

Queensland



ANNO OCTAVO

ELIZABETHAE SECUNDAE REGINAE.

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No. 57.

An Act to Amend "The Health Acts, 1937 to 1958," in certain particulars, and for other purposes.

[ASSENTED TO 21ST DECEMBER, 1959.]

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:—

Short title.

1. (1.) This Act may be cited as "*The Health Acts Amendment Act of 1959.*"

Principal Act.

(2.) "*The Health Acts, 1937 to 1958,*" are in this Act referred to as the Principal Act.

Collective title.

(3.) The Principal Act and this Act may be collectively cited as "*The Health Acts, 1937 to 1959.*"

Amendments of s. 3.

2. Section three of the Principal Act is amended—

(a) By inserting, after the words "AND TREATMENT OF DISEASE", the words "OR DISABILITY";

(b) By inserting, after the words "*Notification of Disease*", the words "*or Disability*";

(c) By repealing the words "*Infectious Disease*" and inserting, in lieu of those repealed words, the words "*Communicable Disease*";

(d) By repealing the word "*Vaccination*" and inserting, in lieu of that repealed word, the word "*Smallpox*"; and

(e) By repealing the words "*Industrial Hygiene*" and inserting, in lieu of those repealed words, the words "*Industrial Medicine*".

3. Section five of the Principal Act is amended— Amendments
of s. 5.

(a) By, in the definition "*Advertisement*", repealing the words "or wireless broadcast" and inserting, in lieu of those repealed words, the words "or wireless broadcasting or television or any other means of transmitting images or sound or both in association";

(b) By, in the definition "*Article*"—

(i.) Repealing the words "any article of clothing" and inserting, in lieu of those repealed words, the words "any textile product"; and

(ii.) Repealing the words "and biological preparations" and inserting, in lieu of those repealed words, the words "biological preparations, pesticides, detergents, dangerous substances and such other substances as the Governor in Council (who is hereby thereunto authorised) by Order in Council declares from time to time to be articles under and for the purposes of this Act";

(c) By repealing the definition " "*Chemist*" or "*pharmaceutical chemist*" ";

(d) By inserting, after the definition "*By-laws*," the following definition:—

" "*Communicable disease*"—Any disease prescribed to be a communicable disease; "; Communi-
cable disease.

(e) By inserting, after the definition "*Dangerous drug*", the following definition:—

" "*Dangerous substance*"—Any substance which the Governor in Council (who is hereby thereunto authorised) by Order in Council declares to be a dangerous substance under and for the purposes of this Act; "; Dangerous
substance.

(f) By, in the definition “ Drug ”—

- (i.) Inserting after the word “ antiseptics ” the words “ pesticides, detergents ” ; and
- (ii.) Adding, after the words “ toilet articles ”, the colon and words “ : the term also includes any therapeutic substance under and within the meaning of the *Therapeutic Substances Act* 1953 of the Commonwealth, and any article or substance which the Governor in Council (who is hereby thereunto authorised) by Order in Council from time to time declares to be a drug under and for the purposes of this Act ” ;

(g) By inserting, after the definition “ Have in possession ”, the following definition :—

Hospital.

“ “ Hospital ”—A hospital within the meaning of “ *The Hospitals Acts, 1936 to 1955* ; ” ;

(h) By, in the definition “ House ”, inserting after the words “ the term also includes ” the words “ any houseboat and ” ;

(i) By repealing the definition “ Infectious disease ” ;

(j) By, in the definition “ Opium ”, repealing the words “ charcoal opium ” and inserting, in lieu of those repealed words, the words “ opium charcoal ” ;

(k) By repealing the definition “ Owner ” and inserting, in lieu of that repealed definition, the following definition :—

Owner.

“ “ Owner ”—The person other than Her Majesty who for the time being is entitled to receive the rent of any land, or who, if the same were let to a tenant at a rack-rent, would be entitled to receive the rent thereof : the term includes any lessee from the Crown, and any superintendent, overseer, or manager for such lessee residing on the holding, and in the case of a gold field or mineral field also includes the holder of a mining lease or miner’s homestead lease and the lawful occupier of a business area or residence area under the laws for the time being in force relating to mining and, as respects any land leased to any person or corporation by the Commissioner for Railways, such lessee ; ” ;

(l) By, after the definition "Person", inserting the following definitions:—

" "Pesticide"—The term includes any insecticide, Pesticide.
pulicide, weedicide or fungicide;

" Pharmaceutical chemist"—A pharmaceutical Pharmaceu-
tical
chemist.
chemist under and within the meaning of
" *The Pharmacy Acts, 1917 to 1959* "; and

(m) By adding to the definition "Sale" the colon and words " : the term also includes, in relation to any article of food or drink for consumption by man, supplying or giving away as a means of advertisement and, in relation to any article for use by man, permitting or allowing such use as a means of advertisement ;".

4. Subsection one of section nine of the Principal Amendment
of s. 9 (1).
Act is amended by repealing the words "to safeguard" and inserting, in lieu of those repealed words, the words "to promote, safeguard or maintain".

5. Subsection one of section ten of the Principal Amendments
of s. 10 (1).
Act is amended—

(a) By, in subparagraph (a) of paragraph (i.), repealing the words "or stream" and inserting, in lieu of those repealed words, the comma and words " , stream or canal ";

(b) By, in subparagraph (b) of paragraph (i.), repealing the words "stream or watercourse" and inserting, in lieu of those repealed words, the words "watercourse, stream or canal"; and

(c) By adding to paragraph (ii.) the words "or any other means specified in the order, or otherwise than by the means specified in the order,".

6. Subsection one of section thirteen of the Principal Amendment
of s. 13 (1).
Act is amended by, in paragraph (ii.) repealing the words "fifty pounds" and inserting, in lieu of those repealed words, the words "one hundred pounds".

7. Subsection one of section seventeen of the Amendment
s. 17 (1).
Principal Act is amended by repealing the words "to safeguard" and inserting, in lieu of those repealed words, the words "to promote, safeguard or maintain".

Amendment
of s. 19.

8. Section nineteen of the Principal Act is amended by adding thereto the following paragraph:—

“The Brisbane City Council may and is hereby authorised to delegate to The Council Registration Board, Brisbane City Council, the power to issue, sign, seal, renew, revoke or cancel licenses, permits, authorities or consents which the Brisbane City Council is entitled or required to issue, sign, seal, renew, revoke or cancel for the purpose of exercising and performing the powers and duties which are or may be conferred or imposed upon the Brisbane City Council pursuant to this section and to take and do all steps and things necessary, ancillary or incidental to the issuing, signing, sealing, renewing, revoking or cancelling such licenses, permits, authorities or consents. Any person aggrieved by the decision of The Council Registration Board in the exercise of any of the powers delegated pursuant to this section may, within fourteen days after receipt of notification in writing of such decision, require such Board to refer the matter to the Minister for direction. The Council Registration Board shall give effect to any direction in writing of the Minister upon such a reference.”

Amendment
of s. 21 (1).

9. Subsection one of section twenty-one of the Principal Act is amended by repealing the words “river or watercourse” and inserting, in lieu of those repealed words, the words “watercourse, stream or canal”.

Amendment
of s. 22.

