.) Generally the provisions of this Act relating to nuisances shall be deemed to be in addition to, and not to abridge or affect any right, remedy, or proceeding under any other provisions of this Act, or any other Act, or at common law.

PART II.—
GENERAL
POWERS.

*Division I.—
Central
Government.*

PART II.—GENERAL POWERS.

Division I.—Central Government.

Appoint-
ment of
Director-
General.

7. (1.) (i.) For the due and effectual administration of this Act, a Director-General of Health and Medical Services for the State of Queensland (hereinafter referred to as "The Director-General") shall be appointed by the Governor in Council.

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(ii.) The Director-General shall be a medical practitioner, who shall hold either the diploma of public health or the double diploma of tropical medicine and tropical hygiene of a recognised university.

(iii.) The Director-General shall hold office for such period as the Governor in Council shall fix, but he may be reappointed from time to time.

(iv.) The Director-General shall receive such salary and allowances as the Governor in Council may from time to time approve.

(v.) The person holding office as Director-General of Health and Medical Services for the State of Queensland at the passing of this Act shall, in addition and without prejudice to the terms and conditions of his appointment to such office and without any further or other appointment, be and be deemed to be the Director-General under and for the purposes of this Act.

(2.) The Director-General shall, subject to the Minister, be charged with the administration of this Act.

Director-General to
administer
Act under
the Minister.

(3.) In addition to the appointment of a Director-General as aforesaid, a Deputy Director-General of Health and Medical Services for the State of Queensland (hereinafter referred to as "The Deputy Director-General") shall be appointed by the Governor in Council:

Appoint-
ment of
Deputy
Director-
General.

Provided that the Deputy Director-General shall also be a medical practitioner who holds either the diploma of public health or the double diploma of tropical medicine and tropical hygiene of a recognised university.

The person holding office as the Deputy Director-General for Health and Medical Services for the State of Queensland at the commencement of this Act shall without any further or other appointment be and be deemed to be the Deputy Director-General under and for the purposes of this Act.

(4.) The Director-General may from time to time with the approval of the Minister delegate all or any of his powers, authorities, functions, and duties (other than this power of delegation) to the Deputy Director-General or any other officer appointed under this Act, and may with like approval at any time revoke any such delegation either wholly or in part.

Delegation
of powers,
&c.

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Central
Government.*

During the period of such delegation the Deputy Director-General or other officer so delegated shall have and may exercise all such powers, authorities, and functions, and shall discharge all such duties as are delegated to him, and shall for the purposes of so doing be and be deemed to be in all respects the Director-General:

Provided that no such delegation for the time being in force shall prevent or be deemed to prevent the Director-General from himself exercising any power, authority, function, or duty thereby delegated.

*Absence or
illness.*

(5.) Where the Director-General is unable through absence, illness, or other cause to exercise and discharge his powers, authorities, functions, and duties under this Act, then, and in any such case, the Deputy Director-General may exercise and discharge all and any such powers, authorities, functions, and duties; and where both the Director-General and the Deputy Director-General are so unable through absence, illness, or other cause the Governor in Council may appoint a duly qualified person to exercise and discharge the powers, authorities, functions, and duties of the Director-General for the time being.

*Reference to
Commissioner of
Health to be
reference to
Director-
General.*

(6.) Where in any other Act or in any Proclamation, Order in Council, regulation, order, or document a reference is made to the Commissioner of Public Health, such reference shall be and be deemed to be a reference to the Director-General or, as the case may be, to the Deputy Director-General acting for and on behalf of or as the delegate of the Director-General, and any such other Act, Proclamation, Order in Council, regulation, order, or document shall be read and construed accordingly.

Appropriation.

8. Save as by this Act is otherwise provided, all expenses incurred in the execution of this Act shall be defrayed out of moneys from time to time appropriated by Parliament for the purpose, which appropriation is hereby authorised accordingly.

*General
powers to
make
Orders in
Council.*

9. (1.) In addition to and without in any way limiting the powers and authorities of the Governor in Council, or the Minister, or the Director-General under this Act, the Governor in Council is hereby empowered from time to time by Order in Council to issue such orders and give such directions (and either generally or

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Government.*

to the Director-General, or to the Local Authority, or to any other person whomsoever) as will in his judgment be calculated to safeguard the health and well-being of the people, and to give full effect to the provisions of this Act. And every such order or direction shall be obeyed by all persons and bodies corporate or unincorporate concerned.

(2.) The Governor in Council may, on the recommendation of the Director-General from time to time by Order in Council require the Local Authority to exercise and perform within a time limited by the order such of the express powers and authorities charged to it by the Local Government Act as the Director-General may deem to be necessary for the sufficient exercise and performance of the function of health delegated to it by such Act, and to exercise and perform such other of the functions delegated to it by the said Act, and to make such by-laws as the Director-General may deem to be necessary for promoting and maintaining the health of the Area and its inhabitants.

Default of
Local
Authority.

(3.) (i.) If the Local Authority fails to carry out the requirements of any Order in Council made under and in pursuance of this section within the time limited such Order in Council may be enforced by writ of mandamus, or the Director-General may himself do the act or thing, or cause it to be done, or otherwise enforce the provisions of such Order in Council, and may by order direct that all costs and expenses thereby incurred, including remuneration to any persons appointed by the Director-General in that behalf, shall be paid by the Local Authority.

A copy of an order made for the payment of such costs and expenses may be filed in the office of the Registrar of the Supreme Court, and may thereupon be enforced in the same manner as if the same were an order of that court.

For the purposes of this section the Director-General and any person appointed by him in that behalf shall have all the powers of such Local Authority and its officers other than (save as hereinafter provided) the power of levying rates.

(ii.) Any sum specified in an order for payment of such costs and expenses shall be deemed to be expenses properly incurred for and on behalf of the defaulting Local Authority and to be a debt due from it.

If the Local Authority refuses to pay any such sum within a period of thirty days after demand, the Governor in Council may from time to time empower the Director-General to make and levy a rate of sufficient amount to defray the debt so due from it and all costs and expenses incurred in consequence of the non-payment of such debt.

The Director-General when so empowered shall have the same powers of making and levying the rate as the Local Authority would have had in the case of a rate made by it.

After paying all sums of money so due, the surplus (if any) shall be paid by the Director-General to or to the order of the Local Authority.

(iii.) The Director-General may from time to time certify the amount of costs and expenses that have been incurred, or an estimate of the costs and expenses about to be incurred, by him or any persons appointed as aforesaid, and also the amount of any loan required to be borrowed for the purpose of defraying any such costs and expenses; and the certificate of the Director-General when confirmed by the Minister shall be conclusive as to all matters to which it relates.

Whenever the Director-General so certifies a loan to be required the Treasurer may advance to the Director-General the amount of the loan so certified to be required; and the Director-General may by any instrument duly executed charge the general fund with the repayment of the principal and interest due in respect of such loan, and every such charge shall have the same effect as if the Local Authority had itself obtained such loan.

The surplus (if any) of such loan, after payment of the costs and expenses aforesaid, shall, on the amount thereof being certified by the Director-General, be repaid to the Treasurer.

(iv.) The term "expenses" includes all sums payable by or by the order of the Director-General.

(4.) When in carrying out the provisions of this section any medical certificate is necessary, such certificate may, in the absence of a medical officer of health, be signed by any medical practitioner, and shall for all such purposes be as good, valid, and effectual as if signed by a medical officer of health.

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Central
Government.*Regulation
of sewerage,
drainage,
&c., by
Governor in
Council.

10. (1.) The Governor in Council may, on the recommendation of the Director-General, by Order in Council prohibit within a time to be specified in the order—

(i.) The carrying-off of sewage and/or drainage into—

(a) A watercourse or stream (whether subject to tidal influence or not), or

(b) Any stream or watercourse in which sewage and/or drainage is already being carried off (whether subject to tidal influence or not), or

(c) Any drain, open or underground channel, or open water channel, or water table in any road, or

(d) Any sewer, or drain, or open or underground channel, or open water channel, or water table in any road in which sewage and/or drainage is already being carried off, or

(e) Covered places ; or

(ii.) The disposal of sewage and/or drainage by works of subsurface irrigation,

and thereupon it shall be the duty of the Local Authority to make, and within the time specified in the order, such other provision for sewerage and/or drainage as is specified, and also to take such temporary measures as may be directed to be taken in the same or any other Order in Council.

(2.) If the Local Authority makes default in compliance with any such order within the time limited therein the Director-General may, and without any further or other direction by the Governor in Council, do and execute all such acts, matters, or things as are required to be done or executed by such Order in Council.

(3.) All costs and expenses incurred by the Director-General under and in pursuance of this section shall upon the order of the Director-General be paid by the Local Authority.

(4.) Any order made by the Director-General upon the Local Authority for the payment of costs and expenses incurred by him under and in pursuance of this section

may be enforced in the manner provided in section nine of this Act, and the provisions of the said section nine shall be applicable to all such costs and expenses.

General
power to
make
Orders in
Council.

11. The Governor in Council may from time to time make all such Orders in Council as he thinks fit for the further or more effectually or particularly carrying out the objects and purposes of this Act, and without limiting the aforesaid provisions any such Order in Council may be made for facilitating proof of any document or matter, or for extending periods of time, and for curing irregularities, and substituting new for lost or destroyed documents.

Generality of
powers to
make Orders
in Council
not affected
by specific
powers to
make Orders
in Council.

12. (i.) The generality of any provision of this Part of this Act relating to the making of Orders in Council shall not be qualified or affected by any provision of this Act giving power to make Orders in Council with regard to any subject-matters in such provision specified.

Publication
of Proclama-
tions, Orders
in Council,
and orders.

(ii.) Every Proclamation and Order in Council made under this Act, and every order made by the Director-General under this Act and directed to the Local Authority, shall be published in the *Gazette*.

(iii.) Where under this Act the Governor in Council has power to make any Proclamation or Order in Council, he shall have power to make one or more Proclamations or Orders in Council as appears to him necessary or expedient in the circumstances, and either at one and the same time or from time to time.

Amending or
rescinding
Orders in
Council, &c.

(iv.) The Governor in Council may by another Proclamation or Order in Council amend or rescind any Proclamation or Order in Council made under this Act.

Misnomer,
&c., not to
prejudice.

(v.) No misnomer or inaccurate description or omission contained in any such Proclamation or Order in Council shall in any wise prevent or abridge the operation of this Act with respect to the subject of such description provided the same is designated so as to be understood.

(vi.) No Proclamation or Order in Council purporting to be made under this Act shall be deemed invalid on account of any non-compliance with any of the matters required by this Act as preliminary to the same.

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*Health Act.*PART II.—
GENERAL
POWERS.*Division I.—
Central
Government.*

(vii.) All Proclamations and Orders in Council made or purporting to be made under this Act when published in the *Gazette* shall have the same force and effect as if they were enacted in this Act and shall be judicially noticed, and shall not be questioned in any proceedings whatsoever, and such publication shall be conclusive evidence of the power and authority to make the Proclamation or Order in Council so published and of all matters contained therein.

13. (1.) (i.) Every regulation made by the Director-General under the provisions of this Act shall be subject to the approval of the Governor in Council.

*Regulations
to be
approved by
the Governor
in Council
and laid
before
Parliament.*

(ii.) Regulations (whether made by the Director-General or otherwise under the authority of this Act) may, subject as otherwise provided in this Act, impose a penalty not exceeding fifty pounds for any breach thereof, and may provide for the suspension or cancellation of any license, certificate, or approval upon conviction or successive convictions of an offence or offences against this Act or the regulations.

(iii.) Except where otherwise provided by regulation all regulations shall be of general effect and in force throughout the State :

Provided that a regulation may provide that the same and/or any other regulation or regulations shall have effect only in respect of the case prescribed thereby and/or in the part of the State or Area or Areas prescribed thereby.

(iv.) Except where otherwise provided by regulation all regulations shall be and continue of full force and effect until the same are repealed or amended under this Act :

Provided that a regulation may provide that the same and/or any other regulation or regulations shall be and continue of force and effect for the time prescribed therein only.

(v.) Where the same subject-matter is covered both by a regulation and by a by-law of a Local Authority, such by-law shall be and be deemed to be suspended during the period for which such regulation remains in force.

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GENERAL
POWERS.

Health Act.

1 GEO. VI. No. 31,

Division I.—
Central
Government.

(vi.) Every regulation made or purporting to have been made under this Act shall be published in the *Gazette*, and shall upon publication be of the same force and effect as if it were enacted in this Act and shall be judicially noticed, and shall not be questioned in any proceedings whatsoever.

(vii.) The publication in the *Gazette* of any such regulation shall be conclusive evidence of the power and authority to make the same and of all matters therein contained.

Regulations
may be
made on
passing of
Act.

(2.) Any such regulation may be made on the passing of this Act.

Proclama-
tions, Orders
in Council,
and
regulations
to be laid
before
Parliament.

(3.) All Proclamations, Orders in Council, and regulations made under this Act, and all orders made by the Director-General under this Act and directed to the Local Authority, shall be laid before the Legislative Assembly within fourteen days after the publication thereof in the *Gazette* if Parliament is in session; or, if not, then within fourteen days after the commencement of the next session.

If Parliament passes a resolution disallowing any such Proclamation, Order in Council, regulation, or order, of which resolution notice has been given at any time within fourteen sitting days of such House after such Proclamation, Order in Council, regulation, or order has been laid before it, such Proclamation, Order in Council, regulation, or order shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the power to make any further or other Proclamation, Order in Council, regulation, or order.

For the purpose of this subsection the term "sitting days" shall mean days on which the House actually sits for the despatch of business.

Orders of
Director-
General
when
confirmed
binding.

14. Subject to the right of appeal hereinafter mentioned, all orders made by the Director-General in pursuance of this Act and directed to the Local Authority or any regulation shall when confirmed by the Minister be binding and conclusive in respect of the matters to which they refer, and shall be published in the *Gazette*

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*Health Act.*PART II.—
GENERAL
POWERS.

and in such other manner as the Director-General may direct; but no such order shall have any such effect until so confirmed:

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Central
Government.

Provided that any Local Authority aggrieved by any order of the Director-General directed to it may address a memorial to the Governor in Council stating the grounds of its complaint; and the Governor in Council may after due inquiry make such order in the matter as to him seems just.

Division II.—Director-General.

Division II.—
Director-
General.

15. (1.) (i.) The Director-General may from time to time cause to be made such inspections, investigations, and inquiries as he thinks fit in relation to any matters concerning the public health in any place, or concerning any matters with respect to which his sanction, approval, or consent is required by this Act, and the Director-General shall from time to time cause to be made such inspections, investigations, and inquiries as are directed by the Governor in Council or by this Act.

Director-
General
may cause
inspections,
&c., to be
made.

(ii.) The Director-General may make orders as to the costs of inspections, investigations, and inquiries or proceedings instituted by, or of appeals to, him under the provisions of this Act, and as to the parties by whom, or the fund out of which, such costs shall be borne.

Costs.

When any such order has been confirmed by the Minister and published in the *Gazette*, a verified copy thereof may be filed in the office of the Registrar of the Supreme Court, and may thereupon be enforced in the same manner as if it were an order of that court.

Copy of
order to be
filed in
Supreme
Court.

(iii.) When any inspection, investigation, or inquiry is directed to be made by the Governor in Council or the Director-General, the person directed to make the same shall for the purposes of making such inspection, investigation, or inquiry have and may exercise all the powers, authorities, and jurisdiction of a commission under **"The Official Inquiries Evidence Acts, 1910 to 1929,"* and may enter and inspect any building, premises, or place the entry or inspection whereof appears to him requisite for the purposes of such inspection, investigation, or inquiry.

Power of
persons
directed to
make
investiga-
tions.

* 26 Geo. V. No. 26 and amending Act, *supra*, pages 748 *et seq.*

PART II.—
GENERAL
POWERS.

Health Act.

1 GEO. VI. NO. 31,

Division II.—
Director-
General.
Forms.

(2.) The Director-General may from time to time make regulations prescribing forms of notices, licenses, certificates, permits, and other documents for the purposes of this Act, and such forms as so prescribed, or forms to the like effect, shall be used in all cases to which they respectively apply.

The Local Authority shall without fee supply such forms to any person who applies for the same.

Schedule B.

The forms in Schedule B of this Act, or forms to the like effect, shall be used for the purposes for which they are respectively applicable, but the Director-General may at any time or from time to time make regulations amending any such form or substituting a new form in lieu thereof.

Powers of
Director-
General in
default of
Local
Authority.

16. (1.) When the Director-General is satisfied that a Local Authority has made default in doing any act or thing which under the provisions of this Act it is its duty to do, or in enforcing any of the provisions of this Act which it is its duty to enforce, or has not exercised any power conferred upon it by this Act, the Director-General may make an order directing the Local Authority to do its duty in the matter within a time limited by the order.

If such duty is not performed in the time limited, the order may be enforced in the manner provided in section nine of this Act, and the provisions of the said section nine shall be applicable to all costs and expenses incurred in enforcing such order.

(2.) When in carrying out the provisions of this section any medical certificate is necessary, such certificate may, in the absence of a medical officer of health, be signed by any medical practitioner requested so to do by the Director-General, and shall for all such purposes be as good, valid, and effectual as if signed by a medical officer of health.

Power of
Director-
General
to act in
emergencies.

17. (1.) In any emergency, of which the Director-General shall be the judge, the Director-General, in addition to all other functions, duties, powers, authorities, and jurisdiction vested in him by this Act, may, and shall when directed by the Governor in Council by Order in Council so to do, exercise, undertake, and perform any or all of the functions, duties, powers, and authorities delegated to or vested in or imposed upon the

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*Health Act.*PART II.—
GENERAL
POWERS.*Division II.—
Director-
General.*

Local Authority by the Local Government Act or this Act, and may give such orders and directions and/or make such regulations, and do such other acts, matters, or things as he shall deem necessary or expedient or as are in his judgment calculated to safeguard the health and well-being of the people, and/or to overcome such emergency, and/or to remove or abate the cause or causes of such emergency, whether express authority, power, or jurisdiction is conferred upon him or upon the Local Authority by this Act and/or the Local Government Act or not.

(2.) All costs and expenses incurred by the Director-General under and in pursuance of the provisions of this section shall upon the order of the Director-General be paid by the Local Authority, or by the Local Authorities if more than one concerned, and in the latter case in such proportions as the Director-General by his order may direct.

(3.) Any order made by the Director-General upon a Local Authority for the payment of costs and expenses incurred by him under and in pursuance of this section may be enforced in the manner provided in section nine of this Act, and the provisions of the said section nine shall be applicable to all such costs and expenses.

(4.) When in carrying out the provisions of this section any medical certificate is necessary, such certificate may, in the absence of a medical officer of health, be signed by any medical practitioner requested so to do by the Director-General, and shall for all such purposes be as good, valid, and effectual as if signed by a medical officer of health.

18. (1.) Any person aggrieved by the decision of a Local Authority in any case in which the Local Authority is empowered to recover any expenses incurred by it, may within twenty-one days after notice of such decision address a memorial to the Director-General stating the grounds of his complaint, and shall deliver a copy thereof to the Local Authority.

Power to
make order
on memorial
of party
aggrieved
by decision
of the Local
Authority.

(2.) The Director-General may make such order in the matter as to him seems just.

(3.) Any proceedings that have been commenced for the recovery of such expenses by the Local Authority shall on the delivery to the Local Authority of the copy of the memorial be stayed.

(4.) The Director-General may if he thinks fit by order direct the Local Authority to pay to the person so proceeded against such sum as he considers to be a just compensation for the loss, damage, or grievance sustained by such person.

Division III.—Local Authority.

19. The Local Authority of any Area within which or part of which any regulations or orders of the Director-General are in force shall if required by him superintend and see to the execution thereof, and shall do and provide all such acts, matters, and things as may be necessary for superintending or aiding in the execution of such regulations or orders as the case requires.

20. Every medical officer of health shall make an annual report to the Local Authority in such form as the Director-General may direct in relation to the public health of the Area and its inhabitants, and every Local Authority shall make an annual report to the Director-General in the form directed by him in relation to the public health of the Area and its inhabitants.

The Local Authority shall transmit copies of such annual reports of its medical officer of health to the Director-General.

Every annual report so made to the Local Authority and a copy of every annual report so made by the Local Authority shall be open to inspection at the office of the Local Authority concerned.

21. (1.) A Local Authority shall have power to institute proceedings in respect of any act or omission whereby or in consequence of which a nuisance arises by the pollution of any river or watercourse (whether subject to tidal influence or not) within or passing through its Area, or passing along the boundaries thereof, against any other Local Authority or person, whether such pollution arises within or without the Area of such first-mentioned Local Authority and may take such steps as are deemed necessary to abate such nuisance, and may recover the expenses incurred in so doing from the Local Authority or person by whose act or omission such nuisance has been occasioned.

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—Local
Authority.

(2.) A Local Authority or Local Authorities may, with the approval of the Governor in Council to be signified by Order in Council, carry out any work in any river or watercourse (whether subject to tidal influence or not) within or passing through the Area or Areas of such Local Authority or Local Authorities, or passing along the boundaries thereof, for the purpose of preventing or removing the pollution of any such river or watercourse or of abating any nuisance arising therefrom. For this purpose the provisions of Part IX. of the Local Government Act shall be applied.

No Order in Council under this subsection shall be made until the Local Authority shall first have been given at least one month's notice of the intention to make such Order, so as to enable any Local Authority concerned to make representations to the Minister in reference to the proposal.

22. (1.) A Local Authority may, and when required by order of the Director-General shall, appoint a medical practitioner as medical officer of health, and also such analysts, inspectors, and other officers as may be necessary for the due execution of the provisions of this Act and the regulations and by-laws.

Appoint-
ment,
remunera-
tion, and
duties of
officers of
Local
Authorities.

Such medical officer of health shall be paid such remuneration by way of a retaining fee or otherwise, being not less than ten pounds for any year, as the Local Authority thinks fit. Such analysts, experts, inspectors, and other officers shall be paid such remuneration by way of fees or otherwise as may be prescribed by any award made under and in pursuance of **"The Industrial Conciliation and Arbitration Acts, 1932 to 1936"* (or any Act amending or in substitution for the same), or by an award pursuant to the †*Commonwealth Conciliation and Arbitration Acts 1904 to 1934* (or any Act amending or in substitution for the same), or, if there is no such award, as may be fixed by the Local Authority.

(2.) Such medical officer of health and such analysts, inspectors, or other officers shall perform such duties as the Local Authority from time to time directs, and also such as are specially prescribed by any order addressed by the Director-General to the Local Authority.

* 23 Geo. V. No. 36 and amending Acts, *supra*, pages 14266 *et seq.*

† See Commonwealth Act No. 13, 1904, and amending Acts.

Division III.
—*Local*
Authority.

(3.) The Local Authorities of two or more contiguous Areas may with the approval of the Director-General join in the appointment of a medical officer of health, analyst, inspector, or other officer, and in directing the duties to be performed by such officers, and in remunerating them.

(4.) Every appointment by a Local Authority or Local Authorities of a medical officer of health, or analyst, or inspector shall be subject to the approval of the Director-General, who may require satisfactory proof of competency to be supplied to him, and may give his approval absolutely or with any modification as to the period of appointment or otherwise.

(5.) If a Local Authority does not appoint or join in appointing a medical officer of health, analyst, inspector, or other officer within such time as the Director-General may by order direct, or within thirty days after the occurrence of a vacancy in such office, the Director-General with the approval of the Governor in Council may appoint such medical officer of health, analyst, inspector, or other officer, and also fix a reasonable amount for his remuneration, which, in the case of a medical officer of health, shall not be less than ten pounds for any year, and the remuneration so fixed shall be a charge upon the general fund, and shall be paid to the officer by the Local Authority, and in default of payment may be recovered by him by action in any court of competent jurisdiction.

If such appointment is made by the Director-General for two or more contiguous Areas, he shall also fix the proportion of remuneration to be paid by each Local Authority concerned.

(6.) No appointment made under this section shall be cancelled, nor shall the medical officer of health, or analyst, or inspector, or other officer so appointed be removed from his office or have his remuneration reduced without the approval of the Director-General.

Removal of
officers.

23. The Director-General may by order remove any medical officer of health, analyst, inspector, or other officer of a Local Authority appointed for the purposes of this Act.

No person so removed shall be eligible for re-appointment without the previous approval of the Director-General.

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POWERS.*Division III.*
—Local
Authority.

When a person is removed under the provisions of this section the Director-General may by order require the Local Authority to fill the vacancy as hereinbefore provided, and if the Local Authority makes default in so doing the Governor in Council may upon the recommendation of the Director-General appoint a successor to the person so removed.

No person so appointed shall have his remuneration reduced or be removed by the Local Authority without the previous approval of the Director-General.

24. A State analyst may with the approval of the Director-General be appointed by a Local Authority to be its analyst: provided that in every such case the whole of the remuneration paid to him as analyst or expert of the Local Authority shall by him be forthwith transmitted to the Director-General for payment into the Consolidated Revenue Fund.

State
analyst
may act as
analyst of
Local
Authority.

Every analyst of a Local Authority shall furnish a report to the Local Authority once at least in every three months showing the number of articles analysed or examined by him during the last preceding three months, the result of each analysis or examination, and the sum paid to him in respect thereof.

Quarterly
and annual
report of
analyst.

Such report shall be presented at the next meeting of the Local Authority.

Every Local Authority shall thereupon transmit to the Director-General a certified copy of such report.

Every State analyst shall make a similar report once at least in each year to the Director-General.

25. The medical officer of health shall, in addition to the powers conferred on him by this Act, have all the powers of an inspector of the Local Authority.

Medical
officer of
health to
have powers
of inspectors.

26. A payment made to a medical practitioner in pursuance of this Act shall not disqualify that practitioner from serving and voting as a member of a Local Authority.

Non-dis-
qualification
of medical
practitioner
by receipt of
fees.

Division IV.
—Appointment
of
Officers
under and
for the
Purposes of
the Act.
Appoint-
ment of
officers.

Division IV.—Appointment of Officers under and for the Purposes of the Act.

27. (1.) The Governor in Council may from time to time appoint such medical directors (who shall be medical practitioners), medical inspectors (who shall be medical practitioners and experts in sanitary science), health officers (who shall be medical practitioners), public vaccinators (who shall be medical practitioners), dentists, analysts, engineering inspectors, sanitary engineers, inspectors, nurses, and other officers as he thinks necessary.

The Governor in Council may if he thinks fit assign Areas or parts of Areas to any such officers.

Regulations
as to
competency
of officers.

(2.) The Director-General may from time to time make regulations with respect to the qualifications of inspectors, analysts, and other officers to be appointed by the Governor in Council or the Local Authority under and for the purposes of this Act, and requiring that before appointment they shall give by examination or otherwise satisfactory evidence of their competency.

General
powers and
duties of
officers.

(3.) Every medical director, every medical inspector, and every health officer shall subject to the Director-General have and may exercise all the powers vested in, and shall perform and be subject to all the duties and liabilities imposed upon him in respect of his office under the provisions of this Act, and every medical inspector shall have and may exercise all the powers vested in, and shall perform and be subject to all the duties and liabilities imposed upon a medical officer of health of the Local Authority in respect of his office under the provisions of this Act.

Officer may
attend
meetings of
Local
Authority.

(4.) An officer authorised by the Director-General in that behalf may attend any meeting of a Local Authority or of any committee thereof.

Registration
of analysts.

28. (1.) The Director-General may make regulations prescribing the qualifications which shall entitle the holder thereof to be registered as an analyst under and for the purposes of this Act.

(2.) Regulations made under this section may provide for the method of determining (and whether by examination or otherwise) whether any applicant for registration as an analyst possesses the prescribed

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qualifications, and may prescribe forms of application for registration or renewal of registration as an analyst, the period of registration or renewal of registration, fees for examinations for registration and/or for renewal of registration, the particulars to be contained in and the method of verification of applications for registration or renewal of registration, the conditions upon which registration may be suspended or cancelled, and the method of proving that any person is or is not registered as an analyst.

Division IV.
—Appoint-
ment of
Officers
under and
for the
Purposes of
the Act.

