

Queensland



ANNO TRICESIMO SEXTO

ELIZABETHAE SECUNDAE REGINAE

No. 22 of 1987

An Act to amend the Health Act 1937-1984 in certain particulars

[ASSENTED TO 23RD APRIL, 1987]

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. This Act may be cited as the *Health Act Amendment Act 1987*.

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

(2) Subject to subsection (1), this Act or the provisions thereof specified by Proclamation shall commence on the day or days appointed by Proclamation for the commencement of this Act or, as the case may be, those provisions.

3. Citation. (1) In this Act the *Health Act 1937-1984* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *Health Act 1937-1987*.

4. Amendment of s. 3. Division of Act. Section 3 of the Principal Act is amended by—

(a) omitting the words "*Industrial Medicine*", occurring after the words "*Division IX—*", and substituting the words "*Occupational Health*";

(b) inserting after the words "*Division XI A—*" the words "*Hostels and*";

(c) omitting the words "*Footwear, Matches, and Paints* (ss. 123-129)," and substituting the words "*Matches, and Paints* (ss. 123-129D),";

(d) inserting after the words "*Division IV C—Pest Control Operators* (ss. 131J-131W)," the following words:—

Division IV D—Application of Agricultural Chemicals
(ss. 131AA-131AD),

Division IV E—Hazardous Substances (ss. 131AE-131AG);

(e) omitting the expression "179", occurring after the words "PART V—MISCELLANEOUS PROVISIONS (ss. 155-)", and substituting the expression "180".

5. Amendment of s. 5. Interpretation. Section 5 of the Principal Act is amended by—

(a) omitting the definition "Dangerous substance";

(b) omitting from the definition "Medical officer of health" the word "the", occurring after the words "Local Authority or other";

(c) omitting the definition "Queensland Health Education Council".

6. Amendment of s. 24. State analyst may act as analyst of Local Authority. Section 24 of the Principal Act is amended by omitting the

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

7. Amendment of s. 31. Section 31 of the Principal Act is amended in subsection (2) by omitting from paragraph (i) the words "(whether legitimate or illegitimate)".

8. Amendment of s. 33. Regulations with respect to infectious diseases. Section 33 of the Principal Act is amended by—

(a) inserting at the beginning of the section before the words "The Director-General" the expression "(1)";

(b) omitting paragraph (iv) and substituting the following paragraph:—

"(iv) For the licensing of barbers' shops and for authorising and requiring Local Authorities to undertake the function of licensing; and for the cleansing, disinfecting and sterilising of the implements, tools and utensils of barbers and generally for regulating and controlling the sanitary conduct of the business of a barber and, in respect of any regulations so providing, for authorising and requiring Local Authorities to undertake the function of enforcing compliance therewith;"

(c) adding at the end of the section the following subsection:—

"(2) The Director-General shall be deemed to have always had power to make regulations providing for all or any of the matters referred to in paragraph (iv) of subsection (1)."

9. Amendment of s. 49. Section 49 of the Principal Act is amended in subsection (3) by omitting from paragraph (vi) the word "lying-in" and substituting the word "maternity".

10. Amendment of s. 54. Section 54 of the Principal Act is amended by—

(a) in subsection (5), omitting from paragraph (e) the word "subsection" and substituting the word "paragraph";

(b) in subsection (6), adding after the expression "\$1 000" the expression "."

11. Amendment of s. 59. Secrecy. Section 59 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

"(1) 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 and may give information to any department or official of the Government of the Commonwealth having, in his opinion, a legitimate interest in possessing the information.

Any person who contravenes this subsection shall be liable to a penalty not exceeding 20 penalty units."

12. Amendment of heading. The Principal Act is amended in the heading preceding section 61 by omitting the words "Industrial Medicine" and substituting the words "Occupational Health".

13. Amendment of s. 61. Section 61 of the Principal Act is amended by—

(a) in the note to subsection (1), omitting the words "industrial medicine" and substituting the words "occupational health";

(b) in subsection (1), omitting from paragraph (d) the word "Industrial" and substituting the word "Occupational";

(c) in subsection (3), omitting from paragraph (iv) the word "industrial" and substituting the word "occupational".

