



# Health Act 1937

Reprinted as in force on 24 November 2011

Reprint No. 6C

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

# Information about this reprint

This Act is reprinted as at 24 November 2011. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



## Queensland

# Health Act 1937

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	7
5	Interpretation . . . . .	7
<b>Part 2</b>	<b>General powers</b>	
<b>Division 1</b>	<b>Central government</b>	
15A	Approval of forms . . . . .	11
18A	Chief executive to give notice of proceedings to boards . . . . .	11
18B	Chief executive may inform boards about particular matters . . . . .	12
<b>Part 4</b>	<b>Drugs and other articles</b>	
<b>Division 1</b>	<b>Preliminary</b>	
101	Adulteration of drug or article . . . . .	13
101A	False description of drug . . . . .	14
102	Drugs to comply with description or standard . . . . .	15
103	Sales by agents or servants etc. . . . .	16
<b>Division 2</b>	<b>Drugs etc.</b>	
104	Adulterated drug not to be sold . . . . .	16
104A	Adulterated drug not to be tendered or despatched for or on sale . . . . .	17
105	Mixing other ingredients or material with a drug. . . . .	17
106	Offences in relation to automatic machines . . . . .	18
107	Sale of mixture . . . . .	19
109	Examination and report upon articles advertised. . . . .	20
110	Prohibition of sale of injurious articles etc. . . . .	21
111	Extension of ss 109 and 110 . . . . .	21
113	Prohibition of sale of disinfectants and preservatives. . . . .	21
114	Labelling of disinfectants etc. . . . .	22
<b>Division 6</b>	<b>Labelling of drugs and poisons</b>	
131I	Drugs and poisons to be labelled . . . . .	22

Contents

---

<b>Division 10</b>	<b>Miscellaneous</b>	
132	Regulations about drugs, articles, substances, appliances etc. . .	22
133	Suggestive names for drugs. . . . .	26
<b>Part 4A</b>	<b>Monitoring, investigation and enforcement</b>	
<b>Division 1</b>	<b>Preliminary</b>	
134	Application of pt 4A . . . . .	27
136	Definitions for pt 4A . . . . .	27
<b>Division 2</b>	<b>Inspectors</b>	
137	Appointment and qualifications . . . . .	28
138	Appointment conditions and limit on powers . . . . .	28
139	Issue of identity card . . . . .	29
140	Production or display of identity card . . . . .	29
141	When inspector ceases to hold office. . . . .	29
142	Resignation . . . . .	30
143	Return of identity card . . . . .	30
<b>Division 3</b>	<b>Powers of inspectors</b>	
<b>Subdivision 1</b>	<b>Entry of places</b>	
144	Power to enter places. . . . .	30
<b>Subdivision 2</b>	<b>Procedure for entry</b>	
145	Consent to entry . . . . .	31
146	Application for warrant . . . . .	32
147	Issue of warrant . . . . .	33
148	Special warrant. . . . .	33
149	Warrant—procedure before entry. . . . .	35
150	Stopping motor vehicles . . . . .	35
<b>Subdivision 3</b>	<b>Powers after entry</b>	
151	General powers after entering place . . . . .	37
152	Failure to help inspector . . . . .	38
153	Failure to give information . . . . .	38
<b>Subdivision 4</b>	<b>Power to seize evidence</b>	
153A	Seizing evidence at a place that may be entered without consent or warrant . . . . .	38
153B	Seizing evidence at a place that may only be entered with consent or warrant . . . . .	38
153C	Securing seized thing. . . . .	39
153D	Tampering with seized thing. . . . .	40