10. Section twenty-two of the Principal Act is amended by repealing subsection two and inserting, in lieu of that repealed subsection, the following subsection:—

“(2.) (a) Such medical officer of health and any such analyst, inspector or other officer shall perform—

(i.) Such duties relating to the due execution of the provisions of this Act and, in relation to health, as the Local Authority from time to time directs; and

(ii.) Such duties relating to the due execution of the provision of this Act and relating to health as are, by order of the Director-General addressed to the Local Authority, required to be performed by such medical officer of health or such analyst, inspector or other officer.

(b) Save with the prior permission of the Director-General, the Local Authority shall not require, permit or allow such medical officer of health or any such analyst, inspector or other officer to perform any duty other than a duty referred to in paragraph (a) of this subsection.

(c) The Director-General may from time to time make or grant orders or permissions under and for the purposes of this subsection, and may at any time revoke or cancel any such order or permission."

11. Section twenty-seven of the Principal Act is amended by adding thereto the following subsection :— Amendment
of s. 27.

"(5.) Notwithstanding anything in this Act or in any other Act contained every person who at the date of the passing of "*The Health Acts Amendment Act of 1959*," holds, and every person who subsequent to such date is appointed to, permanently any of the positions set forth in the Schedule to this subsection shall without any further or other appointment, be a health officer for the purposes of this Act and shall, subject to the Director-General, have and may exercise such powers and shall perform and be subject to such duties and liabilities as shall from time to time be prescribed or required by the Governor in Council.

Every such person as aforesaid so long as he holds any such position shall be and be deemed to be a person permanently employed by or under the Crown for the purposes of "*The Public Service Superannuation Act of 1958*," at the salary paid from time to time to such person in respect of that position and the provisions of "*The Public Service Superannuation Act of 1958*," with such modifications and adaptations as may be necessary shall apply and extend accordingly.

SCHEDULE.

Position.

NORTH BRISBANE HOSPITAL—

- General Medical Superintendent ;
- Deputy General Medical Superintendent ;
- Superintendent, Brisbane Children's Hospital ;
- Superintendent, Brisbane Women's Hospital ;
- Superintendent, Chermside Chest Hospital.

SCHEDULE—*continued.**Position—continued.*

X-Ray Department—

Director of Diagnostic Radiology ;
 Senior Radiologist ;
 Radiologist (Specialist Registration).

Pathology Department—

Director ;
 Pathologist in Charge of Morbid Anatomy ;
 Pathologist in Charge of Surgical Pathology ;
 Clinical Bio-Chemist (Medical) ;
 Clinical Bacteriologist (Medical) ;
 Haematologist (Medical) ;
 Pathologist (Specialist Registration).

SOUTH BRISBANE HOSPITAL—

Medical Superintendent.

Pathology Department—

Director ;
 Pathologist in Charge of Morbid Anatomy ;
 Pathologist in Charge of Surgical Pathology ,
 Clinical Bio-Chemist (Medical) ;
 Clinical Bacteriologist (Medical) ;
 Haematologist (Medical) ;
 Pathologist (Specialist Registration).

QUEENSLAND RADIUM INSTITUTE—

Director ;
 Deputy Director ;
 Senior Radio-therapists ;
 Radio-therapists (Specialist Registration).

COUNTRY HOSPITALS—

Medical Superintendents—

Cairns,	Maryborough,
Charleville,	Rockhampton,
Cloncurry,	Toowoomba,
Ipswich,	Townsville,
Mackay,	Warwick,
Bundaberg,	Gympie.

Repeal of
and new
headnotes.

12. The headnotes appearing before section twenty-nine of the Principal Act are repealed, and the following headnotes are inserted in lieu thereof:—

“ PART III.—PREVENTION, NOTIFICATION AND TREATMENT OF DISEASE OR DISABILITY.

Division I.—Notification of Disease or Disability.”

13. The Principal Act is amended by repealing section twenty-nine and inserting, in lieu of that repealed section, the following section:—

“ [29.] (1.) Subject to subsection two of this section the following diseases shall be and be deemed to be notifiable diseases, namely, ancylostomiasis (hookworm), anthrax, breast abscess, brucellosis, cholera, dengue, diarrhoea (of more than forty-eight hours' duration in children under two years of age), diphtheria, dysentery (amoebic and bacillary), encephalitis, filariasis, hepatitis (infective and serum), hydatid disease, lead poisoning, leprosy, leptospirosis, malaria, meningitis, neo-natal infections (any staphylococcal or streptococcal disease occurring in an infant within twenty-one days of birth), ornithosis (psittacosis), plague, poliomyelitis (paralytic and non-paralytic), puerperal infections (any febrile infection of the genital tract in a mother occurring within twenty-one days of childbirth or miscarriage), Q. fever, relapsing fever, rheumatic fever (acute and recurrent, and including chorea), rubella (German measles) in females over the age of fourteen years, scarlet fever, smallpox, taeniasis, tetanus, tuberculosis (all forms including pleural effusion and erythema nodosum), typhoid fever (including paratyphoid), typhus (epidemic, murine, scrub, tick), yellow fever, venereal disease, and any other disease which the Governor in Council on the recommendation of the Director-General from time to time by notification in the *Gazette* declares to be a notifiable disease under this Act either generally or with respect to any particular place.

Repeal of
and new
s. 29.

Notifiable
diseases.

(2.) The Governor in Council may by notification in the *Gazette* declare any disease prescribed by or pursuant to subsection one hereof to be no longer a notifiable disease, and while such notification continues in force, the disease to which it relates shall not be a notifiable disease.

(3.) Subject to subsection four of this section the Governor in Council may by notification in the *Gazette* declare any disability to be notifiable.

(4.) The Governor in Council may by notification in the *Gazette* declare any such disability which has been declared to be notifiable in accordance with subsection three hereof to be no longer notifiable.”

Amendment
of s. 30.

14. Section thirty of the Principal Act is amended by repealing subsection one thereof and inserting, in lieu thereof, the following subsection :—

Notification
of notifiable
disease or
disability.

“(1.) Whenever in any premises any person is found to be suffering from any notifiable disease or disability, or from any sickness the symptoms of which raise a reasonable suspicion that it may be a notifiable disease or disability, the following provisions shall apply :—

- (a) Every medical practitioner who attends upon or is called in to visit the patient shall, upon the day on which he becomes aware of the nature of the disease or disability or suspected disease or disability give notice thereof to the Director-General and, in the case of any of the following diseases, namely, ancylostomiasis, cholera, dengue, diarrhoea (of more than forty-eight hours' duration in children under two years of age), diphtheria, dysentery (amoebic and bacillary), filariasis, hepatitis (infective and serum), leptospirosis, malaria, meningitis, plague, poliomyelitis (paralytic and non-paralytic), scarlet fever, smallpox, tetanus, tuberculosis (all forms), typhoid fever (including paratyphoid), typhus (murine), yellow fever, and any other disease which the Governor in Council on the recommendation of the Director-General from time to time by notification in the *Gazette* declares, he shall also inform the occupier and give notice to the Local Authority thereof ;
- (b) The medical superintendent or medical officer of any hospital or institution, or if there is no medical superintendent or medical officer, the person in charge of such hospital or institution, shall upon the day on which he becomes aware of the nature of the disease or disability or suspected disease or disability give notice thereof to the Director-General and, in the case of any of the following diseases, namely, ancylostomiasis, cholera, dengue, diarrhoea (of more than forty-eight hours' duration in children under two years

- of age), diphtheria, dysentery (amoebic and bacillary), filariasis, hepatitis (infective and serum), leptospirosis, malaria, meningitis, plague, poliomyelitis (paralytic and non-paralytic), scarlet fever, smallpox, tetanus, tuberculosis (all forms), typhoid fever (including paratyphoid), typhus (murine), yellow fever, and any other disease which the Governor in Council on the recommendation of the Director-General from time to time by notification in the *Gazette* declares, to the Local Authority thereof ;
- (c) Every such notice as aforesaid to the Director-General and to the Local Authority shall be given by the person concerned in writing in or to the effect of such form as the Director-General may from time to time prescribe ;
- (d) Any person required to give notice under and pursuant to this subsection who fails so to do shall be liable to a penalty not exceeding twenty pounds."