14. Amendment of s. 66. Kinds of licences. Section 66 of the Principal Act is amended in the first proviso by omitting from paragraph (b) the word "Act" where secondly occurring.

15. Amendment of s. 74. Evidence. Section 74 of the Principal Act is amended by omitting the word "lying-in" where twice occurring and substituting the word "maternity" in each case.

16. Amendment of heading. The Principal Act is amended in the heading preceding section 76B by inserting before the words "Nursing Homes" the words "Hostels and".

17. Amendment of s. 76B. Definitions. Section 76B of the Principal Act is amended by—

(a) inserting after the note to the section the expression "(1)";

(b) inserting before the definition "Nursing home" the following definition:—

““Hostel”—Means any house, apartment or other premises, other than a nursing home in respect of which a licence is in force, which is used or intended to be used for the reception and care of persons who—

(a) on account of age, infirmity or chronic ill health (whether physical or mental) require care and supervision or require assistance in coping with daily living;

or

(b) on account of alcohol or drug abuse require rehabilitative care and supervision;”;

(c) in the definition “Nursing home” omitting the words “(in this Division called “inmates”);”;

(d) adding at the end of the section the following subsections:—

“(2) In any proceedings, evidence that at a particular time premises were being used to accommodate three or more persons to whom paragraph (a) or (b) of the definition “Hostel” applies shall be evidence, and in the absence of evidence to the contrary conclusive evidence, that the premises were being used as a hostel.

(3) In this Division, a person referred to in the definition “Hostel” or “Nursing home” who is accommodated in a hostel or nursing home is referred to as a “resident”.”.

18. Amendment of s. 76CA. Cancellation and suspension of licences. Section 76CA of the Principal Act is amended by omitting the words “nursing home” and substituting the words “hostel or, as the case may be, a nursing home and a reference to patients shall be taken to be a reference to residents”.

19. Amendment of s. 76D. Who may hold licences. Section 76D of the Principal Act is amended in subsection (2) by—

(a) inserting after the words “In the case of a licence granted” the words “in respect of a nursing home”;

(b) omitting the words “a licence granted”, where secondly occurring.

20. Amendment of s. 76E. Offences. Section 76E of the Principal Act is amended in subsection (2) by—

(a) inserting after the words “erected or kept,” the words “a hostel or”;

(b) inserting after the words “this subsection” the words “a hostel or”.

21. Amendment of s. 76F. Additions or alterations. Section 76F of the Principal Act is amended by inserting after the words “about the premises of a” the words “hostel or a”.

22. Amendment of s. 76G. Duties, etc., of licensee. Section 76G of the Principal Act is amended by—

(a) in subsection (1), inserting after the words “conduct of the” the words “hostel or”;

(b) in subsection (2), inserting in paragraph (a), after the words “A licensee”, the words “of a nursing home”;

(c) in subsection (4), inserting after the words “A licensee” the words “of a hostel or a nursing home”;

(d) in subsection (6), inserting after the words “rendering the premises of a” the words “hostel or a”.

23. Amendment of s. 76H. Regulations. Section 76H of the Principal Act is amended by—

(a) in subsection (1)—

(i) in the general words preceding paragraph (a), inserting before the words “nursing homes”, where twice occurring, the words “hostels and” in each case;

(ii) in paragraph (f), inserting before the words “nursing home” the words “hostel or a”;

(iii) omitting paragraphs (i) and (j) and substituting the following paragraph:—

“(i) the accommodation to be provided for residents;”;

(iv) redesignating paragraph (k) as paragraph (j);

(v) adding at the end of the subsection, after the word “thereof”, the following expression and words:—

“and prescribing, providing for, regulating and controlling in respect of nursing homes—

(k) the number and qualifications of nursing staff, the number of domestics, and the rostering for duty of members of the qualified nursing staff;

(l) the accommodation to be provided for nurses, domestic staff and other persons”.

24. Amendment of s. 76I. Inspection. Section 76I of the Principal Act is amended by inserting before the words “nursing home”, when twice occurring, the words “hostel or” in each case.

25. Amendment of s. 76J. Local Government Acts to apply. Section 76J of the Principal Act is amended by inserting before the words “nursing home” the words “hostel or a”.