153E	Powers to support seizure .....	40
153F	Receipt for seized thing .....	41
153G	Forfeiture of seized thing .....	41
153H	Forfeiture on conviction .....	43
153I	Dealing with forfeited things etc. ....	43
153J	Return of seized thing .....	43
153K	Access to seized thing .....	44
<b>Subdivision 5</b>	<b>Power to obtain information</b>	
153L	Power to require name and address. ....	44
153M	Failure to give name or address .....	45
153N	Power to require production of documents. ....	45
153O	Failure to produce document .....	46
153P	Failure to certify copy of document. ....	46
153Q	Power to require information. ....	46
<b>Division 4</b>	<b>General enforcement matters</b>	
153R	Compliance notice .....	47
153S	Notice of damage .....	48
153T	Compensation .....	49
153U	False or misleading statements .....	50
153V	False or misleading documents .....	50
153W	Obstructing inspector .....	50
153X	Impersonation of inspector .....	51
153Y	Dealing with certain things .....	51
<b>Division 5</b>	<b>Analysis of things</b>	
153Z	Appointment and qualifications .....	52
153ZA	Appointment conditions and limit on powers .....	53
153ZB	When State analyst ceases to hold office .....	53
153ZC	Resignation .....	54
153ZD	Analysis .....	54
153ZE	Certificate must indicate methodology used. ....	54
<b>Division 6</b>	<b>Legal proceedings</b>	
<b>Subdivision 1</b>	<b>Application</b>	
153ZF	Application of division. ....	55
<b>Subdivision 2</b>	<b>Evidence</b>	
153ZG	Appointments and authority .....	55
153ZH	Signatures .....	55

Contents

---

153ZI	Evidentiary aids . . . . .	55
<b>Subdivision 3</b>	<b>Proceedings</b>	
153ZJ	Summary proceedings for offences against a relevant provision or this part . . . . .	57
153ZK	Recovery of costs of investigation . . . . .	57
153ZL	Application for order for payment of costs under s 153ZK . . . . .	58
153ZM	Responsibility for acts or omissions of representatives . . . . .	58
153ZN	Executive officers must ensure corporation complies with relevant provisions and this part. . . . .	59
<b>Division 7</b>	<b>Appeals</b>	
153ZO	Who may appeal. . . . .	60
153ZP	Starting an appeal . . . . .	60
153ZQ	Hearing procedures . . . . .	60
153ZR	Powers of court on appeal . . . . .	61
153ZS	Appeal to District Court . . . . .	61
<b>Division 8</b>	<b>Miscellaneous</b>	
153ZT	Protecting officials from liability . . . . .	61
<b>Part 6</b>	<b>Miscellaneous provisions</b>	
175	General penalty . . . . .	62
178	Evidence. . . . .	62
180	Regulation-making power. . . . .	63
<b>Part 8</b>	<b>Transitional provisions</b>	
<b>Division 1</b>	<b>Transitional provisions for Health Legislation Amendment Act 2001</b>	
184	Transitional provision for things done etc. before this section commences . . . . .	63
185	Transitional provisions about certain authorities. . . . .	64
<b>Division 2</b>	<b>Transitional provision for Corrective Services and Other Legislation Amendment Act 2008</b>	
186	Amendment of regulation by Corrective Services and Other Legislation Amendment Act 2008 does not affect powers of Governor in Council . . . . .	66
 <b>Endnotes</b>		
1	Index to endnotes. . . . .	67
2	Date to which amendments incorporated. . . . .	67
3	Key . . . . .	68
4	Table of reprints . . . . .	68

Contents

---

5	Tables in earlier reprints . . . . .	69
6	List of legislation . . . . .	70
7	List of annotations . . . . .	79
8	List of forms notified or published in the gazette . . . . .	122
9	Table of renumbered provisions . . . . .	126





---

# Health Act 1937

[as amended by all amendments that commenced on or before 24 November 2011]

## An Act about particular matters relating to public health

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *Health Act 1937*.

#### 5 Interpretation

In this Act—

***advertisement*** means any method of conveying information or making any claim with regard to any drug or article, whether orally or by writing or pictorially, or by telephone, gramophone, or wireless broadcasting or television or any other means of transmitting images or sound or both in association, or by label, letter, circular, pamphlet, book, magazine, newspaper, sign, poster, or otherwise.

***analyse***, for part 4A, see section 136.

***approved form*** see section 15A.

***article*** without limit to the generality of its meaning, includes any textile product, any toys, any medical or surgical apparatus or appliance, any absorbent wool or surgical dressing, and also includes boots, shoes, paint, poisons, drugs, biological preparations, pesticides, detergents, dangerous substances and substances declared under a regulation to be articles.

[s 5]

---

**biological preparation** means every substance prescribed as such.

**British pharmacopoeia** means the British pharmacopoeia as in force in Queensland for the time being under the *Drugs Standard Adopting Act 1976*.

