

*Health Acts Amendment Act.* 9 GEO. VI. No. 9,

such particulars as are prescribed relating to the quality, purity or weight of the goods or the materials of which the goods are composed ; and

(ii.) Declaring textile products which are to be exempt from the provisions of this Act.

(b) To such regulations when made.

Act to be read in aid of the Principal Act.

7. This Act shall be read in aid of and not in derogation from the Principal Act, and the powers and authorities of the Director-General, an inspector and of a member of the Police Force as provided in the Principal Act are *mutatis mutandis* applied in respect of the carrying out the provisions of this Act.

Moreover the provisions of Parts IV. and V. of the Principal Act shall as far as may be necessary in respect of such carrying out shall, save as is expressly provided in this Act, have full force and effect and apply herein accordingly.

9 GEO. VI.  
No. 9.  
THE  
HEALTH ACTS  
AMENDMENT  
ACT OF 1945.

**An Act to Amend "The Health Acts, 1937 to 1943," by providing for the constitution of the Queensland Health Education Council, to make provision in respect of the Queensland Radium Institute, and for other purposes**

[ASSENTED TO 5TH APRIL, 1945.]

**B**E 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. (1.) This Act may be cited as "*The Health Acts Amendment Act of 1945*," and shall be read as one with \*"*The Health Acts, 1937 to 1943*," herein collectively referred to as the Principal Act.

Collective title.

(2.) The Principal Act and this Act may collectively be cited as "*The Health Acts, 1937 to 1945*."

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

1945.

*Health Acts Amendment Act.**Amendments of the Principal Act.*

2. Section three of the Principal Act is amended by inserting before the words "PART V.— MISCELLANEOUS PROVISIONS (ss. 155–179)" the words—

Amendment  
of s. 3.  
[Division of  
Act.]

"PART IVA.—QUEENSLAND HEALTH EDUCATION COUNCIL (ss. 154A–154G);

PART IVB.—QUEENSLAND RADIUM INSTITUTE (ss. 154H–154L)";.

3. The following new definitions are inserted after the definition of "Prohibited article" in section five of this Act, namely:—

Amendment  
of s. 5.  
[Interpre-  
tation.]

"Queensland Health Education Council"—The Queensland Health Education Council constituted under this Act: the term also, where necessary, includes a member or secretary or officer of the said Council;

Queensland  
Health  
Education  
Council.

"Queensland Radium Institute"—The Queensland Radium Institute constituted under this Act: the term also, where necessary, includes a member or secretary or officer of the said Institute;".

Queensland  
Radium  
Institute.

4. From and after the passing of \**"The Health Acts Amendment Act of 1945,"* the duty and responsibility imposed, pursuant to section thirty-four of the Principal Act, upon a Local Authority of providing an isolation hospital for the isolation and treatment of persons affected or suspected to be affected with infectious disease, or of persons who are carriers or suspected to be carriers of infectious disease shall be divested from the Local Authority and shall vest in the Hospitals Board as a function of the Board concerned.

Duty of  
providing  
isolation  
hospitals a  
function of  
the Hospitals  
Board.

Moreover the Governor in Council may from time to time by Order in Council divest any existing isolation hospital owned by a Local Authority from such Local Authority and vest same in the Hospitals Board concerned and may in the same or in any further order in Council make such financial arrangements including the matter of any loan liability in respect thereof as it shall deem fit and proper.

\* This Act.

New s. 131A  
inserted.

5. The following section, numbered 131A, is inserted after section one hundred and thirty-one of the Principal Act, namely :—

Search  
warrant in  
respect of  
dangerous  
drugs and  
cyanide.

“ [131A.] Upon complaint on oath before any justice of the peace by any member of the Police Force that such member believes that—

(i.) Any dangerous drug ; or

(ii.) Any cyanide of potassium or any poisonous compound of cyanogen

is, or is in the possession of any person, in or upon any premises or place contrary to the provisions of this Act, such justice may grant a warrant to any member of the Police Force with or without assistants, to enter, by force if necessary, and search such premises or place and all persons found therein or thereon.

Such police officer may in respect of the premises or place in question and of any person or any dangerous drug, cyanide of potassium, poisonous compound of cyanogen, or any substance which is reasonably suspected to be any dangerous drug, cyanide of potassium or poisonous compound of cyanogen found therein or thereon, do and execute all of the powers and authorities conferred upon him by subsection five of section one hundred and thirty, or, as the case may be, subsection two of section one hundred and thirty-one of this Act.

New Part  
IVA.  
Queensland  
Health  
Education  
Council.

