

HEALTH.

5 GEO. VI.
No. 8.
THE
HEALTH ACTS
AMENDMENT
ACT OF
1941.

An Act to Amend "The Health Acts, 1937 to 1939," in certain particulars.

[ASSENTED TO 13TH NOVEMBER, 1941.]

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 Acts Amendment Act of 1941*," and shall be read as one with *"*The Health Acts, 1937 to 1939*," herein referred to as the Principal Act.

Collective
title.

The Principal Act and this Act may be cited collectively as "*The Health Acts, 1937 to 1941*."

Amendments of the Principal Act.

New s. 2A.

2. The following section, numbered 2A, is inserted after section two of the Principal Act, namely:—

Construction
of Act.

"[2A.] This Act shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment hereof would but for this section have been construed as being in excess of that power it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power."

New s. 104A.

3. The following section, numbered 104A, is inserted after section one hundred and four of the Principal Act, namely:—

Adulterated
food or drug
not to be
tendered or
despatched
for or on
sale.

"[104A.] (1.) No person shall in or from Queensland tender or despatch or offer to tender or despatch for or on sale any food, drug, or article which is adulterated or falsely described, or which is packed or enclosed for sale or labelled, branded, or marked in any manner contrary to or not in compliance with this Act, whether the actual sale shall be effected or is to become effective in Queensland or elsewhere :

* 1 G. 6 No. 31 and amending Acts. See v. 3, pp. 891 *et seq.*

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Provided that if the actual sale was effective or is to be effective elsewhere than in Queensland it shall be a defence to a charge of an offence against this section to prove that the sale was legally authorised under the laws in force where it was effected or to become effective.

(2.) No person shall from elsewhere than in Queensland tender or despatch or offer to tender or despatch to any other person in Queensland for or on sale any food, drug, or article which is adulterated or falsely described, or which is packed or enclosed for sale or labelled, branded, or marked in any manner contrary to or not in compliance with this Act, whether the actual sale shall be effected or is to become effective in Queensland or elsewhere.

A complaint of an offence against this subsection shall be heard and determined at a place appointed for holding courts of petty sessions within the petty sessions district in which the person to whom the offender tendered or despatched or offered to tender or despatch the food, drug or article which forms the subject-matter of the complaint resided or carried on business when the offence was committed."

4. (1.) Subsection one of section one hundred and thirty of the Principal Act is repealed. Repeal of s. 130 (1).

(2.) This section shall come into operation on a date to be proclaimed by the Governor in Council by Proclamation published in the *Gazette*. Commencement of section.

HOTELS.

See LIQUOR.