**controlled drug** means an article or substance prescribed under a regulation to be a controlled drug.

**document certification requirement**, for part 4A, see section 136.

**document production requirement**, for part 4A, see section 136.

**drug** without limiting the ordinary meaning of the term, means any article used for or in the composition or preparation of medicine for internal or external consumption or use by humans, and includes disinfectants, germicides, antiseptics, pesticides, detergents, preservatives, deodorants, anaesthetics, tobacco, narcotics, soaps, cosmetics, dusting powders, essences, unguents, and all other toilet articles, and also includes goods for therapeutic use within the meaning of the *Therapeutic Goods Act 1989* (Cwlth), and an article or substance declared under a regulation to be a drug.

**drug dependent person** means a person—

- (a) who, as a result of repeated administration to the person of controlled or restricted drugs or poisons—
  - (i) demonstrates impaired control; or
  - (ii) exhibits drug-seeking behaviour that suggests impaired control;over the person's continued use of controlled or restricted drugs or poisons; and
- (b) who, when the administration to the person of controlled or restricted drugs or poisons ceases, suffers or is likely to suffer mental or physical distress or disorder.

**endorsement**, for part 4A, see section 136.

**executive officer**, for part 4A, see section 136.

---

**health practitioner registration Act** means any 1 of the following—

- *Dental Technicians Registration Act 2001*
- Health Practitioner Regulation National Law
- *Medical Radiation Technologists Registration Act 2001*
- *Occupational Therapists Registration Act 2001*
- *Speech Pathologists Registration Act 2001*.

**health service employee**, for part 4A, see section 136.

**hospital** means a hospital within the meaning of the *Health Services Act 1991*.

**injurious** includes dangerous.

**inspector** means an inspector appointed under section 137.

**label** means a label, tag, brand, mark, or statement in writing, whether or not containing any pictorial or other descriptive matter.

**occupier** includes a person having the charge, management, or control of premises, and in the case of a house which is let out in separate tenements, or in the case of a lodging house which is let to lodgers, the person receiving the rent payable by the tenants or lodgers either on the person's own account or as the agent of another person.

**offence against a relevant provision**, for part 4A, see section 136.

**official dose**, when used with reference to any drug or other article, means the maximum dose (if any) stated in the British pharmacopoeia.

**package** includes every means by which goods are cased, covered, enclosed, contained, or packed, and includes a cask, bottle, jar, vessel, bag, box, or other receptacle.

**personal particulars requirement**, for part 4A, see section 136.

[s 5]

---

***pharmacist*** means a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession, other than as a student.

***place*** includes any house, building, ship, barge, boat, vehicle, car, station, wharf, shed, land, or premises.

***poison*** means every substance or article prescribed as such.

***premises*** includes messuages, buildings, lands, easements, and tenements of any tenure, and also any vehicle.

***registrant*** means a person registered under a health practitioner registration Act.

***registrant's board***, for a registrant, means either of the following—

- (a) if the registrant is registered in a profession under the Health Practitioner Regulation National Law—the National Board for the profession established under the Health Practitioner Regulation National Law; or
- (b) otherwise—the board responsible for administering the health practitioner registration Act under which the registrant is registered.

***relevant provisions*** see section 134.

***restricted drug*** means every substance or article prescribed as such.

***sale*** includes barter, and also includes offering or attempting to sell, or receiving for sale, or having in possession for sale, or exposing for sale, or sending, forwarding, or delivering for sale, or causing or suffering or permitting or allowing to be sold or offered or exposed for sale, but, refers only to sale for consumption or use by humans, and also, so far as relates to any poison, or to any restricted drug, or to any controlled drug, or to any biological preparation includes supplying, exchanging, lending, or giving away, and whether for consumption or use by humans or for any other purpose whatsoever, and also includes, in relation to any article for use by humans, permitting or allowing such use as a means of advertisement.



[s 18B]

---

- (b) the chief executive suspends or cancels, or imposes or varies conditions on, an authority held by a registrant or veterinary surgeon under the *Health (Drugs and Poisons) Regulation 1996*.
- (2) The chief executive must, as soon as practicable after the chief executive or employee takes action mentioned in subsection (1), give written notice about it—
  - (a) for a registrant—to the registrant’s board; or
  - (b) for a veterinary surgeon—to the Veterinary Surgeons Board of Queensland.
- (3) For subsection (1)(a)—

*health service employee* means a person appointed under the *Health Services Act 1991*, section 24.