26. Amendment of s. 98A. Refuse removal by private contractors. Section 98A of the Principal Act is amended by—

(a) in subsection (1), adding at the end of paragraph (a), after the word “executed”, the words “upon application made to it in that behalf in the prescribed form”;

(b) omitting subsection (2) and substituting the following subsections:—

“(2) A Local Authority may, in respect of an application for approval made to it pursuant to subsection (1) (a), grant or refuse to grant the approval sought and may, where it grants approval, subject that approval to such conditions as it thinks fit.

(3) In this section, the expressions “commercial refuse”, “domestic clean-up refuse” and “industrial refuse” have the

meanings respectively given to them in the Refuse Management Regulations 1983.

(4) Where an application for approval relating only to commercial refuse, domestic clean-up refuse or industrial refuse has been made to a Local Authority pursuant to subsection (1) (a) and the Local Authority fails, within 60 days after receipt of the application, to notify the applicant that it grants or refuses to grant approval, the Local Authority shall be deemed to have granted approval to the applicant to undertake or to contract to undertake the execution of the work specified in the application.

(5) Where a Local Authority has granted or is deemed by subsection (4) to have granted approval to a person, it may at any time—

(a) subject to subsection (6), revoke the approval;

(b) subject the approval to conditions;

or

(c) vary the conditions to which the approval is subject, by notice in writing given to the person.

(6) Where approval granted, or deemed by subsection (4) to have been granted, by a Local Authority to a person relates only to commercial refuse, domestic clean-up refuse or industrial refuse, the Local Authority shall not revoke approval unless the person—

(a) fails to comply with any condition to which the approval is subject or, where approval is deemed by subsection (4) to have been granted, undertakes or contracts to undertake the execution of work other than that specified in the application for approval;

or

(b) fails to comply with any provision of this Act.

(7) Where a Local Authority revokes approval relating only to commercial refuse, domestic clean-up refuse or industrial refuse—

(a) a person aggrieved by the decision may, within 14 days after receiving notice thereof, require the Local Authority to refer the decision to the Director-General for review;

(b) the Local Authority shall not give effect to the decision until the expiration of the period referred to in paragraph (a) or, if the decision is referred to the Director-General for review, until the review is concluded.

(8) The Director-General may, in respect of a decision referred to him, confirm or vary it or set it aside and substitute his own decision for it.

(9) The decision of the Director-General on review shall be final and conclusive and shall be given effect to by the Local Authority.

(10) The Brisbane City Council is hereby authorized to delegate to The Council Registration Board, Brisbane City Council, the power to do anything that the Brisbane City Council may or is required to do pursuant to subsection (1) (a), (2), (5) or (7) and anything so done shall, for the purposes of this section, be deemed to have been done by the Brisbane City Council.”.

27. Amendment of heading. The Principal Act is amended by omitting from the heading preceding section 123 the expression “Footwear,”.

28. Repeal of s. 123. Injurious utensil or appliance. Section 123 of the Principal Act is repealed and the following section substituted:—

“123. Cooking utensils and food receptacles. (1) In this section—

“cooking utensil” means any utensil, appliance or other thing manufactured, sold or supplied for use in or in connection with serving, consuming, cooking, preserving or otherwise preparing food (including water for domestic use);

“food receptacle” means any utensil, receptacle or other thing manufactured, sold or supplied for use in or in connection with storing, holding or carrying food (including water for domestic use).

(2) A person shall not sell or supply any cooking utensil or food receptacle—

- (a) consisting wholly or in part of a prescribed substance;
- (b) consisting wholly or in part of any material containing more than a prescribed proportion of a prescribed substance;

or

- (c) consisting wholly or in part of any material that, when analysed as prescribed, yields more than a prescribed amount of a prescribed substance.”.

29. Amendment of s. 124. Substances prohibited in toys, etc. Section 124 of the Principal Act is amended by—

(a) renumbering subsections (1) and (2) as subsections (2) and (3) respectively;

(b) inserting after the note to the section the following subsection:—

“(1) No person shall manufacture or sell or supply or keep for sale or supply any toy—

- (a) consisting wholly or in part of a prescribed substance;
- (b) consisting wholly or in part of any material containing

more than a prescribed proportion of a prescribed substance;

or

- (c) consisting wholly or in part of any material that, when analysed as prescribed, yields more than a prescribed amount of a prescribed substance.”.