(3.) This section shall not apply to persons appointed as State analysts.

(4.) No person shall be or be deemed to be an analyst under and for the purposes of this Act unless—

- (i.) Such person is a duly appointed State analyst ;
or
- (ii.) Such person is duly registered as an analyst under this section.

PART III.—PREVENTION, NOTIFICATION, AND TREATMENT
OF DISEASE.

PART III.—
PREVENTION,
NOTIFICATION,
AND
TREATMENT
OF DISEASE.

Division I.—Notification of Disease.

29. The following diseases shall be and be deemed to be notifiable diseases, namely:—Ancylostomiasis (hookworm), anthrax, bilharziasis, cholera, “coastal fever,” diphtheria, dysentery (amœbic), dysentery (bacillary), encephalitis lethargica, filariasis, lead poisoning, leprosy, leptospirosis (Weil’s disease, paraweil’s disease, seven-day fever), malaria, meningitis (cerebro-spinal), “Mossman fever,” plague (bubonic or pneumonic), poliomyelitis (acute anterior), puerperal fever, puerperal pyrexia (which shall be taken to mean any febrile condition other than puerperal fever occurring in a woman within fourteen days after childbirth or miscarriage, in which a temperature of one hundred point four degrees Fahrenheit (thirty-eight degrees Centigrade) or more has been sustained during a period of twenty-four hours or has recurred during that time), relapsing fever, “Sarina fever,” scarlet fever or scarlatina, small-pox (including amaas or alastrim), tuberculosis (all forms), typhoid fever (including paratyphoid fevers), typhus fever (including rural and urban forms and

Division I.—
Notification
of Disease.
Notifiable
diseases.

Japanese river fever), undulant (Malta) fever, yellow fever, venereal diseases as defined in section five hereof, and any other disease which the Governor in Council from time to time by notification in the *Gazette* declares to be a notifiable disease under this Act either generally or with respect to any particular place.

30. (1.) Whenever in any premises any person is found to be suffering from any notifiable disease or from any sickness the symptoms of which raise a reasonable suspicion that it may be a notifiable disease, the following provisions shall apply:—

- (a) Upon the day on which the occupier of the premises becomes aware of the nature of the disease of which the patient is sick or is suspected to be sick, he shall give notice thereof to the Local Authority;
- (b) If the occupier fails to give such notice, he shall be liable to a penalty not exceeding five pounds;
- (c) The clerk of the Local Authority shall immediately report in writing to the Director-General every notice received from an occupier under this section;
- (d) Every medical practitioner who attends upon or is called in to visit the patient shall, upon the day on which he becomes aware of the nature of the disease or suspected disease inform the occupier and give notice to the Director-General and to the Local Authority thereof;
- (e) The medical superintendent or medical officer of any hospital or institution, or if there is no medical superintendent or medical officer the person in charge of such hospital or institution, shall upon the day on which he becomes aware of the nature of the disease or suspected disease give notice thereof to the Director-General and to the Local Authority;
- (f) Every such notice as aforesaid to the Director-General and to the Local Authority shall be given by the person concerned in writing in such form as the Director-General may from time to time prescribe;

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PREVENTION,
NOTIFICATION,
AND
TREATMENT
OF DISEASE.

(g) Any person required to give notice under and pursuant to this subsection who fails so to do shall be liable to a penalty not exceeding twenty pounds.

Division I.—
Notification
of Disease.

(2.) The Director-General shall pay to every medical practitioner for each certificate duly sent by him to the Director-General in accordance with the requirements of the foregoing section such fee as the Minister may from time to time fix but not exceeding two shillings and six pence if the case occurs in the medical practitioner's private practice.

Fee for
certificate.

(3.) Any person who neglects to report to the Director-General any case of small-pox or plague, or any disease resembling small-pox or plague, immediately on the existence of such disease coming to his knowledge shall be liable to a penalty not exceeding fifty pounds.

Cases of
small-pox or
plague to be
reported to
Director-
General.*Division II.—Notification of Births.*Division II.—
Notification
of Births.

31. (1.) In this Division, unless the context indicates otherwise, the following terms shall have the meanings set against them respectively, that is to say:—

Interpre-
tation.

“Baby clinic”—Includes a branch clinic service; Baby clinic.

“Birth of an infant”—Shall mean and include the birth of an infant, whether born alive or dead, and whether prematurely or at full time, but shall not apply in the case of the delivery of a non-viable foetus;

Birth of an
infant.

“District registrar”—The Registrar-General and/or any district registrar, or any acting or assistant registrar of births, deaths, and marriages appointed under **“The Registration of Births Deaths and Marriages Act of 1855”* (or any Act amending the same).

District
registrar.

(2.) (i.) In any Area or part of an Area defined by the Governor in Council by Proclamation published in the *Gazette* within which there is now or hereafter established a baby clinic, there shall be forwarded to the district registrar within the Area concerned a notification of the birth of any infant (whether legitimate or illegitimate) occurring in such Area.

Notification
of birth to be
forwarded
to district
registrar.

*Division II.—
Notification
of Births.*
When to be
forwarded.

(ii.) Such notification shall be forwarded to the district registrar within a period of seventy-two hours after the birth.

Birth in
hospital, &c.

(3.) Where the birth occurs in any public or private hospital or other public or private institution, such notification shall be forwarded by the matron or other person in charge of such hospital or institution or the person in charge of the portion of such hospital or institution in which the birth occurs.

Birth
otherwise
than in
hospital, &c.

(4.) If the birth occurs elsewhere than in any public or private hospital or other public or private institution a notification shall be forwarded—

- (i.) By the midwife or person performing the duties of midwife in attendance upon the mother, at the time of or within six hours after the birth ; or
- (ii.) If there be no midwife in attendance by the medical practitioner in attendance upon the mother, at the time of or within six hours after the birth ; or
- (iii.) If there be no doctor or midwife in attendance, by the father of the infant if residing in the house where the birth takes place at the time of the occurrence : or if the father is dead, or if the father is not residing in the house where the birth takes place, at the time of the occurrence by the occupier (other than the mother) of the house.

Delivery of
notification.

(5.) The notification shall be given by delivering the same to the district registrar or by posting same in a prepaid letter addressed to the district registrar concerned, and such notification shall be in the prescribed form or to the like effect.

Form.

Duty of
district
registrar.

(6.) The district registrar shall within twenty-four hours of the receipt of such notification transmit the same or the contents of the same to the nurse in charge of the baby clinic within the Area.

Penalty.

(7.) Any person who neglects or fails to comply with the provisions of this Division shall be liable to a penalty not exceeding twenty shillings to be recovered in a summary way.

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(8.) Any notification under this Division shall be in addition to and not in substitution for registration under **“The Registration of Births Deaths and Marriages Act of 1855”* (or under any Act amending the same) and notification of any birth under †*“The Infant Life Protection Act of 1905”* (or any Act amending the same).

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Notification
of Births.*

Notification
under this
Act to be in
addition to
registration
under “*The
Registration
of Births
Deaths and
Marriages
Act of 1855.*”

Regulations.

(9.) The Director-General may from time to time make regulations prescribing the forms to be used and any other act, matter, or thing necessary or convenient for giving full effect to the provisions of this Division and for the due administration thereof.

Division III.—Infectious Disease.

*Division III.—
Infectious
Disease.*

Infectious
diseases.

32. The following diseases shall be and be deemed to be infectious diseases, namely:—Cholera, diphtheria, leptospirosis (Weil’s disease, paraweil’s disease, seven-day fever), malaria, plague (bubonic or pneumonic), puerperal fever, puerperal pyrexia (which shall be taken to mean any febrile condition occurring in a woman within fourteen days after childbirth or miscarriage, in which a temperature of one hundred point four degrees Fahrenheit (thirty-eight degrees Centigrade) or more has been sustained during a period of twenty-four hours or has recurred during that time), relapsing fever, scarlet fever or scarlatina, small-pox (including amaas or alastrim), typhoid fever (including paratyphoid fevers), typhus fever (including rural and urban forms and Japanese river fever), yellow fever, and also any other disease which the Governor in Council on the recommendation of the Director-General from time to time or at any time by notification in the *Gazette* declares to be an infectious disease within the meaning of this Act, either generally or with respect to any particular place.

33. The Director-General may from time to time make all such regulations as he shall deem necessary or expedient for the purpose of—

Regulations
with respect
to infectious
diseases.

- (a) Preventing the outbreak or occurrence of any infectious disease; and/or

* 19 Vic. No. 34, *supra*, page 3268.

† 5 Edw. VII. No. 19, *supra*, page 166.

- (b) Suppressing any infectious disease ; and/or
- (c) The treatment of persons affected or suspected of being affected with any infectious disease, and/or the treatment of persons who are carriers or suspected to be carriers of any infectious disease.

Without limiting the generality of the foregoing provisions the regulations may provide for all or any of the following matters :—

- (i.) For the cleansing and disinfection of bedding, clothing, and other articles which have been exposed to infection from any infectious disease ;
- (ii.) For the cleansing and disinfecting of houses or parts thereof and of articles and things therein ;
- (iii.) For the disinfection of second-hand wearing apparel and second-hand books and periodicals in the possession of persons carrying on business as dealers in such articles before any such articles are sold or otherwise disposed of by such dealers ;
- (iv.) For the cleansing, disinfection, and sterilisation of the implements, tools, and utensils of barbers, and generally for regulating and controlling the sanitary conduct of the business of a barber ;
- (v.) For prescribing the means by which such cleansing and disinfection shall be performed, and the equipment, apparatus, materials, and attendance which shall be provided, and, where considered necessary, the means by which the fact of disinfection having been carried out may be certified ;
- (vi.) For house-to-house visitation and inspection of houses and premises, of the occupants thereof, and the articles and things therein, and also of any sanitary conveniences, out-buildings, yards, drains, sewers, and land or premises connected therewith ;
- (vii.) For requiring persons to submit themselves to medical examination at specified times and places, or otherwise ;

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NOTIFICATION,
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TREATMENT
OF DISEASE.*Division III*
—Infectious
Disease.

- (viii.) For the removal to and detention in isolation hospitals or other places provided by the Local Authority and/or the safe and proper isolation of persons infected or suspected of being infected with infectious disease, and for prescribing the measures to be employed in respect of dealings with fæcal or other discharges from such persons, and with articles or things liable to carry infection from them ;
- (ix.) For prescribing the details of construction and situation and the class or description of sanitary conveniences which alone may be used on any premises or class of premises ;
- (x.) For prohibiting the construction or use of cesspits, and for prescribing the means by which existing cesspits shall be cleansed and their contents disposed of ;
- (xi.) For prescribing measures for the protection and purification of domestic water supplies, and for the prevention of pollution thereof, the proper construction of tanks and cisterns for such supplies so as to ensure purity of water and prevent breeding and infestation of insect or other life, and the periodical cleansing of such tanks and cisterns ;
- (xii.) For prohibiting expectoration on any footpath, or on the floor or sides of any public building or public conveyance ;
- (xiii.) For declaring rats, mice, or other vermin, or any specified form of insect life to be noxious : and for directing that Local Authorities and owners and occupiers of premises shall adopt such measures as are prescribed for the purpose of destroying such vermin or insect life, and preventing their breeding and preventing their access to premises, and destroying, removing, and preventing the accumulation of any articles, matters, or things which provide or are likely to provide harbourage or food for the same : and for authorising the Director-General or Local Authority to act for any owner or occupier in default, and in addition to any other remedy recover from him any expense incurred in so doing ;

- (xiv.) For regulating and controlling the sanitary conduct of the manufacture or renovation of flock, mattresses, beds, pillows, cushions, and upholstery: for the cleansing, disinfection, and sterilisation of all such articles and of materials entering into their composition: and for the prescribing of standards for such articles and materials.

Isolation
hospitals.

34. (1.) For the purposes of enabling the Local Authority to execute the duties and responsibilities imposed upon it by this Act or any regulation made thereunder, or by any order or direction of the Governor in Council or of the Director-General for or in respect of the isolation and treatment of persons affected or suspected to be affected with infectious disease, or of persons who are carriers or suspected to be carriers of infectious disease, the Local Authority is hereby empowered and authorised to, and shall if required by the Director-General by order so to do—

- (i.) Erect, maintain, and manage isolation hospitals; and/or
- (ii.) Contract for the use of any hospital or part of any hospital as an isolation hospital; and/or
- (iii.) Enter into an agreement with any body having the management of an isolation hospital upon payment of such annual or other sum as may be agreed on, or as, in case of disagreement, may be settled by the Director-General by his order; and/or
- (iv.) Provide temporary isolation places.

Buildings,
&c., to be
approved
by Director-
General.

The site, size, and plans of every such isolation hospital or temporary isolation place provided by a Local Authority and any extension thereof shall be subject to the approval of the Director-General.

Director-
General
may require
committee
of public
hospital to
enter into
arrange-
ments with
Local
Authority.

(2.) The Director-General may by order from time to time require the governing body of any hospital within the meaning of **"The Hospitals Act of 1936"* to enter into an agreement with a Local Authority, or with two or more Local Authorities, for the isolation and treatment in the isolation hospital of such hospital of persons affected or suspected to be affected with any infectious disease, or of persons who are carriers or suspected to be carriers of any infectious disease.

* 1 Geo. VI. No. 4, *supra*, page 15782.

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Every such agreement shall be subject to the approval of the Director-General.

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—Infectious
Disease.

Any dispute arising with respect to any matter relating to any such agreement shall be referred to the Director-General, who shall by an order finally decide thereon.

35. For the purpose of enabling the Director-General to execute the duties and responsibilities imposed upon him by this Act or any regulation made thereunder, or by any order or direction of the Governor in Council for or in respect of the isolation and treatment of persons affected or suspected to be affected with infectious disease, or of persons who are carriers or suspected to be carriers of infectious disease, the Director-General may, with the approval of the Minister—

Power of
Director-
General as
to isolation
hospitals.

- (i.) Enter into an agreement with the Local Authority for the use of any isolation hospital or temporary isolation place provided by the Local Authority under this Act ; and/or
- (ii.) Erect, maintain, and manage isolation hospitals ; and/or
- (iii.) Provide temporary isolation places.

36. (1.) In any case where a person refuses to enter an isolation hospital or temporary isolation place, any justice may upon the application of the Director-General or the Local Authority and upon the production of a certificate of a health officer or of a medical officer of health or of a medical practitioner certifying that such person is affected or suspected to be affected with an infectious disease, or is a carrier or suspected to be a carrier of an infectious disease, order such person to be removed to any isolation hospital or temporary isolation place.

Power to
take persons
affected
&c. with
infectious
diseases to
isolation
hospital.

(2.) Such order may be addressed to a member of the Police Force or to some officer of the Local Authority, and shall be sufficient authority for the member of the Police Force or officer of the Local Authority to whom same is so addressed to take the person named therein to an isolation hospital or such temporary isolation place, and for the person in charge of such hospital or place to detain the person so taken there for such period as is necessary for the purposes of his proper isolation and treatment.

(3.) The cost of executing any order made under the authority of this section shall be discharged by the Local Authority.

(4.) Any person who resists or obstructs, or who incites any other person to resist or obstruct, the execution of any order made by a justice under the authority of this section, or who attempts so to do, shall be guilty of an offence and liable to a penalty of not more than ten pounds.

Detention
of infected
person
without
proper
lodging in
hospital by
order of
police
magistrate.

37. Any police magistrate, upon proper cause shown to him, may make an order directing the detention in hospital at the cost of the Local Authority of any person affected with any infectious disease who is then in a hospital and would not on leaving the hospital be provided with lodging or accommodation in which proper precautions could be taken to prevent the spreading of the disease by such person.

Any such order may be limited to some specific time, but with full power to any police magistrate to enlarge such time as often as may appear to him to be necessary.

Any officer of the Local Authority, or member of the Police Force, or any officer of the hospital on any such order being made may take all necessary measures and do all necessary acts for enforcing the execution thereof.

Cleansing
and
disinfection
of premises,
&c.

38. (1.) The Local Authority may at any time upon the report of its medical officer of health or of any medical practitioner cause the occupier or owner of any premises or part of any premises situated within the Area to cleanse and disinfect such premises and/or any articles therein or thereon.

Cleansing
and
disinfection
of houses,
&c.

(2.) For the purposes of giving effect to subsection one of this section the Local Authority shall give notice to the owner or occupier of the premises or part of the premises concerned requiring him to cleanse and disinfect such premises or part thereof and/or any articles therein or thereon within the time specified in such notice to the satisfaction of the medical officer of health.

(3.) If the person to whom notice is so given fails to comply therewith he shall be liable to a daily penalty not exceeding ten shillings, and the Local Authority shall cause such premises or part thereof and

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articles to be cleansed and disinfected, and may recover the expenses incurred by it in so doing from the owner or occupier in default.

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—*Infectious*
Disease.

(4.) When the owner or occupier of any such premises or part thereof is unable, in the opinion of the Local Authority, effectually to carry out the requirements of this section, the Local Authority may cleanse or disinfect such premises or part thereof or articles and itself defray the expenses of so doing.

39. The Local Authority may, and when required by the Director-General shall—

Power of
Local
Authority
as to
disinfection,
&c.

- (1) Direct the destruction of any bedding, clothing, or other articles which have been exposed to infection from any infectious disease ;
- (2) Direct the destruction of any building or structure infected with any infectious disease which has been certified by its medical officer of health to be incapable of proper disinfection ;
- (3) Provide a proper place with all necessary apparatus and attendance for the disinfection of bedding, clothing, or other articles which have become infected, and cause any articles brought for disinfection to be disinfected free of charge ;
- (4) Provide and maintain vehicles and vessels suitable for the conveyance of persons affected or suspected to be affected with infectious disease, or who are carriers or suspected to be carriers of infectious disease, and pay the expense of conveying therein any such person to an isolation hospital or other temporary isolation place.

40. In any case where any building or structure or any article or thing has been destroyed under the provisions of this Part of this Act, the owner shall receive compensation from the Director-General or the Local Authority, as the case may be, but the amount of compensation shall not exceed one-half of the actual value of the building or structure so destroyed, or an amount equal to the actual current value of articles or things of the same description as the articles or things so destroyed.

Compensa-
tion.

Division III.
—Infectious
*Disease.*Exposure of
infected
persons and
things.

41. (1.) Any person who—

- (i.) While affected with any infectious disease or being a carrier of any infectious disease knowingly exposes himself, without proper precautions against spreading the disease, in any street, shop, inn, or public conveyance, or enters any public conveyance without previously notifying to the owner, conductor, or driver thereof that he is so affected ; or
- (ii.) Being in charge of any person so affected, so exposes such person ; or
- (iii.) Gives, lends, sells, transmits, or exposes, without previous disinfection, any bedding, clothing, or other thing which has been exposed to infection from any such disease,

shall be liable to a penalty not exceeding twenty pounds.

(2.) Any person who, while affected with any infectious disease or being a carrier of any infectious disease, enters any public conveyance without previously notifying to the owner or driver that he is so affected shall in addition be ordered by the justices to pay such owner and driver the amount of any expense and loss they may respectively incur in carrying into effect the provisions of this Act with respect to disinfection of the conveyance :

Provided that no proceedings shall be taken against persons transmitting with proper precautions any bedding, clothing, or other things for the purpose of having the same disinfected.

Disinfection
of public
conveyance.

(3.) Every owner or driver of a public conveyance shall immediately provide for the disinfection of such conveyance after it has to his knowledge conveyed any person affected with any infectious disease or being a carrier of any infectious disease ; if he fails to do so he shall be liable to a penalty not exceeding twenty pounds.

No such owner or driver shall be compelled to convey any person so affected until such person has paid a sum reasonably sufficient to cover any loss or expense to be incurred in carrying into effect the provisions of this section.

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42. (1.) Any person who knowingly lets for hire any premises or any part of any premises in which any person affected with any infectious disease has resided, without having such premises or part, and all articles therein liable to retain infection, disinfected to the satisfaction of the medical officer of health or of a medical practitioner, as testified by a certificate signed by him, shall be liable to a penalty not exceeding twenty pounds.

Division III.
—Infectious
Disease.Letting
premises
in which
infected
persons have
been
lodging.

For the purposes of this section any licensed victualler within the meaning of **The Liquor Acts, 1912 to 1935*” (or of any Act amending or in substitution for those Acts) who lets to any person any room in his licensed premises shall be deemed to let for hire part of such premises to such person.

(2.) Any person who lets for hire, or shows for the purpose of letting for hire, any premises or any part of any premises in which resides, or within six weeks previously has resided, any person affected with any infectious disease, shall inform any person negotiating for the hire of such premises or part of the fact of a person so affected being or having been therein, and if he wilfully fails to do so shall be liable to a penalty not exceeding twenty pounds, or to be imprisoned with or without hard labour for any period not exceeding one month.

Persons
letting
houses
making false
statement
as to
infectious
disease.

(3.) Every person who ceases to occupy any premises or any part of any premises in which within six weeks previously any person affected with any infectious disease has resided—

Ceasing to
occupy
houses
without
previous
disinfection
or giving
notice to
owner
making false
answers.

(a) Without having such premises or part and all articles therein likely to retain infection disinfected to the satisfaction of the medical officer of health or of a medical practitioner, as testified by a certificate signed by him, or without first giving to the owner of such premises or part notice of the previous existence of such infectious disease; or

(b) Being questioned by the owner thereof, or by any person negotiating for the hire of such premises or part as to the fact of there having within six weeks previously been therein any

* 3 Geo. V. No. 29 and amending Acts, *supra*, pages 5527 *et seq.*

Division III.
—Infectious
Disease.

person suffering from any infectious disease, knowingly makes a false answer to such question,

shall be liable to a penalty not exceeding ten pounds.

Infectious
rubbish
thrown into
ash-pits, &c.,
to be
disinfected.

43. Any person who knowingly casts, or causes or permits to be cast, into any ash-pit, ash-tub, or other receptacle for the deposit of refuse matter any infectious rubbish without previous disinfection shall be liable to a penalty not exceeding twenty pounds.

Temporary
shelter, &c.

44. The Local Authority shall from time to time provide, free of charge, temporary shelter or house accommodation with any necessary attendants for the members of any family in which any infectious disease has appeared, who have been compelled to leave their dwelling for the purpose of enabling such dwelling to be disinfected by the Local Authority.

Special
provisions in
respect of
typhoid
carriers.

45. (1.) Where any medical practitioner gives a certificate in writing that any person is suspected of being a typhoid carrier—that is to say, a person in any of whose body discharges the bacillus associated with typhoid fever and known as the *bacillus typhosus* is occasionally or constantly found, and who does not show clinical evidence of typhoid fever—the following provisions shall apply:—

(2.) A police magistrate or any two justices may order such person to be detained at the cost of the Local Authority for any period not exceeding three weeks in a hospital within the meaning of **The Hospitals Act of 1936*” or other suitable place for the purposes of bacteriological investigations, and it shall be lawful to make such investigations.

(3.) If thereafter such person is found to be a typhoid carrier to the satisfaction of the Director-General, the Director-General may require him to register his name, address, and occupation in the office of the Director-General and for such period as he may fix to forthwith report to the Director-General any change of such address or occupation; and thereupon for any failure so to report such change of address or occupation such person shall be liable to a penalty not exceeding fifty pounds or to be dealt with by isolation as next hereinafter provided.

* 1 Geo. VI. No. 4, *supra*, page 15782.

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Disease.*

(4.) Moreover, the Governor in Council, on the recommendation of the Director-General, may from time to time order that any person found to be a typhoid carrier to the satisfaction of the Director-General shall be isolated and detained under such conditions, in such place, and for such time as shall be named in such order, and may extend or vary such order from time to time or at any time terminate its operation, and thereafter, if found necessary, renew such order. And every such order shall be sufficient warrant for the apprehension, if necessary, and for the isolation and detention of the person named therein.

46. If a vessel arrives in Queensland on board of which small-pox exists at the time of arrival or on board of which small-pox has occurred within forty days previous to arrival, the Director-General may cause every person who may be landed from such vessel in Queensland to be vaccinated or re-vaccinated.

Special
provisions
with respect
to small-pox.

Any person landing in Queensland from such vessel who refuses, after notice to that effect, to submit to be vaccinated or re-vaccinated or to permit any child in his custody to be vaccinated or re-vaccinated shall be liable to a daily penalty not exceeding ten shillings.

47. (1.) No person shall knowingly send to or allow to attend at any school any child who then is or within the space of eight weeks has been suffering from scarlet fever, diphtheria, or any other disease to which this section may from time to time be extended by the Governor in Council by Order in Council unless there is previously presented to the head teacher a written certificate from a medical practitioner stating that such child is free from such disease and infection, and that the clothing of such child is similarly free from risk of conveying infection.

Provisions
as to school
children.

No teacher shall knowingly admit to any school any child in contravention of this section.

(2.) Where any case of scarlet fever, diphtheria, or any other disease to which this section has been extended as aforesaid is reported to the Local Authority as occurring at any house from which any child is known or is believed by the clerk of such Local Authority to be in attendance at a school within the Area, such clerk shall give immediate notice in writing of such case to the head teacher of such school.

(3.) Whenever any infectious disease occurs or is suspected to have occurred amongst children attending any school, any medical officer of health, or any medical practitioner, registered nurse, or other officer authorised in writing for the purpose by the Director-General, may enter any house and examine all or any of the persons or children found in or residing at such house for the purpose of ascertaining whether such persons or children are in an infectious condition, and all persons concerned shall permit such examination.

(4.) When any case of infectious or notifiable disease or of any of the following diseases, namely, measles, whooping cough, chicken pox, German measles, mumps, scabies, ringworm, acute ophthalmia, trachoma, or impetigo occurs in any school the head teacher or other the person in charge of such school shall within seven days after such occurrence first comes to his knowledge forward a notification thereof to the Director-General.

(5.) The Minister may provide for the medical and dental inspection of pupils in schools, and for that purpose may employ medical officers, dentists, nurses, and such other persons as may be found necessary.

All pupils attending school shall be subject to such inspection.

(6.) When in his opinion it is necessary so to do for the purpose of the prevention or suppression of any disease, the Director-General may make an order closing any school or schools designated in such order.

No such order shall have any force or effect unless and until the same is confirmed by the Minister, but forthwith upon the confirmation thereof by the Minister any such order shall have the force of law and shall be obeyed by all persons concerned :

Provided that the Director-General may from time to time by another order, which also shall be subject to confirmation by the Minister, repeal, vary, or amend any order made by him under this subsection.

(7.) Any medical director, medical officer, dentist, nurse, inspector, or other person authorised in that behalf by the Director-General may enter any school and there make such inspection of the pupils and/or examination of the premises as shall have been directed by the Director-General or prescribed.

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OF DISEASE.

Every person concerned shall permit and aid in such inspection and/or examination.

Division III.
—*Infectious
Disease.*

Every such notification and the envelope containing same shall be endorsed with the words "School Medical Service."

(8.) Any person who contravenes or fails to comply with any provision of this section shall be liable to a penalty not exceeding five pounds.

*Division IV.—Vaccination.*Division IV.
—*Vaccination*

48. The Governor in Council may from time to time by Proclamation declare that this Division IV. of this Part of this Act shall be in force in any Area or part of an Area.

Application
of Division
IV.

49. (1.) (i.) The Director-General with the approval of the Governor in Council may from time to time appoint a place or places for the performance of vaccination in any Area or part thereof in which the provisions of this Part of this Act are in force. The fact of every such appointment shall be notified in the *Gazette* and in some newspaper.

Appointment
of places for
the purposes
of
vaccination.

(ii.) The Director-General shall cause effectual means to be taken for giving all persons resident within such Area or part thereof notice of the times at which the public vaccinator will attend there to vaccinate all persons not already successfully vaccinated who may then appear there, and also to inspect the progress of such vaccination in the persons so vaccinated.

(2.) The Director-General shall supply to all public vaccinators and medical practitioners sufficient glycerinated calf lymph or other proper lymph for the purpose of vaccination.

Lymph, &c.,
to be
supplied by
Director-
General.

He shall also supply to them and to every registrar and deputy registrar of births, marriages, and deaths the forms relating to vaccination prescribed by this Act to be used.