### **18B Chief executive may inform boards about particular matters**

- (1) This section applies if the chief executive reasonably believes—
  - (a) a registrant or veterinary surgeon has committed an offence against this Act; or
  - (b) a ground exists for the chief executive to suspend or cancel, or impose or vary conditions on, an approval or authority held by a registrant or veterinary surgeon under the *Health (Drugs and Poisons) Regulation 1996*.
- (2) The chief executive may give information about the belief, including the grounds for the belief—
  - (a) for a registrant—to the registrant’s board; or
  - (b) for a veterinary surgeon—to the Veterinary Surgeons Board of Queensland.

---

## **Part 4                      Drugs and other articles**

### **Division 1                Preliminary**

#### **101    Adulteration of drug or article**

- (1) For the purposes of this Act, any drug or article is deemed to be adulterated—
  - (a) if it contains or is mixed or diluted with any substance in any quantity or in any proportion which diminishes in any manner its nutritive or other beneficial properties as compared with the same in a pure and normal state and in an undeteriorated and sound condition, or which in any manner operates or may operate to the prejudice or disadvantage of the purchaser or consumer;
  - (b) if it contains or is mixed or diluted with any substance of lower commercial value than the same in a pure and normal state and in an undeteriorated and sound condition;
  - (c) if any substance, constituent, or ingredient has been wholly or in part extracted, abstracted, or omitted from it, and as a result its nutritive or other beneficial properties are less than those of the same in its pure and normal state, or the purchaser or consumer is or may be in any manner prejudiced or disadvantaged;
  - (d) if, either wholly or in part, it does not comply with the prescribed standard for it;
  - (e) if it contains anything prohibited by this Act;
  - (f) if it contains any substance in excess of any quantity or proportion permitted by this Act;
  - (g) if it is mixed, coloured, powdered, coated, stained, or treated in any manner whereby damage, deterioration, inferiority, or true character or quality is or may be concealed;

[s 101A]

---

- (h) if it consists wholly or in part of a filthy, decomposed, or putrid animal or vegetable substance, or of any portion of an animal or vegetable unfit for use as or in any drug or article, whether manufactured or not, or it has not been sufficiently cleaned or purified;
  - (i) if it is the product of a diseased animal, or of one which has died otherwise than by slaughter;
  - (j) if it is damaged, deteriorated, or perished or contains any foreign matter;
  - (k) if another substance has been substituted, wholly or in part, for such drug or article.
- (2) However, in any proceeding under this Act for selling a drug or an article to which subsection (1)(a) or (b) applies, such drug or article shall not be deemed to be adulterated if it is sold as a mixture in accordance with this Act.

### **101A False description of drug**

For the purposes of this Act any drug or article is deemed to be falsely described—

- (a) if it is in a package, and—
  - (i) the contents of the package as originally put up have been removed in whole or in part, and other contents have been placed in such package; or
  - (ii) it fails to bear on the package, or on a label on or attached thereto, a statement of the quantity or proportion of any controlled drug, restricted drug or poison, or any other substance prescribed to be so stated, or any derivative or preparation of any such substances contained therein; or
  - (iii) the contents are stated in terms of weight or measure on the outside of the package, or on a label on or attached thereto, and they are not plainly or correctly stated; or



- 
- (iv) the package or any label on or attached thereto bears a statement, word, brand, mark, design, or device regarding the nature, quality, strength, purity, composition, origin, age, or proportion of the drug or article, or the ingredients, constituents, or substance contained in the drug or article which is false or misleading in any particular;
  - (b) in the case of imported goods—if it has not applied thereto the trade or other description as required for its importation under the laws in force for the time being of the Commonwealth of Australia, or if it has applied thereto a false trade or other description within the meaning of the aforesaid laws regarding the importation of goods;
  - (c) if it is an imitation of or is offered for sale under the distinctive name of another drug or article;
  - (d) if it is labelled or marked so as to deceive or mislead the purchaser, or purports to be an imported product when not so;
  - (e) if it is labelled as or any advertisement of or concerning it states that it is a herbal medicine, and it contains any drug or substance other than a drug or substance of vegetable origin;
  - (f) if any advertisement of or concerning it contains any written, spoken, or pictorial matter calculated or likely to deceive or mislead the purchaser;
  - (g) if it is sold under a name which conveys or is likely to convey a false indication of origin, character, or place of manufacture, or to lead the purchaser to suppose that it is any drug or article or product thereof.