15. The headnote appearing immediately prior to section thirty-two of the Principal Act is amended by repealing the word "*Infectious*" and inserting, in lieu of that repealed word, the word "*Communicable*".

Headnote amended.

16. The Principal Act is amended by repealing section thirty-two and inserting, in lieu of that repealed section, the following section :—

Repeal of and new s. 32.

"[32.] The following diseases shall be and be deemed to be communicable diseases, namely, ancylostomiasis (hookworm), anthrax, brucellosis, cholera, dengue, diarrhoea (of more than forty-eight hours' duration in children under two years of age), diphtheria, dysentery (amoebic and bacillary), encephalitis, filariasis, hepatitis (infective or serum), hydatid disease, leprosy, leptospirosis, malaria, meningitis, neo-natal infections (any staphylococcal or streptococcal disease occurring in an infant within twenty-one days of birth), ornithosis (psittacosis), plague, poliomyelitis (paralytic

Communi- cable diseases.

and non-paralytic), puerperal infections (any febrile infection of the genital tract in a mother occurring within twenty-one days of childbirth or miscarriage), Q. fever, relapsing fever, rheumatic fever (acute and recurrent and including chorea), rubella (German measles) in females over the age of fourteen years, scarlet fever, smallpox, taeniasis, tetanus, tuberculosis (all forms, including pleural effusion and erythema nodosum), typhoid fever (including paratyphoid), typhus (epidemic, murine, scrub, tick), yellow fever, venereal disease and also any other disease which the Governor in Council on the recommendation of the Director-General from time to time by notification in the *Gazette* declares to be a communicable disease within the meaning of this Act, either generally or with respect to any particular place."

Amendments
of s. 33.

17. Section thirty-three of the Principal Act is amended—

(a) By repealing, in subparagraph (a) of the first paragraph, the words "infectious disease" and inserting, in lieu of those repealed words, the words "disease or disability";

(b) By repealing, in subparagraph (b) of the first paragraph, the words "infectious disease", and inserting, in lieu of those repealed words, the words "disease or disability";

(c) By repealing subparagraph (c) of the first paragraph and inserting, in lieu of that repealed subparagraph, the following subparagraph:—

"(c) The examination or treatment, or examination and treatment of persons having or suspected of having any disease, or disability, or who are or are suspected of being carriers of any disease."

(d) By, in subparagraph (viii.) of the second paragraph—

(i.) Repealing the words "provided by the Local Authority"; and

(ii.) Repealing the words "infectious disease" and inserting, in lieu of those repealed words, the words "communicable disease";

(e) By repealing subparagraph (xi.) of the second paragraph and inserting, in lieu of that repealed subparagraph, the following subparagraph:—

“(xi.) For prescribing standards for water for consumption or use by man, measures for the protection and purification of such water, and the prevention of the pollution thereof, and for the proper construction, including with respect to standards for materials or workmanship, or both, of tanks and cisterns for storing such water so as to ensure the purity thereof and to prevent breeding of or infestation by insect or other life, and for requiring, controlling and regulating the periodical cleansing of such tanks and cisterns;”

(f) By inserting, after subparagraph (xi.) of the second paragraph, the following subparagraph:—

“(xii.) For prescribing standards for water for swimming pools and measures for maintaining such water at such standards;”; and

(g) By renumbering subparagraphs (xii.), (xiii.) and (xiv.) of the second paragraph to be respectively subparagraphs (xiii.), (xiv.) and (xv.).

18. Section thirty-four of the Principal Act is amended— Amendments of s. 34.

(a) By repealing subsection one; and

(b) By repealing in subsection two the words “infectious disease”, wherever appearing, and inserting, in lieu of those repealed words, wheresoever repealed, the words “communicable disease”.

19. Section 34A of the Principal Act is amended by repealing the words “infectious disease”, wherever appearing, and inserting, in lieu of those repealed words, wheresoever repealed, the words “communicable disease”. Amendment of s. 34A.

20. Section thirty-five of the Principal Act is amended— Amendments of s. 35.

(a) By repealing the words “infectious disease”, wherever appearing, and inserting, in lieu of those repealed words, wheresoever repealed, the words “communicable disease”; and

(b) By repealing paragraph (i.).

Amendments
of s. 36.

21. Section thirty-six of the Principal Act is amended—

(a) By repealing in subsection one of that section the words “refuses to enter” and inserting, in lieu of those repealed words, the words “fails or refuses to enter or remain in”;

(b) By repealing, in subsection one of that section, the words “infectious disease”, wherever appearing, and inserting, in lieu of those repealed words, wheresoever repealed, the words “communicable disease”;

(c) By inserting after subsection three the following subsection :—

“(4.) Any person affected or suspected to be affected with a communicable disease who is admitted to an isolation hospital or temporary isolation place shall remain therein for such period, as in the opinion of the medical officer of health or medical superintendent, is necessary for the purposes of his proper isolation and treatment, and the medical officer of health, medical superintendent, matron or other person for the time being in charge of such isolation hospital or temporary isolation place, or any person acting under the direction of any of them, may exercise such force as may be reasonably necessary to detain such person for such purposes.

A person who fails to remain in any isolation hospital or temporary isolation place in accordance with the requirements of this subsection or who assaults, resists or obstructs any medical officer of health, medical superintendent, matron or other person for the time being in charge of any such isolation hospital or temporary isolation place, or any person acting under the direction of any of them, in the exercise of any power conferred by this subsection, shall be guilty of an offence and liable to a penalty of not more than twenty pounds.”; and

(d) By renumbering subsection four of that section to be subsection five, and in that subsection as so renumbered, repealing the words “ten pounds” and inserting, in lieu of those repealed words, the words “twenty pounds”.

22. Section thirty-seven of the Principal Act is amended by— Amendments
of s. 37.

(a) Repealing the words “ police magistrate ”, wherever appearing, and inserting, in lieu of those repealed words, wheresoever repealed, the words “ stipendiary magistrate ”; and

(b) Repealing the words “ infectious disease ” and inserting, in lieu of those repealed words, the words “ communicable disease ”.

23. Section thirty-nine of the Principal Act is amended by repealing the words “ infectious disease ”, wherever appearing, and inserting, in lieu of those repealed words, wheresoever repealed, the words “ communicable disease ”. Amendment
of s. 39.

24. Section forty-one of the Principal Act is hereby repealed. Repeal of
s. 41.

25. Section forty-two of the Principal Act is hereby repealed. Repeal of
s. 42.

26. The Principal Act is amended by repealing section forty-three, and inserting, in lieu of that repealed section, the following section :— Repeal of
and new
s. 43.