(3.) (i.) The parent of every child born in such Area or part thereof shall within six months after the birth of such child cause the said child to be vaccinated by the public vaccinator for the Area or part thereof in which the child is resident, or by a medical practitioner,

Children
to be
vaccinated.

or shall notify to such public vaccinator that he is willing to have the said child vaccinated at such time and place as may be arranged, unless such child has previously been vaccinated by some medical practitioner or by some other public vaccinator in Queensland.

(ii.) The public vaccinator shall thereupon, or as soon after as it may conveniently and properly be done, vaccinate the child.

(iii.) The public vaccinator shall if the parent so requires visit the home of the child for the purpose of vaccinating the child.

(iv.) If a child is not vaccinated within four months after its birth the public vaccinator, after at least twenty-four hours' notice to the parent, shall visit the home of the child and shall offer to vaccinate the child with glycerinated calf lymph, or such other lymph as may be supplied by the Director-General.

(v.) The public vaccinator shall not vaccinate a child if in his opinion the condition of the house in which it resides is such, or there is or has been such a recent prevalence of infectious disease in the Area that it cannot be safely vaccinated, and in that case shall give a certificate of postponement of vaccination as hereinafter provided, and shall forthwith give notice of any such certificate to the medical officer of health for the Area.

(vi.) Notwithstanding any regulation of any lying-in hospital or infirmary or other similar institution, the parent of any child born in any institution shall not be compelled under such regulation or otherwise to cause or permit the child to be vaccinated at any time earlier than the expiration of six months from its birth.

Examination
after
operation.

(4.) No child shall be deemed to have been vaccinated unless such child is after the operation examined by a public vaccinator or medical practitioner for the purpose of ascertaining the result of the operation, and no certificate of successful vaccination shall be given unless or until such subsequent examination has been so made.

Unfitness of
the child for
vaccination.

(5.) If the public vaccinator or medical practitioner is of opinion that the child is not in a fit or proper state to be successfully vaccinated, he shall forthwith deliver

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—Vaccination

to the parent a certificate under his hand in the following form, or to the like effect :—

I, the undersigned, hereby certify that I am of opinion that aged _____ the child of _____ in the _____ of _____ is not now in a fit and proper state to be successfully vaccinated, and I do hereby postpone the vaccination of such child until the _____ day of _____

[*This must not exceed two months from the date of this certificate.*]

Dated this _____ day of _____ 19 .

A.B.,

Public Vaccinator [*or Medical Practitioner.*]

MEMO.—This is to be kept by the parent or other person to whom it is given.

Such certificate shall remain in force for two months and shall be renewable for successive periods of two months until a public vaccinator or medical practitioner considers the child to be in a fit state for successful vaccination, when the child shall with all reasonable despatch be vaccinated.

(6.) At or before the end of each successive period the parent shall submit the child to such public vaccinator or medical practitioner, who shall then examine the child and give the certificate aforesaid so long as he considers requisite under the circumstances of the case. Successive certificates.

(7.) If a public vaccinator or medical practitioner finds that a child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the parent a certificate under his hand, and the parent shall not thereafter be required to cause such child to be vaccinated. Child not susceptible of successful vaccination.

Such certificate shall be in the following form, or to the like effect :—

I, the undersigned, hereby certify that I have times unsuccessfully vaccinated _____ age _____ the child of _____ of _____ in the _____ of _____ [*or that the child has already had small-pox as the case may be*], and I am of opinion that such child is insusceptible of successful vaccination.

Dated this _____ day of _____ 19 .

A.B.,

Public Vaccinator [*or Medical Practitioner.*]

MEMO.—This is to be kept by the parent or other person to whom it is given.

Division IV.
—Vaccination
Certificates
of successful
vaccination
to be
delivered.

(8.) Immediately after the successful vaccination of a child the public vaccinator or medical practitioner who has performed the operation or ascertained the same to have been successfully performed shall deliver to the parent a certificate under his hand, and shall also within twenty-one days thereafter transmit a duplicate of the said certificate to the nearest registrar or deputy registrar of births, marriages, and deaths.

Such certificate shall be in the following form, or to the like effect:—

I, the undersigned, hereby certify that
the child of _____ in the _____
has been successfully vaccinated by me. _____ aged
of _____

Dated this _____ day of _____ 19 .

A.B.,

Public Vaccinator [*or* Medical Practitioner].

NOTE.—This certificate is to be given to the parent or other person procuring the vaccination, and a duplicate thereof is to be transmitted within twenty-one days to the nearest registrar or deputy registrar of births, deaths, and marriages.

Public
vaccinator
not to
charge for
vaccination
or
certificates.

(9.) No fee or remuneration shall be charged by a public vaccinator to the parent for any certificate or duplicate certificate given nor for any vaccination performed in pursuance of this Act.

Registrar to
keep a
register of
cases of
successful
vaccination.

(10.) Every such registrar and deputy registrar shall keep a register of the persons of whose successful vaccination a certificate has been transmitted to him by a public vaccinator or medical practitioner.

He shall at all reasonable times allow searches to be made in any such register, and shall give a copy certified under his hand of any entry in the same on payment of the fee of one shilling.

A copy of such entry purporting to be given by such registrar or deputy registrar shall without further proof be admissible as evidence of the successful vaccination of the child named therein.

Notice to be
given of the
requirement
of
vaccination
and penalty
on failure.

(11.) Every such registrar and deputy registrar shall within twenty-one days after the registration in his office of the birth of any child not already vaccinated cause notice in writing to be given or sent by post or otherwise to the parent of such child.

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PREVENTION,
NOTIFICATION,
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OF DISEASE.Division IV.
—Vaccination.

Such notice shall be in the following form, or to the like effect :—

Notice to Vaccinate.

I, the undersigned, hereby give you notice that you are required to have the child [*insert name of child*] whose birth is now registered, vaccinated within six months from the date of its birth, pursuant to the provisions and directions of "*The Health Act of 1937*," and that in default of your doing so you will be liable to a penalty of five pounds, unless within four months from the date of the birth of the child you file with me a statutory declaration made before a justice of the peace that you conscientiously believe that vaccination would be prejudicial to the health of the child.

If you intend to apply to the public vaccinator I have to inform you that he will attend at [*name of place*], at the hour of [*time*], on [*date*], or if you so require he will visit your home at a time to be arranged between himself and you.

Dated this day of 19 .
C.D.,

Registrar [*or Deputy Registrar*] of Births, Deaths, and Marriages.

Every parent who fails to observe the requirements of such notice shall be liable to a penalty not exceeding five pounds :

Provided that no parent shall be liable to any such penalty if within four months from the birth of the child he files in the office of such registrar or deputy registrar a statutory declaration under his hand made before a justice of the peace that he conscientiously believes that vaccination would be prejudicial to the health of the child in respect of whom the notice aforesaid has been given.

Such declaration shall be in the following form, or to the like effect :—

I, of , do hereby declare that I am the [*state whether parent or guardian*] of , who was born on the day of 19 ; and that I conscientiously believe that vaccination would be prejudicial to the health of the said child.

And I make this declaration under and by virtue of the provisions of the *"*Oaths Act of 1867*."

Taken before me this day of , 19 .
A.B., (Signed) E.F.,
J.P. Parent [*or Guardian*].

Forthwith upon the filing of a declaration under the provisions of this section, such registrar or deputy registrar shall deliver or transmit to the person making the same a certificate in the following form, or to the like effect :—

I, the undersigned, do hereby certify that
of _____, the parent [*or guardian*] of _____, who
was born on the _____ day of _____, 19____, has
this day filed in my office a statutory declaration that he conscientiously
believes that vaccination would be prejudicial to the health of the
said child.

Dated at _____ this _____ day of _____ 19____.

A.B.,

Registrar [*or Deputy Registrar*] of Births, Deaths, and Marriages.

Every such certificate purporting to be signed by such registrar or deputy registrar shall be received in evidence upon production thereof without further proof.

Registrar to
report to
police where
vaccination
is
neglected.

(12.) Every such registrar and deputy registrar shall on or before the eighth days of January, April, July, and October in each year, forward to the officer in charge of the nearest police station a list of all cases in which certificates of successful vaccination or statutory declaration as aforesaid have not been received by him during the last preceding three months, and such officer of police shall forthwith make inquiry into the circumstances of the cases contained in such list, and, if he finds that the provisions of this Act have been neglected, shall cause proceedings to be taken against the persons in default.

Refusal to
sign, deliver,
or transmit
certificates,
&c.

(13.) Every public vaccinator or medical practitioner who refuses or neglects to deliver any certificate required of him under the provisions of this Act to the parent submitting a child for vaccination, or who neglects to transmit to such registrar or deputy registrar the duplicate of any certificate required by the provisions of this Act to be by him so transmitted completely filled up and legibly written within the time hereinbefore specified, and every such registrar and deputy registrar who neglects to duly transmit any notice or list prescribed to be transmitted by him shall be liable to a penalty not exceeding five pounds.

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*Health Act.*PART III.—
PREVENTION,
NOTIFICATION,
AND
TREATMENT
OF DISEASE.*Division V.—Hookworm (Ancylostomiasis).*

50. (1.) (i.) The Local Authority may from time to time make a house-to-house visitation in such part or parts of its Area as may from time to time be defined by the Director-General to be a locality or localities affected or likely to be affected with hookworm.

*Division V.—
Hookworm
(Ancylos-
tomiasis).*
Provisions
respecting
hookworm.

(ii.) The Local Authority shall have power and authority to and shall cause an examination to be made of all persons residing in the aforesaid locality or localities. Such examination shall include the taking of necessary specimens.

(2.) Any health officer or the medical officer of health, if he has reason to believe that any premises are affected with hookworm, shall have power and authority to and may visit and examine such premises and all persons found or residing thereon or therein, and all such persons shall permit and aid such examination.

(3.) In any case where any person affected or suspected to be affected with hookworm has refused to submit specimens for pathological examination, or has refused to undergo or has been prevented by any cause from undergoing or is unable from any cause to undergo treatment for hookworm, the Director-General or health officer or inspector or the Local Authority may by notice cause such person to be removed to and detained in an isolation hospital or temporary isolation place within the meaning of section thirty-four or section thirty-five of this Act.

Any person who fails to comply with any such notice shall be guilty of an offence.

(4.) (i.) Any person who is undergoing isolation and treatment for hookworm in an isolation hospital or temporary isolation place under the provisions of this section shall not leave or attempt to leave such isolation hospital or temporary isolation place until he is discharged in writing therefrom by the medical superintendent or medical officer of such isolation hospital or temporary isolation place.

(ii.) Upon the discharge of any such patient as aforesaid, the medical superintendent or medical officer of such isolation hospital or temporary isolation place shall furnish a certificate in writing to the Local Authority that such person is free from hookworm.

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PREVENTION,
NOTIFICATION,
AND
TREATMENT
OF DISEASE.

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*Division V.—
Hookworm
(Ancylos-
tomiasis).*

(iii.) Any person who removes or attempts to remove, or counsels, procures, or abets the removal of any person detained in an isolation hospital or temporary isolation place under this section shall be guilty of an offence.

(5.) The Director-General may make regulations with respect to the examination, isolation, restriction, detention, and treatment of persons found to be affected with or found likely to be affected with hookworm.

(6.) The Local Authority shall furnish such information or reports as the Director-General may require or direct with regard to the incidence of hookworm in its Area or in the part or parts of its Area as may have been defined by the Director-General under this section to be a locality or localities affected by or likely to be affected by hookworm, and of measures taken by the Local Authority to enforce this section.

(7.) Any person who offends against any of the provisions of this section shall be liable to a penalty not exceeding twenty pounds.

*Division VI.
—Leprosy.*

Division VI.—Leprosy.

Incidence of
this Division.

51. (1.) The provisions dealing with the treatment of leprosy and the detention and isolation of lepers are hereunder set forth.

Appoint-
ment of
lazarets.

(2.) The Governor in Council may, by Proclamation appoint any place to be a lazaret for the reception and medical treatment of lepers.

Any such place so appointed prior to the commencement of this Act shall be a lazaret for the purposes of this Act.

Leprosy to
be reported.

(3.) When there is reason to believe that any person in any house or premises is suffering from leprosy, the householder or occupier or, if there is no occupier then the owner, of the house or premises shall immediately report the case in writing to the Director-General.

And when any case of leprosy or supposed leprosy comes under the observation of a medical practitioner, he shall forthwith report the case in writing to the Director-General.

If any person by this section required to make a report fails to do so as hereby required, he shall be liable to a penalty not exceeding one hundred pounds.

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OF DISEASE.

(4.) The Director-General shall, upon report being made to him that any person is suffering from leprosy, cause investigation to be made by one or more medical practitioners, and upon being satisfied that the person is suffering from that disease may by order under his hand direct that such person be removed to and detained in a lazaret.

Division VI.
—*Leprosy.*
Removal of
lepers.

If any person so ordered to be removed and detained wilfully refuses to obey the order, or escapes or attempts to escape from a lazaret, or from the custody of the person charged with his removal, he may, with such necessary force as the case may require, be removed and brought to, or retaken and brought back to, the lazaret.

(5.) All lepers so detained shall be safely kept by the attendant or attendants duly appointed for that purpose within the limits of the lazaret and under the care, inspection, and supervision of a medical officer appointed for that purpose, and no other person shall enter within the limits of the lazaret without the authority of the Director-General.

Detention of
lepers.

(6.) A report upon the condition of all lepers detained in a lazaret shall be furnished by the medical officer to the Director-General at such times as he may direct. In the event of the death of a leper detained in a lazaret, notice of the death shall be given forthwith by the medical officer to the Director-General.

Reports of
condition or
death of
lepers.

(7.) If the Director-General is satisfied that a person detained in a lazaret or a person ordered to be removed to a lazaret is apparently free from leprosy he may release such person on parole, and such person so on parole shall report for examination by clinical and bacteriological methods at such times and at such places as the Director-General may appoint.

Release of
persons in
lazaret on
parole.

If any person so on parole fails to attend for such examination at any time and place so appointed by the Director-General such failure shall be deemed to cancel his parole, and he may without any further or other order be removed to or detained in a lazaret.

(8.) Any person who wilfully disobeys or obstructs the execution of an order made under this Act, or who trespasses within the limits of a lazaret, or improperly communicates or interferes with any person detained therein, shall be liable to a penalty not exceeding twenty pounds and not less than ten pounds.

Penalty for
obstruction.

Division VI.
—Leprosy.
Validation of
previous
action.

(9.) Every person who, before the commencement of this Act, has been detained by the authority of the Minister as a leper in any place appointed for that purpose by the Minister, shall be deemed to have been lawfully detained.

Detention in
places not
proclaimed
lazarets.

(10.) When a person who is suffering from leprosy has sufficient means to provide for his proper maintenance and attendance by a medical practitioner, the Governor in Council may direct that instead of removing him to a lazaret he shall be removed to some place to be specially appointed by the Governor in Council for that purpose, and be there detained under such supervision and treatment as the Governor in Council may direct. All the provisions of this section relating to lazarets shall apply to every place in which a person suffering from leprosy is ordered to be so detained.

Contacts.

(11.) The Director-General may direct any person reasonably suspected by him to have been in contact with any other person suffering from leprosy to submit himself for examination by clinical and bacteriological methods at such times and at such places as the Director-General may appoint.

If any person so directed to submit himself for examination as aforesaid fails so to do he may with such necessary force as the case may require be examined in manner aforesaid.

Order *prima*
facie
evidence.

(12.) Any document purporting to be an order signed by the Minister or by the Director-General under the authority of this section shall in all proceedings be admissible without further proof as *prima facie* evidence that such order was duly made in pursuance of this section.

Regulations.

(13.) The Director-General may make regulations for the purpose of carrying this section into effect.

Any person who wilfully disobeys or acts in violation of the regulations, or who resists or wilfully obstructs any person in the lawful exercise of any authority conferred by this section, or who, without lawful excuse, neglects or disobeys an order made under the provisions of this section, shall be liable to a penalty not exceeding twenty pounds.

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*Health Act.*PART III.—
PREVENTION,
NOTIFICATION,
AND
TREATMENT
OF DISEASE.*Division VII.—Tuberculosis.*

52. The Director-General may make regulations with respect to the examination, isolation, restriction, detention, treatment, and welfare of persons found to be affected or likely to be affected with tuberculosis in any form.

Division VII.—Tuberculosis.

Regulations in respect of tuberculosis.

Division VIII.—Venereal Disease.

53. The Director-General may from time to time make regulations for the following purposes with respect to any venereal disease :—

Division VIII.—Venereal Disease.

Regulations as to venereal disease.

- (a) Prescribing the forms of notification to be used in notifying cases of venereal diseases ;
- (b) The treatment at hospitals and otherwise of venereal diseases ;
- (c) The establishment, management, and control of dispensaries or other places for treatment of venereal diseases ;
- (d) The examination by clinical and bacteriological methods, and by specified tests of persons suspected of being infected with venereal disease, and for requiring such persons to submit themselves to such examination at specified times and places ;
- (e) Requiring prostitutes to submit themselves for examination by any Government medical officer or other medical practitioner appointed for the purpose at such places and at such times as may be prescribed ;
- (f) Regulating the sale or supply of drugs recognised in the treatment of venereal diseases ;
- (g) Prescribing the conditions and circumstances under which a certificate of apparent freedom from venereal disease may be granted ;
- (h) Preventing infection of others by persons suffering from venereal disease ;
- (i) Requiring the submission by medical practitioners of such returns or information as may be necessary, or as may be prescribed, for the proper administration of the provisions of this Act and/or of the regulations made thereunder relating to venereal disease.

54. (1.) No person other than a medical practitioner, or a person acting under the direct instructions of a medical practitioner, shall attend upon or prescribe for any person, whether male or female, for the purpose of curing, alleviating, or treating venereal disease, whether such person is in fact suffering from such disease or not.

Any person who contravenes this subsection shall be liable to a penalty not exceeding fifty pounds or to imprisonment for any period not exceeding six months.

This subsection shall not apply to—

- (a) The dispensing by a pharmaceutical chemist to or for the patient of a medical practitioner the written prescription of such medical practitioner, provided that such prescription shall be retained by such chemist; or
- (b) The prescription by any pharmaceutical chemist who, under a permit in writing from the Director-General (which permit the Director-General is hereby empowered to grant in any case where a medical practitioner is not available) prescribes any medicine or drug for any person suffering from such disease; or
- (c) The sale by any person who, under a permit in writing from the Director-General (which permit the Director-General is hereby empowered to grant in any case where a medical practitioner is not available), sells any proprietary medicine or drug to any person suffering from such disease: provided that such proprietary medicine or drug is approved of by the Director-General.

Consulting
medical
practitioner.

(2.) Every person, whether male or female, suffering from any venereal disease shall, within three days of his becoming aware or suspecting that he is so suffering, consult a medical practitioner thereon and place himself under treatment by such practitioner, and shall give his correct surname and christian name or names and place of abode and occupation and also any change of address whilst under such treatment to the medical practitioner, and any person who fails to consult a medical practitioner as aforesaid, or who refuses to state his name and place of abode and occupation, or who fails

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to state any change of address whilst under such treatment, or who states any false name or false place of abode, or false occupation or false change of address when questioned in such regard by a medical practitioner, shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

Every medical practitioner, upon being consulted by a person, whether male or female, suffering from venereal disease, shall, if he treats such person inquire of the person consulting him whether he or she has been previously under treatment by a medical practitioner for venereal disease, and, if so, shall thereupon send to the previous medical practitioner, if living within the State, a notification in the prescribed form advising that the patient has changed his or her medical adviser.

On any prosecution under this subsection it shall be a defence if the defendant proves—

- (i.) That he never was, to his knowledge, within the period of three days, within twenty miles of a medical practitioner; and
- (ii.) That he did within such period consult a medical practitioner by letter, and has followed, so far as possible, any advice given by such practitioner:

Provided that such proof shall afford no defence if it appears that at any time before the complaint was laid the condition set out in paragraph (i.) hereof has ceased to apply to the defendant, and he has not thereupon personally consulted and placed himself under treatment by a medical practitioner.

(3.) Every person, whether male or female, suffering from a venereal disease who has consulted and placed himself under treatment by a medical practitioner shall (until he has received a certificate that he is apparently free from venereal disease) personally attend or cause himself to be attended by a medical practitioner at the times hereinafter prescribed for the purpose of treatment and advice, and for any failure so to do shall be guilty of an offence and liable to a penalty not exceeding twenty pounds or to imprisonment for three months. In the case of primary or secondary symptoms of syphilis such attendances shall be made at least once in every two weeks during the continuance of such symptoms, and thereafter at least once in every

Patients to
keep under
treatment.

four weeks, or such longer period as may be arranged by the medical practitioner, and stated in writing to the patient, until the patient is certified to be apparently free from disease; and in the case of gonorrhœa such attendances shall be made at least once in every seven days during the acute symptoms as determined by the medical practitioner, and thereafter at least once in every fourteen days until the patient is certified to be apparently free from venereal disease; and in the case of chancroid disease such attendances shall be made at least once in every seven days until the patient is certified to be apparently free from venereal disease; and in the case of any other type of venereal disease such attendances shall be made as instructed by the medical practitioner.

Changing
medical
adviser.

(4.) If any such person at any time decides to change his medical adviser, or if the medical adviser of such person dies or for any reason is unable or unwilling to attend him further, then such person shall forthwith consult and place himself under the treatment of another medical practitioner, and immediately after doing so shall inform his new medical adviser of the name and address of his last previous medical adviser; and for any failure to comply with any provision of this subsection such person shall be guilty of an offence and liable to a penalty not exceeding five pounds.

Medical
practitioner
to report
cases under
treatment
by him.

(5.) Every medical practitioner shall forthwith give notice to the Director-General in the prescribed form when any person attended or treated by him is suffering from any venereal disease; and for any failure so to do shall be liable to a penalty not exceeding five pounds. The notice shall state the age, sex, occupation, and marital status of the patient and the nature of the disease, but shall omit the patient's name and address.

Name and
address of
patient to be
reported on
failure to
continue
treatment.

(6.) If any patient who has been attended or treated by a medical practitioner for a venereal disease fails to consult or attend such practitioner within the periods mentioned in subsection three of this section for the respective diseases therein stated, and the practitioner has not within such period received from another medical practitioner a notice that the patient has changed his medical adviser, then such first-mentioned practitioner after the lapse of ten days from the expiration of the periods respectively prescribed in the aforesaid subsection

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NOTIFICATION,
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TREATMENT
OF DISEASE.Division
VIII.—
Venereal
Disease.

three hereof shall send to the Director-General in the prescribed form a notice of the facts, and stating, in addition to the particulars required by the last preceding subsection, the name and address of the patient; and for any failure so to do shall be liable to a penalty not exceeding five pounds.

(7.) Every medical practitioner who attends or advises any patient for or in respect of any venereal disease from which the patient is suffering shall, by written notice delivered to the patient, direct such patient's attention to the contagious character of the disease, and to the legal consequences of infecting others, and shall by such notice warn the patient against contracting any marriage until the patient is certified as apparently free from venereal disease; and for any failure so to do shall be liable to a penalty not exceeding five pounds.

Medical
practitioners
to warn
patients of
dangers of
venereal
diseases.

(8.) If any patient persists in the intention to marry, despite the warning aforesaid, a communication made *bona fide* by the medical practitioner in attendance to the person to be married, or to the parent or guardian of such person, or to any officer of police, shall be absolutely privileged, and it shall be the duty of such officer of police to whom such communication has been made to take all such lawful steps as may be necessary to prevent such marriage.

Privilege.

(9.) When any such patient as aforesaid is apparently free from venereal disease, any medical practitioner shall on being satisfied of the fact give such patient a certificate that he is apparently free from venereal disease in the prescribed form, and forward to the Director-General a notification in the prescribed form of the issue of such certificate: provided that such certificate shall not be given to any female who is known to be a prostitute or who occupies, visits, or resides in any house which is used for the purpose of or in connection with prostitution. No person shall use any certificate of apparent freedom from venereal disease given under this subsection for the purpose of or in connection with prostitution.

(10.) The Director-General shall conduct free of charge any bacteriological or other examination which is required by any medical practitioner in connection with venereal diseases.

Bacterio-
logical
examination
free of
charge.

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VIII.—
Venereal
Disease.
Respons-
ibility of
parents and
guardians of
diseased
persons
under
sixteen.

(11.) When any person under the age of sixteen years is or becomes liable under this section to do or submit to any act, matter, or thing, any parent or guardian of such person, who knows that such person is so liable, shall exercise his authority and use his best endeavours to compel or induce such person to do or submit to such act, matter, or thing as aforesaid; and for any neglect so to do shall be liable to a penalty not exceeding ten pounds.

Any parent or guardian of any such person as aforesaid who knows or believes that such person has failed to comply with any provision of this Act with which he ought to have complied shall report the fact to the Director-General; and for any failure so to do shall be liable to a penalty not exceeding ten pounds.

Infecting
others with
venereal
disease.

(12.) Any person who knowingly infects any other person with any venereal disease shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any period not exceeding twelve months.

(13.) Every person who has been notified by a medical practitioner to the Director-General as suffering from venereal disease shall for the purposes of this Act be deemed to be so suffering until such time as the Director-General shall have received a certificate that such person is apparently free from venereal disease.

Marriage,
when a
nullity.

55. If a person whilst suffering from any venereal disease marries (whether before or after the commencement of this Act) without informing the other party to such marriage that such person is so suffering, and if such other party had not, before such marriage, become aware of such disease, such marriage may, on the application of such other party, be annulled if action is commenced within twelve months after marriage, and without resumption of marital intercourse after discovery thereof by such other party. The children of the marriage (if any) shall not be illegitimate.

Compulsory
examination
and
treatment.

56. (1.) Whenever the Director-General has received a statement signed by a medical practitioner or other person, in which shall be set forth the full name and address of the informant, that any person (whether male or female) is suffering from venereal disease, and the Director-General has reason to believe from evidence disclosed in the said statement that the person (named

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therein) is suffering from such disease, he may give notice, in writing, to such person requiring such person to consult a medical practitioner, and to produce to the satisfaction of the Director-General, within a time to be specified in the notice, a certificate of such medical practitioner that such person is or is not suffering from such disease; and if such certificate is not produced within the time stated in such notice, or if the Director-General is not satisfied with such certificate, he may, by warrant under his hand, authorise any medical officer of health or any medical practitioner to examine such person to ascertain whether such person is suffering from such disease, and the said medical officer or medical practitioner shall have power to examine the person accordingly, and shall report the result of his examination to the Director-General in writing.

A certificate signed by the Director-General that all conditions preliminary to the issue of a warrant under this section have been complied with shall be conclusive evidence of the facts therein set forth.

Any medical practitioner or other person who delivers or sends to the Director-General a statement that any person is suffering from venereal disease, knowing or having reason to believe that such statement is false, shall be liable to a penalty not exceeding fifty pounds.

(2.) When any Government medical officer, health officer, medical officer of health, or any medical practitioner certifies in writing that any person (whether male or female) is suffering from venereal disease (and for the purpose of this subsection any person having over fifty per cent. polymorphonuclear leucocytes in a urethral, cervix, or Bartholine gland smear may be considered at the discretion of the Director-General to be suffering from a venereal disease), the following provisions shall apply:—

Detention of
diseased
persons.

- (a) A police magistrate or the Director-General may order such person to be detained for any period not exceeding six weeks in a hospital or other suitable place for the purpose of bacteriological and other investigations, and it shall be lawful to make such investigations: the police magistrate making any such order shall advise the Director-General thereof by forwarding a copy of such order;

- (b) If thereafter such person is found to the satisfaction of the Director-General to be suffering from venereal disease, the Governor in Council on the recommendation of the Director-General may from time to time order that such person shall be detained under such conditions in such place and for such time as may be necessary to ensure that such person shall be cured or is apparently free from disease or as may be named in such order, and may extend or vary such order from time to time or at any time terminate its operation, and thereafter if found necessary renew such order: and every such order shall be sufficient warrant for the apprehension, if necessary, and for the removal and detention of the person named therein;
- (c) If such person is actually undergoing imprisonment in any prison within the State, the order under paragraph (a) hereof may be made by the visiting justice of the prison, and any order under paragraph (a) or paragraph (b) hereof shall have effect notwithstanding that it extends beyond the period of such person's imprisonment.

