

Queensland



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ELIZABETHAE SECUNDAE REGINAE

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**No. 61 of 1980**

**An Act to amend the Health Act 1937–1980 in certain  
particulars**

[ASSENTED TO 30TH SEPTEMBER, 1980]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

**1. Short title and citation.** (1) This Act may be cited as the *Health Act Amendment Act 1980 (No. 2)*.

(2) In this Act the *Health Act 1937-1980* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Health Act 1937-1980*.

**2. Commencement of Act.** (1) Section 1 and this section shall come into operation on the day this Act is assented to by the Governor.

(2) Subject to subsection (1), this Act shall come into operation on the day appointed therefor by Proclamation.

**3. Amendment of Part III—Division XV.** The Principal Act is amended by adding at the end of Part III the following heading and sections:—

“ DIVISION XV—CANCER

**100B. Interpretation.** In this Division, unless the context indicates otherwise—

“ cancer ” means a neoplasm of human tissue that is malignant, and that if unchecked invades adjacent tissues or extends beyond its site of origin, and that has the propensity to recur, either locally or remotely in the body;

“ charitable institution ” means an institution declared to be a public charitable institution for the purposes of *The Charitable Institutions Management Act of 1885*;

“ nursing home ” means a nursing home kept pursuant to a licence issued under Division XIA of this Part;

“ prescribed person ” means—

(a) in relation to a charitable institution, the manager thereof;

(b) in relation to a nursing home, the licensee thereof;

(c) in relation to a private hospital, the licensee thereof;

(d) in relation to a psychiatric hospital, the manager thereof;

(e) in relation to a public hospital, the board constituted therefor;

(f) in relation to the Mater Misericordiae Public Hospital at Brisbane, the person having control thereof,

and includes any person acting in the stead of such prescribed person in the conduct or maintenance of such an institution, home or hospital;

“private hospital” means any private hospital kept pursuant to a licence issued under Division XI of this Part;

“psychiatric hospital” means a psychiatric hospital established or deemed to have been established under the *Mental Health Act 1974–1978*;

“public hospital” means an hospital maintained under the *Hospitals Act 1936–1980*.

**100C. Furnishing returns to Director-General.** (1) Where a patient in or attending a nursing home, private hospital, psychiatric hospital, public hospital or other hospital or a resident in a charitable institution is known or found to be suffering from cancer and belongs to a class of person or resident to whom this subsection applies by reason of the regulations the prescribed person in relation to the home, hospital or institution shall, at or within the prescribed time, furnish to the Director-General a return in or to the effect of the prescribed form completed by a person required by the regulations to complete such returns and setting out the prescribed particulars in respect of that patient or resident.

(2) Where a pathological examination of specimens of human origin indicates that the person from whom the specimens were taken is or was suffering from cancer of a class to which this subsection applies by reason of the regulations the person in charge of the place where the examination is undertaken—

(a) shall cause to be completed a return in or to the effect of the prescribed form setting out the prescribed particulars in respect of that person; and

(b) shall furnish such return

(i) in the case of an examination performed upon a reference from a medical practitioner, to that practitioner or, at or within the prescribed time, to the Director-General, as such person in charge elects;

(ii) in any other case, to the Director-General at or within the prescribed time.

(3) Where a return completed under subsection (2) is, in accordance with that subsection, furnished to a person other than the Director-General, that person shall furnish such return to the Director-General at or within the prescribed time.

(4) A person who fails to comply with this section is liable to a penalty not exceeding \$100.

**100D. Register.** The Director-General shall cause to be established and maintained a register of persons in relation to whom returns have been furnished to him under section 100C.

**100E. Secrecy.** (1) Save in performance of a duty imposed on him under this Act or under or pursuant to any other Act, the Director-General and every other person engaged in the administration of this

Act and every person who in any way assists for the purposes of this Division shall preserve and aid in preserving secrecy with respect to all matters to which this Division is relevant that come to his knowledge in his official capacity:

Provided that the Director-General may in his discretion—

- (a) give information in statistical or similar form that does not disclose the identity of cancer sufferers to any person; or
- (b) give information in any form to a person authorized to conduct scientific research and studies under section 154M or to any person holding an appointment in any State or Territory of the Commonwealth corresponding to that of the Director-General.

(2) A person who contravenes subsection (1) is liable to a penalty not exceeding \$200.

**100F. Regulations.** The power conferred on the Director-General to make with the approval of the Governor in Council regulations under this Act includes power to make such regulations in respect of—

- (a) the classes of patients or residents or of cancers to which this Division or any provision thereof shall apply or shall not apply;
- (b) the description of individual who is required to complete a return to be furnished under this Division;
- (c) the obligations of persons required by the regulations to complete returns to be furnished under this Division;
- (d) offences consisting in contraventions of or failures to comply with the regulations, and penalties for such offences not exceeding in any case \$500;
- (e) all matters that are required by any provision of this Division to be prescribed; and
- (f) all matters that are necessary or convenient to be prescribed for the proper administration of this Division or to achieve the objects and purposes of this Division.”.

**4. Repeal of and new s. 158.** The Principal Act is amended by repealing section 158 and substituting the following section:—

“**158. Protection to persons acting in execution of Act.** (1) The Director-General, a Local Authority and any officer or other person acting or purporting to act under the direction of the Director-General or a Local Authority or otherwise in the execution of this Act or exercise of a power conferred by this Act shall not incur any personal liability on account of his or its issuing any certificate, entering into any contract, furnishing any return, giving any information or doing any other thing, bona fide for the purpose of executing this Act or exercising a power conferred by this Act.

(2) Any expense reasonably incurred by any person acting or purporting to act in any manner referred to in subsection (1) shall be deemed to be an expense authorized by this Act."