6. The following new Part and sections (154A to 154G), namely, PART IVA.—QUEENSLAND HEALTH EDUCATION COUNCIL are inserted after section one hundred and fifty-four of the Principal Act, as follows :—

“ PART IVA.—QUEENSLAND HEALTH EDUCATION  
COUNCIL.

Administra-  
tion of  
Part IVA.

[154A.] The provisions of this Part IVA shall be administered subject to the Minister.

Constitution  
of  
Queensland  
Health  
Education  
Council.

[154B.] (1.) There is hereby constituted a body called the Queensland Health Education Council (herein referred to as “ the Council ”).

(2.) The Council shall consist of so many members as shall from time to time be declared and, until otherwise prescribed, appointed by the Governor in Council.

(3.) The Governor in Council shall designate a member to be the chairman and a member to be the deputy chairman.

1945.

*Health Acts Amendment Act.*

(4.) The members of the Council shall, until otherwise prescribed, hold office at pleasure of the Governor in Council.

[154c.] (1.) The Queensland Health Education Council shall be a body corporate under the name and style of "The Queensland Health Education Council" and by that name shall have perpetual succession and an official seal and shall be capable in law of suing and being sued in its corporate name and of acquiring, holding and disposing of property.

To be a body corporate.

(2.) All courts, judges, justices and persons acting judicially shall take judicial notice of the seal of the Queensland Health Education Council affixed to any document or notice and shall presume that it was duly affixed.

[154D.] The Letters Patent dated the thirty-first day of January, one thousand nine hundred and twenty-nine, issued to the Queensland Cancer Trust pursuant to \**"The Religious, Educational, and Charitable Institutions Act of 1861"* are hereby cancelled, and the corporation of the Queensland Cancer Trust, constituted by such Letters Patent, is hereby dissolved and is hereby referred to as "the dissolved corporation."

Dissolution of Cancer Trust.

(a) Subject as hereinafter provided all the property whether real or personal and all other assets of whatever description and all rights, liabilities, obligations, contracts, and engagements of the dissolved corporation shall without any transfer, assignment or conveyance or notice other than this Act be divested from the dissolved corporation and shall be and be deemed to be vested in and become the property of and shall attach to and may be enforced by the Queensland Health Education Council.

Devolution of assets.

(b) The manager or other principal officer of the Commonwealth Bank, or of any other bank, holding any moneys and/or securities on behalf of the dissolved corporation is hereby authorised and shall on demand in writing by the said the Queensland Health Education Council, pay over and/or transfer to the said Council such moneys and/or securities and the receipt or acknowledgment by the said Council of the moneys and/or securities so paid over and/or transferred by the manager or other principal officer of the bank

concerned shall be a good and sufficient discharge to the bank concerned and such bank shall not be bound to see to the application, appropriation or use thereof :

Provided that—

- (a) All instruments, documents, records, correspondence and all books and writings the property of the dissolved Corporation shall without any notice other than this Act be and be deemed to be handed over to and become the property of the Queensland Radium Institute, constituted under Part IV<sub>B</sub> of this Act ;
- (b) All technical apparatus of the dissolved corporation shall without any transfer, assignment, conveyance or notice other than this Act be divested from the dissolved corporation and shall be and be deemed vested in and become the property of the said Queensland Radium Institute.

Functions of  
the Council.  
General  
powers.

[154E.] (1.) The powers and functions of the Council shall, subject to the Minister, be to acquire, promote, extend and disseminate education concerning all matters relating to the health of Queensland generally, and, without limiting the generality of this provision, including health, safety, and well-being in industry and in traffic.

The Council may also make recommendations to the Governor in Council regarding any matter pertaining to health generally.

May make  
investiga-  
tions.

(2.) The Council, or any specified members thereof, shall carry out any investigation as may be directed by the Minister.

For the purposes of this section, the Council or any specified members thereof in the conduct of any investigation shall have the powers and authorities assigned to the Director-General pursuant to subsections two and three of section sixty-one of this Act.

Dissemina-  
tion of  
knowledge.

(3.) For the purpose of dissemination of health education the Council may inaugurate tutorial classes, correspondence classes, study circles, home-reading circles, "listening-in" groups, or such other modes as to the Council shall seem fit and proper.

Further  
powers.

(4.) The Council may perform such other duties as shall be directed by the Minister or as may be prescribed.

1945.

*Health Acts Amendment Act.*

[154F.] (1.) The Council shall establish a fund to be called "The Queensland Health Education Council Fund" (herein referred to as "the Fund").

Queensland  
Health  
Education  
Council  
Fund.