(3.) Every warrant or order issued under this section may authorise the use of such force as may be necessary to carry it into complete effect, and shall have effect according to its tenor, and all police officers shall on sight of the warrant or order aid and assist in its execution in so far as they may be requested so to do by any person to whom the warrant or order is directed.

(4.) Any person who contravenes this section by act or omission, or obstructs the carrying into effect of any warrant or order issued thereunder, or refuses to do or submit to anything which such person is by this section or by any such warrant or order required to do or submit to, shall be liable to a penalty not exceeding twenty pounds.

57. (1.) The Hospitals Board or Hospital Committee having the management and control of any hospital within the meaning of **"The Hospitals Act of 1936"* shall

Hospitals,
&c., to give
treatment.

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VIII.—
Venereal
Disease.

make effective provision for the examination and treatment, in accordance with regulations made by the Director-General (pursuant to the power which is hereby conferred upon him), of such persons or classes of persons suffering from venereal disease as the Director-General may by such regulations declare fit to be treated at or by such hospital.

(2.) Where no public hospital as aforesaid is within a suitable distance and patients are examined and treated by a medical practitioner, the Director-General shall, upon receipt of a claim for remuneration from such medical practitioner within three months after such examination and treatment, and upon receipt of full particulars regarding each case, including the name and address of the patient, pay a reasonable remuneration for such examination and treatment: provided that no such payments shall be made unless the Director-General is satisfied that the patient in question has not sufficient means to pay for examination and treatment.

58. (1.) All proceedings under any of the five last preceding sections in any court shall be heard *in camera*; and it shall be unlawful to publish in any newspaper a report of any such proceedings under a penalty, for the first offence, not exceeding one hundred pounds, or imprisonment with or without hard labour for any period not exceeding six months, and for any subsequent offence a penalty not exceeding five hundred pounds, or imprisonment with or without hard labour for any period not exceeding twelve months:

Proceedings
to be
in camera.

Provided that notwithstanding anything hereinbefore contained, the adjudicating court may authorise the publication in any newspaper or newspapers of any such proceedings as aforesaid, but provided further that such authorisation shall not be construed to permit any newspaper to publish any name or names other than the name or names of the defendants in such proceedings.

(2.) No person shall publish any statement which is intended by such person or any other person to promote the sale of any article as a medicine, instrument, or appliance for the alleviation or cure of any venereal disease or disease affecting the generative organs or functions or of sexual impotence, or of any complaint or infirmity arising from or relating to sexual intercourse or of female or menstrual irregularities.

Prohibition
of advertise-
ments of
cures of
certain
diseases.

And no person shall publish or cause to be published any statement indicating or suggesting that any person offers or is willing or has power to treat, attend upon, alleviate, or cure any such disease, complaint, or infirmity, or inviting or suggesting that any person should in any way be consulted by any other person for the purpose of any such treatment, attention, alleviation, or cure, or any examination for any of such purposes: provided always that nothing herein contained shall render any person liable for publishing or causing to be published any such statement if he can prove that at the time of the publication he was in possession of written authority signed by the Director-General authorising him to publish such statement.

Any person shall be deemed to have published a statement who—

- (a) So affixes or inscribes any statement on anything whatsoever that it is visible to persons being in or passing along any street, railway, or public place;
- (b) Delivers or offers or exhibits any statement to any person being in or passing along any street, pathway, public place, or public conveyance;
- (c) Throws any statement down the area or into the yard, garden, or enclosure of any house;
- (d) Exhibits any statement to public view in any house, shop, or place;
- (e) Prints or publishes or causes to be printed or published any statement in any newspaper;
- (f) Sells, offers, or shows or sends by post any statement to any person;
- (g) Sells any drug, medicine, instrument, appliance, or article upon which, or upon the package containing which, or upon any pamphlet, leaflet, book, or other literature accompanying or enclosing which, is written any statement;
- (h) Prints or writes or causes to be printed or written any statement on any handbill, bill-head, price-list, poster, or label, or on any wrapper, carton, or other means or substance enclosing a package, or on any description, testimonial, or printed matter accompanying or attached to a package.

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NOTIFICATION,
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VIII.—
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Disease.

The word "statement" includes any document, book, or paper containing any statement.

Books, documents, and papers published in good faith for the advancement of medical or surgical science are exempt from the provisions of this section.

Any contravention of this subsection shall be an offence against this Act.

(3.) Before any proceedings are taken under this section against any newspaper proprietor, printer, or publisher for printing or publishing any statement in a newspaper, the Director-General shall notify the proprietor, printer, and publisher of such newspaper that the publication of the matter complained of is an infringement of this section; and such proprietor, printer, or publisher shall not be liable to prosecution for an offence against this section except in respect of an offence of the same or a similar nature after such notification.

59. Every person who acts or assists in the administration of the provisions of this Act relating to venereal diseases shall preserve and aid in preserving secrecy with regard to all matters which come to his knowledge in his official capacity except in the performance of his duties; the Director-General at his discretion may give such information to another Government official or department as he considers necessary for the purposes of administering this Act. Secrecy.

Any person who contravenes this provision shall be liable to a penalty not exceeding fifty pounds.

60. (1.) Any person who—

Prostitutes,
&c.

- (i.) Being a prostitute, or known as or reputed or suspected to be a prostitute—
 - (a) Is in any public place, and behaves in a riotous, disorderly, or indecent manner, or
 - (b) Solicits or importunes for immoral purposes any person who is in any public place or within the view or hearing of any person therein;
- (ii.) Being a male person is proved to live with or to be habitually in the company of a prostitute or is proved to have exercised control, direction, or influence over the movements

of a prostitute in such a manner as to show that he is aiding, abetting, or compelling her prostitution with any person or generally ;

- (iii.) In any public place, solicits or importunes on behalf of any female for immoral purposes ;
- (iv.) Is the occupier of or resides in a house frequented by prostitutes,

shall be liable to a penalty not exceeding fifty pounds or to imprisonment for any period not exceeding six months :

Provided that in any prosecution under paragraph (ii.) hereof the wife of a person charged shall be a competent witness for the prosecution or defence, and without the consent of the person charged :

Provided further, that in any prosecution under paragraph (ii.) hereof it shall be a defence for the person charged to satisfy the court beyond reasonable doubt that he received no part of the earnings from prostitution received by the prostitute in respect of whom he is charged.

(2.) When a female is convicted of any offence included under paragraph (i.) of subsection one hereof, the court may—

- (a) Commit the female to be detained for any period not exceeding twelve months in an institution approved by the Governor in Council by Order in Council as a reformatory for the purposes of this section ; or
- (b) Impose a penalty or imprisonment as aforesaid ; or
- (c) By its sentence impose any of the above punishments and suspend the execution of such sentence upon such conditions as it thinks fit, which it shall embody in its recorded decision.

If any female whose sentence has been so suspended fails to observe any of such conditions she may be arrested by any police officer and brought before a court, and, on proof of such failure on her part being given to its satisfaction, the court may direct that the original sentence shall be put into force, and may give all orders and grant any warrants necessary for such enforcement.

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PREVENTION,
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TREATMENT
OF DISEASE.

(3.) For the purposes of this section—

“Public place” includes every road, and also every place of public resort open to or used by the public as of right: the term also includes—

*Division
VIII.—
Venereal
Disease.
Public place.*

- (a) Any vessel, vehicle, building, room, licensed premises, field, ground, park, reserve, garden, wharf, pier, jetty, platform, market, passage, or other place for the time being used for a public purpose or open to access by the public, whether on payment or otherwise, or open to access by the public by the express or tacit consent or sufferance of the owner, and whether the same is or is not at all times so open, and
- (b) Any place declared by the Governor in Council by Order in Council to be a public place for the purposes of this section.

(4.) Every person detained in a police gaol or prison shall, on admission, be examined for venereal disease by the visiting surgeon, and all such persons shall submit themselves to examination accordingly; and if clinical evidence shows that such person is suffering from venereal disease the visiting surgeon shall forthwith issue a certificate to that effect to the officer in charge of such gaol, or prison, and such officer shall forthwith forward such certificate to the visiting justice.

Division IX.—Industrial Hygiene.

*Division IX.
—Industrial
Hygiene.*

61. (1.) In addition to and without limiting the powers, authorities, and functions of the Director-General, and notwithstanding any Act or law to the contrary, but subject nevertheless to the Minister, the Director-General or any officer delegated by him in that behalf is hereby empowered and authorised to hold or conduct at any time any inquiry or investigation that the Director-General may consider necessary in respect of the health and well-being of employees in industry generally or in any particular industry, and to make recommendations to the Minister.

*Investiga-
tions, &c., by
Director-
General into
matters
affecting
industrial
hygiene.*

Without limiting the generality of the above provisions, the Director-General or delegated officer may inquire into and make recommendations concerning—

- (a) Ventilation, cleanliness, lighting, and standards of temperature according to the nature of the industry;

- (b) Safety devices ;
- (c) Accommodation for employees ;
- (d) Industrial diseases ;
- (e) Generally into such matters and things as in his opinion are conducive to the health and well-being of employees in industry generally, or in any particular industry.

When
Director-
General, &c.
to have
power of
commission.

(2.) For the purposes of this section, the Director-General or any officer to whom any such inquiry may be delegated by the Director-General shall be deemed to be a commission within the meaning of **“ The Official Inquiries Evidence Acts, 1910 to 1929,”* and all the powers, authorities, and protection afforded by that Act shall apply and extend to the Director-General or delegated officer.

For the purpose of making any such inquiry or investigation, the Director-General or delegated officer may at any time enter any land, factory, mine, workshop, or place where persons are employed, and may inspect the same or any part of it and all plant, machinery, and articles used in connection with it, and he may remove any such articles or portion of any such articles for the purposes of analysis and/or examination.

Division X.—
Infirmity.

Removal
of infirm
person to
institution.

Division X.—Infirmity.

62. (1.) Where a justice is satisfied on the application of the Local Authority that any person is—

- (a) Affected with tuberculosis ; or
- (b) Suffering from an incurable disease or infirmity ; or
- (c) Incapable of caring for himself,

and is without proper care, lodging, or accommodation, such justice may order such person to be removed to a hospital within the meaning of †*“ The Hospitals Act of 1936,”* or to a charitable institution within the meaning of ‡*“ The Charitable Institutions Management Act of 1885.”*

* 1 Geo. V. No. 26 and amending Acts, *supra*, pages 748 *et seq.*

† 1 Geo. VI. No. 4, *supra*, page 15782.

‡ 49 Vic. No. 8, *supra*, page 1096.

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OF DISEASE.Division X.—
Infirmity.

(2.) Such order may be addressed to a member of the Police Force or to some officer of the Local Authority, and shall be sufficient authority for the member of the Police Force or officer of the Local Authority to whom same is so addressed to take the person named therein to such hospital or charitable institution, and for the person in charge of such hospital or charitable institution to detain the person so taken there for the purposes of his proper care and treatment.

(3.) Any person who resists or obstructs or who incites any other person to resist or obstruct the execution of any order made by a justice under the authority of this section, or who attempts so to do, shall be guilty of an offence and liable to a penalty of not more than ten pounds.

Division XI.—Private Hospitals.

Division XI.
—Private
Hospitals
Interpreta-
tion.

63. In this Part of this Act—

“Private hospital”—Means any house, apartment, or premises which is used or intended to be used for the reception, care, and treatment of sick persons, or of women for the purposes of their lying-in or confinement, or of mental cases, or of mothers and/or infants, and which is not a hospital subject to **“The Hospitals Act of 1936”*;

Private
hospital.

“License”—A license granted under this Act and for the time being in force;

License.

“Registered nurse”—Means a nurse registered as a general nurse or midwifery nurse, or mental nurse, or child welfare nurse under †*“The Nurses and Masseurs Registration Acts, 1928 to 1933.”*

Registered
nurse.

64. No person shall without a license from the Minister erect or keep any private hospital and whether—

Private
hospitals to
be licensed.

(a) A general private hospital for the reception, care, and treatment of medical, surgical, and/or maternity cases; or

(b) A lying-in hospital for the reception, care, and treatment of maternity cases only; or

* 1 Geo. VI. No. 4, *supra*, page 15782.

† 19 Geo. V. No. 10 and amending Acts, *supra*, pages 12202 *et seq.*

- (c) A hospital for the reception, care, and treatment of mental cases only (other than cases in respect of persons who have been certified as insane pursuant to **"The Insanity Acts, 1884 to 1935"*); or
- (d) Any hospital for the reception, care, and treatment of mothers and/or infants.

Any contravention of this section shall be an offence.

Any offence committed against this section shall render the offender liable to a penalty not exceeding fifty pounds; and in addition liable to a daily penalty not exceeding five pounds for each and every day during which such offence is continued after a conviction therefor.

Persons who
may apply
for and hold
licenses.

65. No person shall be entitled to apply for or hold a license for a private hospital unless such person is either a medical practitioner or a registered nurse.

Kinds of
licenses.

66. Licenses for private hospitals shall be of four classes, namely:—

- (a) Of a general private hospital for the reception, care, and treatment of medical, surgical, and/or maternity cases;
- (b) Of a lying-in hospital for the reception, care, and treatment of maternity cases only;
- (c) Of a hospital for the reception, care, and treatment of mental cases only (other than cases in respect of persons who have been certified as insane pursuant to **"The Insanity Acts, 1884 to 1935,"* or pursuant to any Act amending or in substitution for those Acts);
- (d) A hospital for the reception, care, and treatment of mothers and/or infants:

Provided that a license for a general private hospital shall, in the case of a nurse, be granted only to a nurse who is registered as a general nurse pursuant to the provisions of †*"The Nurses and Masseurs Registration Acts, 1928 to 1933"*:

Provided further, that a license for a lying-in hospital shall, in the case of a nurse, be granted only to a nurse

* 48 Vic. No. 8 and amending Acts, *supra*, pages 1003 *et seq.*

† 19 Geo. V. No. 10 and amending Acts. *supra*, pages 12202 *et seq.*

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—Private
Hospitals.

who is registered as a midwifery nurse pursuant to the provisions of **The Nurses and Masseurs Registration Acts, 1928 to 1933*” :

Provided further, that a license for a hospital for the reception, care, and treatment of mental cases only shall, in the case of a nurse, be granted only to a nurse who is registered as a mental nurse pursuant to the provisions of **The Nurses and Masseurs Registration Acts, 1928 to 1933*” :

Provided further, that a license for a hospital for the reception, care, and treatment of mothers and/or infants shall, in the case of a nurse, be granted only to a nurse who is registered as a child welfare nurse pursuant to the provisions of **The Nurses and Masseurs Registration Acts, 1928 to 1933*” :

Provided further, in the case of a combined general private and lying-in hospital, where the nurse (being the holder of the license) is registered only as a general nurse, such nurse shall employ in such hospital a registered midwifery nurse, and shall retain the services of such registered midwifery nurse for such time as midwifery cases are being treated in the hospital ; and in like manner where the nurse (being the holder of the license) is registered only as a midwifery nurse, such nurse shall employ in such hospital a registered general nurse and shall retain the services of such registered general nurse for such time as general cases are being treated in the hospital.

67. The Minister may from time to time on the recommendation of the Director-General grant or refuse to grant to any person a license to erect and/or use a private hospital.

Applications for licenses or renewals thereof shall be made to the Director-General in the prescribed form and shall contain the prescribed particulars and be accompanied by the prescribed fee.

68. (1.) Any license granted by the Minister shall take effect from the date of the issue thereof and shall expire on the thirtieth day of September next following.

(2.) Every licensee who desires to obtain a renewal of his or her license shall before the date of the expiry thereof make application to the Minister for a renewal of such license.

The Minister may on the recommendation of the Director-General grant or refuse to grant to any licensee a renewal of his or her license.

Any such renewal of the license shall take effect on and from the expiry of the original license and shall expire on the thirtieth day of September next following :

Provided that the same may be renewed from time to time in like manner.

Fees.

69. The annual fee payable for a license or the renewal of a license for a private hospital shall be—

- (a) For a general private hospital, five pounds ;
- (b) For a lying-in hospital, two pounds ;
- (c) For a mental hospital, two pounds ;
- (d) For a hospital for the reception, care, and treatment of mothers and/or infants, two pounds :

Provided that where a license is granted in the first instance for part of a year only, a proportionate fee shall be payable accordingly.

Additions
and
alterations
to premises.

70. No addition or alteration shall be made to, in, or about the premises of a licensed private hospital until notice in writing of the proposed addition or alteration, accompanied by a plan of the addition or alteration drawn upon the scale prescribed, has been given to the Director-General by the person to whom the license has been granted, and the written approval of the Director-General has been given thereto.

Applicant to
reside, &c.

71. (1.) The person to whom a license for a private hospital is granted shall be held responsible for the due conduct thereof. Such licensed person, if a registered nurse, shall continuously reside on the premises ; and, if a medical practitioner, shall either personally continuously so reside, or some registered nurse or medical practitioner appointed by him in that behalf, and whose name is notified to the Director-General, shall continuously so reside.

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OF DISEASE.*Division XI.*
—Private
Hospitals.

(2.) Leave of absence for any period not exceeding three months at any one time may be granted by the Director-General to such person upon application being made in writing to him: provided that during such period a person qualified to hold a license under this Act must reside on the licensed premises and undertake the responsibility aforesaid.

(3.) A license may be transferred for the term then unexpired to a person qualified to hold the same under this Act upon the written approval of the Director-General being first obtained.

The transfer shall be effected by the production to the Director-General of the license and the endorsement thereon of the name of the transferee, who shall thereupon be deemed for all the purposes of this Act to be the person to whom such license was granted.

(4.) If the holder of a license by sickness or other cause becomes incapable of keeping the private hospital or dies before the expiration of the current term thereof, the Director-General may, by writing endorsed on the license under his hand, transfer it with all the privileges and obligations annexed thereto, for the term then unexpired, to another qualified person, and thenceforth the license shall remain in force and have the same effect as if granted to such person; and where a license is granted to two or more persons, and before the expiration thereof any of such persons dies leaving the other or others surviving, the license shall remain in force and have the same effect as if it had been granted to such survivors or survivor alone.

(5.) In the case of fire, flood, tempest, or other unforeseen calamity rendering the premises unfit for the accommodation of patients, the license thereof may, by endorsement by the Director-General under his hand and without further fee for the current term thereof, be made applicable either for the unexpired period thereof or temporarily to other premises.

72. (1.) The Director-General may from time to time make regulations for the control, management, supervision, and regulation, and/or regulation of the use of, private hospitals, and prescribing the information to be contained in applications for licenses or the renewal of licenses of private hospitals, and the terms, provisions, Regulations.

conditions, and stipulations upon which licenses or the renewal of licenses for private purposes may be granted and/or renewed :

Provided that, but without limit to the generality of this section, such regulations may be so made and approved prescribing—

Construc-
tion, &c.

(i.) The construction, elevation, materials, and form of buildings.

Foundations
and sites.

(ii.) Foundations and sites of buildings and other erections.

Excavation.

(iii.) The mode in which and the materials with which such foundations and sites are to be made, excavated, filled up, prepared, and completed for securing stability, and for purposes of health.

Air-space
and
ventilation.

(iv.) Requiring a sufficiency of space about buildings to secure a free circulation of air, and requiring a sufficiency of ventilation and air-space within buildings and rooms.

Overcrowd-
ing land.

(v.) Preventing the overcrowding of land by structures.

Distance
between
buildings.

(vi.) Regulating the distance from any other building at which it shall be lawful to construct any building or any building erected or used for or forming part of a private hospital.

Thickness
and
materials of
walls.

(vii.) The thickness and the description and quality of the substances of which walls may be constructed for securing stability, the prevention of fire, and for purposes of health.

Escape from
fire.

(viii.) The means of escape from fire in buildings.

Alterations.

(ix.) Prohibiting buildings or structures which have been erected or constructed in accordance with the regulations from being altered in such a way that if at first so erected or constructed they would have contravened the regulations.

(x.) All such other acts, matters, and things as may be necessary or expedient to control and regulate the licensing of private hospitals, including the delegation by the Minister to the Director-General of his power to grant or refuse to grant licenses or renewals of licenses of private hospitals.

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PREVENTION,
NOTIFICATION,
AND
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OF DISEASE.*Division XI.*
—Private
Hospitals.

(2.) Notwithstanding anything hereinbefore contained, no building shall be erected or used for or in respect of any private hospital unless the same shall comply in full with the provisions of the Local Government Act and/or the by-laws of the Local Authority of the Area in which such private hospital is situated.

(3.) The regulations may prescribe a penalty not in any case exceeding twenty pounds for any breach thereof, and in addition a daily penalty not exceeding two pounds for each and every day during which such breach is continued after a conviction therefor.

73. Every licensed private hospital and all records prescribed to be kept thereat shall at all times be open to the inspection of a health officer or other officer authorised by the Director-General, who shall for that purpose be permitted to enter the premises with such assistants as may be required by him. Inspection.

74. Proof that any house, apartment, or premises was or were let, hired, engaged, or used for gain by any person for the accommodation of a female during her lying-in or confinement shall be *primâ facie* evidence that such house, apartment, or premises is or are kept as a lying-in hospital, and it shall not be necessary in any case to prove the letting, hiring, or engagement, or use on more than one occasion. Evidence.

The burden of proof that there was no gain either by money or kind shall lie on the occupant or owner of the house, apartment, or premises.

75. When a female is delivered in a private hospital of a still-born child, no interment or other disposal of the body of such child shall take place without its being authorised by the written certificate of a medical practitioner or police magistrate. Interment of
still-born
children.

76. Any person who inters or otherwise disposes of the body of any such still-born child as mentioned in section seventy-five of this Act without the certificate prescribed by such section having been previously obtained shall be liable to a penalty not exceeding one hundred pounds or to be imprisoned with or without hard labour for any period not exceeding twelve months. Penalty in
respect of
interment of
still-born
children.

*Division XII.—Nuisances and Offensive Trades.**Division XII.*
—Nuisances
and
Offensive
Trades.
Nuisances.

77.—

- (1) Any premises in such a state as to be a nuisance or injurious or prejudicial to health ;
- (2) Any swamp, pool, ditch, gutter, watercourse, sanitary convenience, or other accumulation of water on any land or street or any receptacle holding water, in such a state as to be a nuisance or injurious or prejudicial to health or in such a state as to be a breeding-ground for mosquitoes, not being a reservoir or other storage of water used in connection with manufacturing purposes ;
- (3) Any animal so kept as to be a nuisance or injurious or prejudicial to health ;
- (4) Any accumulation or deposit which is a nuisance or injurious or prejudicial to health ;
- (5) Any house or part of a house so overcrowded as to be dangerous or injurious or prejudicial to the health of the inmates, whether or not members of the same family ;
- (6) Any factory, workshop, or workplace not kept in a cleanly state, or not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or prejudicial to health, or so overcrowded while work is carried on as to be dangerous or injurious or prejudicial to the health of persons employed therein ; and
- (7) Any chimney (not being the chimney of a private dwelling-house) sending forth smoke in such a quantity as to be a nuisance ;
- (8) The infestation of any place or premises by rats, mice, or other vermin, or by any form of insect life declared by the Governor in Council by Order in Council to be injurious or prejudicial to health,

shall be deemed to be a nuisance liable to be dealt with in manner provided by this Act.

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OF DISEASE.

78. It shall be the duty of every Local Authority to cause inspection to be made of the Area from time to time in order to ascertain what nuisances exist calling for abatement, and to enforce the provisions of this Act in order to abate the same.

Division XII.
—*Nuisances*
and
Offensive
Trades.

Detection of
nuisances.

79. (1.) On the receipt of any information respecting the existence of a nuisance the Local Authority shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default, or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the land on which the nuisance exists, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as are necessary for that purpose :

Notice
requiring
abatement
of nuisance.

(2.) Provided that—

- (a) When the nuisance arises from the want of any structural convenience or defective construction of any house, or where there is no occupier, notice under the provisions of this section shall be served on the owner ;
- (b) When the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act, default, or sufferance of the owner or occupier, the Local Authority shall itself abate the same without order.

(3.) If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance, although abated since the service of the notice, is in the opinion of the Local Authority likely to recur on the same premises, the Local Authority shall cause a complaint relating to such nuisance to be made before a justice.

On non-
compliance
complaint
to be made.

(4.) If the justices who hear the complaint are satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, they shall make an order—

Order.

- (a) Requiring such person to comply with all or any of the requisitions of the notice, or otherwise to abate the nuisance within a time

specified in the order, and to execute any works and to do any things that may be necessary for that purpose ; or

- (b) Prohibiting the recurrence of the nuisance, and directing the execution by such person of any works necessary to prevent the recurrence ; or
- (c) Both requiring abatement and prohibiting the recurrence of the nuisance.

The justices may by the order impose a penalty not exceeding five pounds on the person on whom the order is made, and shall give directions as to the payment of all costs incurred up to the time of the making the order.

House
unfit for
occupation.

(5.) When the nuisance ascertained to exist is such as to render a house in the judgment of the justices unfit for use or occupation, they may prohibit the use or occupation until in their judgment the house is rendered fit for use and occupation.

When any two justices are satisfied that it has been rendered fit for that purpose, they may vary the previous order by another declaring the house fit for use and occupation, and from the date thereof such house may be used and occupied.

Contraven-
tion of
order.

(6.) Any person who fails to obey an order to comply with the requisitions of the Local Authority, or otherwise to abate the nuisance, shall, unless he satisfies the justices that he has used all due diligence to carry out such order, be liable to a daily penalty not exceeding ten shillings.

Any person who wilfully disobeys an order of prohibition shall be liable to a daily penalty not exceeding twenty shillings.

The Local Authority, or any person authorised by the chairman thereof in that behalf may abate the nuisance, and do whatever may be necessary in the execution of such order, and the Local Authority may recover the expenses incurred from the person against whom the order is made.

When order
may be
addressed
to Local
Authority.

(7.) Whenever it appears to the satisfaction of any two justices that the person by whose act or default the nuisance arises, or the owner or occupier of the premises is not known or cannot be found, then the order of the justices may be addressed to and shall be executed by the Local Authority.

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(8.) All expenses incurred by a Local Authority in performing any work in or upon any land in pursuance of this section shall, until repaid to the Local Authority by the person liable to pay the same, be and remain a charge upon the land, notwithstanding any change that may take place in the ownership thereof.

Division XII.
—Nuisances
and
Offensive
Trades.
Expenses a
charge on
the land.

80. Any matter or thing removed by the Local Authority in abating any nuisance under the provisions of this Act or the regulations may be sold, and the money arising from the sale may be retained by the Local Authority and applied in payment of the expenses incurred by it with reference to such nuisance, and the surplus (if any) shall be paid on demand to the owner of such matter or thing.

Sale of
materials.

81. (1.) All reasonable costs and expenses incurred in making a complaint or giving notice, or in obtaining any order of the justices or any justice, in relation to a nuisance, or in carrying the same into effect, shall be deemed to be money paid for the use and at the request of the person against whom the order is made; or if the order is made on the Local Authority, or if no order is made, but the nuisance is proved to have existed when the complaint was made or the notice was given, then of the person by whose act or default the nuisance was caused.

Expenses of
execution of
provisions
relating to
nuisances.

(2.) In cases of nuisances caused by the act or default of the owner of premises, such costs and expenses may be recovered from any person who is for the time being owner of such premises:

(3.) Provided that such costs and expenses shall not exceed in the whole one year's rack-rent of the premises.

(4.) Such costs and expenses, and any penalties incurred in relation to any nuisance, may be recovered in any court of competent jurisdiction; and the court shall have power to divide costs, expenses, or penalties between persons by whose acts or defaults a nuisance is caused as to it may seem just.

82. (1.) Complaint may be made of the existence of a nuisance on any premises in the Area by any person aggrieved thereby, or by any inhabitant of the Area, or by any owner of land within the Area, and thereupon

Individual
may
complain to
justice of
nuisance.

the like proceedings shall be had with the like incidents and consequences as to making of orders, penalties for disobedience of orders, and otherwise as in the case of a complaint made by the Local Authority relating to a nuisance.

