

PART III.—
 AMENDMENT
 OF "THE
 MACKAY
 HARBOUR
 BOARD
 ACTS, 1896
 TO 1934."

Health Act Amendment Act. 3 GEO. VI. No. 34,

Moreover, such By-law may provide that each member of such Construction Committee shall be entitled to be paid, and the Board shall pay to him, the fee so fixed for each and every attendance by him at meetings of such Construction Committee during the whole period of his membership thereof, whether such period of membership occurred wholly before, or partly before and partly after, or wholly after the date of the making of such By-law.

No member of the Board shall hold or be deemed to hold an office of profit under the Board by reason of any fee paid or payable to him in pursuance of such By-law."

HEALTH.

3 GEO. VI.
 NO. 34.
 THE
 HEALTH
 ACT
 AMENDMENT
 ACT OF
 1939.

An Act to Amend "The Health Act of 1937" in certain particulars.

[ASSENTED TO 6TH DECEMBER, 1939.]

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:—

Short title
 and
 construction.

1. This Act may be cited as "*The Health Act Amendment Act of 1939*," and shall be read as one with *"*The Health Act of 1937*," hereinafter referred to as the Principal Act.

Collective
 title.

The Principal Act and this Act may be collectively cited as "*The Health Acts, 1937 to 1939*."

Amendments of the Principal Act.

Amendment
 of s. 31.

2. Subsection five of section thirty-one of the Principal Act is amended by repealing the words "or by posting the same in a prepaid letter addressed to the district registrar" and by the addition thereto of the following paragraph, namely:—

"Provided that any such notification shall be deemed to be delivered to the district registrar upon the receipt by him of a prepaid letter addressed to him and

* 1 Geo. VI. No. 31, *supra*, page 16597.

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containing such notification, or if the person responsible for giving the notification produces the proper receipt from a post office for a prepaid registered letter addressed to the district registrar concerned and containing such notification.”

3. The following subsection is added to section Amendment of s. 61. sixty-one of the Principal Act, namely :—

“(3.) The Director-General may from time to time Regulations respecting industry. make all such regulations as he shall deem necessary or expedient to secure and safeguard the health and well-being of employees in industry generally or in any particular industry.

Without limiting the generality of the power of the Director-General to make regulations hereunder, such regulations may provide for all or any of the following matters, namely :—

- (i.) Ventilation, cleanliness, lighting, and/or standards of temperature according to the nature of the industry ;
- (ii.) The provision and regulation of the use of safety devices ;
- (iii.) Accommodation for employees ;
- (iv.) The prevention, notification, and/or treatment of prescribed industrial diseases.

Any regulation hereunder which prejudices **“The Industrial Conciliation and Arbitration Acts, 1932 to 1938,”* or any direction (whether by way of award or otherwise) of the Industrial Court, or †*“The Workers’ Accommodation Acts, 1915 to 1937,”* or any regulation thereunder, shall to the extent of such prejudice be void.”

4. The following new section numbered 76A is New s. 76A. inserted after section seventy-six of the Principal Act, namely :—

“[76A.] The Director-General may from time to Regulations respecting extern nurses. time make all such regulations as he shall deem necessary or expedient for controlling and regulating the practise by extern midwives of their profession as such.

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

† 6 Geo. V. No. 30 and amending Acts, *supra*, pages 6899 *et seq.*

Without limiting the generality of the power of the Director-General to make regulations hereunder, such regulations may provide for all or any of the following matters, namely :—

- (a) The registration of extern midwives, including the fees payable for registration ;
- (b) The appliances to be provided by extern midwives, and the periodical inspection of such appliances ;
- (c) The professional duties of extern midwives, including when it shall be the duty of an extern midwife to seek the attendance of a medical practitioner ;
- (d) The records to be kept and the notifications to be given by extern midwives with respect to their patients, including the manner of keeping and giving such records and notifications ;
- (e) Prescribing what acts or omissions shall be negligence or malpractice when done or omitted to be done by an extern midwife in or with respect to the practise by her of her profession as such, and prescribing disciplinary punishments for such negligence or malpractice.

For the purposes of this section the term “ extern midwife ” means a person other than a medical practitioner who attends a maternity case or miscarriage anywhere outside a private hospital or public hospital, with or without a medical practitioner.”

Amendment
of s. 124.

5. The following paragraph numbered (vii.) is added to subsection one of section one hundred and twenty-four of the Principal Act, namely :—

“(vii.) Any toys containing arsenic, lead, or antimony in any form or compound whatsoever.”

New s. 124A.

6. The following new section 124A is inserted after section one hundred and twenty-four of the Principal Act, namely :—

Powers
respecting
articles
capable of
causing
bodily harm
or discomfort
to man.

“ [124A.] (1.) If the Director-General suspects that any article for sale or advertised for sale is intended for use or capable of being used for the purpose of causing bodily harm or discomfort to man he may by writing under his hand authorise any inspector to exercise with respect to such article the powers of entry, inspection,

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and sampling prescribed by section one hundred and thirty-two of this Act, and an inspector so authorised shall have and exercise power and authority accordingly.

(2.) The Director-General may, with the approval of the Minister, by a notice published in the *Gazette*, prohibit the sale or advertising for sale of any article mentioned in subsection one of this section.

(3.) Such prohibition shall have the full force of law notwithstanding that the Director-General has not exercised with respect to the article concerned the powers conferred upon him by subsection one of this section.