(c) in subsection (2), as renumbered—

(i) omitting paragraphs (i) and (ia) and substituting the following paragraph:—

“(i) Any wallpaper or other decorative paper, paper serviette or paper used in the enclosure of food containing, or coated with any material containing, more than a prescribed proportion of any prescribed substance;”;

(ii) omitting from paragraph (ii) all words from and including the word “containing” to the end of the paragraph and substituting the words “containing, or coated with any material containing, more than a prescribed proportion of any prescribed substance;”;

(iii) at the end of paragraph (vi), omitting the expression “;” and substituting the words “other than a tubed nursing bottle approved by the Director-General by notification published in the Gazette.”;

(iv) omitting paragraph (vii);

(d) omitting from subsection (3), as renumbered, the words “any paraphenylenediamine or any of its derivatives or any lead or compound of lead” and substituting the words “more than a prescribed proportion of lead or any compound of lead”.

30. Amendment of s. 127. Lead in paint. Section 127 of the Principal Act is amended by—

(a) omitting from subsection (2) all words from and including the words “any lead” to and including the words “substance on—” and substituting the words “(in any form or compound) more than a prescribed proportion of lead, arsenic, antimony, cadmium, selenium or mercury on—”;

(b) in subsection (6)—

(i) inserting after the word “containing” the words “(in any form or compound) more than a prescribed proportion of”;

(ii) omitting the words “or any compound of any such substance”.

31. Amendment of s. 129A. Prohibition of the use of leaded metal for structural purposes in certain buildings. Section 129A of the Principal Act is amended by omitting from subsection (1) the words “containing lead, or coated with lead, or coated with any alloy containing lead:”, occurring in the general words following paragraph (b), and substituting the words “coated with lead or containing, or coated with any alloy containing, more than a prescribed proportion of lead.”.

32. Amendment of s. 129B. Prohibition of the use of means for conservation of water contaminated by lead. Section 129B of the Principal Act is amended by omitting from the first paragraph the words “containing lead, or coated with lead or coated with any alloy containing lead” and substituting the words “coated with lead or containing, or coated with any alloy containing, more than a prescribed proportion of lead”.

33. New s. 129D. The Principal Act is amended by inserting after section 129C the following section:—

“**129D. Prescription of method of analysis.** The Director-General may, for the purposes of this Division, make regulations prescribing the method of analysis to be used for determining whether an article or substance contains more than a prescribed proportion of a prescribed substance or any other substance specified in this Division.”.

34. Amendment of s. 131. Cyanide of potassium and other poisonous cyanides. Section 131 of the Principal Act is amended by—

(a) omitting the note to the section and substituting the note “**Inorganic salts of hydrocyanic acid.**”;

(b) in subsection (1), omitting the words “cyanide of potassium or any poisonous compound of cyanogen” and substituting the words “inorganic salt of hydrocyanic acid that is a poison”;

(c) in subsection (2), in the third paragraph—

(i) omitting the words “cyanide of potassium, or any poisonous compound of cyanogen, or any substance which is reasonably suspected to be cyanide of potassium or any poisonous compound of cyanogen,” and substituting the words “substance that is, or is reasonably suspected to be, an inorganic salt of hydrocyanic acid that is a poison,”;

(ii) omitting the words “cyanide of potassium, or poisonous compound of cyanogen, or any substance which is reasonably suspected to be cyanide of potassium, or any poisonous compound of cyanogen,” and substituting the words “substance that is, or is reasonably suspected to be, an inorganic salt of hydrocyanic acid that is a poison,”.

35. Amendment of s. 131A. Search warrant in respect of cyanide. Section 131A of the Principal Act is amended by—

(a) omitting the words “cyanide of potassium or any poisonous compound of cyanogen” and substituting the words “inorganic salt of hydrocyanic acid that is a poison”;

(b) omitting the final paragraph and substituting the following paragraph:—

“A police officer executing a warrant may, in respect of the premises or place to which the warrant relates or in respect of any person found therein or thereon or any substance found therein or thereon that is or is reasonably suspected to be an inorganic salt of hydrocyanic acid that is a poison, do and

execute all of the powers and authorities conferred upon him by section 131 (2).”.