## **102 Drugs to comply with description or standard**

For the purposes of this Act—

- (a) a drug sold under a name included in the British pharmaceutical codex, the British pharmacopoeia or the

[s 103]

---

British veterinary codex that does not comply with the description of and tests specified for such drug in those codices or that pharmacopoeia shall be deemed to be a drug that is not of the substance of the drug demanded by the purchaser unless the drug is one to which is applicable a specific standard determined for that drug pursuant to the *Drugs Standard Adopting Act 1976*;

- (b) a drug that is one to which is applicable a specific standard determined for that drug by the Minister pursuant to the *Drugs Standard Adopting Act 1976* and that does not comply with that standard shall be deemed to be a drug that is not of the substance of the drug demanded by the purchaser.

### **103 Sales by agents or servants etc.**

- (1) For the purposes of this Act any person shall, additionally to any drug or article sold by the person personally, be deemed to sell any drug or article which the person sells through any employee or agent or which the person sells as an employee or agent.
- (2) In this section—  
*employee* or *agent* respectively include, but without limit to the generality of their meanings, a manager or representative of an employer or principal.

## **Division 2 Drugs etc.**

### **104 Adulterated drug not to be sold**

No person shall sell any drug or article which is adulterated or falsely described, or which is packed or enclosed for sale or labelled, branded, or marked in any manner contrary to or not in compliance with this Act.

---

**104A Adulterated drug not to be tendered or despatched for or on sale**

- (1) No person shall in or from Queensland tender or despatch or offer to tender or despatch for or on sale any drug or article which is adulterated or falsely described, or which is packed or enclosed for sale or labelled, branded, or marked in any manner contrary to or not in compliance with this Act, whether the actual sale shall be effected or is to become effective in Queensland or elsewhere.
- (2) However, if the actual sale was effective or is to be effective elsewhere than in Queensland it shall be a defence to a charge of an offence against this section to prove that the sale was legally authorised under the laws in force where it was effected or to become effective.
- (3) No person shall from elsewhere than in Queensland tender or despatch or offer to tender or despatch to any other person in Queensland for or on sale any drug or article which is adulterated or falsely described, or which is packed or enclosed for sale or labelled, branded, or marked in any manner contrary to or not in compliance with this Act, whether the actual sale shall be effected or is to become effective in Queensland or elsewhere.
- (4) A complaint of an offence against this section shall be heard and determined at a place appointed for holding Magistrates Courts within the Magistrates Court district in which the person to whom the offender tendered or despatched or offered to tender or despatch the drug or article which forms the subject matter of the complaint resided or carried on business when the offence was committed.

**105 Mixing other ingredients or material with a drug**

- (1) No person shall—
  - (a) for purposes of sale, mix or cause or permit to be mixed any ingredient or material with any drug, or colour or cause or permit to be coloured any drug so as to affect injuriously the quality or potency of such drug;

[s 106]

---

- (b) sell any drug mixed with any such ingredient or material, as in paragraph (a) stated, or so coloured as in paragraph (a) stated;
  - (c) for the purposes of sale, mix or cause or permit to be mixed any ingredient or material with any drug in order thereby fraudulently to increase its weight, bulk, or measure, or to conceal its inferior quality;
  - (d) sell any drug mixed with any ingredient or material whereby the weight, bulk, or measure of such drug has been fraudulently increased or its inferior quality concealed;
  - (e) sell any drug which is not of the nature, substance, or quality of the drug demanded by the purchaser, or sell any quantity of drug less in weight or measure or number than the weight or measure or number demanded and paid for by the purchaser;
  - (f) sell any compounded drug which is not composed of ingredients in accordance with the demand of the purchaser.
- (2) In any prosecution it shall be no defence to prove that the drug the subject of the prosecution, though defective in nature or in substance or in quality, was not defective in more than 1 such respect.

## **106 Offences in relation to automatic machines**

- (1) In this section—
- contraceptive* includes any condom and any other fitting or appliance sold for use as a contraceptive or capable of being used as a contraceptive.
- (2) Subject to subsection (3), a regulation may prohibit the sale or supply, by means of any automatic machine or similar mechanical device, of any drug, poison or contraceptive specified in the regulation.