“ [43.] Any person who knowingly casts or causes, permits or allows to be cast into any receptacle or place any agent of a communicable disease without its previous disinfection shall be guilty of an offence. Infectious
rubbish.

Penalty : Forty pounds.”

27. Section forty-five of the Principal Act is hereby repealed. Repeal of
s. 45.

28. Section forty-six of the Principal Act is hereby repealed. Repeal of
s. 46.

29. Section forty-seven of the Principal Act is amended— Amendments
of s. 47.

(a) By repealing in subsection one the words “ who then is or within the space of eight weeks has been suffering from scarlet fever, diphtheria, or any other

disease” and by inserting, in lieu of those repealed words, the words “who then is or within the prescribed period has been suffering from any disease”;

(b) By repealing in subsection two the words “scarlet fever, diphtheria, or any other disease” and by inserting, in lieu of those repealed words, the words “any disease”;

(c) By, in subsection three, repealing the words “infectious disease” and inserting, in lieu of those repealed words, the words “communicable disease”, and also repealing the words “are in an infectious condition” and inserting, in lieu of those repealed words, the words “are infected by or carriers of such communicable disease”;

(d) By repealing subsection four;

(e) By repealing the last paragraph of subsection seven; and

(f) By, in subsection eight, repealing the words “five pounds” and inserting, in lieu of those repealed words, the words “ten pounds”.

Headnote amended.

30. The headnote appearing immediately prior to section forty-eight of the Principal Act is amended by repealing the word “*Vaccination*” and inserting, in lieu of that repealed word, the word “*Smallpox*”.

Amendments of s. 49.

31. Section forty-nine of the Principal Act is amended—

(a) By, in paragraph (v.) of subsection three, repealing the words “infectious disease” and inserting, in lieu of those repealed words, the words “communicable disease”;

(b) By, in subsection eleven, repealing the words “five pounds” and inserting, in lieu of those repealed words, the words “twenty pounds”; and

(c) By, in subsection thirteen, repealing the words “five pounds” and inserting, in lieu of those repealed words, the words “ten pounds”.

Amendment of s. 50 (7).

32. Subsection seven of section fifty of the Principal Act is amended by repealing the words “twenty pounds” and inserting, in lieu of those repealed words, the words “fifty pounds”.

33. Section fifty-one of the Principal Act is Amendments of s. 51. amended—

(a) By, in subsection one, repealing the word “lepers” and inserting, in lieu of that repealed word, the words “persons suffering from leprosy”;

(b) By repealing subsection two and inserting, in lieu of that repealed subsection, the following subsection :—

“(2.) In this section the term patient means a person suffering from leprosy.”;

(c) By, in subsection three, inserting before the words “suffering from leprosy”, the words “or is suspected to be”, and also repealing the word “supposed” and inserting, in lieu of that repealed word, the word “suspected”;

(d) By, in subsection four—

- (i.) Inserting before the words “suffering from leprosy” the words “or is suspected to be”;
- (ii.) Repealing the words “a lazaret” where firstly appearing and inserting, in lieu of those repealed words, the words “a hospital named by the Director-General in such order”;
- (iii.) Repealing the words “a lazaret” where secondly appearing and inserting, in lieu of those repealed words, the words “such hospital”; and
- (iv.) Repealing the words “the lazaret” and inserting, in lieu of those repealed words, the words “such hospital”;

(e) By, in subsection five—

- (i.) Repealing the words “All lepers so detained” and inserting, in lieu of those repealed words, the words “Every patient detained in a hospital pursuant to an order of the Director-General under this section”; and
- (ii.) Repealing the words “the lazaret” and inserting, in lieu of those repealed words, the words “such hospital or within such other limits as the Director-General may order”;

(f) By, in subsection six—

- (i.) Repealing the word “lepers” and inserting, in lieu of that repealed word, the word “patients”;
- (ii.) Repealing the words “a lazaret”, wherever appearing, and inserting, in lieu of those repealed words, wheresoever repealed, the words “any hospital pursuant to an order of the Director-General under this section”; and
- (iii.) Repealing the word “leper” and inserting, in lieu of that repealed word, the word “patient”.

(g) By repealing subsection seven and inserting, in lieu of that repealed subsection, the following subsection:—

“(7.) If the Director-General is satisfied that a person detained in a hospital pursuant to an order made by him under this section is apparently free from leprosy or is no longer a danger to other people, the Director-General may release such person on such conditions as he determines.

Any person so released shall return for examination by clinical and bacteriological methods at such times and places as the Director-General may appoint.

If any such person fails to attend for such examination at any time and place appointed by the Director-General or fails to comply in any respect with any condition determined by the Director-General, the Director-General may by order under his hand direct that such person be removed to and detained in the hospital named by the Director-General in such order and thereupon the provisions of this section relating to removal to and detention in a hospital of persons pursuant to an order made by the Director-General under this section shall apply and extend accordingly.”;

(h) By, in subsection eight—

- (i.) Repealing the word “lazaret” and inserting, in lieu of that repealed word, the words “hospital in which any person is detained pursuant to this section”; and

(ii.) Repealing the words "twenty pounds" and inserting, in lieu of those repealed words, the words "fifty pounds";

(i) By repealing subsection nine;

(j) By repealing subsection ten and inserting, in lieu of that repealed subsection, the following subsection:—

"(10.) When a person who is suffering from leprosy has sufficient means to provide for his proper maintenance and attendance by a medical practitioner, the Director-General may direct that instead of being removed to a hospital he shall be removed to a place to be specially appointed by the Director-General for that purpose, and be there detained under such supervision and treatment as the Director-General may direct.

All of the provisions of this section relating to hospitals shall apply to any place in which a person suffering from leprosy is ordered to be so detained."

(k) By, in subsection twelve, repealing the words "by the Minister or"; and

(l) By, in subsection thirteen, repealing the words "twenty pounds" and inserting, in lieu of those repealed words, the words "fifty pounds".

34. Section fifty-four of the Principal Act is amended by— Amendments
of s. 54.

(a) In subsection one, repealing the words "fifty pounds" and inserting, in lieu of those repealed words, the words "one hundred pounds";

(b) In subsection two, repealing the words "twenty pounds" and inserting, in lieu of those repealed words, the words "fifty pounds";

(c) In subsection three, repealing the words "twenty pounds" and inserting, in lieu of those repealed words, the words "fifty pounds";

(d) In subsection four, repealing the words "five pounds" and inserting, in lieu of those repealed words, the words "ten pounds";

(e) In subsection five, repealing the words "five pounds" and inserting, in lieu of those repealed words, the words "twenty pounds";

(f) In subsection six, repealing the words "five pounds" and inserting, in lieu of those repealed words, the words "twenty pounds";

(g) In subsection seven, repealing the words “ five pounds ” and inserting, in lieu of those repealed words, the words “ twenty pounds ” ;

(h) In subsection eleven, repealing the words “ ten pounds ”, wherever appearing, and inserting, in lieu of those repealed words, wheresoever repealed, the words “ twenty-five pounds ” ; and

(i) In subsection twelve, repealing the words “ one hundred pounds ” and inserting, in lieu of those repealed words, the words “ two hundred pounds ”.