36. Amendment of s. 131N. Duration of licence. Section 131N of the Principal Act is amended by omitting the expression “(1)”, occurring after the note to the section.

37. New Divisions IVD and IVE of Part IV. The Principal Act is amended by inserting after section 131w the following headings and sections:—

“Division IVD—Application of Agricultural Chemicals

131AA. Interpretation. In this Division, unless the contrary intention appears—

“Aerial application” means the spraying, spreading or dispersing whether intended or not of any agricultural chemical or any preparation containing any agricultural chemical from an aircraft in flight;

“Agricultural chemical” means any insecticide, fungicide, herbicide, desiccant, molluscicide, nematocide or vermin destroyer; the term includes any substance prescribed to be an agricultural chemical for the purposes of this Division or any substance belonging to a class whose members are prescribed to be agricultural chemicals; the term does not include any substance prescribed not to be an agricultural chemical for the purposes of this Division or any substance belonging to a class whose members are prescribed not to be agricultural chemicals;

“Desiccant” means any material used or intended to be used for accelerating the drying of plant tissue;

“Ground application” means the spraying, spreading or dispersing of any agricultural chemical or any substance containing an agricultural chemical from ground equipment;

“Ground equipment” means any machine or apparatus of any kind, other than an aircraft in flight, used or intended to be used or capable of being used for the application of any agricultural chemical; the term includes any machine or apparatus prescribed to be ground equipment for the purposes of this Division; the term does not include any machine or apparatus prescribed not to be ground equipment for the purposes of this Division;

“Herbicide” means any material used or intended to be used for destroying, defoliating or preventing the spread of any plants;

“Occupier” means the person in actual occupation of any land or, if there is no person in actual occupation, the person entitled to possession of the land.

131AB. Powers of inspectors. (1) Without derogating from the powers of an inspector under any other provision of this Act, an inspector authorized by the Director-General for the purposes of this Division either generally or for any limited period or for any particular case may—

- (a) enter and inspect any place in or on which he believes on reasonable grounds—
 - (i) there is any aircraft that has been, is being or is intended to be used for aerial application and enter and inspect any such aircraft;
 - (ii) there is any ground equipment that has been, is being or is intended to be used for ground application;
 - (iii) aerial or ground application has been, is being or is to be carried out;
 - (iv) contamination of the environment, or contamination of or damage to any property, or bodily injury to any person has been caused by aerial or ground application or by any agricultural chemical that is stored, mixed, marked, loaded or transported by or on behalf of a person who is using or intending to use the agricultural chemical for aerial or ground application;
 - (v) any agricultural chemical is being stored, mixed, marked, loaded or transported by or on behalf of a person who intends using it for aerial or ground application;
- (b) in or on any place that he is authorized by paragraph (a) to enter, inspect and take samples of any soil, crop, vegetation or water or any other material or substance;
- (c) require any person to produce to him any record kept pursuant to regulations made under this Division and inspect, retain or copy any record so produced;
- (d) exercise such other powers as are prescribed by regulations made for the purpose of this Division.

(2) Subsection (1) shall not authorize an inspector to enter and search without the permission of the occupier any premises, or part of premises, used for residential purposes.

131AC. Use of agricultural chemicals by persons under 17 years. A person who for payment or reward carries out aerial or ground application shall not permit a person who has not attained the age of 17 years to take part in aerial or ground application or in the mixing, marking or loading of agricultural chemicals intended for use in aerial or ground application.

Penalty: 20 penalty units.

131AD. Regulations. (1) The Director-General may make regulations not inconsistent with this Act for or with respect to all matters required or permitted by this Division to be prescribed and all matters that, in his opinion, are necessary or convenient for the proper administration of this Division or to achieve the objects and purposes of this Division.