(4.) Any person who sells or advertises for sale any article contrary to a notice under this section or any person who has in his possession any such article shall be liable to a penalty of not more than fifty pounds."

7. Subsection five of section one hundred and thirty of the Principal Act is repealed and the following new subsection five is inserted in lieu thereof, namely:—

"(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 this section, and any member of the Police Force may detain any person found in or upon any place, including any person found in any road, street, or other public place, or found travelling, whom such member of the Police Force may reasonably suspect to have in his possession any dangerous drug, or any substance which is reasonably suspected to be a dangerous drug, contrary to the provisions of this section, and such member of the Police Force may search any place in or upon which such person may be, and may search such person and may open and search any package in the possession or apparent possession of or carried or conveyed by such person, and such member of the Police Force may seize any dangerous drug, or any substance which is reasonably suspected to be a dangerous drug, found in the possession of such person, or in any package in the possession or apparent possession of or carried or conveyed by such person, or in or upon any such 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."

Amendment
of s. 130.Power of
arrest,
seizure, &c

Amendment
of s. 131.

8. The third paragraph of subsection two of section one hundred and thirty-one of the Principal Act is repealed and the following new paragraph is inserted in lieu thereof, namely:

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, an offence against this section, and any member of the Police Force may detain any person found in or upon any place, including any person found in any road, street, or other public place, or found travelling, whom he may reasonably suspect to have in his possession any 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, contrary to the provisions of this section, and may search any place in or upon which such person may be, and may search such person and may open and search any package in the possession or apparent possession of or carried or conveyed by such person and may seize any 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, found in the possession of such person or in any package in the possession or apparent possession of or carried or conveyed by such person or in or upon any such 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.”

Amendments
of s. 145.

9. Section one hundred and forty five of the Principal Act is amended as follows:—

(a) The following paragraph is added to subsection one thereof, namely:—

“ Provided, however, that it shall be competent for a justice of the peace to hear and determine an application for a remand or an adjournment of the case in the absence of a police magistrate.”

(b) The following new subsection five is added after subsection four thereof, namely:—

“(5.) Neither subsection two nor subsection three of this section shall apply or extend with respect to proceedings against a person who has been arrested under this Act by a member of the Police Force.”

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10. The following new subsection numbered three is added to section one hundred and forty-six of the Principal Act, namely :— Amendment of s. 146.

“(3.) Notwithstanding anything contained in this Act, in the case of proceedings against a defendant who has been arrested under this Act by a member of the Police Force, the production by the prosecutor or defendant of a certificate of analysis purporting to be under the hand of an analyst shall be sufficient evidence of the facts stated therein :

Provided that the court may, if it thinks fit upon the application of the other party, order the party producing such certificate to call the analyst as a witness and may grant any necessary adjournment accordingly.”

11. The following new section 168A is inserted after section one hundred and sixty-eight of the Principal Act, namely :— New s. 168A.

“ [168A.] (1.) Upon complaint on oath before any justice of the peace by any member of the Police Force that such member reasonably suspects— Power to obtain search warrant in certain cases.

- (i.) That any female who has been reported to the police as a missing person is ; or
- (ii.) That any female is for the purposes of procuring her miscarriage ; or
- (iii.) That the dead body of any such female as aforesaid is,

in or upon any place, such justice may grant a warrant to any member of the Police Force with or without assistants to enter and search such place and, if admission is refused, to break into the same and to search for the female concerned or her dead body and to require any person found in or upon such place to give to such member of the Police Force his or her name, occupation, and place of abode, and his or her reasons for being in or upon such place.

(2.) If in the execution of such warrant any instrument or thing is found in or upon the place concerned which is or is believed to be capable of being used for procuring a miscarriage, or which may afford evidence thereof, the police officer concerned shall have power to seize and detain the same.

(3.) It shall be sufficient to show on the face of any warrant issued or purporting to be issued under this section that the justice concerned issued same upon the complaint on oath of the member of the Police Force named therein that such member reasonably suspected—

- (i.) That the female* named therein as having been reported to the police as a missing person is; or
- (ii.) That the female named therein is, for the purpose of procuring her miscarriage; or
- (iii.) That the dead body of any such female as aforesaid is,

in or upon the place to which the warrant relates, but it shall not be necessary to set out in the complaint or warrant the grounds of such reasonable suspicion.

The onus of proving that such member of the Police Force had no reasonable ground for complaint upon oath of the subject-matter complained of by him shall lie upon any person alleging in any proceedings whatsoever (civil or criminal) that there was no reasonable ground for such complaint, and such person shall not discharge such onus of proof unless he proves also that the member of the Police Force concerned was not acting in good faith when he made such complaint upon oath."

Amendment
of s. 176.

12. The following new paragraph is added to section one hundred and seventy-six of the Principal Act, namely:—

"Nothing in this section shall require the consent in writing of the Attorney-General to proceedings had or taken by a member of the Police Force against a person who has been arrested under this Act by him or some other member of the Police Force, and proceedings against a person so arrested may be had or taken by any member of the Police Force."

INCOME (STATE DEVELOPMENT) TAX.

See LABOUR.

INDUSTRY, PEANUT.

See AGRICULTURE.

ISLANDERS, TORRES STRAIT.

See TORRES STRAIT ISLANDERS.