Amendment
of s. 56 (2)

35. Subsection two of section fifty-six of the Principal Act is amended by, in paragraph (a), repealing the words “ a police magistrate ” and inserting, in lieu of those repealed words, the words “ a stipendiary magistrate ”.

Repeal of
and new
s. 58 (2).

36. Subsection two of section fifty-eight of the Principal Act is repealed and the following subsection inserted in lieu thereof :—

“(2.) No person shall publish or cause to be published any statement or advertisement concerning any article for sale which, directly or by implication, indicates or suggests that the use of such article as a medicine, instrument or appliance can alleviate or cure—

- (i.) Any venereal disease or disease affecting the generative organs or functions ;
- (ii.) Sexual impotence ;
- (iii.) Any complaint or infirmity arising from or relating to sexual intercourse ; or
- (iv.) Female or menstrual irregularities.

No person shall publish or cause to be published any statement or advertisement indicating or suggesting that any person offers or is willing or has power to treat, attend upon, alleviate or cure any such disease, complaint or infirmity, or inviting or suggesting that any person should in any way be consulted by any other person for the purposes of any such treatment, attention, alleviation or cure, or any examination for any of such purposes : Provided always that nothing herein contained shall render any person liable for publishing or causing to be published any such statement or

advertisement if he can prove that at the time of the publication he was in possession of written authority signed by the Director-General authorising him to publish such statement or advertisement.

Any person shall be deemed to have published any statement or advertisement referred to in this subsection who—

- (a) So affixes or inscribes such statement or advertisement on anything whatsoever that it is visible to persons being in or passing along any street, railway or public place ;
- (b) Delivers or offers or exhibits such statement or advertisement to any person being in or passing along any street, public place or public conveyance ;
- (c) Throws such statement or advertisement down the area or into the yard, garden or enclosure of any house ;
- (d) Exhibits such statement or advertisement to public view in any house, shop or place ;
- (e) Prints or publishes or causes to be printed or published such statement or advertisement in any newspaper ;
- (f) Sells, offers or shows or sends by post any statement or advertisement to any person ;
- (g) Sells any drug, medicine, instrument, appliance or article upon which, or upon the package containing which, or upon any pamphlet, leaflet, book or other literature accompanying or enclosing which, is written such statement or advertisement ;
- (h) Prints or writes or causes to be printed or written such statement or advertisement on any handbill, billhead, price-list, poster or label, or on any wrapper, carton or other means or substance enclosing a package, or on any description, testimonial or printed matter accompanying or attached to a package.

In this subsection the word "statement" includes any document, book or paper containing any statement.

Books, documents and papers published in good faith for the advancement of medical or surgical science are exempt from the provisions of this section.

Any person who contravenes any of the provisions of this subsection shall be guilty of an offence against this Act."

Amendment
of s. 59.

37. Section fifty-nine of the Principal Act is amended by repealing the words "fifty pounds" and inserting, in lieu of those repealed words, the words "one hundred pounds".

Amendment
of s. 60 (1).

38. Subsection one of section sixty of the Principal Act is amended by repealing the words "fifty pounds" and inserting, in lieu of those repealed words, the words "one hundred pounds".

Headnote
amended.

39. The headnote appearing immediately before section sixty-one of the Principal Act is amended by repealing the words "*Industrial Hygiene*" and inserting, in lieu of those repealed words, the words "*Industrial Medicine*".

Amendments
of s. 61.

40. Section sixty-one of the Principal Act is amended—

(a) By, in the first paragraph of subsection one, repealing the word "employees" and inserting, in lieu of that repealed word, the word "persons";

(b) By, in subparagraph (e) of the second paragraph of subsection one, repealing the word "employees" and inserting, in lieu of that repealed word, the word "persons"; and

(c) By, in subsection three, repealing the word "employees" and inserting, in lieu of that repealed word, the word "persons".

Repeal of
and new
s. 65.

41. Section sixty-five of the Principal Act is repealed, and the following section is inserted in lieu of that repealed section :—

Who may
hold
licenses.

"[65.] No person or association of persons other than a medical practitioner, a registered nurse, a religious body or order or a society approved by the Director-General, shall be entitled to apply for or hold a license for a private hospital."

42. Section sixty-six of the Principal Act is repealed, and the following section is inserted in lieu of that repealed section :—

Repeal of
and new
s. 66.

“ [66.] Licenses for private hospitals shall be of four classes, namely :—

Kinds of
licenses.

- (a) A general private hospital for the reception, care and treatment of medical, surgical and maternity cases ;
- (b) A lying-in hospital for the reception, care and treatment of maternity cases only ;
- (c) A hospital for the reception, care and treatment of mental cases only (other than cases in respect of persons who have been certified as mentally sick pursuant to “ *The Mental Hygiene Act of 1938* ”) ;
- (d) A hospital for the reception, care and treatment of mothers and infants :

Provided that—

- (a) A license for a general private hospital shall, in the case of a nurse, be granted only to a nurse who is registered as a general nurse pursuant to the provisions of “ *The Nurses and Masseurs Registration Acts, 1928 to 1948* ” ;
- (b) In the case of a license for a general private hospital granted to a religious body or order or a society approved by the Director-General, there shall be employed in charge of such hospital a medical practitioner or a nurse who is registered as a general nurse pursuant to the provisions of “ *The Nurses and Masseurs Registration Acts, 1928 to 1948* ” ;
- (c) A license for a lying-in hospital shall, in the case of a nurse, be granted only to a nurse who is registered as a midwifery nurse pursuant to the provisions of “ *The Nurses and Masseurs Registration Acts, 1928 to 1948* ” ;
- (d) In the case of a license for a lying-in hospital granted to a religious body or order or a society approved by the Director-General, there shall be employed in charge of such

- hospital a medical practitioner or a nurse who is registered as a midwifery nurse pursuant to the provisions of "*The Nurses and Masseurs Registration Acts, 1928 to 1948*";
- (e) A license for a hospital for the reception, care and treatment of mental cases only shall, in the case of a nurse, be granted only to a nurse who is registered as a mental nurse pursuant to the provisions of "*The Nurses and Masseurs Registration Acts, 1928 to 1948*";
 - (f) In the case of a license for the reception, care and treatment of mental cases only granted to a religious body or order or a society approved by the Director-General, there shall be employed in charge of such hospital a medical practitioner or a nurse who is registered as a mental nurse pursuant to the provisions of "*The Nurses and Masseurs Registration Acts, 1928 to 1948*";
 - (g) A license for a hospital for the reception, care and treatment of mothers and infants shall, in the case of a nurse, be granted only to a nurse who is registered as a child welfare nurse pursuant to the provisions of "*The Nurses and Masseurs Registration Acts, 1928 to 1948*";
 - (h) In the case of a license for a hospital for the reception, care and treatment of mothers and infants granted to a religious body or order or a society approved by the Director-General, there shall be employed in charge of such hospital a medical practitioner or a nurse who is registered as a child welfare nurse pursuant to the provisions of "*The Nurses and Masseurs Registration Acts, 1928 to 1948*";

Provided further that, in the case of a combined general, private and lying-in hospital, where the nurse (being the holder of the license or the person employed in charge) is registered only as a general nurse, there shall be employed in such hospital a registered midwifery nurse, and the services of such a registered

midwifery nurse shall be retained for such time as midwifery cases are being treated in the hospital; and in like manner where the nurse (being the holder of the license or the person employed in charge) is registered only as a midwifery nurse, there shall be employed in such hospital a registered general nurse and the services of such a registered general nurse shall be retained for such time as general cases are being treated in the hospital."