(2.) Provided that the justices may, if they think fit, adjourn the hearing or further hearing of the summons for the purposes of having an examination made of the premises where the nuisance is alleged to exist, and may authorise any officer of police or other person to enter any such premises for the purposes of such examination.

(3.) The justices may authorise any member of the Police Force or other person to do all necessary acts for executing an order made under this section, and to recover the expenses from the person against whom the order is made.

(4.) Any member of the Police Force, or other person authorised under this section, shall have the like powers and be subject to the like restrictions as if he were an officer of the Local Authority authorised to enter any premises and do any acts thereon.

Cause of
nuisance
arising
beyond Area.

83. When a nuisance in the Area appears to be wholly or partially caused by some act or default committed or taking place beyond the Area, the Local Authority may take or cause to be taken against any person, in respect of such act or default, any proceedings authorised by this Act in relation to nuisances, with the same incidents and consequences as if such act or default were committed or took place wholly in the Area.

Nuisance
caused by
two or more
persons.

84. When any nuisance appears to be wholly or partially caused by the acts or defaults of two or more persons, the Local Authority, or other complainant, may institute proceedings against any one of such persons, or may include all or any two or more of such persons in one proceedings; and any one or more of such persons may be ordered to abate such nuisance, so far as the same appears to the court having cognisance of the case to be caused by any acts or defaults on his or their part, which in the opinion of such court contribute to such nuisance, or may be fined or otherwise punished notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance; and the costs may be distributed as to such court may appear just.

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.85. Any person who, after the commencement of this Act, establishes within an Area, without the consent in writing of the Local Authority, any noxious or offensive trade, business, or manufacture, shall be liable to a penalty not exceeding fifty pounds in respect of the establishment thereof.

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—*Nuisances*
and
Offensive
Trades.
Establish-
ment of
offensive
trades.

Any person carrying on such a trade, business, or manufacture, so established after the commencement of this Act, after notice by the Local Authority to discontinue the same, shall be liable to a daily penalty not exceeding ten pounds :

Provided that this section shall not be construed to prevent the establishment or carrying-on of any trade, business, or manufacture with respect to the establishment or carrying-on of which special provision is made by any Statute, and whether passed before, on, or after the commencement of this Act.

86. (1.) When a Local Authority is satisfied on the report of its medical officer of health, or of any two medical practitioners, or of any ten inhabitants of the Area, that any trade, business, or manufacture carried on in any place is a nuisance or injurious to the health of any of the inhabitants of the Area, the Local Authority shall cause complaint relating to the same to be made before a justice.

Complaint of
nuisance.

(2.) If it appears to the justices who hear the complaint that the trade, business, or manufacture is a nuisance, or causes any effluvia which are a nuisance or injurious to health, the person offending shall be liable to a penalty not exceeding one hundred pounds, and on a second and any subsequent conviction to a penalty double the amount of the penalty imposed for the last preceding conviction, but the highest amount of such penalty shall not in any case exceed the sum of five hundred pounds.

(3.) Provided that the justices may suspend their final determination on condition that the person complained of undertakes to adopt within a reasonable time such means as the justices think to be practicable and order to be carried into effect for abating such nuisance, or preventing the injurious effects of such effluvia.

(4.) When any such place is situated beyond the Area, the Local Authority may take or cause to be taken any proceedings hereinbefore authorised with the same incidents and consequences as if the place was situated in the Area.

(5.) A penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying-on of any trade, business, or manufacture if it is proved to the satisfaction of justices that the accumulation or deposit has not been kept longer than is necessary for the purposes of the trade, business, or manufacture, and that the best available means have been taken without any delay for preventing injury thereby to public health.

87. Any person, whether the occupier or owner of the premises, who—

- (1) Keeps or suffers to be kept any swine or pigsty in any dwelling-house, or in any place forbidden by any by-law, or keeps or suffers to be kept any swine or pigsty in any place so as to be a nuisance to any person ; or
- (2) Suffers any waste or stagnant water to remain in any place for twenty-four hours after written notice to him from the Local Authority to remove the same ; or
- (3) Allows the contents of any sanitary convenience to overflow or soak therefrom ; or
- (4) Allows any waste water to run from any premises so as to cause an offensive smell ; or
- (5) Suffers any rubbish, filth, or unwholesome matter or thing to collect on any land,

shall be liable to a penalty not exceeding twenty pounds, and to a daily penalty not exceeding two pounds.

The Local Authority shall cause every such nuisance to be abated, and may recover the expenses incurred by it in so doing from the occupier or owner of the premises on which the nuisance exists.

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OF DISEASE.

88. When any watercourse, waterhole, swamp, or open ditch lying near to or forming the boundary between the Area of a Local Authority and any adjoining Area is foul and offensive, any justice may, on the application of the Local Authority of the firstmentioned Area, summon the Local Authority of such lastmentioned Area to appear before a police magistrate to show cause why an order should not be made for cleansing such watercourse, waterhole, swamp, or open ditch, and for executing such permanent or other structural works as may appear to the police magistrate to be necessary.

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—Nuisances
and
Offensive
Trades.
Order for
cleansing
offensive
ditches near
to or
forming
boundaries
of Areas.

The police magistrate, after hearing the parties, or in the absence of the Local Authority so summoned if it does not appear, may make such order with reference to the execution of the works, and the persons or authorities by whom the same shall be executed, and by whom and in what proportions the expenses of such works shall be paid, and as to the amount thereof and the time and the mode of payment, and also as to the costs of the proceedings before him as he thinks reasonable.

89. When it appears to the Local Authority that any accumulation of manure, dung, soil, or filth, or other offensive or noxious matter ought to be removed, the Local Authority shall give notice to the person to whom the same belongs, or to the occupier of the land whereon it exists, or where there is no occupier then to the owner of the land, to remove the same.

Removal of
filth.

If such notice is not complied with within twenty-four hours from the service thereof, the manure, dung, soil, filth, or matter referred to shall vest in and be removed and sold or disposed of by the Local Authority, and the proceeds thereof shall be applied in payment of the expenses incurred in the execution of the provisions of this section, and the surplus (if any) shall be paid on demand to the owner of the matter removed.

The expenses of removal by the Local Authority of any such accumulation, if and so far as they are not covered by the sale thereof, may be recovered by the Local Authority from the person to whom the same belongs, or from the occupier of the land, or where there is no occupier from the owner.

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Division XII.
—Nuisances
and
Offensive
Trades.
Cleansing
common
courts and
passages.

90. When any court or private way, or when any passage leading to the back of several buildings in separate occupations, is not regularly and effectually swept and kept clean and free from rubbish or other accumulation to the satisfaction of the Local Authority, the Local Authority may cause such court or passage to be swept and cleaned.

Apportion-
ment of
expenses.

91. Any expenses incurred by the Local Authority in pursuance of section ninety of this Act shall be apportioned between the occupiers of the buildings situated in the court or to the back of which the passage leads in such shares as may be determined by the Local Authority, or as, in case of dispute, may be settled by any two justices, and in default of payment any share so apportioned may be recovered from the occupier on whom it is apportioned.

By-laws.

92. Without in any wise limiting the power to make by-laws under the Local Government Act, a Local Authority may from time to time make by-laws with respect to all or any of the following matters, namely:—

Cattle or
swine.

(1) Defining localities in the Area within which the keeping of any swine or cattle or pigsty, cowbail, cowshed, byre, or dairy is forbidden;

Animals
injurious
to health.

(2) Prohibiting the keeping of animals on any premises so as to be injurious or prejudicial to health;

Poultry, &c.

(3) Regulating the keeping of poultry, pigeons, and other birds upon any premises, and the destruction of pigeons not kept on premises;

Dead
animals, &c.

(4) The removal and destruction of dead, dying, or diseased animals found upon any street or land under the control of the Local Authority or upon any land not securely fenced off from such street or land;

Over-
crowding.

(5) Preventing the overcrowding of persons in houses and premises;

Situation of
noxious
trades.

(6) Defining localities in the Area within which noxious or offensive trades, businesses, or manufactures may not be established or carried on;

Noxious
trades.

(7) Licensing and regulating noxious or offensive trades, businesses, or manufactures;

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OF DISEASE.

- (8) The prevention of nuisances arising from smoke, ashes, soot, filth, dust, and rubbish ;

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- (9) Regulating the cleansing, disinfection, and ventilation of theatres, picture shows, and places of amusement ;

Theatres, &c.

- (10) Regulating the cleansing of public baths and providing clean water for the same.

Public baths.

When two convictions against the provisions of any by-law relating to the overcrowding of a house have taken place within a period of three months (whether the persons convicted were or were not the same), any two justices may, on the application of the Local Authority, direct the closing of the house for such period as the justices think necessary.

Two convictions for overcrowding.

Division XIII.—Sanitary Provisions, Sewers, Drains, Sanitary Conveniences, Camping Grounds, and Moveable Dwellings.

Division XIII.—Sanitary Provisions, Sewers, Drains, Sanitary Conveniences, Camping Grounds, and Moveable Dwellings.

93. The Local Authority shall provide that all sewers, drains, and sanitary conveniences within the Area are constructed and kept so as not to be a nuisance or injurious or prejudicial to health.

Sewers, drains, &c., to be properly kept.

94. (1.) If the Local Authority has reason to suspect that any sewer, drain, or sanitary convenience in the Area is a nuisance or injurious or prejudicial to health, the Local Authority may, after twenty-four hours' written notice to the occupier of the land, or in case of emergency, of which the Local Authority shall be the judge, without notice, direct an officer to enter the land, with or without assistants, and cause the ground to be opened, and examine such sewer, drain, or sanitary convenience.

Examination of drains, &c.

(2.) If the same on examination is found to be in a proper condition, the officer shall cause the ground to be closed, and any damage done to be made good as soon as can be, and the expenses of the works shall be defrayed by the Local Authority.

(3.) If the same on examination appears to be in a bad condition, or to require alteration or repair, the Local Authority shall forthwith cause notice in writing to be given to the owner or occupier of the land, requiring him forthwith, or within a time therein specified, to do the necessary work.

(4.) If the notice is not obeyed, the person to whom it is given shall be liable to a daily penalty not exceeding ten shillings, and the Local Authority may execute such works and recover from the owner or occupier the expenses incurred in so doing.

(5.) Where two or more houses are connected with sewerage by a single sewer, or drainage by a single drain, a notice may be given under this section to the several occupiers, and the Local Authority may recover any expenses incurred by it in executing any works under the powers conferred on it by this section from the owners of the houses in such shares and proportions as the Local Authority thinks just, or as, in case of dispute, may be settled by any two justices.

Removal of
house refuse,
&c.

95. (1.) A Local Authority may and when required by the Director-General by order shall itself undertake or contract for the efficient execution of the following works within the whole or any part of the Area :—

- (i.) The removal, collection, and disposal of refuse and other rubbish from houses and premises, such premises to include stables, cowsheds, other outbuildings, and yards ;
- (ii.) The cleansing of streets ;
- (iii.) The cleansing of sanitary conveniences ;
- (iv.) The collection, removal, and disposal of nightsoil ;
- (v.) The providing of suitable places, buildings, land, and appliances for the deposit, disposal, or destruction of refuse, rubbish, and nightsoil.

(2.) All work undertaken or contracted for by the Local Authority under this section shall be carried out to the satisfaction of the Director-General, and shall be subject to such conditions as he may from time to time prescribe.

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*Division
XIII.—
Sanitary
Provisions,
Sewers,
Drains,
Sanitary
Conveniences,
Camping
Grounds,
and Moveable
Dwellings.*

The Local Authority shall itself collect all sums levied or charged by it in respect of special rates or charges for sanitary services, and shall not delegate the duty of so doing to any sanitary contractor unless with the permission of the Director-General.

(3.) All matters collected by the Local Authority or contractor in pursuance of this section may be sold or otherwise disposed of in such manner as, with the approval of the Director-General, the Local Authority thinks fit.

All moneys received by the Local Authority from such sale or disposition shall be paid into the general fund.

(4.) Any person who unlawfully removes any such matters, or obstructs or hinders the Local Authority or contractor in the execution of any work under this section, shall be liable to a penalty not exceeding five pounds, or in the case of a continuing offence to a penalty not exceeding forty shillings for each day or part of a day on which such offence is continued :

Provided that the occupier of a house shall not be liable to such penalty in respect of any house refuse or rubbish produced on his own premises and intended for his own use, or to be removed for his own use or for sale, and which is in the meantime kept so as not to be a nuisance or injurious to health.

96. (1.) When the Local Authority undertakes or contracts for, or has undertaken or contracted for, or proposes to undertake or contract for, the removal of refuse, or the cleansing of sanitary conveniences or streets, the Director-General may by order authorise such Local Authority to use any land of which it is possessed, and situated either in or beyond the Area, as a place for depositing and disposing of such refuse or the contents of sanitary conveniences so cleansed. But such use shall be subject to such conditions as the Director-General may from time to time prescribe.

(2.) When any such authority has been given, the Local Authority may lawfully use the land for the purposes aforesaid, and may convey the refuse and other matters aforesaid to such land by railway, cart, wagon, or any other means of conveyance, and may there deposit and dispose of the same ; but shall be bound in such conveyance, deposit, and disposal to cause no greater nuisance or annoyance than is necessary.

(3.) No order restraining a Local Authority from conveying any such refuse or other matters aforesaid to any such land, or from depositing the same thereon, or from there disposing of the same by burying, burning, desiccating, or otherwise, and no order controlling a Local Authority in the manner of such conveyance, deposit, or disposal, shall be made by any court, except in an action at the suit of the Attorney-General.

(4.) Nothing herein shall deprive any person of any right to claim and recover compensation from any Local Authority in respect of any actual damages sustained by him by reason of any nuisance caused by a Local Authority in the exercise of the powers conferred on it by this section.

Neglect of
Local
Authority
to remove
refuse, &c.

97. If the Local Authority which has itself undertaken or contracted for the removal of refuse or the cleansing of sanitary conveniences fails, without reasonable excuse, after notice in writing from the occupier of any house within the Area requiring the Local Authority to remove any refuse or to cleanse any sanitary convenience belonging to such house or used by the occupiers thereof, or to cause the same to be removed or cleansed, as the case may be, within seven days, the Local Authority shall, after the lapse of such seven days, be liable to pay to the occupier a daily penalty not exceeding five shillings.

Default in
carrying out
sanitary
services.

98. If any Local Authority or any employee of a Local Authority undertaking or engaged on the work of the removal of refuse or nightsoil or the cleansing of sanitary conveniences, or any sanitary contractor or any employee of a sanitary contractor undertaking or engaged on such work, desists from carrying out any necessary service in connection therewith, or performs the same in so negligent or incomplete a manner as, in the opinion of the Director-General, constitutes a menace or danger to the public health (whereof he shall be the sole judge), such Local Authority or person shall be liable to a penalty not exceeding fifty pounds, and to a further daily penalty not exceeding five pounds for every day during which such default continues, or in the case of individual persons, in addition to or in substitution for such penalties or any of them, to imprisonment for any period not exceeding six months.

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PREVENTION,
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*Division
XIII.—
Sanitary
Provisions,
Sewers,
Drains,
Sanitary
Conveniences,
Camping
Grounds,
and Moveable
Dwellings.*

Sanitary
conveniences
for public
accommoda-
tion, seaside
resorts, &c.

99. (1.) If, in the opinion of the Director-General, the Local Authority has not provided at any seaside resort or tourist resort or other place of public resort, in proper and convenient situations sanitary conveniences for public accommodation, or such Local Authority has provided insufficient sanitary conveniences for public accommodation, the Director-General may by order require the Local Authority to provide in convenient situations in such resort sanitary conveniences for public accommodation, or to provide such additional sanitary conveniences as he may consider necessary.

(2.) The Local Authority when required by the Director-General so to do shall provide within its Area such sanitary conveniences for public accommodation as the Director-General may from time to time require, and shall alter or extend any such conveniences.

(3.) All such sanitary conveniences for public accommodation shall be provided or altered or extended, as the case may be, in accordance with such plans and specifications on such sites and subject to such conditions as may be approved by the Director-General.

(4.) The Local Authority shall when directed by the Director-General by order, if a sewerage system is in his opinion available, connect the sanitary conveniences for public accommodation with such sewerage system, or if no sewerage system is available, construct a septic tank or closet accommodation or other device for the treatment of nightsoil in accordance with the requirements of the provisions of any regulations made under this Act in that behalf.

(5.) The Local Authority which has provided sanitary conveniences for public accommodation either at the direction of the Director-General or by the exercise of the powers conferred on the Local Authority by **"The Local Government Act of 1936"* shall (and whether or not the Local Authority has undertaken or contracted for the execution of any works in pursuance of the provisions of paragraphs (iii.), (iv.), and (v.) of subsection one of section ninety-five of this Act), observe the provisions of any regulations made by the Director-General relating to sanitary conveniences and nightsoil disposal.

(6.) In the observance of the said regulations in respect of sanitary conveniences for public accommodation the Local Authority shall be liable for the duties,

* 1 Geo. VI. No. 1, *supra*, page 16035.

obligations, and responsibilities of the owners and occupiers of premises respectively imposed by the said regulations.

(7.) All sanitary conveniences for public accommodation provided by the Local Authority shall be maintained in a satisfactory condition so as not to cause a nuisance, and if in the opinion of an inspector duly appointed by the Governor in Council under this Act any such conveniences are not so maintained, he shall direct the Local Authority to forthwith cause such nuisance to be abated, and the Director-General shall enforce the provisions of section ninety-eight of this Act in respect of such nuisance.

Camping
grounds.

100. The Director-General may make regulations for the control and regulation of camping grounds, whether public or private, and/or moveable dwellings.

Without limiting the generality of the foregoing provisions the regulations may provide for all or any of the following matters :—

- (a) Prescribing the conveniences to be provided for any camping ground, and/or moveable dwelling, and/or place where any moveable dwelling is for the time being situated, and the persons by whom such facilities are to be provided and/or maintained in any such case ;
- (b) Prohibiting the use of any place as a camping ground, or the situation upon any place of a moveable dwelling, or the use of any moveable dwelling which does not comply with the prescribed regulations ;
- (c) Prescribing in respect of camping grounds, and/or moveable dwellings, and/or any place where a moveable dwelling is for the time being situated the doing and executing of all such other acts, matters, or things as he shall consider reasonable or necessary to be done or executed, and the persons by whom such prescribed acts, matters, or things are to be done or executed.

For the purposes of this section the expression “moveable dwelling” includes any tent, any van, or other conveyance whether on wheels or not, which is used either regularly or at certain times only for human habitation.

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FOOD, DRUGS,
AND OTHER
ARTICLES.

PART IV.—FOOD, DRUGS, AND OTHER ARTICLES.

*Division I.—
Preliminary.**Division I.—Preliminary.*

101. (1.) For the purposes of this Act, a food or drug or article is deemed to be adulterated—

Adulteration
of food, drug,
or article.

- (a) If it contains or is mixed or diluted with any substance in any quantity or in any proportion which diminishes in any manner its nutritive or other beneficial properties as compared with the same in a pure and normal state and in an undeteriorated and sound condition, or which in any manner operates or may operate to the prejudice or disadvantage of the purchaser or consumer ;
- (b) If it contains or is mixed or diluted with any substance of lower commercial value than the same in a pure and normal state and in an undeteriorated and sound condition ;
- (c) If any substance, constituent, or ingredient has been wholly or in part extracted, abstracted, or omitted from it, and as a result its nutritive or other beneficial properties are less than those of the same in its pure and normal state, or the purchaser or consumer is or may be in any manner prejudiced or disadvantaged ;
- (d) If, either wholly or in part, it does not comply with the prescribed standard for it ;
- (e) If it contains anything prohibited by this Act or any Order in Council ;
- (f) If it contains any substance in excess of any quantity or proportion permitted by this Act or any Order in Council ;
- (g) If it is mixed, coloured, powdered, coated, stained, or treated in any manner whereby damage, deterioration, inferiority, or true character or quality is or may be concealed ;
- (h) If it consists wholly or in part of a filthy, decomposed, or putrid animal or vegetable substance, or of any portion of an animal or vegetable unfit for use as or in a food or drug or article, whether manufactured or not, or it has not been sufficiently cleaned or purified ;

*Division 1.—
Preliminary.*

- (i) If it is the product of a diseased animal, or of one which has died otherwise than by slaughter ;
- (j) If it is damaged, deteriorated, or perished ;
- (k) If, being a food, it contains methyl alcohol, or not having paid customs or excise duty it contains more than two parts per centum of proof spirit ;
- (l) If another substance has been substituted, wholly or in part, for such food or drug or article :

Provided that, in any proceeding under this Act for selling a food or a drug or an article to which paragraph (a) or paragraph (b) applies, such food or drug or article shall not be deemed to be adulterated if it is sold as a mixture in accordance with this Act.

False
description
of food or
drug.

(2.) For the purposes of this Act a food or drug or article is deemed to be falsely described—

- (a) If it is in a package, and—
 - (i.) The contents of the package as originally put up have been removed in whole or in part, and other contents have been placed in such package, or
 - (ii.) It fails to bear on the package, or on a label on or attached thereto, a statement of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, phenacetin, or any soporific or hypnotic substance, or any other substance prescribed to be so stated, or any derivative or preparation of any such substances contained therein, or
 - (iii.) The contents are stated in terms of weight or measure on the outside of the package, or on a label on or attached thereto, and they are not plainly and/or correctly stated, or
 - (iv.) The package or any label on or attached thereto bears a statement, word, brand, mark, design, or device regarding the nature, quality, strength, purity, com-

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FOOD, DRUGS,
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ARTICLES.*Division I.—
Preliminary.*

position, origin, age, or proportion of the food or drug or article, or the ingredients, constituents, or substance contained in the food or drug or article which is false or misleading in any particular ;

- (b) In the case of imported goods, if it has not applied thereto the trade or other description as required for its importation under the laws in force for the time being of the Commonwealth of Australia, or if it has applied thereto a false trade or other description within the meaning of the aforesaid laws regarding the importation of goods ;
- (c) If it is an imitation of or is offered for sale under the distinctive name of another food or drug or article ;
- (d) If it is labelled or marked so as to deceive or mislead the purchaser, or purports to be an imported product when not so ;
- (e) If it is labelled as or any advertisement of or concerning it states that it is a herbal medicine, and it contains any drug or substance other than a drug or substance of vegetable origin ;
- (f) If any advertisement of or concerning it contains any written, spoken, or pictorial matter calculated or likely to deceive or mislead the purchaser ;
- (g) If it is sold under a name which conveys or is likely to convey a false indication of origin, character, or place of manufacture, or to lead the purchaser to suppose that it is any other food or drug or article or product thereof.

102. For the purposes of this Act, any drug sold under any name included in the *British Pharmacopœia* which does not comply with the description given of and tests prescribed for such drug in the *British Pharmacopœia* shall, unless such drug is included in a list of exceptions published in the *Gazette* under the authority of the Minister, be deemed to be a drug which is not of the substance of the drug demanded by the purchaser.

Drugs to
comply with
British
Pharma-
copœia.

*Division I.—
Preliminary.*
Sales by
agent or
servant.

103. For the purposes of this Act, every person shall be deemed to sell any food, drug, or article who sells the same either on his own account or as the agent or servant of any other person.

*Division II.—
Pure Food,
Drugs, Etc.*

*Division II.—Pure Food, Drugs, Etc.
Prohibitions.*

Adulterated
food or drug
not to be
sold.

104. No person shall sell any food or drug or article which is adulterated or falsely described, or which is packed or enclosed for sale or labelled, branded, or marked in any manner contrary to or not in compliance with this Act.

105. (1.) No person shall—

Mixing food
so as to be
injurious.

(a) For purposes of sale, mix or cause or permit to be mixed with any food any ingredient or material which the Governor in Council by Order in Council declares to be an injurious ingredient or injurious material or colour, or cause or permit to be coloured any food with any ingredient or material so declared to be injurious;

Mixing drug
as so to
injure
quality.

(b) For purposes of sale, mix or cause or permit to be mixed any ingredient or material with any drug, or colour or cause or permit to be coloured any drug so as to affect injuriously the quality or potency of such drug;

Selling
same.

(c) Sell any food or drug mixed with any such ingredient or material, as in paragraph (a) or (b) hereof stated, or so coloured as in the said paragraphs stated;

Mixing to
increase
bulk, &c.

(d) For purposes of sale, mix or cause or permit to be mixed any ingredient or material with any food or drug in order thereby fraudulently to increase its weight, bulk, or measure, or to conceal its inferior quality;

Selling same.

(e) Sell any food or drug mixed with any ingredient or material whereby the weight, bulk, or measure of such food or drug has been fraudulently increased or its inferior quality concealed;

Selling not of
the nature
demanded.

(f) Sell any food or drug which is not of the nature, substance, or quality of the food or drug demanded by the purchaser, or sell any

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AND OTHER
ARTICLES.

quantity of food or drug less in weight or measure or number than the weight or measure or number demanded and paid for by the purchaser ;

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Pure Food,
Drugs, Etc.*

- (g) Sell any compounded food or drug which is not composed of ingredients in accordance with the demand of the purchaser. Compounded articles.

(2.) In any prosecution it shall be no defence to prove that the food or the drug the subject of the prosecution, though defective in nature or in substance or in quality, was not defective in more than one such respect.

106. Any person who—

Offences in
relation to
automatic
machines.

- (a) Installs any automatic machine or similar mechanical device for the sale or supply of any medicine or other drug or any poison ; or
- (b) Sells or supplies any medicine or other drug or any poison by means of any automatic machine or similar mechanical device,

shall be guilty of an offence and liable to a penalty of not more than one hundred pounds :

Provided that where the same act or omission constitutes an offence both against a provision of this section and against some other provision of this Act, any person doing or omitting to do such act may be proceeded against either under this section or under such other provision, but so that no person shall be twice punished for the same act or omission.

107. (1.) Where any person sells a food or drug which is a mixture the ingredients shall be pure and in an undeteriorated and sound condition. Sale of
mixture.

He shall deliver the mixture to the purchaser in a package on or attached to which is a label stating that the food or drug is a mixture and the names of the ingredients legibly and uniformly written and, when so prescribed, the names and proportions of the ingredients.

But (except as otherwise prescribed in respect of poisons, restricted drugs, dangerous drugs, and/or biological preparations) it shall not be necessary so to supply a label in the case of—

- (a) A food or drug generally known to users as a compounded article or a drug not recognised

by the *British Pharmacopœia* if such food or drug is mixed with any ingredient or material not injurious and not intended fraudulently to increase its bulk, weight, or measure, or to conceal its inferior quality; or

- (b) A drug supplied by prescription or order signed by a medical practitioner for his patient, or a drug compounded and supplied by a registered pharmaceutical chemist; or
- (c) A mixture exempted from this section by the regulations, which exemption may be applied to classes of articles.

(2.) No person shall sell any food or drug which is a mixture in respect of which this section has been contravened or has not been complied with.

Packages
to be labelled
with
description,
weight, &c.,
of contents.

108. (1.) Except in the case of a package of food which, by the regulations, has been exempted from any or all of the provisions of this section, there shall be supplied on or attached to every package of food packed or enclosed for sale a label indicating the trade name or description, the net weight or number or true measure or volume of the contents thereof, and the name and address of the vendor or maker of such contents, or of the agent therefor, or of the owner of rights of manufacture. No person shall sell in a package any food unless such a label is supplied on or attached to such package:

Provided that where such vendor, maker, agent, or owner is a company registered under any law in force in Queensland relating to the registration of companies, whether local, British, or foreign, or is a firm registered under **"The Registration of Firms Acts, 1902 to 1912,"* the address of such company or firm may be omitted.

Liquors.

(2.) In the case of any liquors paying customs or excise duty, the measure set forth in any Act dealing with such liquors shall be held to satisfy the requirements of this section in regard to measure or volume.

Approximate
weights and
measures.

(3.) Weights and measures closely approximating to those indicated on the label are allowed, but the degree of approximation may be fixed by the regulations, either generally or with respect to any particular food.