(2.) There shall be paid into the Fund unless invested by the Council in pursuance of this Part—

- (a) All moneys, donations, bequests, legacies, grants, and contributions received by the Council under or pursuant to this Part, and all moneys arising from any gift or devise of real property received by or vested in the Council under or pursuant to this Part ;
- (b) All moneys received from Consolidated Revenue ;
- (c) All other moneys received by the Council on any other account whatsoever.

(3.) The Fund shall, subject to the Minister, be applied by the Council in and for the purposes of this Part, and in and towards the payment of all expenses necessarily incurred in carrying this Part into execution and in doing and performing any acts, matters, and things which the Council is by this Part empowered or required to do or perform.

Application  
of Fund.

(4.) Regulations may be made providing for an annual budget to be prepared by the Council, the adoption and passing thereof, the matter of emergent or extraordinary expenditure and such matters and things as may be deemed necessary or desirable by the Minister.

Budgetary  
provisions.

(5.) The Council, with the approval of the Treasurer, may from time to time invest any of its funds not immediately required to be expended in accordance with this Part in securities of or guaranteed by the Commonwealth or the State Governments, or on deposit with the Commonwealth Bank, or in such security as may be approved by the Treasurer of Queensland.

Investment  
of funds.

[154G.] The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, as he shall deem necessary or convenient to carry out the objects and purposes of this Part.

Regulations.

Without limiting the generality of the foregoing provisions regulations may be made for all or any of the following purposes, that is to say :—

- |                                     |   |
|-------------------------------------|---|
| Management.                         | (i.) The good government, management, and control of the affairs of the Council, and of any other property under the management and/or control of the Council.  |
| Financial and budgetary provisions. | (ii.) Financial and budgetary provisions of the Council.  |
| Seal.                               | (iii.) The use and custody of the official seal.  |
| Tenure, election, &c., of members.  | (iv.) The tenure of members ; also the election and/or appointment, or appointment on the nomination and/or election of members of the Council, the conduct of elections, and the compilation of a roll of persons entitled to vote at elections, the method of determining the qualification of voters at such election, and the making of such roll conclusive evidence of the title to vote at any such election.  |
| Meetings.                           | (v.) The manner and time of convening, holding, and adjourning the meetings of the Council ; the quorum of and voting at such meetings ; the filling of vacancies ; the appointment of a deputy to act for any member in the event of illness, absence or other cause ; the powers and duties of the chairman thereof ; the conduct and record of the business and minutes of proceedings ; the appointment of committees and the quorum ; powers and duties of such committees, including the conduct and record of the business and minutes of proceedings of any such committee. |
| Property.                           | (vi.) The management, control, and investment of the property and assets of the Council.  |
| Prescribed matters.                 | (vii.) All matters required or permitted by this Part to be prescribed.   |
| Generally.                          | (viii.) Generally for carrying out the objects and purposes of this Part. <sup>55</sup>   |

1945.

*Health Acts Amendment Act.*

7. The following new Part and sections (154H to 154L), namely, "PART IVB.—QUEENSLAND RADIUM INSTITUTE" are inserted after Part IVA of this Act, previously inserted, as follows :—

New  
Part IVB.  
Queensland  
Radium  
Institute.

"[154H.] The provisions of this Part IVB shall be administered subject to the Minister.

Administra-  
tion of  
Part IVB.

[154I.] (1.) The Order in Council dated the second day of March, one thousand nine hundred and forty-four, and published in the *Gazette* of the fourth day of March, one thousand nine hundred and forty-four as contained in Schedule C of this Act, constituting "The Queensland Radium Institute" and the appointment of members of the said Institute is hereby approved, ratified, confirmed and validated as and from the second day of March, one thousand nine hundred and forty-four.

Validation  
of Order in  
Council  
constituting  
the  
Queensland  
Radium  
Institute.  
Schedule C.

(2.) The aforesaid Order in Council shall for all purposes be and be deemed an Order in Council made under this Act and to the intent that the provisions of section twelve of this Act shall apply and extend accordingly.

(3.) The members of the said Institute shall hold office at the pleasure of the Governor in Council.

[154J.] (i.) The Queensland Radium Institute (hereinafter in this Part referred to as "the Institute") shall be a body corporate under the name and style of "The Queensland Radium Institute" and by that name shall have perpetual succession and an official seal, and shall be capable in law of suing and being sued in its corporate name and of acquiring, holding and disposing of property.

To be a body  
corporate.

(ii.) All courts, judges, justices and persons acting judicially shall take judicial notice of the seal of the Queensland Radium Institute affixed to any document or notice and shall presume that it was duly affixed.