43. Section seventy-one of the Principal Act is amended by— Amendments
of s. 71.

(a) Repealing subsection one and inserting, in lieu of that repealed subsection, the following subsection:—

"(1.) (a) The person to whom a license for a private hospital is granted shall be held responsible for the due conduct thereof.

(b) Such licensed person, if a registered nurse, shall continuously reside on the premises; and, if a medical practitioner, shall either personally continuously so reside, or some registered nurse or medical practitioner appointed by him in that behalf, and whose name is notified to the Director-General, shall continuously so reside.

(c) In the case of a society to which a license for a private hospital is granted the medical practitioner or nurse employed in charge of such hospital shall continuously reside on the premises." ; and

(b) Repealing subsection two and inserting, in lieu of that repealed subsection, the following subsection:—

"(2.) The Director-General may, upon application being made in writing to him, grant leave of absence for any period not exceeding three months at any one time to any such person as is mentioned in subsection one of this section :

Provided that during such period a person qualified under this Act to hold a license or to be employed in charge of such hospital, shall reside on the licensed premises and undertake the responsibility of the person granted leave of absence."

Amendment
of s. 72 (3).

44. Subsection three of section seventy-two of the Principal Act is amended by repealing the words "twenty pounds" and inserting, in lieu of those repealed words, the words "fifty pounds".

Amendments
of s. 79.

45. Section seventy-nine of the Principal Act is amended by—

(a) In subsection four, repealing the words "five pounds" and inserting, in lieu of those repealed words, the words "twenty pounds";

(b) In subsection six—

(i.) Repealing the words "ten shillings" and inserting, in lieu of those repealed words, the words "one pound"; and

(ii.) Repealing the words "twenty shillings" and inserting, in lieu of those repealed words, the words "two pounds".

Amendment
of s. 85.

46. Section eighty-five of the Principal Act is amended by repealing the words "fifty pounds" and inserting, in lieu of those repealed words, the words "one hundred pounds".

Amendment
of s. 88.

47. Section eighty-eight of the Principal Act is amended by repealing the words "police magistrate" wherever appearing, and inserting, in lieu of those repealed words, wheresoever repealed, the words "stipendiary magistrate".

Amendment
of s. 94 (4).

48. Subsection four of section ninety-four of the Principal Act is amended by repealing the words "ten shillings" and inserting, in lieu of those repealed words, the words "one pound".

Amendment
of s. 95 (4).

49. Subsection four of section ninety-five of the Principal Act is amended by repealing the words "five pounds" and inserting, in lieu of those repealed words, the words "twenty pounds".

Amendment
of s. 97.

50. Section ninety-seven of the Principal Act is amended by repealing the words "five shillings" and inserting, in lieu of those repealed words, the words "one pound".

51. Section ninety-eight of the Principal Act is amended by— Amendments
of s. 98.

(a) Repealing the words “ fifty pounds ” and inserting, in lieu of those repealed words, the words “ one hundred pounds ” ; and

(b) Repealing the words “ five pounds ” and inserting, in lieu of those repealed words, the words “ ten pounds ” .

52. Section one hundred and one of the Principal Act is amended— Amendments
of s. 101.

(a) By adding to paragraph (j) of subsection one the words “ or contains any foreign matter ” ; and

(b) By repealing, in subparagraph (ii.) of paragraph (a) of subsection two, the words “ any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, phenacetin, or any soporific or hypnotic substance ” and inserting, in lieu of those repealed words, the words “ any dangerous drug, restricted drug or poison ” .

53. The Principal Act is amended by repealing section one hundred and three and inserting, in lieu of that repealed section, the following section :— Repeal of
and new
s. 103.

“ [103.] For the purposes of this Act any person shall, additionally to any food, drug or article sold by him personally, be deemed to sell any food, drug or article which he sells through any employee or agent or which he sells as an employee or agent. Sales by
agents or
servants, &c.

In this section the terms “ employee ” or “ agent ” respectively include, but without limit to the generality of their meanings, a manager or representative of an employer or principal.”

54. The Principal Act is amended by inserting after section one hundred and three the following section :— New s. 103A
inserted.

“ [103A.] Where under this Act a sample of any milk is taken from any container and the milk so taken is found on analysis to be adulterated with water, the sample shall be deemed for the purposes of this Act to be a sample of any bulk of which the milk in the container forms a part notwithstanding that the milk in that container was intended to be mixed with milk in any other container or containers before being sold.” Milk
adulterated
with water.

Amendment
of s. 106.

55. Section one hundred and six of the Principal Act is renumbered subsection one, and that section as so renumbered is amended by adding the following subsection :—

“(2.) The Director-General may, by notification published in the *Gazette*, permit the sale or supply of any medicine or other drug, not being a poison, by means of any automatic machine or similar mechanical device.

He may by a like notification revoke any such permission.

While any such notification continues in force, subsection one of this section shall not apply with respect to the medicine or other drug specified in the notification.”

Amendment
of s. 112.

56. Section one hundred and twelve of the Principal Act is amended by repealing the words “one hundred pounds” and inserting, in lieu of those repealed words, the words “two hundred pounds”.

Repeal of
ss. 117, 118,
119 and 120.

57. Sections one hundred and seventeen, one hundred and eighteen, one hundred and nineteen and one hundred and twenty of the Principal Act are hereby repealed.

Repeal of
and new
s. 121.

58. The Principal Act is amended by repealing section one hundred and twenty-one and inserting, in lieu of that repealed section, the following section :—

Filtration of
aerated
waters and
ice.

“[121.] No person shall manufacture or prepare for sale any fresh fruit drinks, fruit beverages or fruit drinks, fruit juice cordials or syrups, flavoured fruit juice cordials or syrups, imitation fruit juice cordials or syrups, raspberry vinegar, non-excisable fermented drinks, fruit-flavoured drinks, summer or temperance drinks, aerated waters, medicinal beverages or any similar beverage or any ice intended for human consumption, unless the water used in the manufacture or preparation thereof and contained therein has been passed through a filter or filters or steriliser approved by the Director-General and thereafter before use has been so kept as to be free from contamination and impurity.”

59. Section one hundred and twenty-four of the Principal Act is amended— Amendments
of s. 124.

(a) By, in paragraph (iii.) of subsection one, repealing the words “ninety per centum” and inserting, in lieu of those repealed words, the words “ninety-five per centum by weight”;

(b) By, in paragraph (iv.) of subsection one, repealing the words “consists entirely of wool” and inserting, in lieu of those repealed words, the words “contains at least ninety-five per centum by weight of wool”; and

(c) By, in subsection two, inserting after the word “paraphenylenediamine” the words “or any of its derivatives”.

60. Subsection one of section one hundred and twenty-six of the Principal Act is amended by repealing in the second paragraph the words “the outside of”. Amendment
of s. 126 (1).