* 2 Edw. VII. No. 12, and amending Act, *supra*, pages 5795 *et seq.*

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ARTICLES.

109. (1.) The Director-General may from time to time cause to be examined any food, drug, or article which is advertised for the purpose of ascertaining its composition, properties, and efficiency, and shall compare the results of the examination with any advertisement which relates to the food, drug, or article, and with the price at which it is sold, and shall prepare and forward to the Minister a report upon the whole matter, which may include any comment which the Director-General thinks desirable in the public interest.

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Pure Food,
Drugs, Etc.*
Examina-
tion and
report upon
articles
advertised.

(2.) The Director-General may thereupon, with the approval of the Minister, cause the report to be published in the *Gazette* and in any newspaper or public print which circulates within Queensland, and to be distributed among the public in any other way, and no action shall lie in respect of such publication or distribution ; but no such approval shall be given and no such publication or distribution shall be made until a reasonable opportunity has been given to the manufacturer, importer, vendor, or owner of such food, drug, or article, or his agent, to place his objections to the proposed publication before the Director-General :

Provided that the Director-General shall have the power pending the consideration of any such objection to prohibit, by order, the sale or further advertisement of any such food, drug, or article :

Provided further, that any cost of publication or distribution incurred by the Director-General under this section shall be borne and paid by the importer, vendor, or owner of the food, drug, or article.

(3.) Any such report which has been published by the Director-General as aforesaid may be republished in any newspaper or public print, and no action shall lie against any person whomsoever in respect of such republication.

110. (1.) On the recommendation of the Director-General the Governor in Council may, by notification in the *Gazette*, prohibit, after the date therein mentioned, the advertising or sale of any food, drug, or article which, in the opinion of the Director-General is injurious to life or health, or which by reason of its inactivity or inefficiency is useless for the advertised purposes.

Prohibition
of sale of
injurious
articles.

Division II.—
*Pure Food,
Drugs, Etc.*

But no such recommendation shall be made until a reasonable opportunity has been given to the manufacturer, importer, vendor, or owner of such food, drug, or article, or his agent, to place his objections to the proposed prohibition before the Director-General.

Advertise-
ment.

(2.) No person shall advertise or sell any food, drug, or article in contravention of such prohibition, and no person shall print any advertisement so prohibited, and no proprietor, editor, publisher, or manager of a newspaper or other public print shall publish any advertisement so prohibited.

Saving.

(3.) This section shall not apply to the advertisement of drugs in *bona fide* trade journals or price lists by or on behalf of manufacturers to the retail trades only, or to the sale of drugs supplied by prescription or order signed by a medical practitioner or by him given to his patient or to any other person on behalf of such patient.

Extension of
foregoing
provisions.

111. The two last preceding sections shall also apply to any article or apparatus alleged to be useful or efficacious in relieving human suffering, or in curing, overcoming, or alleviating any physical defect.

Use of
catheters,
&c.

112. No person shall sell, hire, exchange, give, or supply any instrument or appliance such as a catheter, sound, medicinal tent, or other instrument or appliance which is capable of being used for the purpose of bringing on a miscarriage or abortion, except on the written prescription of a medical practitioner, which prescription shall be retained by the seller or supplier and produced when ordered by a court of petty sessions at any time within twenty-four months after the date on which such prescription was given. Any person who acts in contravention of this section shall be liable to a penalty not exceeding one hundred pounds: provided that this section shall not apply to a wholesale firm supplying a medical practitioner or pharmaceutical chemist or to any public hospital or charitable institution.

Prohibition
of sale of
disinfectants
and preserva-
tives.

113. (1.) On the recommendation of the Director-General the Governor in Council may, by notification in the *Gazette*, prohibit the sale of any article as a disinfectant, germicide, antiseptic, preservative, or deodorant.

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ARTICLES.

(2.) But no such recommendation shall be made until a reasonable opportunity has been given to the manufacturer, importer, vendor, or owner of the article or his agent to place his objections to the proposed prohibition before the Director-General.

Division II.—
*Pure Food,
Drugs, Etc.*

(3.) No person shall sell any article so prohibited.

114. (1.) The Director-General by notification in the *Gazette* may require, concerning any substance or compound sold or intended to be sold as a disinfectant, germicide, antiseptic, preservative, or deodorant, that such information or directions as he deems fit shall be set out on a label written on or attached to any package containing the same.

Labelling of
disinfectant.

(2.) After such notification, no person shall sell any such article unless such information or directions are set out as aforesaid.

115. (1.) No person shall sell milk unless he is licensed under this Act and his premises are registered under this Act.

Licensing of
milk-sellers.

(2.) No person shall in any street sell milk from a vehicle, or from a can or other receptacle, unless the name and address and license number of the licensed milk-seller are conspicuously inscribed on the vehicle or receptacle.

Name and
address of
person
selling milk
in a public
place.

(3.) No person shall convey or carry water, separated or skimmed milk, or any other fluid capable of being used for diluting milk in any vehicle in which milk is conveyed or carried for sale, or in any can or other receptacle used in the sale of such milk.

Water or
other
diluting
fluid not to
be carried.

(4.) Subsections one and two of this section shall apply only in such Areas as the Governor in Council from time to time, by notification in the *Gazette*, so orders.

116. (1.) No person shall sell or knowingly use the milk of a cow suffering from any disease.

Sale of milk
of infected
cow.

(2.) The fact that a diseased cow is in the milking herd of a person who sells milk shall be *prima facie* evidence that the milk of such cow has been sold for the food of man.

(3.) The Governor in Council, on the recommendation of the Director-General, may from time to time declare what are diseases in cattle for the purposes of this section.

*Division II.—
Pure Food,
Drugs, Etc.*
Bread to be
sold in loaves
of certain
weights.

117. All bread made for sale, except as hereinafter excepted, shall be made into loaves weighing not less than one pound, two pounds, or four pounds, according to the standard weight by law established, and such loaves shall be called the one-pound loaf, two-pounds loaf, and four-pounds loaf respectively.

Any baker who—

- (i.) Makes for sale, or sells or exposes for sale, bread of any other denomination or size ;
or
- (ii.) Sells or exposes for sale any loaf found to be deficient of its due weight, and which has been baked within eighteen hours next preceding the time of its being so sold or offered for sale,

shall be liable to a penalty not exceeding five shillings for every ounce of bread so found deficient, unless it is proved that the deficiency arose wholly from some *unavoidable accident in baking or otherwise, or was occasioned by or through some contrivance or confederacy to injure the accused person.

In case of dispute, the proof of the bread not having been baked within eighteen hours shall lie on the baker :

Rolls
excepted.

Provided that all bread weighing eight ounces or less shall be called and deemed to be rolls, and may be made and sold of such size or weight as the baker thinks fit.

Shops may
be searched
for bread
short of
weight
within
eighteen
hours after
baking.

118. (1.) Any justice, or any officer without warrant, or any member of the Police Force authorised by warrant under the hand of a justice, may at any time enter into any house or premises belonging to or in the occupation of any baker, and search for, examine, and in the presence of the baker or of any servant or agent of the baker or any person apparently in charge of the premises, weigh any bread therein which has been baked within eighteen hours next preceding the time of search, and may search for, examine, and weigh any such bread in or on any vehicle or other means used for the transit or delivery of bread in any place.

Such bread shall be weighed in sets of four loaves of the same denomination or size, or in any larger or smaller quantity as may be found most convenient.

* Verbally corrected.

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AND OTHER
ARTICLES.

In case of dispute the proof of the bread not having been baked within eighteen hours shall lie upon the baker.

Division II.—
Pure Food,
Drugs, Etc.

(2.) If on the weighing of such bread any deficiency is found in its due weight, on the average of the whole weight of all the loaves of bread of the same denomination or size which are then weighed, such justice, officer, or member of the Police Force weighing the bread shall give to the baker or his servant or agent, or any person apparently in charge of the premises, who is present at the weighing a certificate in writing and signed by him showing the correct particulars of such weighing.

Penalty for
deficiency.

The person offending shall be liable to a penalty not exceeding five shillings for every ounce of bread so found deficient, unless it is proved that the deficiency arose wholly from some unavoidable accident in baking or otherwise, or was occasioned by or through some contrivance or confederacy to injure the accused person.

(3.) Any such justice, officer, or member of the Police Force may seize all loaves so found deficient, and the court before which proceedings are taken may dispose thereof as it thinks fit.

Deficient
loaves may
be seized.

119. Every baker shall cause to be provided and kept in some conspicuous part of his premises a suitable weighing instrument with the necessary appurtenances for weighing dough or loaves of bread.

Bakers to
provide in
their shops
scales and
weights.

Any person who purchases any loaf of bread from any baker may require the same to be immediately weighed in his presence.

Any baker who fails to provide or keep such weighing instrument and all necessary appurtenances thereto, or who refuses to weigh any loaf purchased on his premises in the presence of the purchaser, shall be liable to a penalty not exceeding twenty pounds.

120. Any officer shall have power at any time to stop and detain any vehicle by which any articles of food are being conveyed apparently in the course of or for the purpose of sale or delivery by retail to customers, and to demand the production of any bills of parcels, delivery notes, orders, or labels having reference to the goods then being so conveyed, and to inspect the same, and to compare the weights of any such foods with the weights thereof as alleged in such bills, notes, orders, or

Inspection of
foods in
course of
delivery to
detect short
weight.

*Division II.—
Pure Food,
Drugs, Etc.*

labels. If any such weights are found to be apparently deficient or otherwise unjust to the prejudice of the customer, such officer may seize and detain any such goods, together with the bills, notes, orders, or labels relating to the same, and shall, as soon thereafter as conveniently may be, have such weights compared and verified by a duly appointed inspector of weights and measures, who shall give a certificate of the result. And if upon such comparison and verification such weights are found to be deficient or otherwise unjust to the prejudice of the customer, the vendor and the person delivering such goods shall each be liable to a penalty not exceeding five pounds, unless it is proved to the satisfaction of the court that the deficiency or other injustice arose wholly from some unavoidable accident, or was occasioned by or through some contrivance or confederacy to injure the accused person.

Filtration of
aerated
waters
and ice.

121. No person shall manufacture or prepare for sale soda water, spa water, lithia water, lemonade, ginger ale, or any other artificially aerated water, or any cordial or fruit syrup, or ginger beer, hop beer, or any similar beverage, or any ice intended for human consumption, unless the water used in the manufacture or preparation thereof and contained therein has been passed through a filter or filters or steriliser approved by the Director-General, and thereafter before use has been so kept as to be free from contamination and impurity.

Substances
prohibited
in beer.

122. (1.) No person shall sell in any licensed or registered premises or from any brewery any beer which contains—

- (a) Arsenic, lead, copper, strychnine, cocculus indicus, picric acid, tobacco, or nicotine ;
- (b) Any other substance or compound in excess of any proportion permitted by regulation.

Pipe for
drawing
beer.

(2.) No person shall use, for drawing from any receptacle any beer for purposes of sale, any pipe—

- (a) Made wholly or partly of lead ; or
- (b) Which is not kept in a clean and wholesome condition, or which contains any matter, sediment, or growth likely to be injurious to health.

(3.) In this section the word “ beer ” includes ale, porter, stout, lager beer, and any beer liable to customs or excise duties.

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AND OTHER
ARTICLES.

Division III.—Cooking Utensils, Toys, Wearing Apparel, Footwear, Matches, and Paints.

123. (1.) No person shall, unless so permitted by the regulations, sell or use in the manufacture, preserving, storage, transit, or conducting of any food for any purposes of sale any cooking utensil or any appliance—

- (a) Consisting wholly or in part of lead or of any metal alloy containing more than ten per centum by weight of lead; or
- (b) Soldered (where in contact with any food) with a metal alloy containing more than a prescribed proportion of lead; or
- (c) Tinned inside with a metal alloy containing more than one per centum by weight of lead; or
- (d) Containing enamel, glaze, india-rubber, or gutta-percha, which, on boiling for thirty minutes with dilute acetic acid, containing four per centum by weight of acetic acid, yields lead to the latter; or
- (e) Containing more than one-fourth of one grain of arsenic per pound of metal alloy, enamel, glaze, india-rubber, or gutta-percha.

(2.) On the recommendation of the Director-General, the Governor in Council may exempt any food or any package of food from any of the provisions of this section.

124. (1.) No person shall manufacture or sell or supply or keep for sale or supply—

- (i.) Any toys or wallpaper or other decorative paper, or paper serviettes, or paper used in the enclosure of any food, in or upon which is paint, colour, facing, dressing, size, or varnish, containing—
 - (a) Arsenic, or lead, or antimony, in any form or compound, or
 - (b) Any specified substance, exceeding such allowable quantity as is prescribed;
- (ii.) Any textile substance or leather intended for or capable of being used in the making of wearing apparel for use by man containing—
 - (a) Arsenic, or lead, or antimony, or barium in any form or compound, or

Substances
prohibited
in toys, &c.Substances
prohibited
in textile
articles, &c.

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—*Cooking*
Utensils,
Toys,
Wearing
Apparel,
Footwear,
Matches,
and Paints.
Woollen
goods.

(b) Any specified substance or weighting material exceeding such allowable quantity as is prescribed ;

(iii.) Any wearing apparel for use by man described or designated, whether by the vendor or the purchaser, as woollen or made of wool or by any other description or designation denoting wool, unless the same contains at least ninety per centum of wool or such percentage of wool as may be from time to time prescribed ;

(iv.) Any blanket or rug described or designated as woollen or made of wool or by any other description or designation denoting wool unless the same consists entirely of wool ;

(v.) Any mattress or quilt described or designated by any particular name denoting that it contains a certain substance, unless it contains only such substance or is packed entirely with such substance ;

(vi.) Any tubed nursing bottle for infants' food.

Tubed
nursing
bottle.

Hair and
scalp
preparations.

(2.) No person shall sell or pack for sale any preparation for the treatment of the hair or scalp which contains any paraphenylenediamine or any lead or compound of lead, and no person shall use in the treatment of the hair or scalp of any other person any such preparation.

Prohibition
of white
phosphorus
in matches.

125. (1.) No person shall manufacture or sell or supply, or keep for sale or supply, any matches in the manufacture of which white phosphorus is used.

(2.) The court by which any person is convicted of any offence against this section, by the same or any subsequent order, may adjudge that all white phosphorus and all matches made with the same which are found in the possession or apparently in the possession of the defendant shall be forfeited ; and upon such forfeiture such articles shall be destroyed or otherwise dealt with as the Minister directs.

(3.) In this section "white phosphorus" means the substance commonly known as white or yellow phosphorus.

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ARTICLES.

126. (1.) Any person who manufactures for sale or sells any boots or shoes the soles of which do not consist entirely of leather shall, unless a statement of the materials comprising the sole is conspicuously and legibly stamped upon or impressed into the outer surface of the sole of each boot or shoe, be liable to a penalty not exceeding twenty pounds:

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—*Cooking Utensils, Toys, Wearing Apparel, Footwear, Matches, and Paints.*
Soles to be of solid leather or stamped with the name of material.

Provided that this subsection shall not apply—

- (i.) Where the outside consists entirely of rubber ;
or
- (ii.) Where the only material in the sole other than leather consists of one or more of the following :—
 - (a) Ordinary fillers of cork or waterproof felt,
 - (b) Canvas used to reinforce the insole,
 - (c) A prescribed material used as prescribed in the manufacture of shanks,
 - (d) Wood used in the heels of ladies' footwear,
 - (e) Stiffening of such materials and so made as prescribed.

(2.) Any person who sells or supplies any boots or shoes which do not bear stamped upon the soles or that portion of the sole known as the waist thereof in legible characters the name or registered trade mark of the manufacturer or maker, or his own name or trade mark, shall be liable to a penalty not exceeding twenty pounds.

Boots, &c., to bear name of manufacturers, &c.

(3.) Any person who manufactures for sale or sells any boots or shoes the soles of which consist of leather having an admixture of any weighting substance specified in the regulations shall be liable to a penalty not exceeding twenty pounds.

Soles not to contain weighting substance.

(4.) Any tanner or other person who manufactures or sells or supplies or keeps for sale or use in Queensland any leather having an admixture of any weighting substance specified in the regulations, and which is intended for or capable of being used in the making of soles for boots or shoes, shall be liable to a penalty not exceeding twenty pounds.

Leather not to contain weighting substance.

(5.) Where any person is prosecuted under this Act for the sale of any leather or boots or shoes the soles of which consist of leather having an admixture of any

Defence as to prosecution.

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—Cooking
Utensils,
Toys,
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Matches,
and Paints.

weighting substance as aforesaid, he shall be entitled to be discharged from such prosecution upon proving—

- (i.) That he has received from the person from whom he purchased such leather or boots or shoes, or his duly authorised agent, a guarantee in writing that the articles are constituted and marked in accordance with the requirements of this Act; and
- (ii.) That he had no reason to believe that the said articles were mixed, composed, constituted, or marked in contravention of this Act; and
- (iii.) That he sold the articles in the same state as when he purchased them,

subject, however, to the following conditions:—

- (a) The person giving the guarantee must be resident in Queensland, or, if a company or firm, must have a registered office in Queensland;
- (b) The guarantee must state the name and the place of business of the guarantor and the name under which he trades, and must specifically identify the articles to which it relates.

Application
of provisions
of s. 142 of
this Act.

(6.) The provisions of section one hundred and forty-two of this Act shall, with such alterations, modifications, and substitutions as the Governor in Council deems necessary and by Order in Council declares, extend and apply to a defendant in any proceedings under this section for a breach thereof.

Powers of
inspectors.

(7.) Any State inspector may enter any place where boots or shoes or leather are manufactured or sold or kept for sale, or any place where he has reason to believe that boots or shoes or leather are manufactured or sold or kept for sale, and inspect any articles therein; but he shall, at the request of any person apparently in charge of such place or of any work carried on therein, produce his authority as inspector.

He may also in any such place take any boots or shoes or leather, whether manufactured or partly manufactured, paying a just price for the same.

Proof of
manufacture
for sale.

(8.) In any prosecution under this section, any person who manufactures boots or shoes shall be deemed to manufacture them for sale, unless the contrary is proved.

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ARTICLES.

(9.) Any State inspector may seize any article which is or appears to him to be falsely described or composed or constituted in contravention of this section, and may mark such article or the package containing the same, and fasten, secure, or seal the same or any door or opening affording access to the same.

Division III.
—*Cooking*
Utensils,
Toys,
Wearing
Apparel,
Footwear,
Matches,
and Paints.
Power of
officer.

(10.) The Director-General may from time to time make regulations for carrying out this section, and in particular—

Regulations.

- (a) Prescribing the manner of marking the soles of boots and shoes in pursuance of this section ;
- (b) Prescribing the materials of which and the manner in which shanks and stiffening, not consisting of solid leather, used in the soles of boots and shoes may be manufactured and used ;
- (c) Specifying the weighting substances the admixture of which in leather forming part of the soles of boots and shoes is prohibited.

127. (1.) No person shall use or put any paint containing more than five per centum of soluble lead upon—

Restriction
of use of
paints
containing
soluble lead.

- (a) Any verandah wall, verandah palisade, verandah post, verandah floor, verandah rail, verandah door, verandah gate, verandah blind, or any steps, baluster, handrail, or lattice of any house or building whatsoever ;
or
- (b) Any fence or gate whatsoever ; or
- (c) Any other exterior portion whatsoever of any house, hall, school, or other building to which portion children under the age of fourteen years have easy access.

In any prosecution under this section the burden of proof that children under the age of fourteen years have not access to any such exterior portion as mentioned in paragraph (c) hereof shall in every case be on the defendant.

(2.) No person shall use or put on the roof of any house or building paint containing any lead.

Division III.
—*Cooking*
Utensils,
Toys,
Wearing
Apparel,
Footwear,
Matches,
and Paints.

(3.) For the purposes of this section any officer may—

- (a) Enter any premises or place and inspect any house, hall, school, or other building or any part thereof as indicated in subsections one and two hereof, or any other surface of any kind whatsoever as aforesaid;
- (b) Remove for examination or analysis a sample or samples of any paint adhering to any such house, hall, school, or other building, or any such part thereof as aforesaid, or adhering to any other surface as aforesaid;
- (c) Remove for examination or analysis a sample or samples of any paint which is being used by any person on any such premises or place for painting any of the exterior surfaces of any house, hall, school, or other building as aforesaid, or for painting any other surface indicated in subsections one and two hereof.

(4.) Whenever it is proved to the satisfaction of the Director-General that any surface of any house, building, fence, or gate, or any part thereof as indicated in subsections one and two hereof, has upon it paint containing more than five parts per centum of soluble lead, he may by notice in writing to the owner of any such premises or place require that any such painted surface as aforesaid shall be cleaned down and all such paint removed therefrom within the time stated in such notice.

Any person who fails to comply with the provisions of any such notice of the Director-General within the time stated therein shall be guilty of an offence and be liable to a penalty of not less than ten pounds nor more than fifty pounds and shall in addition to any monetary penalty imposed be required by the police magistrate to carry out such work as was required by such notice within such time as he may deem reasonable.

Any person as aforesaid who fails to comply with an order of a police magistrate under this subsection shall be guilty of an offence and shall be liable upon conviction to a penalty not exceeding fifty pounds.

Such provision shall obtain and have effect whether or not any such painted surface as aforesaid was painted with paint containing more than five parts per centum of soluble lead prior to the coming into force of this Act.

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(5.) "Soluble lead" means the lead compound which is dissolved upon paint being treated with the prescribed solvent by the prescribed method of testing.

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—*Cooking*
Utensils,
Toys,
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Footwear,
Matches,
and Paints.

For the purpose of calculating the percentage as aforesaid, the soluble lead shall be calculated as a percentage of lead monoxide on the dry substance of the paint free from varnish, size, or similar material.

Labelling
of paint.

128. There shall be supplied on or attached to every package of paint packed or enclosed for sale a label indicating the trade name or description, the net weight or true measure or volume of the contents thereof, the name and address of the vendor or maker of such contents, and containing a statement of the ingredients and the percentage proportions of the same in such paint.

The statement of ingredients shall be written in bold-faced sans serif capital letters of not less than eight points face measurement in the following form:—

This paint consists of [*or alternatively*] the contents of this package consist of [*herein insert the name or names of ingredients and the quantity or percentage proportion to each contained in the paint.*]

No person shall sell in a package any paint unless such a label is supplied on or attached to every such package:

Provided that paint shall not be deemed to be falsely described or labelled if the actual weight or true measure or volume of any *constituent of the liquid does not vary by more than ten per cent. from the weight, measure, or volume of the proportion of such constituent declared to be present.

129. Where any person (herein called "the contractor") undertakes or contracts with another person to paint any premises owned or occupied by such other person, such contractor shall not, without the knowledge and consent of such other person, use in the mixing and/or application of such paint any barytes or whiting or other deleterious substance or ingredient of inferior quality.

Contractor
mixing and
applying
paint with
ingredients
of deleterious
substance
contrary
to consent
of person
whose
premises are
painted.

Any person offending against the provisions of this section shall on conviction be liable to a penalty not exceeding fifty pounds.

The provisions of this section shall not prejudice or affect any civil remedy which such other person may have in the circumstances against the contractor.

* Verbally corrected.

Division IV.
—Dangerous
Drugs and
Poisons.

Division IV.—Dangerous Drugs and Poisons.

Restriction
in respect of
dangerous
drugs.

Definition of
“ dangerous
drug.”

130. (1.) For the purposes of this Act, the following substances shall be deemed to be dangerous drugs, namely :—

- (a) Morphine ;
- (b) Cocaine ;
- (c) Ecgonine ;
- (d) Diamorphine (commonly known as heroin) ;
- (e) Opium ;
- (f) Opium charcoal ;
- (g) Also any salt compound or derivative of any of the above substances ;
- (h) Coca leaves, Indian hemp, and all preparations of which such resins form the base ; also any extract or tincture of Indian hemp ; and
- (i) Such other substances as may for the time being be prescribed from time to time by the Director-General with the approval of the Governor in Council.

Restriction
on sale,
possession,
&c.

(2.) No person other than a person licensed in such behalf under this Act or otherwise authorised in such behalf under this Act shall at any time have in his possession, or upon any premises or place occupied by him, any dangerous drug, and no person shall supply or procure or offer to supply or procure any dangerous drug to or for any person unless licensed under or authorised by this Act.

Burden of
proof.

(3.) The burden of proof that any person is licensed or otherwise authorised under this Act shall in every case be on the defendant.

(4.) If any person acts in contravention of or fails to comply with any requirement of this section, he shall be guilty of an offence against this Act.

Penalty.

Any person guilty of any such offence shall be liable on conviction for a first offence to a penalty of not less than fifty pounds nor more than two hundred pounds or to imprisonment, with or without hard labour, for a term not exceeding six months or to both such penalty and imprisonment, and in the case of a second or subsequent conviction to a penalty of not less than

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one hundred pounds nor more than five hundred pounds or to imprisonment, with or without hard labour, for a term not exceeding two years, or to both such penalty and imprisonment any law to the contrary notwithstanding, and the court upon conviction of the offender may, in addition to any punishment, order that the goods in respect of which the offence was committed shall be forfeited to His Majesty.

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Poisons.

(5.) Any member of the Police Force may without warrant arrest any person who has committed, or has attempted to commit, or is reasonably suspected by such member of the Police Force of having committed or of having attempted to commit, an offence against the provisions of this section, and any member of the Police Force may detain any person found travelling whom such member of the Police Force may reasonably suspect to have in his possession any dangerous drug contrary to the provisions of this section, and such member of the Police Force may search any vehicle, premises, or place in which such person may be, and may, in the presence of a justice of the peace at a police station at which a justice must be present, search such person and may open and search any pack or package, bag, box, swag, or other receptacle carried or conveyed by such person, and such member of the Police Force may seize any dangerous drug found in the possession of such person or in any pack, package, bag, box, swag, or other receptacle carried or conveyed by such person or upon any such vehicle, premises, or place, and may forthwith arrest such person without warrant and detain him in custody until he can be brought before the court to be dealt with according to law.

Power of
arrest,
seizure, &c.

(6.) The Director-General may from time to time make regulations for carrying out the objects of this section and in particular for regulating the manufacture, sale, distribution of, and other dealings with dangerous drugs, and prescribing penalties not exceeding five hundred pounds for any breach of any such regulation.

Regulations.

131. (1.) No person other than one licensed in such behalf under this Act, or otherwise authorised in such behalf under this Act, shall at any time have in his possession or upon any premises or place occupied by him any cyanide of potassium or any poisonous compound of cyanogen.

Cyanide of
potassium
and other
poisonous
cyanides.

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Drugs and
Poisons.

The burden of proof that he is licensed or otherwise authorised under this Act shall in every case be on the defendant.

(2.) If any person acts in contravention of or fails to comply with any requirement of this section he shall be guilty of an offence against this Act.

Penalty.

Any person guilty of any such offence shall be liable on conviction to a penalty of not less than twenty pounds nor more than fifty pounds, or to imprisonment with or without hard labour for a term not exceeding three months or to both such fine and imprisonment, and in the case of a second or subsequent conviction to a penalty of not less than fifty pounds, nor more than one hundred pounds, or to imprisonment with or without hard labour for a term not exceeding six months or to both such fine and imprisonment, and the police magistrate dealing with the case may in addition to any further punishment order the goods in respect of which the offence was committed to be forfeited to the Crown.

**Power of
arrest,
seizure, &c.**

Any member of the Police Force may without warrant arrest any person who has committed or attempted to commit, or is reasonably suspected by him of having committed or attempted to commit, any offence against this section, and any member of the Police Force may detain any person found travelling whom he may reasonably suspect to have in his possession any cyanide of potassium or any poisonous compound of cyanogen contrary to the provisions of this section, and may search any vehicle, premises, or place in which such person may be, and may, in the presence of a justice of the peace at a police station at which a justice must be present, search such person and may open and search any pack or package, swag, or other receptacle carried or conveyed by such person and may seize any cyanide of potassium or poisonous compound of cyanogen found in the possession of such person or upon such vehicle, premises, or place, and may forthwith arrest such person without warrant and detain him in custody until he can be brought before the court to be dealt with according to law.