[154K.] (1.) The Institute shall establish a fund to be called "The Queensland Radium Institute Fund" (herein referred to as "the Fund").

Queensland  
Radium  
Institute  
Fund.

(2.) There shall be paid into the Fund unless invested by the Institute in pursuance of this Part—

(a) All moneys, donations, bequests, legacies, grants, and contributions received by the Institute under or pursuant to this Part, and



all moneys arising from any gift or devise of real property received by or vested in the Institute under or pursuant to this Part ;

(b) All moneys received from Consolidated Revenue ;

(c) All other moneys received by the Institute on any other account whatsoever.

Application of fund.

(3.) The Fund shall, subject to the Minister, be applied by the Institute in and for the purposes of this Part, and in and towards the payment of all expenses necessarily incurred in carrying this Part into execution, and in doing and performing any acts, matters, and things which the Institute is by this Part empowered or required to do or perform.

Budgetary provisions.

(4.) Regulations may be made providing for an annual budget to be prepared by the Institute, the adoption and passing thereof, the matter of emergent or extraordinary expenditure and such matters and things as may be deemed necessary or desirable by the Minister.

Investment of funds.

(5.) The Institute, with the approval of the Treasurer, may from time to time invest any of its funds not immediately required to be expended in accordance with this Part in securities of or guaranteed by the Commonwealth or the State Governments, or on deposit with the Commonwealth Bank, or in such security as may be approved by the Treasurer of Queensland.

Section 154L. Regulations.

[154L.] The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases as he shall deem necessary or convenient to carry out the objects and purposes of this Part.

Without limiting the generality of the foregoing provisions regulations may be made for all or any of the following purposes, that is to say :—

Management.

(i.) The good government, management, and control of the affairs of the Institute, or any branch thereof, and of any other property under the management and/or control of the Institute.

Seal.

(ii.) The use and custody of the official seal.

1945.

*Health Acts Amendment Act.*

- (iii.) Financial and budgetary provisions of the Institute. Financial and budgetary provisions.
- (iv.) The manner and time of convening, holding, and adjourning the meetings of the Institute ; the quorum of and voting at such meetings ; the filling of vacancies ; the appointment of a deputy to act for any member in the event of illness, absence or other cause ; the powers and duties of the chairman thereof ; the conduct and record of the business and minutes of proceedings ; the appointment of committees and the quorum ; powers and duties of such committees, including the conduct and record of the business and minutes of proceedings of any such committee. Meetings.
- (v.) The management, control and investment of the property and assets of the Institute. Property.
- (vi.) All matters required or permitted by this Part to be prescribed. Prescribed matters.
- (vii.) Generally for carrying out the objects and purposes of this Part.” Generally.

8. The following Schedule C is inserted after Schedule B of the Principal Act, as follows :—

## SCHEDULE C.

Part IVB.—  
s. 145r.

## ORDER IN COUNCIL.

At the Executive Buildings, Brisbane, the second day of March, 1944.

Present :

His Excellency the Governor in Council.

WHEREAS by \* “*The Health Acts, 1937 to 1943,*” and † “*The Hospitals Acts, 1936 to 1943,*” it is amongst other things enacted that the Governor in Council may from time to time make all such Proclamations and Orders in Council as he thinks fit for the further or more effectually or particularly carrying out the objects and purposes of these Acts : And whereas by ‡ “*The Hospitals Act of 1923*” the Brisbane and South Coast Hospitals Board was constituted : And whereas by Orders in Council made under the lastmentioned Act and published in the *Gazette* from time to time various other hospitals boards were constituted for the purposes of the said Act : And whereas it is expedient for the further or more effectually or particu-

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

† 1 G. 6 No. 4 and amending Acts, v. 3, pp. 1050 *et seq.*

‡ 14 G. 5 No 44 (rep.).

larly carrying out the objects and purposes of \* “*The Hospitals Acts, 1936 to 1943*” in relation to the efficient and proper treatment of the sick in respect of the disease known as cancer to constitute “*The Queensland Radium Institute*” with all the powers, rights, privileges, and authorities, and subject to all the liabilities, duties, obligations, and responsibilities conferred or imposed by this Order: Now, therefore, His Excellency the Governor, with the advice of the Executive Council, by virtue of the powers in him vested doth hereby declare as follows:—

1. For the further or more effectually or particularly carrying out the objects and purposes of \* “*The Hospitals Acts, 1936 to 1943*” (hereinafter referred to as the said Acts) and † “*The Health Acts, 1937 to 1943*,” and in relation to the disease known as cancer an Institute under the name of “*The Queensland Radium Institute*” (hereinafter referred to as the Institute) is hereby constituted with all the powers, rights, privileges, and authorities and subject to all the liabilities, duties, obligations, and responsibilities conferred or imposed by this Order, including the functions and duties of “*The X-ray and Other Electro-Medical Equipment Advisory Board*” appointed by the Governor in Council on 1st May, 1935, and notified in the *Gazette* of 3rd May, 1935, which Board is hereby dissolved and the functions and duties of such Board are hereby transferred to and vested in the Institute on and from the date of publication in the *Gazette* of the names of the first members of the Institute.