61. Section one hundred and twenty-seven of the Principal Act is amended— Amendments
of s. 127.

(a) By repealing the last paragraph of subsection two thereof;

(b) By repealing subsection three thereof;

(c) By, in subsection four—

(i.) Repealing the words “or subsection three”; and

(ii.) Repealing the words “ten pounds” and inserting, in lieu of those repealed words, the words “twenty-five pounds”;

(d) By repealing subsection five and inserting, in lieu of that repealed subsection, the following subsection:—

“(5.) For the purposes of this section any officer may remove for examination or analysis a sample or samples of any paint adhering to, or which is being used or put by any person on, the roof of any house or other building or structure whatsoever, any exterior portion, other than the roof, of any house or other building whatsoever, any interior portion of any house, or any fence or gate whatsoever or any household furniture.

Where an officer is an officer of a Local Authority his powers under this section may be exercised within the Area of the Local Authority and on any or any part of any street, harbour, river, stream or watercourse within or abutting upon the boundaries of such Area ;” and

(e) By repealing the words “ ten pounds ”, in paragraph (a) of subsection six, and inserting, in lieu of those repealed words, the words “ twenty-five pounds ”.

Amendment
of s. 128.

62. Section one hundred and twenty-eight of the Principal Act is amended by adding thereto the following paragraph :—

“ A person shall not be convicted for an offence under this section for that the statement of ingredients prescribed by this section is written in capital letters of lesser measurement than prescribed by this section if, but only if, the adjudicating court is satisfied—

- (a) That the package in relation to which the offence is alleged was too small to permit the use of a label containing a statement of ingredients written in capital letters of the prescribed measurement ;
- (b) That the capital letters in which such statement of ingredients was written were of the maximum measurement possible having regard to the requirements of this section and the size of the package ; and
- (c) That in every other respect the requirements of this section were complied with in respect to such package.”

Amendment
of s. 129.

63. Section one hundred and twenty-nine of the Principal Act is amended by repealing the words “ fifty pounds ” and inserting, in lieu of those repealed words, the words “ one hundred pounds ”.

Amendments
of s. 131 (2).

64. Subsection two of section one hundred and thirty-one of the Principal Act is amended by—

- (a) Repealing the words “ twenty pounds ” and inserting, in lieu of those repealed words, the words “ fifty pounds ” ;
- (b) Repealing the words “ fifty pounds ”, wherever appearing, and inserting, in lieu of those repealed words, wheresoever repealed, the words “ one hundred pounds ” ;

(c) Repealing the words "one hundred pounds" and inserting, in lieu of those repealed words, the words "two hundred pounds"; and

(d) Repealing the words "the police magistrate" and inserting, in lieu of those repealed words, the words "the stipendiary magistrate".

65. Section one hundred and thirty-two of the Principal Act is amended— Amendments
of s. 132.

(a) By, in paragraph (a) of subsection one, after the words "prohibited article", inserting the words "or any other article which, upon the recommendation of the Director-General, the Governor in Council (who is hereby thereunto authorised) shall have declared by Order in Council to be an article to which the provisions of this section apply";

(b) By, in paragraph (b) of subsection one, after the words "prohibited article", inserting the words "or any other article which, upon the recommendation of the Director-General, the Governor in Council (who is hereby thereunto authorised) shall have declared by Order in Council to be an article to which the provisions of this section apply"; and

(c) By, in subsection five, repealing the words "any police magistrate" and inserting, in lieu of those repealed words, the words "any stipendiary magistrate".

66. Section one hundred and thirty-seven of the Principal Act is amended— Amendments
of s. 137.

(a) By repealing the words "ten pounds" and inserting, in lieu of those repealed words, the words "fifty pounds"; and

(b) By repealing the words "fifty pounds" and inserting, in lieu of those repealed words, the words "one hundred pounds".

67. Section one hundred and thirty-eight of the Principal Act is amended by— Amendments
of s. 138.

(a) Repealing the words "police magistrate", wherever appearing, and inserting, in lieu of those repealed words, wheresoever repealed, the words "stipendiary magistrate";

(b) Repealing the words "five pounds" and inserting, in lieu of those repealed words, the words "twenty pounds";

(c) Repealing the words "ten pounds" and inserting, in lieu of those repealed words, the words "fifty pounds"; and

(d) Repealing the words "fifty pounds" and inserting, in lieu of those repealed words, the words "one hundred pounds".

Repeal of
and new
s. 139.

68. The Principal Act is amended by repealing section one hundred and thirty-nine, and inserting, in lieu of that repealed section, the following section:—

Liability for
offence by
agent of
employee.

" [139.] (1.) Notwithstanding sections seven or twenty-three of "*The Criminal Code*", or any other Act or law, or any rule or practice of law, where any person commits an offence against this Act in relation to any food, drug or article as an agent or employee, the principal or employer of such person shall be deemed to have taken part in committing the offence, and to be guilty of the offence, and may be charged with actually committing it.

It shall be immaterial that the offence was committed without the authority or contrary to the instructions of the principal or employer.

(2.) A person shall not be liable to be convicted for an offence against this Act in relation to any food, drug or article committed by him as an employee if the adjudicating court is satisfied that the offence was committed at a time and place when and where the business of his employer was being conducted under the personal superintendence of such employer or of a manager or other representative of such employer, and that the offence was committed with the knowledge of such employer, manager or other representative.

(3.) Save as provided by subsection two of this section, this section applies so as not to prejudice any liability imposed under this Act upon any person by whom any offence against this Act is actually committed."

Amendments
of s. 140.

69. Section one hundred and forty of the Principal Act is amended—

(a) By, in subsection three, repealing the word "owner" and inserting, in lieu of that repealed word, the word "principal"; and

(b) By, in subsection four, repealing the word "owner" and inserting, in lieu of that repealed word, the word "principal".

70. Subsection one of section one hundred and forty-three of the Principal Act is amended by— Amendments of s. 143 (1).

(a) Repealing the words "twenty pounds" and inserting, in lieu of those repealed words, the words "fifty pounds";

(b) Repealing the words "ten pounds" and inserting, in lieu of those repealed words, the words "twenty-five pounds";

(c) Repealing the words "fifty pounds" and inserting, in lieu of those repealed words, the words "one hundred pounds";

(d) Repealing the words "thirty pounds" and inserting, in lieu of those repealed words, the words "fifty pounds"; and

(e) Repealing the words "one hundred pounds" and inserting, in lieu of those repealed words, the words "two hundred pounds".

71. Subsection one of section one hundred and forty-five of the Principal Act is amended by repealing the words "a police magistrate", wherever appearing, and inserting, in lieu of those repealed words, wheresoever repealed, the words "a stipendiary magistrate". Amendment of s. 145 (1).

72. Section one hundred and fifty of the Principal Act is amended by repealing the words "fifty pounds", wherever those words appear in subsection three and subsection four, and inserting, in lieu of those repealed words, wheresoever repealed, the words "one hundred pounds". Amendment of s. 150.

73. Subsection one of section one hundred and fifty-two of the Principal Act is amended by repealing paragraph (xvii.) and inserting, in lieu of that repealed paragraph, the following paragraph:— Amendment of s. 152 (1).