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Inspection,
Removal,
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Analysis.*

132. (1.) Any officer authorised by the Director-General for the purpose of this section, and either generally or for any limited period or for any particular case, may—

Entry and
inspection.

- (a) Enter and inspect any place which he has reasonable ground for believing is kept or used for the making, manufacture, dispensing, sale, storage, delivery, conveyance, or preparation for sale of any article used, or which he has reasonable ground for suspecting is intended to be used as a food or drug, or which he has reasonable ground for suspecting is a poison or a drug or a biological preparation or a prohibited article, and inspect any such article ;
- (b) Inspect any article used or which he has reasonable ground for suspecting is intended to be used as a food or drug, or which he has reasonable ground for suspecting is a poison or a drug or a biological preparation or a prohibited article, and which is being conveyed through or on any street, or conveyed by water in any vessel or boat, or by railway, or by tramway, or by vehicle, or by aeroplane, or by other means of transit apparently for the purposes of trade, sale, or delivery ;
- (c) Examine and open any such article or any package enclosing the same in any such place, or conveyed as aforesaid ;
- (d) Remove for examination or analysis any such article or portions or samples of any such article ;
- (e) Weigh, count, measure, gauge, or mark such article or package, and fasten, secure, or seal the same or any door or opening affording access to the same ;
- (f) Inspect and for that purpose, where deemed necessary, open up, take apart, and test any appliance or utensil used in the manufacture, preparation, storing, preservation, packing, delivering, or serving of any food, poison, drug, biological preparation, or article ;

Articles in
transit.Examina-
tion.

Samples.

Sealing, &c.

Inspection
of appliance.

*Division V.—
Inspection,
Removal,
Sampling,
Analysis.
Seizure.*

(g) Seize any such article, appliance, or utensil which is, or appears to him to be, injurious or unwholesome, or unfit for use, or to be a prohibited article, and any package enclosing or containing the same ;

Testing of
spirits.

(h) Without any limit to the foregoing powers, enter any licensed or registered premises where spirits are sold, and, with or without purchasing or taking any quantity, test the alcoholic strength of such spirits.

Time for
entering and
inspection.

(2.) When any such article is usually made, manufactured, sold, delivered, conveyed, or prepared for sale during the night, such entry and inspection may be made at any reasonable time in the day or night ; otherwise, such entry and inspection shall only be made at a reasonable time in the day.

Officer of
Local
Authority.

(3.) Where the officer is an officer of a Local Authority his powers under this section may be exercised within the Area of the Local Authority, and on any part of a street, harbour, river, stream, or watercourse which is within or runs through or lies at the boundary of such Area.

When
portion of
sample to be
sent to
consignor,
consignee,
&c.

(4.) In the case of any food, drug, or article having been removed or seized by any officer in accordance with this section the officer shall (except in a case in respect of which other provision is made by or under this Act) if its nature, structure, or composition reasonably permits forthwith deliver or forward a portion marked and sealed or fastened up in such a manner as its nature permits to the consignor or manufacturer thereof if his name and address are on or attached to such food or drug or article, or any package enclosing or containing the same, and if such address is in Queensland ; otherwise, such portion shall be delivered or forwarded to the owner of the thing removed or seized or the person in whose possession it has been found : provided that in the case of any food, drug, or article that is not reasonably capable of division having been removed or seized by an officer under this section the officer having first marked and sealed or fastened up such food, drug, or article in such a manner as its nature permits may either deliver same to an analyst or retain same in safe keeping : provided also, that where the food, drug, or article removed or seized is liable to

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decomposition the officer may, in lieu of delivering or forwarding such article as herein prescribed, forthwith place the same in cold storage, and shall thereupon notify that fact to the consignor, manufacturer, owner, or person in whose possession it has been found.

(5.) Any justice may grant a summons calling upon the owner of the article, appliance, or utensil so seized, or the person in whose possession it has been found, to appear before any police magistrate to show cause why it and any package aforesaid should not be forfeited and destroyed.

(6.) Upon the said owner or person so appearing, or if after being so summoned he fails to appear, the said magistrate may, after inquiry into the matter, and if satisfied by reasonable proof—

- (a) That the article was used or was intended to be sold or used as food, and was unfit for consumption by man; or
- (b) That the article was used or was intended to be sold or used as a drug, and was unfit for use, or might, if sold to a purchaser and used by him in a proper manner, injuriously affect him; or
- (c) That the article is a prohibited article; or
- (d) That such appliance or utensil is injurious or unwholesome or unfit for use,

adjudge such article, appliance, or utensil, and also every such package, to be forfeited.

In default of such reasonable proof, the article, appliance, or utensil and the said package shall be forthwith restored to the owner or person in whose possession they were found.

(7.) This section shall, without restricting its general application, extend and apply to articles packed, bottled, or tinned, and to articles sold or made up or included in or prepared or cooked for any meal at any shop, factory, eating-house, lodging-house, licensed house, or other place, whether consumed or to be consumed on the premises or elsewhere; and moreover this section shall be in aid of and not in derogation of any other provision of this Act conferring the like or other powers upon officers in respect of any substance or article mentioned herein, and shall be read and construed accordingly.

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Removal,
Sampling,
Analysis.*
Power to
demand,
select, and
take
samples.

133. (1.) On payment or offer to any person selling, delivering, or carrying for delivery, or manufacturing or preparing for sale any food or drug or article, or to any person apparently acting as his agent or servant or apparently in charge of the food or drug or article, of the current market value thereof or at the rate of payment prescribed therefor, any officer may demand and select and take or obtain samples of the said food or drug or article for the purposes of this Act.

(2.) Any officer may require any person as aforesaid to show and permit the inspection of the package in which such food or drug or article is at the time kept, and may take or draw or may require the said person to take or draw therefrom the samples demanded.

(3.) Where any food or drug or article is kept for retail sale and is usually sold in a closed package, no person shall be required by any officer to sell less than the whole of such package.

(4.) If any rates have been fixed by regulation for the payment for samples of any food, or drug, or article, it shall not be necessary for any officer to tender any higher price for such sample.

Manner
in which
sample
may be
dealt with.

134. (1.) An officer taking or obtaining any sample of food or drug or article as last aforesaid shall divide the sample into three parts, and shall mark and seal or fasten up each such part in such manner as its nature permits, and shall offer one of such parts to the person from whom he took or obtained the sample :

Provided that when any food, or drug, or article is contained in a package in such quantity that its division into three parts, as hereinbefore provided, would furnish parts insufficient for accurate analysis, additional packages, which purport to contain a similar food or drug or article under the same label may be taken or obtained ; and the contents of two or more packages may be mixed together and the mixture divided and submitted for analysis as hereinbefore provided.

(2.) He shall subsequently deliver another of such parts to an analyst, and shall retain the third of such parts.

(3.) Such delivery to an analyst may be effected either personally or by sending the thing by registered post addressed to the analyst at his usual address, or in

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a sealed package addressed to the analyst at his usual address by rail, aeroplane, motor vehicle, steamer, or other means of transit, or in such other manner as may be prescribed.

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135. Any person may, on payment of the cost of the sample, require any officer to purchase a sample of any food or drug or article and submit the same for analysis.

Any person
may have
sample
analysed.

136. (1.) Where any method of analysis, chemical or physical, has been prescribed for the analysis of any food, or drug, or article, any analyst, either for the prosecution or defence, shall in his certificate of analysis declare that he has followed the prescribed method in his analysis.

Duty of
analyst, &c.

But evidence shall be admissible on the part of the defence of analysis made by other than the prescribed method, and to show that the prescribed method is not correct.

(2.) For the purpose of determining the degree of strength of any spirits, such apparatus shall be used and such method observed as may be prescribed.

(3.) A copy of the result of any analysis of any food, or drug, or article, procured by an officer may be obtained from the analyst by the person from whom the thing so analysed was purchased or obtained on demand.

(4.) No copy of any such analysis shall be used in any writing for trade purposes or as an advertisement, and if any person so uses it he shall be liable to a penalty not exceeding fifty pounds.

(5.) No person shall use for trade purposes or as an advertisement any communication or correspondence from any State department relating to any food, or drug, or article or to any other matter to which this Act or any regulation made thereunder applies; and if any person so uses such correspondence or communication he shall be liable to a penalty not exceeding fifty pounds.

137. Any person who—

(a) Assaults, intimidates, or obstructs the Director-General or any officer in the exercise of his powers or in the discharge of his duties under this Part, or attempts so to do;

Obstruction
of officer,
&c.

- (b) Refuses to sell or to allow to be taken any sample demanded in accordance with this Part ;
- (c) Gives, procures, offers, or promises any bribe, recompense, inducement, or reward to influence any officer in the exercise of his powers or in the discharge of his duties under this Part ;
- (d) Retakes or attempts to retake any food, drug, or article seized, taken, or obtained under this Part, or resists or attempts to prevent such seizure ;
- (e) Without authority opens, alters, breaks, removes, or erases any mark, fastening, or seal placed by any officer, in pursuance of this Part, upon any food, drug, or article, or upon any package, place, door, or opening containing or affording access to the same ;
- (f) Refuses to state his name and/or place of abode or address when requested by an officer, or states a false name or false place of abode, or false address,

shall be guilty of an offence and shall (if no further or other penalty is prescribed for such offence) be liable to a penalty not exceeding ten pounds for the first offence or in the discretion of the court imprisonment for any period not exceeding one month; and for the second or any subsequent offence to a penalty not exceeding fifty pounds or in the discretion of the court imprisonment for any period not exceeding three months.

Possession of
ingredients
for
adulteration.

138. Every maker, manufacturer, or seller of food in whose house, premises, or possession any ingredient or mixture is found, which is adjudged by any police magistrate to have been deposited or kept there or had in possession for the purpose of being used for adulterating any food or any constituent of any article of food shall be liable to a penalty not exceeding five pounds for the first offence, ten pounds for the second offence, and fifty pounds for every subsequent offence, unless the police magistrate is satisfied that such ingredient or mixture was so deposited, kept, or had in possession without the knowledge or consent of the defendant.

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139. In any prosecution under this Act with respect to any food, drug, or article, it shall be no defence that the defendant is only the agent or servant of the owner or of person dealing in the food, drug, or article, or having the same for sale, but the agent or servant and also the owner or person aforesaid shall be liable :

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Agent or
servant
liable
in addition
to
principal.

Provided that a servant shall not be liable if he proves that the offence was committed in a place in which business was, at the time of the committing of the offence, conducted under the personal superintendance of the owner of the business or some manager or other person representing such owner, and that the offence was committed with the knowledge of the owner or his representative.

140. (1.) If the defendant, being an agent or servant, proves that he sold the food, drug, or article without knowledge that any provisions of this Act with regard to the nature, substance, quality, description, labelling, constituents, or mode of manufacture of the food, drug, or article, or any package in which it was contained had been contravened or had not been complied with, he may, whether his principal or employer has or has not been convicted and punished, recover in any court of competent jurisdiction from his principal or employer the amount of any penalty in which he himself has been convicted in respect of such prosecution, together with the costs thereof paid or payable by him upon his conviction, and those paid or payable by him in and about his defence to the prosecution.

Agent or
servant
may
recover from
principal.

(2.) Where an agent or servant has been convicted as aforesaid, the court may, if it thinks fit, suspend the operation of the conviction for any period not exceeding three months to enable him to recover from his principal or employer the penalty and costs as aforesaid.

(3.) If the defendant, being the owner or employer, proves that without knowledge on his part any provisions of this Act with regard to the nature, substance, quality, description, labelling, constituents, or mode of manufacture of the food, drug, or article, or any package in which it was contained had been contravened or had not been complied with in respect of the sale of such food, drug, or article by his agent or servant, he may, whether his agent or servant has or has not been convicted or

Owner may
recover from
agent or
servant.

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punished, recover in any court of competent jurisdiction from his agent or servant the amount of any penalty in which he himself has been convicted in respect of such prosecution, together with the costs thereof paid or payable by him upon his conviction and those paid or payable by him in and about his defence to the prosecution.

(4.) Where an owner or employer has been convicted as aforesaid the court may, if it thinks fit, suspend the operation of the conviction for any period not exceeding three months to enable him to recover from his agent or servant the penalty and costs as aforesaid.

When
importer or
manufac-
turer liable.

141. Where any food, or drug, or article in connection with which there is a breach of this Act is purchased or obtained in a closed package by any officer, any person who appears from any statement or label thereon or attached thereto to have imported or manufactured or prepared such food, or drug, or article or to have enclosed it in such package shall, unless he proves the contrary, be deemed to have so imported, manufactured, prepared, or enclosed the same, and (unless the breach is shown to be due to the default of the person on whose premises the package is found, or to deterioration or other causes beyond the control of the person named on the package or label) shall be guilty of an offence.

Guarantee,
when a
defence.

142. (1.) Where any person is prosecuted under this Act for the sale of any food, or drug, or article which is adulterated or falsely described, or is mixed, coloured, composed, or constituted in contravention of this Act, he shall be entitled to be discharged from such prosecution upon proving—

- (i.) That he has received from the person from whom he purchased such food, or drug, or article, or his duly authorised agent, a guarantee in writing that the same is not adulterated or falsely described, or mixed, coloured, composed, or constituted as aforesaid; and
- (ii.) That he had no reason to believe that the same was adulterated or falsely described, or mixed, coloured, composed, or constituted as aforesaid; and

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(iii.) That he sold it in the same state as when he purchased it,

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subject, however, to the following conditions:—

- (a) The person giving the guarantee must be resident in Queensland, or, if a company or firm, must have a registered office in Queensland;
- (b) The guarantee must state the name and the place of business of the guarantor, and the name under which he trades;
- (c) A guarantee may be general or specific;
- (d) A general guarantee shall apply to the sale of the description of goods or classes of goods named therein;
- (e) A specific guarantee shall apply to the sale of specific goods, and shall refer to a sale note, bill of sale, invoice, bill of lading, or other document describing the goods and the weight, measure, and number of the same, but shall not be available as a defence unless the defendant has, within five days after service of the summons, sent to the purchaser a copy of such guarantee with a written notice stating that he intends to rely on the same as a defence, and specifying the name and place of business of the person giving the guarantee, and the name under which he trades, and has also sent a like notice of his intention to the person giving the guarantee;
- (f) A general guarantee shall apply to the sale of any particular class or classes of goods specified in a guarantee document describing such goods, and where it is intended to rely upon a general guarantee as a defence the like procedure as in the case of a specific guarantee shall be followed by the defendant;
- (g) The person by whom any guarantee is alleged to have been given under this section shall be entitled to offer evidence at the hearing, and the court may, if it thinks fit, adjourn the hearing to enable him to do so;
- (h) The form of any guarantee under this section may be prescribed.

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Penalty on
guarantor.

(2.) Any person who gives any such guarantee which is false shall, in addition to any penalty for the sale of any food, or drug, or article in contravention of this Act, be guilty of an offence, unless he proves that when he gave the guarantee he had reason to believe, and did believe, that the statements or descriptions contained therein were true; and it shall be no defence to any prosecution under this Act of the person giving such guarantee that he gave it more than six months or any prescribed period of time before the institution of such prosecution.

Proceedings
for such
penalty.

(3.) Proceedings under the last preceding subsection against the person who has given the guarantee may be taken before a court having jurisdiction in the place where the food, or drug, or article was sold, or before a court having jurisdiction in the place where the guarantee was given.

Agents or
servants.

(4.) When the defendant is a servant or agent of the person who purchased the food, or drug, or article under such a guarantee he shall be entitled to the benefit of this section in the same manner and to the same extent as his employer or principal would have been if he had been the defendant, unless it is proved that the servant or agent knew or had reason to suspect that the food, or drug, or article did not conform to the said guarantee.

Existing
guarantees.

(5.) All general guarantees given under the provisions of **"The Health Acts, 1900 to 1936,"* and filed in the office of the Director-General and all serial numbers allotted to them respectively are, on and after the first day of July, one thousand nine hundred and thirty-eight, hereby cancelled, and on and after such date no person shall use on the label or package of any food, drug, or article any such serial number, or the words "Guaranteed under the Health Act," or words of similar import, or any words or expression signifying, suggesting, or implying that the food, drug, or article, or the contents of any such package, is or are guaranteed under the provisions of this Act or regulations, or any other law.

Penalty for
offence.

143. (1.) If any person contravenes or does not comply with or is guilty of an offence against any provision of this Part of this Act, and no other penalty is by this Act expressly provided in that behalf, he shall be liable for the first offence to a penalty not exceeding

* 64 Vic. No. 9 and amending Acts, *supra*, pages 7735 *et seq.*

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twenty pounds, and for a second offence in respect of the same provision to a penalty of not less than ten pounds nor exceeding fifty pounds, and for any subsequent offence in respect of the same provision to a penalty of not less than thirty pounds nor exceeding one hundred pounds :

Provided that when a person is convicted of selling milk adulterated with water the penalty imposed shall be not less than one pound for each one per centum of added water up to the maximum penalty permitted by this section :

(2.) Where a person is found guilty of an offence under this Part of the Act for which a pecuniary penalty only is provided, and the offence is found by the court to have been committed wilfully or by the culpable negligence of the person accused, that person shall be liable, in addition to or in lieu of such penalty (unless the court is of opinion that a pecuniary penalty only will meet the circumstances of the case), to imprisonment, with or without hard labour, for a period not exceeding twelve months.

Imprison-
ment in
certain
cases.

144. (1.) In the case of any conviction under this Act, any food, drug, or article (other than a poison, a restricted drug, a dangerous drug, or a biological preparation) to which the convictions relate may by order of the court be forfeited to His Majesty.

Forfeiture.

Such forfeiture may extend to the whole of the food, drug, or article, and to the whole of any similar food, drug, or article, and to all packages containing any similar food, drug, or article belonging to the defendant, or found on the defendant's premises or in his possession at the time of the committing of the offence.

In the case of any conviction under this Act, any poison, restricted drug, dangerous drug, or biological preparation to which the conviction relates shall be and be deemed to be forfeited to His Majesty.

(2.) All foods, drugs, and articles forfeited under this Act shall be disposed of as the Minister may direct.

145. (1.) All proceedings in respect of an offence against this Part of this Act shall be taken in a summary manner before a police magistrate sitting alone.

Proceedings
for offences.

(2.) The summons in any such proceeding in which an analyst's certificate is used shall not be made returnable in less than seven days from the day on which it is served.

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Removal,
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Analysis.*

(3.) There shall be served with the summons a copy of the analyst's certificate (if any) obtained on behalf of the prosecution.

The endorsement of the analyst's certificate with an oath of service shall be *primâ facie* evidence of the service of such copy.

(4.) When any food, drug, or article has been taken or obtained for analysis, no prosecution under this Act in respect thereof shall be instituted after the expiration of ninety days from the time when it was so taken or obtained.

Analyst's
certificate
primâ facie
evidence.

146. (1.) The production by the prosecutor of a certificate of analysis purporting to be under the hand of an analyst shall be sufficient evidence of the facts stated therein, unless the defendant requires that the analyst shall be called as a witness, in which case he shall give notice thereof to the prosecutor not less than three clear days before the return day.

(2.) In like manner the production by the defendant of a certificate of analysis purporting to be under the hand of an analyst shall be sufficient evidence of the facts stated therein, unless the prosecutor requires that the analyst be called as a witness. A copy of such last-mentioned certificate shall be sent to the prosecutor at least three clear days before the return day, and if it is not so sent the court may adjourn the hearing on such terms as it thinks proper.

Independent
analysis.

147. In the event of disagreement between the evidence of the analyst for the prosecution and that of the analyst for the defence, the court shall on the request of either party to any proceedings for an offence against this Part in respect of any food, drug, or article a sample of which has been taken or obtained under and pursuant to section one hundred and thirty-three of this Act, and may, if it thinks fit without such request, order the Director-General to procure that the part of a sample retained by the officer when purchasing or obtaining the sample shall be submitted to another analyst for analysis; and the Director-General shall comply with every such order accordingly.

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148. (1.) Where any person is convicted of an offence, the court shall order that all fees and other expenses incident to the analysis of any food, drug, or article in respect of which the conviction is obtained (including an analysis made under the last preceding section) shall be paid by the person convicted.

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Inspection,
Removal,
Sampling,
Analysis.*

Expenses of analysis to be paid by offenders on conviction.

(2.) All such fees and expenses shall be deemed to be part of the costs attending the conviction, and shall be recoverable in the same manner as such costs are recoverable.

149. (1.) The burden of proof that any food, or drug, or article was not made or manufactured or dealt with or prepared or treated or offered or received or had in possession or kept or exposed or sent or forwarded or supplied or delivered or intended for sale or for purposes of sale, or sold, or that the same was not for consumption or use by man, shall in every case be on the defendant.

Onus of proof.

(2.) The purchase and sale of a sample of any food, or drug, or article under this Act for the purpose of analysis shall be deemed to be a purchase and sale of such food, or drug, or article for consumption or use by man, unless the seller proves that the bulk from which such sample was taken was not offered, exposed, or intended for sale for consumption or use by man.

(3.) In every such proceeding the presence of food in any place shall be evidence that such food was intended to be sold or used for consumption by man; and the presence of drugs or poisons in any place shall be evidence that such drugs or poisons were intended to be sold or used.

150. (1.) If in the opinion of the Director-General there is reasonable ground for suspecting that any person is in possession of any food, drug, or article for the purpose of sale, or of manufacturing or preparing the same for sale in breach of this Act, he may require such person to produce for his inspection, or to produce to any officer specially authorised in that behalf by the Director-General, any books or documents of the nature of store records or which deal with the reception, possession, purchase, sale, or delivery of any such food, or drug, or article.

Power to require information to be made available.

*Division V.—
Inspection,
Removal,
Sampling,
Analysis.*

(2.) The Director-General may make or cause to be made copies of or extracts from any such books or documents, and such copies or extracts, certified as such by such specially authorised officer, shall be deemed to be true and correct copies or extracts, unless the contrary is proved.

(3.) Every person who refuses or neglects to comply with any requisition made in pursuance of this section shall be liable to a penalty not exceeding fifty pounds.

(4.) Every officer who does not maintain the secrecy of all matters which come to his knowledge in the performance of his official duties under this section, or who communicates any such matter to any person whomsoever, except for the purpose of carrying into effect this Act, shall be liable to a penalty not exceeding fifty pounds and may be dismissed from his office.

Publication
of names of
offenders.

151. (1.) Where any person or any of his servants or agents has been convicted of an offence against this Act relating to the sale of any food, drug, or article, and such person or any of his servants or agents is subsequently convicted of any such offence (whether of the same offence or not), a notification of the name of such person may be published by the Director-General in the *Gazette*, and also by posting it up for a period of twenty-one days on his place of business, and in the case of a milk-seller upon any vehicle or vehicles used by him in connection with the sale or distribution of milk, within twenty-one days after such last conviction, together with the address of his place of business, the trade or firm or company name under which he trades, and a description of the nature of the subsequent offence, the decision of the court, and the penalty imposed, and any forfeiture incurred.

(2.) When the food, drug, or article was supplied to the said person by some other person, and was sold by the firstmentioned person in the state in which he received it, then the name of the supplier, and the address of his place of business, and the nature of the trade carried on by him may also be included in the notification.

(3.) Such notification may be republished in any newspaper circulating in Queensland; and no action for such republication shall lie against any person whomsoever.

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ARTICLES.

(4.) During the pendency of any appeal against a conviction for any offence, a notification as aforesaid in respect of such offence shall not be published by the Director-General, but may be so published within twenty-one days after a final order has been made on appeal affirming the conviction or dismissing the appeal.

*Division V.—
Inspection,
Removal,
Sampling,
Analysis.*

152. (1.) The Director-General may from time to time make regulations with respect to all or any of the following matters, namely :—

Regulations.

- (i.) Prescribing standards for the composition, strength, weight, quantity, purity, or quality of any food or drug, or article, or of any ingredient or component part thereof, or for the nature or proportion of any substance which may be mixed with or used in the preparation or preservation thereof, or prohibiting the addition of any article to any food, or drug, or article: the permitted variations (if any) from standards or from statements of measure or volume :

Regulations,
standards,
&c.

Provided that the standard so prescribed for spirits shall be for—

Brandy, not more than twenty-five degrees under proof,

Whisky, not more than thirty-two degrees under proof,

Rum, not more than thirty-five degrees under proof,

Gin, not more than thirty-five degrees under proof ;

- (ii.) Prohibiting the addition of any specified thing, or of more than the specified quantity or proportion thereof, to any food, or drug, or article ;
- (iii.) Prohibiting any modes of manufacture, preparation, or preservation of food ;
- (iv.) Prohibiting in the manufacture, preparation, storing, preservation, packing, or in the delivering or serving, of any food, or drug, or article for sale, the use of appliances containing any substance that may be specified and any substance in or exceeding any proportion

Foreign
substances.Mode of
manufac-
ture.

Appliances.

*Division V.—
Inspection,
Removal,
Sampling,
Analysis.*Packages,
&c.

that may be specified, and prohibiting the sale use, serving, or supply of such appliances ;

(v.) The substances which shall not be used in making any package : the mode of making containers, wrappers, and other packages for food so as to avoid contact with injurious substances : the use of boiler preservatives where such boilers are used in any process of food preparation or manufacture ;

Water.

(vi.) Securing the purity of water used in the preparation or manufacture of any food or drug, or article, or used in any boiler producing steam for any process of such preparation or manufacture ;

Contamina-
tion, &c.

(vii.) Securing the wholesomeness, cleanliness, and freedom from contamination or adulteration of any food, or drug, or article in the course of its manufacture, preparation, storage, packing, carriage, transit, or delivery, and securing the cleanliness of places, receptacles, appliances, and vehicles used in such manufacture, preparation, storage, packing, carriage, or delivery ;

Labelling.

(viii.) Prescribing the mode of labelling any food or drug, or article sold in packages, and the matter to be contained or not to be contained in such labels : exempting any package or any food or drug, or article from any provision of this Act relating to labelling : the degree of approximation allowed between the weight or measure of the food, or drug, or article and the weight or measure indicated on the label : requiring labels that may be specified to be written on or attached to any food or drug, or article, or to packages containing such food or drug, or article, and prohibiting the use in such labels of words that may be specified : prescribing the statement of measure or volume in labels : prohibiting the use of the word " pure " or any like word ;

Advertising,
&c.

(ix.) Regulating and controlling and, where deemed necessary, prohibiting or restricting advertisements (written or oral), circulars, posters, notices, pamphlets, or other printed or

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ARTICLES.

- pictorial matter or statements or claims conveyed by radio relating to food, or drugs, or articles for sale, and prohibiting the use in such advertisements, circulars, posters, notices, pamphlets, or other printed or pictorial matter or spoken statements or claims of any statement, claim, design, device, fancy name, or abbreviation which is false or misleading in any particular whatsoever ;
- (x.) Prohibiting the use of substances or methods that may be specified in the catching, feeding, or drugging of animals shortly prior to death, such animals or the carcass or any part thereof being intended for sale for the food of man ; Division V.—
Inspection,
Removal,
Sampling,
Analysis. Capture of
live food.
- (xi.) Requiring the destruction or denaturation of food that has become deteriorated or impoverished in such degree as may be specified and of such food as may be specified : the seizure, destruction, and disposal of unsound food and of food contaminated with any poisonous, deleterious, or injurious substance ; Destruction
of food.
- (xii.) Prohibiting food manufacturers from having on their premises any preservative substance which is not a permitted ingredient of any food manufactured on such premises ; Preserva-
tives.
- (xiii.) The carriage, storage, distribution, inspection, and sale of poultry, eggs, fish, and other products of the sea used for food, fruit, vegetables, and other kinds of perishable food ; Perishable
food.
- (xiv.) In notified areas, licensing milk-sellers and registering their premises ; Milk-sellers.
- (xv.) The registration of all or any premises at which any particular class or classes of food for sale is or are manufactured, or prepared, or stored, or packed, or repacked : the licensing of persons selling, or preparing, or manufacturing, or packing, or repacking for sale any particular class or classes of food ; Registration
of food
factories.
- (xvi.) Defining poisons and/or restricted drugs and/or dangerous drugs and/or biological preparations ; Defining
poisons, &c.