(2) Without limiting the provisions of subsection (1) regulations may be made under this section for or in respect of all or any of the following matters or things:—

- (a) the circumstances in which aerial or ground application shall not be carried out;
- (b) the persons to whom the occupier of land, that is to be treated by aerial or ground application, shall give notice and the form of and time for giving such notice;
- (c) the measures to be taken by persons handling, storing or using for aerial or ground application any agricultural chemical so as to avoid injury to themselves or others;
- (d) the duty of, and measures to be taken by, an occupier of land (that is to be treated by aerial or ground application) or a person who carries out aerial or ground application to—
 - (i) ensure the safety of employees handling or exposed to agricultural chemicals in the course of their duties;
 - (ii) dispose of unwanted agricultural chemicals;
 - (iii) dispose of or decontaminate anything contaminated with any agricultural chemical;
- (e) the measures to be taken to prevent or minimise contamination of the environment with agricultural chemicals during aerial or ground application;
- (f) the procedures to be followed (including notices to be given) in the event of contamination of the environment, or contamination of or damage to any property or bodily injury to any person caused by aerial or ground application or by any agricultural chemical being stored, mixed, marked, loaded or transported by or on behalf of a person who is using or intending to use the agricultural chemical for aerial or ground application;
- (g) the circumstances in which persons carrying out aerial or ground application shall be required to submit blood or urine samples for analysis;
- (h) the making and keeping of records by persons who carry out aerial or ground application or by persons for whom aerial or ground application is carried out.

- (3) A regulation made under this section may—
- (a) apply differently according to such factors as may be specified in the regulation;
 - (b) adopt wholly or partly or by reference—
 - (i) any of the standards, rules, codes or specifications that have been recommended or adopted in any publication of the American Petroleum Institute, the British Standards Institution, the Institute of Petroleum or the Standards Association of Australia (whether published before or after the commencement of this section);
 - or
 - (ii) any standards, rules, codes or specifications approved by the Minister and published in the Gazette.
- (4) Regulations made under this section may impose a penalty for any breach thereof not exceeding 20 penalty units.

Division IVE—Hazardous Substances

131AE. Interpretation. In this Division the expression “hazardous substance” means any substance declared by Order in Council to be a hazardous substance for the purposes of this Division; the term includes any admixture, preparation or solution that contains a hazardous substance.

131AF. Powers of inspectors. (1) Without derogating from the powers of an inspector under any other provision of this Act, an inspector authorized by the Director-General for the purposes of this Division either generally or for any limited period or for any particular case may—

- (a) enter and inspect any place, vehicle or vessel in or on which he believes on reasonable grounds that a hazardous substance has been, is being or is to be manufactured, used, stored, conveyed, sold or prepared for sale, or disposed of, destroyed or rendered harmless;
- (b) enter and inspect any place that he believes on reasonable grounds has been, is or will be contaminated with a hazardous substance;
- (c) inspect and open anything that he believes on reasonable grounds contains a hazardous substance;
- (d) remove for examination or analysis anything, or portion of anything, that he believes on reasonable grounds is or may contain a hazardous substance or may be contaminated with a hazardous substance;
- (e) require any person to produce to him any record kept pursuant to regulations made under this Division and inspect, retain or copy any record so produced;
- (f) exercise such other powers as are prescribed by regulations made for the purpose of this Division.

(2) Subsection (1) shall not authorize an inspector to enter and search without the permission of the occupier any premises, or part of premises, used for residential premises.

131AG. Regulations. (1) The Director-General may make regulations not inconsistent with this Act for or with respect to all matters that, in his opinion, are necessary and convenient for the proper administration of this Division or to achieve the objects and purposes of this Division.

(2) Without limiting the provisions of subsection (1), regulations may be made under this section for or in respect of all or any of the following matters or things:—

- (a) the manufacture, use, storing, conveying, sale or preparing for sale, disposal, destruction and rendering harmless of hazardous substances;
 - (b) the siting, design, construction, ventilation, illumination, fittings, fixtures and management of premises used or intended for use in connexion with hazardous substances;
 - (c) notices to be displayed at places where hazardous substances are stored and the form and siting of those notices;
 - (d) the packaging and labelling of hazardous substances, the containers for use in connexion with hazardous substances and the disposal, destruction or rendering harmless of containers so used;
 - (e) the provision, maintenance, testing and use of safety and first aid facilities to minimise the risk of injury or damage arising from hazardous substances;
 - (f) the procedures to be followed (including notices to be given) in the event of—
 - (i) contamination of the environment or contamination of or damage to any property or bodily injury to any person caused by the escape, spillage or use of a hazardous substance;
 - (ii) fire involving or likely to involve a hazardous substance;
 - (iii) damage to any vehicle, vessel, container, pipeline or other equipment or thing while being used in connexion with a hazardous substance;
 - (g) the making and keeping of records relating to hazardous substances and the furnishing of returns and other information relating thereto.
- (3) A regulation made under this section may—
- (a) apply differently according to such factors as may be specified in the regulation;
 - (b) adopt wholly or partly or by reference—
 - (i) any of the standards, rules, codes or specifications