- 
- (3) A regulation made under subsection (2) in respect of the sale or supply of condoms shall specify the premises or classes of premises to which the prohibition applies.
- (4) Any person who—
- (a) contravenes a regulation made under subsection (2); or
  - (b) installs any automatic machine or similar mechanical device at any place for a purpose prohibited under a regulation made under subsection (2) in respect of that place;
- commits an offence against this Act.
- Maximum penalty—20 penalty units.
- (5) No licence issued by a local government in respect of any automatic machine or similar mechanical device shall be taken as authorising the installation or use of that machine or device for the sale or supply of any drug, poison or contraceptive if subsection (4) would be contravened by that installation or use.

## **107 Sale of mixture**

- (1) Where any person sells a drug which is a mixture the ingredients shall be pure and in an undeteriorated and sound condition.
- (2) The person shall deliver the mixture to the purchaser in a package on or attached to which is a label stating that the drug is a mixture and the names of the ingredients legibly and uniformly written and, when so prescribed, the names and proportions of the ingredients.
- (3) But (except as otherwise prescribed in respect of poisons, restricted drugs, controlled drugs, or biological preparations) it shall not be necessary so to supply a label in the case of—
- (a) a drug generally known to users as a compounded article or a drug not recognised by the British pharmacopoeia if such drug is mixed with any ingredient or material not injurious and not intended fraudulently to increase its

[s 109]

---

- bulk, weight, or measure, or to conceal its inferior quality; or
- (b) a drug supplied by prescription or order signed by a medical practitioner for the medical practitioner's patient, or a drug compounded and supplied by a registered pharmaceutical chemist; or
  - (c) a mixture exempted from this section by the regulations.
- (4) No person shall sell any drug which is a mixture in respect of which this section has been contravened or has not been complied with.

### **109 Examination and report upon articles advertised**

- (1) The chief executive may from time to time cause to be examined any drug or article which is advertised for the purpose of ascertaining its composition, properties, and efficiency, and shall compare the results of the examination with any advertisement which relates to the drug or article, and with the price at which it is sold, and shall prepare and forward to the Minister a report upon the whole matter, which may include any comment which the chief executive thinks desirable in the public interest.
- (2) The chief executive may thereupon, with the approval of the Minister, cause the report to be published in the gazette and in any newspaper or public print which circulates within Queensland, and to be distributed among the public in any other way, and no action shall lie in respect of such publication or distribution; but no such approval shall be given and no such publication or distribution shall be made until a reasonable opportunity has been given to the manufacturer, importer, vendor, or owner of such drug or article, or the person's agent, to place the person's objections to the proposed publication before the chief executive.
- (3) However, the chief executive shall have the power pending the consideration of any such objection to prohibit, by order, the sale or further advertisement of any such drug or article.

- (4) In addition, any cost of publication or distribution incurred by the chief executive under this section shall be borne and paid by the importer, vendor, or owner of the drug or article.
- (5) Any such report which has been published by the chief executive as aforesaid may be republished in any newspaper or public print, and no action shall lie against any person whomsoever in respect of such republication.

### **110 Prohibition of sale of injurious articles etc.**

- (1) A regulation may prohibit the advertising or sale of any drug or article which, in the chief executive's opinion is injurious to life or health, or which by reason of its inactivity or inefficiency is useless for the advertised purposes.
- (2) However, a regulation may be made only if the manufacturer, importer, seller, or owner of the drug or article has been given a reasonable opportunity to object to the chief executive about the proposed prohibition.
- (3) No person shall advertise or sell any drug or article in contravention of such prohibition, and no person shall print any advertisement so prohibited, and no proprietor, editor, publisher, or manager of a newspaper or other public print shall publish any advertisement so prohibited.

### **111 Extension of ss 109 and 110**

Sections 109 and 110 shall also apply to any article or apparatus alleged to be useful or efficacious in relieving human suffering, or in curing, overcoming, or alleviating any physical defect.

### **113 Prohibition of sale of disinfectants and preservatives**

- (1) A regulation may prohibit the sale of any article as a disinfectant, germicide, antiseptic, preservative, or deodorant.
- (2) However, a regulation may be made only if the manufacturer, importer, seller or owner of the article has been given a

[s 114]

---

reasonable opportunity to object to the chief executive about the proposed prohibition.

- (3) No person shall sell any article so prohibited.

### **114 Labelling of disinfectants etc.**

- (1) A regulation may require a label to be supplied on or attached to a package of disinfectant, germicide, antiseptic or deodorant packed or enclosed for sale.
- (2) A person must not sell, in a package, a disinfectant, germicide, antiseptic or deodorant that contravenes a requirement of a regulation made under subsection (1).