"(xvii.) Regulating and restricting the ownership, possession, manufacture, sale, supply, use, lending, dispensing, prescribing, or giving away of poisons, restricted drugs, dangerous drugs, biological preparations, or therapeutic substances under and within the meaning of

the *Therapeutic Substances Act* 1953 of the Commonwealth; the licensing of persons or classes of persons to sell poisons or restricted drugs or dangerous drugs, or biological preparations, or therapeutic substances under and within the meaning of the *Therapeutic Substances Act* 1953 of the Commonwealth; the registration of the premises of all such licensees as aforesaid, any of which regulations may differ in respect of different poisons, or restricted drugs, or dangerous drugs, or biological preparations, or therapeutic substances under and within the meaning of the *Therapeutic Substances Act* 1953 of the Commonwealth; regulating the supply of drugs to drug addicts; providing for the inspection, sampling, seizure, and analysis of poisons, dangerous drugs, restricted drugs, biological preparations, or therapeutic substances under and within the meaning of the *Therapeutic Substances Act* 1953 of the Commonwealth, which provisions may be in addition to or in lieu of the provisions contained in this Act in respect of inspection, sampling, seizure, and analysis."

Repeal of
and new
s. 154I.

74. The Principal Act is amended by repealing section 154I and inserting, in lieu of that repealed section, the following section:—

Constitution
of the
Queensland
Radium
Institute.

"[154I.] (1.) For the further or more effectually or particularly carrying out the objects and purposes of "*The Hospitals Acts, 1936 to 1955*," and this Act, 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 section.

(2.) (a) The Institute shall consist of—

- (i.) The Director-General of Health and Medical Services (or person for the time being acting as the Director-General), who shall be *ex officio* a member of the Council and shall be chairman thereof;

- (ii.) Two members nominated by the Minister ;
- (iii.) One member nominated by the University of Queensland who shall be a member of the staff of the University of Queensland ;
- (iv.) One member nominated by the North Brisbane Hospitals Board ;
- (v.) One member nominated by the South Brisbane Hospitals Board ;
- (vi.) One member nominated by the controlling body of the Mater Misericordiae Public Hospitals ;
- (vii.) One member nominated by the Queensland Branch of the British Medical Association ;
- (viii.) One member nominated by the College of Radiologists, Queensland Branch ;
- (ix.) One member nominated by the British Association of Dermatologists, Queensland Branch.

(b) The Manager of the North Brisbane Hospitals Board shall, *ex officio*, be secretary of the Institute and the public office of the North Brisbane Hospitals Board shall be the public office of the Institute.

(c) The provisions of section thirteen, fourteen, fifteen, sixteen and seventeen of "*The Hospitals Acts, 1936 to 1955*," shall, with and subject to all necessary adaptations apply to the Institute.

(d) 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 Act.

(e) 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.

(f) In carrying out the duties and responsibilities mentioned in paragraph (d) of this subsection, the Institute shall co-operate with the North Brisbane Hospitals Board, the South Brisbane Hospitals Board, the several Hospitals Boards constituted under "*The Hospitals Acts, 1936 to 1955*," and the management of any institution aforesaid, and the said Hospitals Boards and institutions shall co-operate with the Institute.

(g) All decisions of the Institute relating to matters mentioned in this section affecting any hospital under the said Acts, or any other hospital or institution shall be conveyed by the Secretary of the Institute in writing to the Hospitals Board or other body controlling the hospital or institution concerned.

(h) Any matter may be referred to the Minister by the Institute or by any Hospitals Board or by the controlling body of any hospital or institute whether the matter is the subject of dispute or not, and the decision of the Minister, after consideration of any representations the Institute, Hospitals Board or controlling body of any hospital or institute concerned may desire to make, shall be final.

(i) 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 as may be determined by the Governor in Council from time to time under this Act, for the treatment of patients suffering from cancer, in the public, intermediate and private wards of the said hospitals.

(j) The treatment of patients in the public wards of any hospital or institution pursuant to arrangements made by the Institute shall be free, and the charges for intermediate and private patients shall be the charges respectively prescribed by the by-laws of such hospital or institution or fixed by its controlling body.

(k) 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 as may be determined by the Governor in Council from time to time.

(l) 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.

(m) The Institute shall furnish an annual report to the Minister.

(3.) The change in the constitution of the Institute consequent on the passing of "*The Health Acts Amendment Act of 1959*" shall not affect the continuity of the identity, or any rights or obligations of the Institute, or render defective any legal proceedings by or against the Institute, and any legal proceedings that might have been commenced or continued by or against the Institute as constituted prior to the passing of "*The Health Acts Amendment Act of 1959*" may be commenced or continued by or against it as freshly constituted in accordance with this section." Saving of rights, obligations, &c.

75. Section one hundred and fifty-nine of the Principal Act is amended by repealing the words "fifty pounds" and inserting, in lieu of those repealed words, the words "one hundred pounds". Amendment of s. 159.

76. Section one hundred and sixty-two of the Principal Act is amended by repealing the words "police magistrate", wherever appearing, and inserting, in lieu of those repealed words, wheresoever repealed, the words "stipendiary magistrate". Amendment of s. 162.

77. Section one hundred and sixty-six of the Principal Act is amended by repealing the words "ten pounds" and inserting in lieu of those repealed words, the words "twenty-five pounds". Amendment of s. 166.

78. Section one hundred and sixty-seven of the Principal Act is amended by— Amendments of s. 167.

(a) In subsection one repealing the words "twenty pounds" and inserting, in lieu of those repealed words, the words "fifty pounds";

(b) In subsection two repealing the words "five pounds" and inserting, in lieu of those repealed words, the words "ten pounds"; and

(c) In subsection four repealing the words "ten pounds" and inserting, in lieu of those repealed words, the words "twenty-five pounds".

New s. 168B
inserted.

79. The following section is inserted after section 168A of the Principal Act :—

Blood
transfusions
to minors.

“ [168B.] In respect of the performance of the operation of transfusing human blood upon a person under the age of twenty-one years (in this section called the “ patient ”) by a medical practitioner, such medical practitioner or any person acting in aid of such medical practitioner and under his personal supervision, shall not incur any legal liability by reason only that the consent of any parent or guardian was refused or not obtained if—

- (a) In the opinion of such medical practitioner a transfusion of human blood was necessary to preserve the life of the patient ; and
- (b) Either—
 - (i.) Upon and after in person examining the patient, a second medical practitioner concurred in such opinion before the operation of transfusion of human blood was performed ; or
 - (ii.) The Medical Superintendent of a Base Hospital, being satisfied that a second medical practitioner is not available to examine the patient and of the necessity as aforesaid of the transfusion of human blood, consented to the performance of the operation of transfusion of human blood before it was performed (which consent may be obtained and given by any means of communication whatsoever).

Amendment
of s. 175.

80. Section one hundred and seventy-five of the Principal Act is amended by repealing the words “ twenty pounds ” and inserting, in lieu of those repealed words, the words “ fifty pounds ”.

Amendments
of s. 178.

81. Section one hundred and seventy-eight of the Principal Act is amended by—

- (a) In paragraph (5) repealing the words “ infectious disease ” and inserting, in lieu of those repealed words, the words “ communicable disease ” ; and

(b) Repealing paragraph (6) and inserting, in lieu of that repealed paragraph, the following paragraph :—

“(6.) With respect to any license, certificate, authority or approval which the Director-General is authorised by any provision of this Act to grant, issue or give, a document signed by the Director-General and stating that at any specified time there was or was not in force any specified such license, certificate, authority or approval granted, issued or given to a specified person, or in respect of any specified apparatus, shall, upon its production in evidence be evidence of the matter or matters stated in such document and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such matter or matters.”