that have been recommended or adopted in any publication of the American Petroleum Institute, the British Standards Institution, the Institute of Petroleum or the Standards Association of Australia (whether published before or after the commencement of this section);

or

- (ii) any standards, rules, codes or specifications approved by the Minister and published in the Gazette.

(4) Regulations made under this section may impose a penalty for any breach thereof not exceeding 20 penalty units.”.

38. Amendment of s. 132. Entry and inspection. Section 132 of the Principal Act is amended by—

(a) in subsection (4)—

- (i) omitting the words “or forward”;
- (ii) omitting the words “or forwarded”;
- (iii) omitting the words “or forwarding”;

(b) adding at the end of the section the following subsections:—

“(8) Where pursuant to subsection (4) a portion of any drug or article is to be delivered to any person other than an analyst, delivery may be effected by—

- (a) giving it to that person;
- (b) where the person is the consignor or manufacturer of the drug or article, leaving it at, or sending it by registered post to, the address shown on the drug or article or any package enclosing or containing the same or shown on anything attached to the drug, article or package as the address of the consignor or manufacturer;
- (c) where the person is the owner of the drug or article, leaving it at, or sending it by registered post to, the address last known to the person by whom it is left or sent as the place of residence or business of the owner or where the owner is a body corporate, as its registered office;
- (d) where the person is the owner of the drug or article and is a body corporate, leaving it with any person who is concerned or takes part in its management or is apparently in charge of any or its places of business.

(9) Any portion of a drug or article sent to an address pursuant to subsection (8) shall be deemed to have been delivered at the time at which it ought to be delivered in the ordinary course of post.”.

39. Amendment of s. 134. Manner in which sample may be dealt with. Section 134 of the Principal Act is amended by omitting subsection (3) and substituting the following subsections:—

“(3) Where pursuant to section 132 (4) or subsection (2) of this section anything is to be delivered to an analyst, delivery may be effected by giving it to the analyst or by leaving it at his laboratory or by sending it by registered post to his laboratory or by such other means as may be prescribed.

(4) Anything sent by registered post to the laboratory of an analyst pursuant to subsection (3) shall be deemed to have been delivered at the time at which it ought to be delivered in the ordinary course of post.”.

40. Amendment of s. 136. Duty of analyst, etc. Section 136 of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:—

“(3) The person from whom any drug or article was procured by an officer may obtain a copy of the result of any analysis of the drug or article from the Director-General or may, where the officer is an officer of a Local Authority, obtain a copy from—

- (a) in the case of Brisbane City Council, the Town Clerk;
- (b) in the case of any other Local Authority, the clerk, within the meaning of the Local Government Act.”.

41. Amendment of s. 152. Regulations. Section 152 of the Principal Act is amended in subsection (1) by omitting paragraph (xviiiB).

42. Amendment of s. 167. Obstructing execution of Act. Section 167 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

“(1) Any person who—

- (a) Assaults, intimidates, threatens, abuses or insults the Director-General, an officer or any other person in the exercise of his powers or in the performance of his duties under this Act;
- (b) Obstructs or hinders the Director-General, an officer or any other person, or a Local Authority in the exercise of his or its powers or in the performance of his or its duties under this Act;
- (c) Gives, procures, offers, or promises any bribe, recompense, inducement, or reward to influence an officer or any other person in the exercise of his powers or in the performance of his duties under this Act;
- (d) Refuses to state his name and address or states a name or address that is false, when requested to state his name or address by an officer carrying out any inquiry for the purposes of this Act,

commits an offence against this Act and shall be liable to a penalty not exceeding 20 penalty units and, if the offence is a continuing one, to a daily penalty not exceeding one penalty unit per day.”.