2. The Institute shall consist of a chairman, deputy chairman, and seven additional members appointed by the Governor in Council after the triennial election and appointment of members of the Brisbane and South Coast Hospitals Board provided that one member shall be a member of the Brisbane and South Coast Hospitals Board, one member shall be a member of the Queensland Cancer Trust, one member shall be a member of the staff of the University of Queensland, and one member shall be nominated by the Queensland Branch of the British Medical Association.

3. The manager of the Brisbane and South Coast Hospitals Board shall, *ex officio*, be secretary of the Institute and the public office of the Brisbane and South Coast Hospitals Board shall be the public office of the Institute.

4. The provisions of sections 13, 14, 15, 16, and 17 of the said Acts shall apply *mutatis mutandis* to the Institute.

5. The Institute shall be charged with the duties and responsibilities of the treatment of cancer within the State of Queensland at the hospitals established at Brisbane, Rockhampton, Mackay, Townsville, Cairns, and Toowoomba, under the said Acts and in carrying out such duties and responsibilities shall, in relation to the treatment of cancer, co-ordinate the organisations for the treatment of the sick established at Brisbane, Rockhampton, Mackay, Townsville, Cairns, and Toowoomba by the Hospitals Boards constituted under the said Acts, and at such other hospitals or institutions for the treatment of the sick as may be determined by the Governor in Council under this Order.

\* 1 G. 6 No. 4 and amending Acts, v. 3, pp. 1050 *et seq.*

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

1945.

*Health Acts Amendment Act.*

6. The Governor in Council may, from time to time on the recommendation of the Institute, approve of any hospital or other institution established for the treatment of the sick as a hospital or institution for the treatment of cancer by the Institute.

7. In carrying out the duties and responsibilities mentioned in clause 5 hereof the Institute shall co-operate with the Brisbane and South Coast Hospitals Board, the several Hospitals Boards constituted under the said Acts, the several Hospitals Committees constituted under the said Acts controlling Voluntary Hospitals, and the management of any institution aforesaid, and the said Hospitals Boards, Hospitals Committees, and institutions shall co-operate with the Institute.

8. All decisions of the Institute relating to matters mentioned in this Order affecting any hospital under the said Acts shall be conveyed in writing to the Hospitals Board or Hospital Committee controlling the hospitals concerned or the management of any institution aforesaid.

9. Any matter may be referred to the Minister by the Institute or by any Hospitals Board or Hospital Committee whether the matter is the subject of dispute or not, and the decision of the Minister, after consideration of any representations the Institute or any Hospitals Board or Hospital Committee may desire to make, shall be final.

10. The Institute shall make arrangements with the Hospitals Boards controlling the Hospitals at Brisbane, Rockhampton, Mackay, Townsville, Cairns, and Toowoomba, and such other hospitals or institutions aforesaid as may be determined by the Governor in Council from time to time under this Order for the treatment of patients suffering from cancer in the public, intermediate, and private wards of the said hospitals.

11. The treatment of patients in the public wards of the said hospitals or institutions mentioned in the preceding clause shall be free, and the charges for intermediate and private patients shall be the charges respectively prescribed by the By-laws of the said hospitals or institutions.

12. The Institute shall carry out radio-therapy treatment of the patients diagnosed as suffering from cancer, at the hospitals controlled by the Hospitals Boards at Brisbane, Rockhampton, Mackay, Townsville, Cairns, and Toowoomba, and such other hospitals or institutions aforesaid as may be determined by the Governor in Council from time to time.

13. The Institute, in carrying out the provisions of clauses 5, 10, 11, and 12 hereof, shall establish an admission bureau at the Brisbane Hospital in respect of all applications for treatment and, after investigation, direct patients to the hospital or institution considered most appropriate for their treatment.

14. The Institute shall keep statistical records of all necessary kinds in relation to the patients admitted to hospitals through the admission bureau and such records shall be kept by skilled personnel.

15. The Institute shall furnish an annual report to the Minister.

And the Honourable the Secretary for Health and Home Affairs is to give the necessary directions herein accordingly.

THOS. G. HOPE, Clerk of the Council.