

Queensland



ANNO TRICESIMO TERTIO

ELIZABETHAE SECUNDAE REGINAE

No. 26 of 1984

An Act to amend the Health Act 1937–1982 in certain
particulars

[ASSENTED TO 22ND MARCH, 1984]

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. Short title and citation. (1) This Act may be cited as the *Health Act Amendment Act 1984*.

(2) In this Act the *Health Act 1937–1982* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Health Act 1937–1984*.

2. Commencement of Act. (1) This section and section 1 shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act shall commence on a day appointed by Proclamation.

3. Amendment of s. 3. Division of Act. Section 3 of the Principal Act is amended by inserting after the words “Division XIV—Tattooing and Ear-piercing (s. 100A);” the following words:—

“DIVISION XV—CANCER (ss. 100B–100F);

DIVISION XVI—PERINATAL STATISTICS (ss. 100G–100J);”.

4. New ss. 100G to 100J. The Principal Act is amended by adding at the end of Part III the following heading and sections:—

“DIVISION XVI—PERINATAL STATISTICS

100G. Interpretation. In this Division, unless the context indicates otherwise—

“child born alive” means a child whose heart has beaten after delivery of the child is completed;

“child not born alive” means a child—

(a) whose heart has not beaten after delivery of the child is completed; and

(b) who is of a prescribed class;

“delivery” means the expulsion or extraction of a new-born child from its mother;

“prescribed person”, in relation to a delivery, means—

(a) if the delivery occurs in a hospital—

(i) in relation to a private hospital, the licensee thereof;

(ii) in relation to a public hospital, the Board constituted therefor;

(iii) in relation to the Mater Misericordiae Public Hospital at Brisbane, the person having control thereof,

and includes any person acting in the stead of that prescribed person in the conduct or maintenance of that hospital;

- (b) if the delivery occurs elsewhere than in a hospital—
- (i) the midwife or person performing the duties of midwife in attendance upon the mother at the time of the delivery; or
 - (ii) if there is no midwife in attendance, the medical practitioner in attendance upon the mother at the time of the delivery; or
 - (iii) if there is no medical practitioner or midwife in attendance—
 - (A) if the mother and child are, or the child is, admitted to a hospital because of the delivery of the child, the prescribed person for that hospital; or
 - (B) in any other case, the medical practitioner who undertakes the care and treatment of the mother and child because of the delivery of the child;

“private hospital” means any private hospital kept pursuant to a licence issued under Division XI of this Part;

“public hospital” means a hospital maintained under the *Hospitals Act* 1936–1983.

100H. Furnishing returns to Director-General. (1) Where delivery, within the meaning of this Division, of—

- (a) a child born alive; or
- (b) a child not born alive,

occurs, the prescribed person shall, at or within the prescribed time, furnish to the Director-General a return in or to the effect of the prescribed form completed by a person required by the regulations to complete such returns and setting out the prescribed particulars in respect of the delivery.

(2) A person who fails to comply with this section is liable to a penalty not exceeding \$200.

(3) The provisions of this section shall not be construed so as to prejudice or affect—

- (a) the provisions of the *Registration of Births, Deaths and Marriages Act* 1962–1982; or
- (b) the provisions of the *Children’s Services Act* 1965–1982.

100I. Confidentiality. (1) Save in performance of a duty imposed on him under this Act or under or pursuant to any other Act, the Director-General and every other person engaged in the administration of this Act and every person who in any way assists for the purposes of this Division shall preserve and aid in preserving secrecy with respect to all matters to which this Division is relevant that come to his knowledge in his official capacity:

Provided that the Director-General may in his discretion—

- (a) give information in statistical or similar form that does not disclose the identity of individuals to any person; or
- (b) give information in any form to a person conducting scientific research and studies or to a person holding an appointment in any State or Territory of the Commonwealth corresponding to that of the Director-General.

(2) A person who contravenes subsection (1) is liable to a penalty not exceeding \$500.

100J. Regulations. The power conferred on the Director-General to make with the approval of the Governor in Council regulations under this Act includes power to make such regulations in respect of—

- (a) the classes of deliveries to which this Division or any provision thereof shall apply or shall not apply;
- (b) the description of individual who is required to complete a return to be furnished under this Division;
- (c) the obligations of persons required by the regulations to complete returns to be furnished under this Division;
- (d) offences consisting of contraventions or failures to comply with those regulations, and penalties for those offences not exceeding in any case \$500;
- (e) the prescribing of forms to be used under this Division;
- (f) all matters that are required by any provision of this Division to be prescribed; and
- (g) all matters that are necessary or convenient to be prescribed for the proper administration of this Division or to achieve the objects and purposes of this Division.”.