Maximum penalty—20 penalty units.

## **Division 6 Labelling of drugs and poisons**

### **131I Drugs and poisons to be labelled**

- (1) Every package containing any drug or poison for sale shall bear a label which complies in all respects with what is prescribed under a regulation.
- (2) A person shall not sell a package containing any drug or poison unless the package bears such a label complying in all respects as aforesaid.

## **Division 10 Miscellaneous**

### **132 Regulations about drugs, articles, substances, appliances etc.**

A regulation may be made about the following matters—

- (a) prescribing standards for the composition, strength, weight, quantity, purity, or quality of any drug or article, or of any ingredient or component part thereof, or for the nature or proportion of any substance which may be



- 
- mixed with or used in the preparation or preservation thereof, or prohibiting the addition of any article to any drug or article;
- (b) the permitted variations (if any) from standards or from statements of measure or volume;
  - (c) prohibiting the addition of any specified thing, or of more than the specified quantity or proportion thereof, to any drug or article;
  - (d) prohibiting in the manufacture, preparation, storing, preservation, packing, or in the delivering or serving, of any drug or article for sale, the use of appliances containing any substance that may be specified and any substance in or exceeding any proportion that may be specified, and prohibiting the sale, use, serving, or supply of such appliances;
  - (e) the substances which shall not be used in making any package;
  - (f) securing the purity of water used in the preparation or manufacture of any drug or article, or used in any boiler producing steam for any process of such preparation or manufacture;
  - (g) securing the wholesomeness, cleanliness and freedom from contamination or adulteration of any drug or article in the course of its manufacture, preparation, storage, packing, carriage, transit or delivery;
  - (h) securing the cleanliness of places, receptacles, appliances, equipment, apparatus and vehicles used in such manufacture, preparation, storage, packing, carriage, transit or delivery;
  - (i) the powers of the chief executive with respect to securing the cleanliness of such places, appliances, equipment or apparatus;
  - (j) the clothing to be worn by persons engaged in such manufacture, preparation, storage, packing, carriage, transit or delivery;

[s 132]

---

- (l) prescribing the places where drugs may, with the consent of the chief executive, be sold, manufactured, prepared, stored, packed, served, kept or had;
- (m) prescribing the mode of labelling any drug or article sold in packages, and the matter to be contained or not to be contained in such labels;
- (n) exempting any package or any drug or article from any provision of this Act relating to labelling;
- (o) the degree of approximation allowed between the weight or measure of the drug or article and the weight or measure indicated on the label;
- (p) requiring labels that may be specified to be written on or attached to any drug or article, or to packages containing such drug or article, and prohibiting the use in such labels of words that may be specified;
- (q) prescribing the statement of measure or volume in labels;
- (r) prohibiting the use of the word 'pure' or any like word;
- (s) regulating and controlling and, where deemed necessary, prohibiting or restricting advertisements (written or oral), circulars, posters, notices, pamphlets, or other printed or pictorial matter or statements or claims conveyed by radio relating to drugs or articles for sale, and prohibiting the use in such advertisements, circulars, posters, notices, pamphlets, or other printed or pictorial matter or spoken statements or claims of any statement, claim, design, device, fancy name, or abbreviation which is false or misleading in any particular whatsoever;
- (t) defining or prescribing poisons or restricted drugs or controlled drugs or biological preparations;
- (u) regulating and controlling and, as deemed necessary, prohibiting or restricting the ownership, possession, manufacture, cultivation, sale, distribution, supply, use, lending, dispensing, prescribing, or giving away of, or forging and uttering of prescriptions for or any other

---

dealing with poisons, restricted drugs, controlled drugs, biological preparations or goods for therapeutic use under and within the meaning of the *Therapeutic Goods Act 1989* (Cwlth);

- (v) the licensing of persons or classes of persons to manufacture, pack, re-pack or sell poisons or restricted drugs or controlled drugs, or biological preparations or goods for therapeutic use under and within the meaning of the *Therapeutic Goods Act 1989* (Cwlth);
- (w) the siting, construction, layout, condition and registration of licensee's premises;
- (x) regulating the supply of drugs to drug dependent persons;
- (za) the registration by the chief executive of premises in which medicines, mixtures, compounds and drugs are dispensed (other than a dispensary in any public sector hospital within the meaning of the *Health Services Act 1991* or premises in which medicines, mixtures, compounds or drugs are dispensed by a person (not being a pharmacist) authorised so to do under this Act) or items of trade are sold or services in conjunction with such dispensing are provided;
- (zb) the siting, construction, layout and condition of such premises;
- (zc) prescribing the method of analysis of any drug;

