

Queensland



ANNO SEPTIMO DECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 19 of 1968

An Act to Amend "The Health Acts, 1937 to 1967,"
in certain particulars

[ASSENTED TO 22ND APRIL, 1968]

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) **Short title.** This Act may be cited as "*The Health Acts Amendment Act of 1968.*"

(2) **Principal Act.** "*The Health Acts, 1937 to 1967,*" are in this Act referred to as the Principal Act.

(3) **Collective title.** The Principal Act and this Act may be collectively cited as "*The Health Acts, 1937 to 1968.*"

2. **Amendment of s. 5.** Section five of the Principal Act is amended by omitting in the definition "Drug" the words "any therapeutic substance under and within the meaning of the *Therapeutic Substances Act 1953* of the Commonwealth" and inserting in their stead the words "goods for therapeutic use under and within the meaning of the *Therapeutic Goods Act 1966* of the Commonwealth or any Act amending the same or in substitution therefor".

3. Amendment of s. 27. Section twenty-seven of the Principal Act is amended by inserting after subsection (1) the following subsection:—

- “(1A) **Prohibition on use of term State analyst.** (a) A person—
- (a) shall not advertise himself or hold himself out as a State analyst;
 - (b) shall not take or use or by inference adopt (either alone or in conjunction with any other name, title, word or letter)—
 - (i) the words “State analyst” or any abbreviation or derivative thereof;
 - (ii) any name, title, words or letters implying or which may be construed as implying that he is a State analyst, unless he holds a subsisting appointment of an analyst made by the Governor in Council pursuant to subsection (1) of this section.”

4. Repeal of and new s. 28. The Principal Act is amended by repealing section twenty-eight and inserting in its stead the following section:—

“[28.] **Registration of analysts and premises.** (1) The Director-General may make regulations providing for the registration of analysts, (which term does not include persons who for the time being are State analysts) and the registration of premises in which the business or calling of an analyst may be carried on.

(2) Without limiting the foregoing provisions of this section, regulations may be made under this section for or in respect of all or any of the following matters and things:—

- (a) prescribing the qualifications which shall entitle the holder thereof to be registered as an analyst;
- (b) prescribing methods of determining (whether by examination or otherwise as prescribed) whether an applicant for registration as an analyst possesses the prescribed qualifications;
- (c) providing for the registration of premises in which the business or calling of an analyst may be carried on;
- (d) prohibiting the carrying on of the business or calling of an analyst in any premises unless such premises are registered;
- (e) regulating the equipment that may be used by analysts;
- (f) prescribing the forms of application for registration or renewal of registration;
- (g) prescribing the period of registration or renewal of registration;
- (h) prescribing the particulars to be contained in and the method of verification of applications for registration or renewal of registration;
- (i) providing for and prescribing the conditions upon which, registration may be suspended or cancelled;

- (j) providing for and giving jurisdiction to a magistrates court within the meaning of "*The Justices Acts, 1886 to 1965*," to hear appeals against any refusal to grant registration and against any suspension or cancellation of registration;
- (k) providing for and prescribing fees and charges to be paid under or for the purposes of the regulations and the purposes for which the same shall be payable;
- (l) prescribing the method of proving that any person or premises is or is not registered under the regulations;
- (m) providing for the powers of inspection of the premises and equipment specified in the regulations;
- (n) prescribing penalties not exceeding one hundred dollars for any breach of the regulations.

The power to regulate includes the power to prohibit.

(3) The power to make, with respect to any persons or matters or things whatsoever, any regulation under this section shall include power to make that regulation so that it may be of general or specially limited application according to time, place, purposes, class, description or circumstances, or otherwise as is prescribed, and so that any regulation of specially limited application may or may not differ from any other regulation of specially limited application with respect to the same persons, matters or things."

5. Amendments of s. 52. Section fifty-two of the Principal Act is amended by—

- (a) making that section subsection (1) thereof;
- (b) adding the following subsections:—

"(2) The Director-General may make regulations with respect to the radiological examination of the lungs of any person whether affected or likely to be affected with tuberculosis in any form or not.

(3) Without limiting the foregoing provisions of this section regulations may be made pursuant to this section for or in respect of the following matters and things:—

- (a) the giving of a certificate by the Director of Tuberculosis as to whether a person was within the class or classes of persons specified on the date or between the dates specified or to the attendance or non-attendance of the person specified at any specified examination or both such matters: Such a certificate shall be evidence of the matters certified to therein, and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matters;
- (b) prescribing penalties not exceeding one hundred dollars for any breach of the regulations;

(c) providing that upon conviction in respect of the failure of any person to submit to the radiological examination of his lungs, the Court may make an order requiring such person to appear at the time on the day and at the place named therein and there submit to a radiological examination of his lungs and providing for a penalty not exceeding two hundred dollars for failure to comply in any respect with such an order.

(4) The power to make, with respect to any persons or matters or things whatsoever, any regulation under this section shall include power to make that regulation so that it may be of general or specially limited application according to time, place, purposes, class, description or circumstances, or otherwise as is prescribed, and so that any regulation of specially limited application may or may not differ from any other regulation of specially limited application with respect to the same persons, matters or things.”