*Division V.—
Inspection,
Removal,
Sampling,
Analysis.*
Poisons and
drugs.

- (xvii.) Regulating and restricting the ownership, possession, sale, supply, use, lending, dispensing, prescribing, or giving away of poisons, restricted drugs, dangerous drugs, and biological preparations: the licensing of persons or classes of persons to sell poisons or restricted drugs and dangerous drugs, or biological preparations: the registration of the premises of all such licensees as aforesaid, any of which regulations may differ in respect of different classes of persons, or in respect of different poisons, or restricted drugs, or dangerous drugs, or biological preparations: regulating the supply of drugs to drug addicts: providing for the inspection, sampling, seizure, and analysis of poisons, dangerous drugs, restricted drugs, and/or biological preparations, which provisions may be in addition to or in lieu of the provisions contained in this Act in respect of inspection, sampling, seizure, and analysis;
- Analysis. (xviii.) Prescribing the method of analysis of any food or drug;
- Conditions. (xix.) The conditions on which licenses and registrations may be granted, suspended, or revoked;
- Fees for approval of analysts, &c. (xx.) Prescribing the fees to be paid—
(a) For licenses and registrations and for the annual renewal thereof,
(b) By persons applying to be approved and registered as public analysts or public experts,
(c) In respect of the analysis of any food or drug by an analyst;
- Standards for composition, &c. (xxi.) Prescribing standards for the composition or quality of any article, or of any ingredient or component part thereof, or for the nature or proportion of any substance which may be mixed or used in the preparation thereof, or prohibiting the addition of any substance to any article;
- Mode of packing, &c. (xxii.) Prescribing the mode of packing, labelling, branding, or marking, any article;

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ARTICLES.

- (xxiii.) Fixing rates for payment for samples of food or drugs or articles taken or obtained under this Act ; *Division V.—
Inspection,
Removal,
Sampling,
Analysis.
Prices.*
- (xxiv.) Prescribing forms to be used for the purposes of this Part of this Act ; *Forms*
- (xxv.) Prohibiting the sale of specified kinds of food otherwise than by weight ; *Sale by
weight.*
- (xxvi.) The production to officers of certificates and other documents granted or issued for the purposes of this Part of this Act ; *Production
of
certificates.*
- (xxvii.) All matters required or permitted by this Part of this Act to be prescribed ; *Matters to be
prescribed.*
- (xxviii.) Prescribing penalties not exceeding fifty pounds for the breach of any regulation ; and *Penalties.*
- (xxix.) Generally for carrying out the purposes of this Part of this Act. *Generally.*

(2.) Any such regulations may be made applicable to the whole State, or to any part thereof, and either to foods, poisons, drugs, or articles generally, or to specified foods, poisons, drugs, or articles only, and may vary in their application according to the time, place, or destination of the food, poison, drug, or article referred to in the regulations.

153. (1.) No food or drug sold under any fancy or suggestive or proprietary or registered name, which is a substitute or is intended to be or may be used as a substitute, either wholly or in part, for any food or drug, shall, by reason only of being so sold under such name, be exempt from this Act. *Suggestive
names for
articles for
food or
drugs.*

(2.) Nothing in this Act shall be construed as requiring proprietors or manufacturers of proprietary foods or drugs which contain no unwholesome added ingredient to disclose their trade formulæ except in so far as this Act may require to secure freedom from adulteration or false description or to secure the prescribed declaration of any drug or substance. *Savings as
to proprie-
tary foods
or drugs.*

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Analysis.*

Proceedings
by indict-
ment and
contracts
not to be
affected.

* *Sic* in
Gazette:
semble
“affect.”

154. Nothing in this Part of this Act contained shall *effect the power of proceeding by indictment or take away any other remedy against any offender under this Act, or in any way interfere with contracts and bargains between individuals, and the rights and remedies belonging thereto:

Provided that, in any action brought by any person for a breach of contract on the sale of any food, drug, or article, such person may recover, alone or in addition to any other damages recoverable by him, the amount of any penalty in which he has been convicted under this Act, together with the costs paid by him upon such conviction and those incurred by him in and about his defence thereto, if he proves that the food, drug, or article, the subject of such conviction, was sold to him as and for a food, drug, or article of the same nature, substance, and quality as that which was demanded of him, and that he purchased it not knowing it to be otherwise, and afterwards sold it in the same state in which he purchased it; the defendant in such action being nevertheless at liberty to prove that the conviction was wrongful or that the amount of costs awarded or claimed was unreasonable.

Notwithstanding this section, no person shall be punished for the same offence both under this Act and under any other law or enactment.

PART V.—
MISCEL-
LANEOUS
PROVISIONS.

PART V.—MISCELLANEOUS PROVISIONS.

Vessels
or aircraft.

155. (1.) Any vessel or aircraft lying within any river, harbour, or other water, not within the Area of a Local Authority, shall be deemed to be within the Area of such Local Authority as the Governor in Council, by notification in the *Gazette*, declares, and where no such notification has been given then of the Local Authority whose Area is nearest to the place where such vessel is lying.

(2.) This section shall not apply to any vessel or aircraft which is under the command or charge of any officer bearing His Majesty's commission, or to any vessel or aircraft which belongs to the Government of any foreign State.

Notice of
action.

156. An action shall not be brought against a Local Authority, or any member thereof, or any officer of a Local Authority or person acting in his aid, for anything done or intended or omitted to be done under

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the provisions of this Act or any by-law, regulation, or order made thereunder, until the expiration of one month after notice in writing has been served on such Local Authority, member, officer, or person clearly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his solicitor or agent.

On the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served:

Unless such notice is proved the jury shall find for the defendant.

Every such action shall be commenced within six months next after the accruing of the cause of action, and not afterwards, and shall be tried in the circuit, district, or place where the cause of action occurred, and not elsewhere.

Any person to whom any such notice of action is given may tender amends to the plaintiff, his solicitor, or agent at any time within one month after service of the notice, and, in case the same is not accepted, may plead such tender.

157. No prosecutor or witness on behalf of any prosecution under this Act shall be compelled to disclose the fact that he received any information, or the nature of such information, or the name of any person who gave such information; and no officer appearing as a prosecutor or witness shall be compelled to produce any reports or documents made or received by him in his official capacity or containing confidential information, or to make any statement in relation thereto.

Source of
information
or reports.

158. No matter or thing done, no certificate issued, and no contract entered into by the Director-General or a Local Authority, and no matter or thing done and no certificate issued by any officer or other person acting or purporting to act under the direction of the Director-General or of a Local Authority, or otherwise in the execution of this Act, shall, if the matter or thing was done or the certificate was issued or the contract was entered into *bona fide* for the purpose of executing this Act, subject any such person to any personal liability in respect thereof; any expense incurred by any member, officer, or other person acting as last aforesaid shall be deemed to be an expense authorised by this Act.

Protection of
Director-
General and
Local
Authority.

No officer to
be concerned
in contract.

159. No State officer or member of, or person employed by, a Local Authority shall be concerned or interested directly or indirectly in any bargain or contract entered into by the Government or such Local Authority respectively.

If any such member or person is so concerned or interested, or if any such member or person under colour of his office or employment, exacts, takes, or accepts any fee or reward whatsoever, other than his proper salary, wages, remuneration, and allowances, he shall be incapable of afterwards holding or continuing in any office or employment under this Act, and shall be liable to a penalty not exceeding fifty pounds.

Entry.

160. (1.) The Director-General and the Local Authority and his or its officers shall have power to enter from time to time into and upon any house or premises for the purpose of examining as to the existence of any nuisance thereon or whether any of the provisions of this Act are being contravened, and/or of executing any work or making any inspection authorised to be executed or made under the provisions of this Act or any regulation, order, or by-law, and/or making any inquiry under the provisions of this Act, and/or generally for the purpose of enforcing the provisions of this Act or any regulation, order, or by-law, at any time between the hours of nine in the forenoon and six in the afternoon of any day except Sunday, or in the case of a nuisance arising in respect of any business then at any hour when such business is in progress or is usually carried on.

(2.) If such admission to any house or premises is refused, any justice, on complaint thereof by any such officer (made after reasonable notice in writing of the intention to make it has been given to the occupier), may, by order under his hand, require the occupier to admit such officer into the house or premises; and if no occupier can be found the justice may, on proof of that fact, by order under his hand authorise any such officer to enter such house or premises:

Provided that if the justice is satisfied that the occupier has wilfully absented or concealed himself in order to obstruct or delay the entry into such house or premises of any such officer, the justice may by order under his hand authorise such officer to enter such house or premises.

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(3.) Any such order made by a justice shall continue in force until the nuisance is abated or the work or inspection required has been completed.

(4.) Any person who fails to obey an order of a justice for the admission of any such officer shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

161. Save as by this Act is otherwise provided, if any person sustains any damage by reason of the exercise by a Local Authority of any of the powers of this Act in relation to any matter as to which he is not himself in default, full compensation shall be made to such person by the Local Authority exercising such powers.

162. Save as by this Act is otherwise provided, and notwithstanding the provisions of any other Act to the contrary, any compensation payable by a Local Authority to any person by reason of the exercise of any powers conferred by this Act shall be such sum as may be agreed upon by and between the parties, or, as in the case of dispute, may be fixed by a police magistrate upon summons.

Every police magistrate shall have jurisdiction to hear and determine the matter of such dispute, and to grant such costs as, in his opinion, are just and reasonable.

Any party may appeal to the Supreme Court from the whole or any part of an order of a police magistrate under the provisions of this section.

Every such appeal shall be by way of rehearing, and shall be heard and determined in the same manner, including the right to a jury, as if the matter of such dispute had been brought before the Supreme Court in the first instance.

163. The laws in force for the time being relating to the making of by-laws under the Local Government Act shall apply to all by-laws which a Local Authority is empowered to make under the provisions of this Act.

164. (1.) Any notice, order, process, or other document, under the provisions of this Act or any regulation or by-law, required or authorised to be given or served to or upon any person, may be served—

(a) By delivering the same to such person; or

- (b) By leaving the same at his usual or last known place of abode or address ; or
- (c) By forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of abode or address.

(2.) Any such document, if addressed to the owner or occupier of premises, may be served by delivering the same, or a true copy thereof, to some person on the premises, or, if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises.

(3.) Where a notice is required to be given to a person whose name or address is unknown, the notice may be served by publishing it in the *Gazette* and some newspaper three times at intervals of not less than one week between any two publications.

(4.) Any notice by this Act required to be given to the owner or occupier of any premises may, if the name of the owner or occupier is not known, be addressed to him by the description of the "owner" or "occupier" of the premises (naming them), in respect of which the notice is given, without further name or description.

(5.) Any document may be served on the Director-General or a Local Authority—

- (a) By delivering the same to the Director-General or an officer appointed by him in that behalf or to the clerk of the Local Authority ; or
- (b) By forwarding the same by post in a prepaid letter addressed to him or it.

(6.) Any document served by being forwarded by post shall be deemed to have been served at the last moment of the day on which the same ought to be delivered at its destination in the ordinary course of post, and in proving service it shall be sufficient to prove that the document was properly stamped and addressed and put into the post.

Offences.

165. Any person who is guilty of any contravention of any regulation or order made by the Director-General relating to diseases, or who prevents or obstructs any person acting under the authority or in the execution of any such regulation or order, shall be liable to a penalty not exceeding one hundred pounds or to be imprisoned for any period not exceeding six months.

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PROVISIONS.

166. If any officer neglects to perform any duty imposed upon him by this Act or any regulation or by-law, or wilfully neglects to prosecute offenders against the provisions of this Act or any regulation or by-law, he shall be liable to a penalty not exceeding ten pounds.

Neglect of
duty by
officer an
offence.

167. (1.) Save as herein otherwise provided, any person who wilfully obstructs, hinders, resists, or in any wise opposes the Director-General or a Local Authority, or any person appointed, employed, or authorised under the provisions of this Act or any regulation or by-law in the performance of anything which he or it is respectively empowered or required to do by this Act or any regulation, order, or by-law, shall be liable to a penalty not exceeding twenty pounds, and if the offence is a continuing one to a daily penalty not exceeding forty shillings.

Obstructing
execution of
Act.

(2.) Any person who wilfully destroys, pulls down, injures, or defaces any board on which any regulation, by-law, notice, order, or other matter is inscribed shall, if the same was put up by authority of the Minister or the Director-General or the Local Authority, be liable to a penalty not exceeding five pounds.

(3.) If the occupier of any premises prevents the owner thereof from obeying or carrying into effect any of the provisions of this Act, or of any regulation, order, or by-law, any justice to whom application is made in that behalf shall by order in writing require such occupier to permit the execution of any works, acts, matters, or things required to be executed, provided that the same appear to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act, or such regulation, order, or by-law; and if within forty-eight hours after the making of the order such occupier fails to comply therewith, he shall be liable to a daily penalty not exceeding five pounds.

Every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in carrying into effect any of the provisions of this Act, or of such regulation, order, or by-law.

(4.) Any occupier of premises who, when requested by or on behalf of the Director-General or the Local Authority to state the name of the owner of such

premises, refuses or wilfully omits to disclose or wilfully misstates the name of such owner, shall be liable to a penalty not exceeding ten pounds.

Duty of
police
officers.

168. It shall be the duty of every member of the Police Force who finds any person committing a breach of any of the provisions of this Act, or of any regulation, or by-law, to demand from such person his name and place of abode, and to report the fact of such breach and the name and place of abode of such person as soon as conveniently may be to the proper authority.

Any such person who refuses to state his name and place of abode when required by a member of the Police Force so to do, or who in the opinion of such officer states a false name or place of abode, may, without any other warrant than this Act, be apprehended by such officer and taken before justices, there to be dealt with according to law.

Any person who refuses to state his name and place of abode, or states a false name or place of abode, shall be liable to a penalty not exceeding ten pounds.

Prosecution
of offences.

169. The chairman of the Local Authority may from time to time order proceedings to be taken for the recovery of any penalties, and for the punishment of any person offending against the provisions of this Act, or any by-law, or any regulation which it is the duty of the Local Authority to enforce, and may order the expenses of such prosecution or other proceedings to be paid out of the general fund.

The Director-General may from time to time order any legal proceedings to be taken for the punishment of any person offending against the provisions of this Act, or any regulation, or order of the Director-General.

Power to
proceed
against
Local
Authority
for
nuisance.

170. Without prejudice to any other power contained in this Act, and notwithstanding anything contained in this Act, in any case where a nuisance or a condition injurious to health is caused by any act, default, sufferance, or neglect of a Local Authority or any of its officers or employees, or on any land or premises owned or occupied by a Local Authority, and also in any case where any Local Authority fails to exercise or perform wholly or in part any power, authority, or jurisdiction which by this Act, or, in respect of the health of the inhabitants of its Area by the Local

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Government Act is conferred upon or vested in it, the Director-General may abate or remedy such nuisance or injurious condition, or may exercise or perform such power, authority, or jurisdiction, or may institute and carry on any legal or other proceeding as fully and completely as if he were the Local Authority concerned, including any proceedings against the Local Authority or its officer or employee; and any costs, charges, or expenses incurred by the Director-General under this section shall be a debt due from the Local Authority to the Crown, and shall be recoverable with full costs by the Director-General in any court of competent jurisdiction.

Section one hundred and fifty-six of this Act shall not apply to any proceedings taken by the Director-General under this section.

171. In every case where a Local Authority is authorised or required by this Act to cause any work to be done, or any order or direction to be issued, for the purpose of preventing or removing any nuisance or checking or preventing the spread of any disease, it shall be lawful for the chairman or, if the matter is one of emergency, the clerk, to cause such work to be done or such order or direction to be issued. And thereupon the same consequences shall ensue as if the work had been done or the order or direction issued by the resolution of the Local Authority: provided that a statement of all such work caused to be done and every such order or direction issued shall at the next meeting be submitted to the Local Authority.

Who may act for Local Authority in cases of emergency.

172. Proceedings against several persons included in one information, complaint, or summons shall not abate by reason of the death of any of the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included.

No abatement.

173. Whenever in any proceeding under the provisions of this Act, or any by-law, or any regulation or order of the Director-General it becomes necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the "owner" or "occupier" of such premises, without name or further description.

Reference to "owner" and "occupier."

Contribution.

174. Nothing in this Act shall prevent persons proceeded against from recovering contribution in any case in which they would otherwise be entitled to contribution by law.

General penalty.

175. Every person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence and liable, if no other penalty is imposed, to a penalty not exceeding twenty pounds.

Recovery of penalties, &c.

176. All offences against the provisions of this Act, and all penalties, forfeitures, costs, and expenses under the provisions of this Act may, unless otherwise provided, be prosecuted and recovered by complaint under **"The Justices Acts, 1886 to 1932."*

All penalties recovered on the complaint of the Local Authority or its officer shall be paid into the general fund.

In all other cases they shall be paid into the Consolidated Revenue.

Notwithstanding any provision of any other Act, where any person is convicted of an offence against this Act the penalty to be imposed in respect of such offence shall not be reduced below any prescribed minimum amount of penalty.

Proceedings for the recovery of any penalty under the provisions of this Act shall not be had or taken by any person other than by a party aggrieved, or by the Director-General or the Local Authority of the Area in which the offence is committed, or an officer appointed under the provisions of this Act, without the consent in writing of the Attorney-General.

Limitation of time for proceedings to be initiated.

177. In any case of an offence punishable on summary conviction under this Act, unless some other time is stated for making complaint thereof, proceedings may be taken within six months from the date when the Director-General or Local Authority first became aware of the commission of such offence, and a certificate signed by the Director-General or by the chairman or clerk of the Local Authority stating the date when he first became aware of the commission of an offence shall be accepted as *primâ facie* evidence of that fact, and judicial notice shall be taken of the signature of the Director-General or of the chairman or clerk of a Local Authority to such certificate.

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*Health Act.*PART V.—
MISCEL-
LANEOUS
PROVISIONS.

178. In any legal proceeding under this Act, or any regulation, or by-law—Evidence.

- (1) The fact that this Act is in force in any Area or part thereof shall be presumed until the contrary is proved ;
- (2) The signature of the Director-General shall be judicially noticed ;
- (3) The production of a copy of the *Gazette* containing any regulations, or by-laws, or any order, notification, or approval purporting to be made by the Governor in Council, the Minister, the Director-General, or the Local Authority under the provisions of this Act shall be for all purposes conclusive evidence of such by-laws, regulations, or of such order, notification, or approval, as the case may be :

Provided that nothing in this subsection contained shall prejudice or affect any provision of this Act requiring judicial notice to be taken of any such regulations or by-laws, or of any such order, notification, or approval upon the publication thereof in the *Gazette* ;

- (4) The production of a certificate purporting to be signed by a person authorised to grant the same shall be sufficient *primâ facie* evidence of the facts herein stated, and judicial notice shall be taken of the signature to every such certificate ;
- (5) The fact that infectious disease has existed upon any premises for a period of one week shall be taken as *primâ facie* evidence that the owner or occupier of the premises knew of the existence of such disease upon the premises ;
- (6) Where the Director-General is authorised by this Act to grant, issue, or give any license, certificate, authority, or approval, a certificate by the Director-General that any person does or does not possess such license, certificate, authority, or approval, as the case may be, shall, in the absence of proof beyond reasonable doubt to the contrary, be sufficient evidence of the fact so certified to.

Power of
Local
Authorities
to borrow
for certain
works.

179. In order to facilitate the construction of drainage and sewerage works, refuse-destroying works, disinfecting stations, hospitals, and other sanitary works, and the installation of services for the collection, removal, and disposal of nightsoil, garbage, and other offensive matter by Local Authorities, the following provisions shall apply :—

- (1) The Local Authority may borrow money from the Treasurer or with the approval of the Governor in Council by the sale of debentures under and subject to the Local Government Act, and for the purpose of constructing such work or installing such service ;
- (2) In any case where the work to be constructed or service to be installed has been recommended by the Director-General and approved by the Minister, the Local Authority may, for the purpose of constructing the work or installing the service, borrow money as aforesaid without taking any poll of the electors or obtaining their consent to the work or service or to the loan ;
- (3) Any two or more Local Authorities may combine to construct any such work or to install any such service in common, and for that purpose may raise a joint loan under this section in such manner and upon such terms as the Local Authorities concerned agree upon and the Treasurer approves.

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*Health Act.***SCHEDULES.****SCHEDULE A.****Schedule A.****ACTS REPEALED.**

No. of Act.	Short title.	Extent of Repeal.
56 Vic. No. 2 ..	<i>"The Leprosy Act of 1892"</i> ..	Whole Act
64 Vic. No. 9 ..	<i>"The Health Act of 1900"</i> ..	Whole Act
2 Geo. V. No. 26	<i>"The Health Act Amendment Act of 1911"</i>	Whole Act
5 Geo. V. No. 33	<i>"The Health Acts Amendment Act of 1914"</i>	Whole Act
7 Geo. V. No. 31	<i>"The Health Acts Amendment Act of 1917"</i>	Whole Act
13 Geo. V. No. 33	<i>"The Health Acts Amendment Act of 1922"</i>	Whole Act
22 Geo. V. No. 13	<i>"The Health Acts Amendment Act of 1931"</i>	Whole Act
23 Geo. V. No. 17	<i>"The Notification of Births Act of 1932"</i>	Whole Act
25 Geo. V. No. 29	<i>"The Health Acts Amendment Act of 1934"</i>	Whole Act
1 Geo. VI. No. 5	<i>"The Health Acts Amendment Act of 1936"</i>	Whole Act.

The repeal of all or any of the above Acts shall not revive any Act or section of any Act repealed by any of the above Acts.

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Health Act.

Form C.

Order for Abatement or Prohibition of Nuisance.

To the owner [or occupier] of [describe the premises], situated [give such description as may be sufficient to identify the premises][or to A.B. of]].

Whereas on the day of complaint was made before Esquire, one of His Majesty's Justices of the Peace in and for the State of Queensland, by that in or on certain premises situated at the following nuisance existed [describing it], and that the said nuisance was caused by the act or default of the owner [or occupier] of the said premises [or was caused by A.B.]. [If the nuisance has been removed say: the following nuisance existed on or about (the day the nuisance was ascertained to exist) and that the said nuisance was caused by (&c.), and although the same is now removed the same or the like nuisance is likely to recur on the said premises]:

And whereas the owner [or occupier] within the meaning of "The Health Act of 1937" [or the said A.B.] has this day appeared before us [or me (describing the court)] to answer the matter of the said complaint [or in case the party charged does not appear, say: And whereas it has been this day proved to our (or my) satisfaction that a true copy of a summons requiring the owner (or occupier) of the said premises (or the said A.B.) to appear this day before us (or me) has been duly served according to the said Act]:

Now, on proof before us [or me] that the nuisance so complained of exists on the said premises, and that the same is caused by the act or default of the owner [or occupier] of the said premises [or by the said A.B.], we [or I], in pursuance of the said Act, hereby order the said owner [or occupier, or A.B.] within [specify the time] from the service of this order according to the said Act [here specify any things required to be done or works to be executed, as, for instance, to provide for the cleanly and wholesome keeping of the said premises; or to remove the animal kept so as to be a nuisance or injurious to health; or, for further instance, to cleanse, whitewash, purify, and disinfect the said dwelling-house; or, for further instance, to construct a privy or drain, &c.; or, for further instance, to cleanse or to cover or to fill up the said cesspool, &c., so that the same shall no longer be a nuisance or injurious to health as aforesaid]; [and if it appears to the Court that the nuisance is likely to recur on the premises, say: and we (or I), being satisfied that, notwithstanding the said cause (or causes) of nuisances may be removed under this order, the same is (or are) likely to recur, do therefore prohibit the said owner (or occupier, or A.B.) from (here insert the matter of the prohibition, as, for instance, using the said house or building for human habitation until the same, in our (or my) judgment, is rendered fit for that purpose)].

In case the nuisance was removed before complaint, say, Now, on proof before us [or me] that at or recently before the time of making the said complaint, to wit on , as aforesaid, the cause of nuisance complained of did exist on the said premises, but the same has since been removed, yet, notwithstanding such removal, we [or I],

Health Act. 1 GEO. VI. No. 31, 1937.

being satisfied that it is likely that the same or the like nuisance will recur on the said premises, do hereby prohibit [*order of prohibition*]; and if this order of prohibition is infringed, then we [*or I*] [*order to Local Authority to do works*]:

Given under our hands and seals [*or my hand and seal, describing the Court*] this day of , 19

J.S. [L.S.]

J.T. [L.S.]

Form D.

Order for Abatement of Nuisance by Local Authority.

To the Council [*or as the case may be*]

Whereas [*state complaint of nuisance as in last form*]:

And whereas it has been proved to our [*or my*] satisfaction that such nuisance exists, but that no owner or occupier of the premises, or person causing the nuisance, is known or can be found [*as the case may be*]; Now we [*or I*], in pursuance of the said Act, hereby order the said [*Local Authority, naming it*], forthwith to [*here specify the work to be done*].

Given, etc. [*as in last form*].

Form E.

Order to Permit Execution of Works by Owner.

Whereas complaint has been made to me, E.F., Esquire, one of His Majesty's Justices of the Peace in and for the State of Queensland, by A.B., owner, within the meaning of "*The Health Act of 1937*," of certain premises [*describe the situation of the premises so as to identify them*] that C.D., the occupier of the said premises, prevents the said A.B. from obeying and carrying into effect the provisions of the said Act in this, to wit, that the said C.D. prevents the said A.B. from [*here describe the works generally according to circumstances, for instance, thus: constructing and laying down in connection with the said house a covered drain, so as to communicate with a sewer which the Local Authority of the Area of , is entitled to use under the said Act, such sewer being within one hundred feet of the said premises*]: And whereas the said C.D. has been duly summoned to answer the said complaint, and has not shown sufficient cause against the same, and it appears to me that the said works are necessary for the purpose of enabling the said A.B. to obey and carry into effect the provisions of the said Act, I do hereby order the said C.D. to permit the said A.B. to execute the same in the manner required by the said Act.

Given under my hand and seal this day of 19

J.S. [L.S.]

1 GEO. VI. No. 28, 1937. *Industrial Conciliation Etc., Act.*

Form F.

Order of Justice for Admission of Officer.

Whereas [*describe the Authority*] has, by its officer [*naming him*], made application to me, A.B., one of His Majesty's Justices of the Peace in and for the State of Queensland, and the said officer has made oath to me that demand has been made, pursuant to the provisions of "*The Health Act of 1937*" for admission to [*describe situation of premises so as to identify them*], for the purpose of [*describe the purpose, as the case may be*], and that such demand has been refused, or [*as the case may be, name of person*] being the person having the custody of the said premises, has wilfully absented or concealed himself in order to obstruct or delay admission to such premises.

Now, therefore, I, the said A.B., hereby require you [*name the person having custody of the premises*] to admit the said [*name the Authority, or the officer of the Local Authority*] to the said premises, for the purpose aforesaid.

Given, etc. [*as in last form*].

**INDUSTRIAL CONCILIATION AND
ARBITRATION.**

See LABOUR.

LABOUR.

- | | | |
|---|---------|-------------------|
| (1) <i>Industrial Conciliation and Arbitration Acts
Amendment Act of 1937</i> | | 1 Geo. VI. No. 28 |
| (2) <i>Wages Act Amendment Act of 1937</i> | | 1 Geo. VI. No. 15 |
| (3) <i>Workers' Accommodation Acts Amendment
Act of 1937</i> | | 1 Geo. VI. No. 27 |

**An Act to Amend "The Industrial Conciliation and
Arbitration Acts, 1932 to 1936," in certain
particulars.**

[ASSENTED TO 25TH NOVEMBER, 1937.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Industrial Conciliation and Arbitration Acts Amendment Act of 1937*," and shall be read as one with *"*The Industrial Conciliation and Arbitration Acts, 1932 to 1936*," hereinafter referred to as the Principal Act.

1 Geo. VI.
No. 28.
THE
INDUSTRIAL
CONCILIATION AND
ARBITRATION
ACTS
AMENDMENT
ACT OF 1937.

* 23 Geo. V. No. 36 and amending Acts, *supra*, pages 14266 *et seq.*