43. Amendment of s. 170. Power to proceed against Local Authority for nuisance. Section 170 of the Principal Act is amended by omitting the second paragraph.

44. Table of penalties. The Principal Act is amended in each provision referred to in the first column of the following Table by omitting the corresponding expression specified in the second column and substituting the corresponding expression specified in the third column.

TABLE

Provision	Expression omitted	Expression substituted
10A (7)	ten pounds	2 penalty units
13 (1) (ii)	\$400	40 penalty units
28 (2) (n)	one hundred dollars	10 penalty units
30 (1) (d)	\$100	10 penalty units
(3)	\$100	20 penalty units
31 (7)	\$10	10 penalty units
36 (4)	\$100	2 penalty units
(5)	\$100	2 penalty units
38 (3)	\$1	½ penalty unit
43	\$150	20 penalty units
47 (8)	\$50	2 penalty units
49 (13)	\$50	20 penalty units
50 (7)	\$200	10 penalty units
52 (3) (b)	\$200	20 penalty units
(3) (c)	\$400	40 penalty units
54 (1)	\$400	20 penalty units
(2)	\$1 000	20 penalty units
(4)	\$200	4 penalty units
(5) (e)	\$200	4 penalty units
(6)	\$1 000	20 penalty units
(12)	\$10 000	200 penalty units
56 (1)	\$200	10 penalty units
(4)	\$100	10 penalty units
58 (1)	\$500	20 penalty units
	\$2 000	80 penalty units
(2)	\$400	20 penalty units

TABLE—continued

Provision	Expression omitted	Expression substituted
64	\$200	10 penalty units
	\$10	1 penalty unit
72 (3)	\$500	20 penalty units
	\$100	4 penalty units
76	\$400	20 penalty units
76E (3)	\$500	10 penalty units
	\$100	4 penalty units
76F	\$400	20 penalty units
76H (2)	\$500	20 penalty units
	\$100	4 penalty units
79 (4)	\$100	10 penalty units
(6)	\$5	½ penalty unit
	\$10	1 penalty unit
85	\$400	20 penalty units
	\$50	2 penalty units
86 (2)	\$400	20 penalty units
	\$2 000	80 penalty units
87	\$100	10 penalty units
	\$10	1 penalty unit
94 (4)	\$5	½ penalty unit
97	\$5	½ penalty unit
98	\$400	20 penalty units
	\$50	3 penalty units
98B	\$100	10 penalty units
100A (h)	\$500	20 penalty units
100C (4)	\$100	10 penalty units
100E (2)	\$200	16 penalty units
100F (d)	\$500	40 penalty units
106 (1)	\$400	20 penalty units
112	\$1 000	80 penalty units
124A (4)	\$200	10 penalty units
127 (4)	\$100	5 penalty units
	\$400	20 penalty units
(6)	\$100	5 penalty units
	\$400	20 penalty units
	\$100	4 penalty units
129A (1)	\$400	20 penalty units

TABLE—continued

Provision	Expression omitted	Expression substituted
129A (1)	\$100	4 penalty units
(2)	\$400	20 penalty units
	\$100	4 penalty units
129B	\$400	20 penalty units
	\$100	4 penalty units
131 (2)	\$200	10 penalty units
	\$400	20 penalty units
	\$400	20 penalty units
	\$1 000	50 penalty units
131w (3)	\$500	20 penalty units
136 (4)	\$200	10 penalty units
(5)	\$200	10 penalty units
137	\$200	10 penalty units
	\$400	20 penalty units
143 (1)	\$200	10 penalty units
	\$100	5 penalty units
	\$400	20 penalty units
	\$200	10 penalty units
	\$1 000	40 penalty units
150 (3)	\$400	20 penalty units
(4)	\$400	20 penalty units
152 (1) (xxviii)	\$500	20 penalty units
	\$2 000	80 penalty units
159	\$400	20 penalty units
160 (4)	\$50	10 penalty units
	\$10	1 penalty unit
165	\$400	20 penalty units
166	\$100	10 penalty units
167 (2)	\$40	4 penalty units
(3)	\$20	1 penalty unit
(4)	\$100	10 penalty units
168	\$40	4 penalty units
175	\$500	20 penalty units