

4 ELIZ. II. No. 38, 1955. *Health Acts Amendment Act.*

HEALTH.

**An Act to Amend "The Health Acts, 1937 to 1949,"
in certain particulars.**

4 ELIZ. II.
NO. 38.
THE
HEALTH ACTS
AMENDMENT
ACT OF 1955.

[ASSENTED TO 30TH NOVEMBER, 1955.]

BE it enacted by the Queen'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. (1.) This Act may be cited as "*The Health Acts Amendment Act of 1955.*" Short title.

(2.) *"*The Health Acts, 1937 to 1949,*" are in this Principal Act referred to as the Principal Act.

(3.) The Principal Act and this Act may be Collective title. collectively cited as "*The Health Acts, 1937 to 1955.*"

†(4.) This Act shall come into operation upon a Commence- date to be fixed by the Governor in Council by ment of Act. Proclamation published in the *Gazette*.

2. Section one hundred and twenty-seven of the Repeal of Principal Act is repealed and, in lieu of that repealed and new section, the following section is inserted, namely:— s. 127.

"[127.] (1.) A person shall not manufacture, sell Lead in or use any paint containing basic carbonate white lead. paint.

This subsection does not apply to paint manufactured before the date of the coming into operation of ‡"*The Health Acts Amendment Act of 1955.*"

(2.) A person shall not use or put paint containing any lead on—

- (a) The roof of a house or other building or structure whatsoever; or
- (b) Any exterior portion, other than the roof, of any house or other building whatsoever; or
- (c) Any fence or gate whatsoever; or

* 1 G. 6 No. 31 and amending Acts.

† Commenced 14 Jan. 1956. (Proc. publ. Gaz. 14 Jan. 1956, p. 94).

‡ This Act.

- (d) Any interior portion whatsoever of a house ;
or
- (e) Any household furniture.

Paragraph (b) of this subsection does not apply to paint containing lead chromate provided the soluble lead content of that paint does not exceed five per centum.

(3.) Notwithstanding that the soluble lead content of any paint containing lead chromate does not exceed five per centum, a person shall not use or put that paint on—

- (a) Any verandah wall, verandah palisade, verandah post, verandah floor, verandah rail, verandah gate, verandah blind, or any step, balustrade, rail or lattice of any house or other building whatsoever ; or
- (b) Any other exterior portion whatsoever easily accessible to children under fourteen years of age of any house or other building whatsoever.

In any proceeding for an offence against paragraph (b) of this subsection, the exterior portion of a house or other building the subject of that proceeding shall be presumed by the adjudicating court to be easily accessible to children under fourteen years of age unless the contrary is proved.

(4.) A person who contravenes in any respect a provision of subsection one or subsection two or subsection three of this section shall be guilty of an offence against this Act and liable to a penalty of not less than ten pounds nor more than one hundred pounds.

(5.) Any officer may at any time—

- (a) Enter, inspect and examine any place where, or where he has reason to believe that, paint is manufactured or sold or being used, or where any paint has been, or he has reason to believe that any paint has been, used or put on any roof or interior or exterior portion of any house, or other building or structure, or on any fence or gate, or on any household furniture appurtenant to that place or therein or thereon, contrary in any respect to a provision of this section, or where, or

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where he has reason to believe that, there is any household furniture on which paint has been used or put contrary in any respect to a provision of this section ;

- (b) Inspect and examine any paint found upon such entry ;
- (c) Make such examination and inquiry as may be necessary to ascertain whether the provisions of this section are being complied with in respect of the place in question ; and
- (d) Remove (and where necessary by scraping) for examination or analysis portions or samples of any paint found by him, including any paint on any roof, or interior or exterior portion of any house, or other building or structure, or on any fence or gate, or on any household furniture.

(6.) Upon proof to the satisfaction of the Director-General that any paint containing lead is on any roof, or interior or exterior portion of any house or other building or structure, or is on any fence or gate, or is on any household furniture, whereon the use or putting of that paint is prohibited by a provision of this section, then the Director-General may by notice in writing given to the owner of that place require that owner to clean down and remove from the roof or interior or exterior portion of the house or other building or structure, or fence or gate, or household furniture in question that paint.

Any such owner who fails to comply in every respect with the requirements of a notice given to him under this subsection by the Director-General—

- (a) Shall be guilty of an offence and liable to a penalty of not less than ten pounds nor more than one hundred pounds ; and
- (b) If he continues that failure for longer than fourteen days after he is convicted therefor, shall be guilty of a continuing offence and liable to a daily penalty of not more than twenty pounds.

(7.) This section does not apply to paint used or put on any roof or exterior or interior portion of any house or other building or structure, or on any fence or

gate, or on any household furniture prior to the date of the coming into operation of **“The Health Acts Amendment Act of 1955,”* save—

- (a) Any paint so used or put contrary in any respect to the provisions of section one hundred and twenty-seven of †*“The Health Acts, 1937 to 1949,”* as in force immediately prior to that date ; and
- (b) Paint the soluble lead content whereof exceeds five per centum so used or put on any household furniture.

This section shall apply to all paint specified in subparagraphs (a) and (b) of the first paragraph of this subsection as well as to paint used or put on any roof or exterior or interior portion of any house or other building or structure, or on any fence or gate, or on any household furniture on or after the date hereinbefore mentioned in this subsection:

Provided that a person shall not be convicted for an offence under this section related to the use or putting on any exterior portion, other than the roof, of any house or other building or structure, or on any fence or gate, of any paint where the adjudicating court is satisfied—

- (a) That the paint was manufactured before the date of the coming into operation of **“The Health Acts Amendment Act of 1955 ”* ; and
- (b) That the use or putting on of that paint as complained of would not have contravened the provisions of section one hundred and twenty-seven of †*“The Health Acts, 1937 to 1949,”* had those provisions been in force at the material time.

(8.) *“Soluble lead ”* means the lead compound which is dissolved upon paint being treated with the prescribed solvent by the prescribed method of testing.

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.”.

* This Act.

† 1 G. 6 No. 31 and amending Acts.