### **Conditions**

- (zd) the conditions on which endorsements may be granted, suspended, or revoked;

### **Fees**

- (ze) prescribing the fees payable for—
  - (i) an application for, or renewal of, an endorsement;  
or
  - (ii) an application for an amendment of, or the repeal of a decision to suspend or cancel, an endorsement;  
or

(iii) the analysis of a drug or article by a State analyst;

**Standards for composition etc.**

(zf) prescribing standards for the composition or quality of any article, or of any ingredient or component part thereof, or for the nature or proportion of any substance which may be mixed or used in the preparation thereof, or prohibiting the addition of any substance to any article;

**Mode of packing etc.**

(zg) prescribing the mode of packing, labelling, branding, or marking, any article;

(zh) fixing rates for payment for samples of drugs or articles taken or obtained under this Act.

**133 Suggestive names for drugs**

- (1) No drug sold under any fancy or suggestive or proprietary or registered name, which is a substitute or is intended to be or may be used as a substitute, either wholly or in part, for any drug, shall, by reason only being so sold under such name, be exempt from this Act.
- (2) Nothing in this Act shall be construed as requiring proprietors or manufacturers of proprietary drugs which contain no unwholesome added ingredient to disclose their trade formulae except in so far as this Act may require to secure freedom from adulteration or false description or to secure the prescribed declaration of any drug or substance.

---

## Part 4A                      Monitoring, investigation and enforcement

### Division 1                      Preliminary

#### 134      Application of pt 4A

This part applies for the purposes of the following (the *relevant provisions*)—

- (a) part 4, divisions 1, 2, 6 and 10;
- (b) a regulation made under part 4, division 1, 2, 6 or 10.

#### 136      Definitions for pt 4A

In this part—

*analyse* includes measure and test.

*conviction*, relating to an offence against a relevant provision or this part, means being found guilty of the offence, on a plea of guilty or otherwise, whether or not a conviction is recorded.

*document certification requirement* means a document certification requirement under section 153N(5).

*document production requirement* means a document production requirement under section 153N(6).

*endorsement* means an endorsement as defined under a regulation made under section 132.

*executive officer*, of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.

*health service employee* means a person appointed as a health service employee under the *Health Services Act 1991*, section 24.

[s 137]

---

*offence against a relevant provision*, includes an offence under section 175 relating to a relevant provision.

*personal particulars requirement* means a personal particulars requirement under section 153L(5).

*thing* includes a sample of, or from, a thing.

## **Division 2                    Inspectors**

### **137    Appointment and qualifications**

- (1) The chief executive may appoint any of the following persons as an inspector—
  - (a) an officer of the department;
  - (b) a health service employee;
  - (c) a person prescribed under a regulation.
- (2) However, the chief executive may appoint a person as an inspector only if the chief executive is satisfied the person is qualified for appointment because the person has the necessary expertise or experience.

### **138    Appointment conditions and limit on powers**

- (1) An inspector holds office on any conditions stated in—
  - (a) the inspector's instrument of appointment; or
  - (b) a signed notice given to the inspector; or
  - (c) a regulation.
- (2) The instrument of appointment, a signed notice given to the inspector or a regulation may limit the inspector's powers under this part.
- (3) In this section—

*signed notice* means a notice signed by the chief executive.

---

**139 Issue of identity card**

- (1) The chief executive must issue an identity card to each inspector.
- (2) The identity card must—
  - (a) contain a recent photo of the inspector; and
  - (b) contain a copy of the inspector's signature; and
  - (c) identify the person as an inspector under this part; and
  - (d) state an expiry date for the card.
- (3) This section does not prevent the issue of a single identity card to a person for this part and other purposes.

**140 Production or display of identity card**

- (1) In exercising a power under this part in relation to a person, an inspector must—
  - (a) produce the inspector's identity card for the person's inspection before exercising the power; or
  - (b) have the identity card displayed so it is clearly visible to the person when exercising the power.
- (2) However, if it is not practicable to comply with subsection (1), the inspector must produce the identity card for the person's inspection at the first reasonable opportunity.
- (3) For subsection (1), an inspector does not exercise a power in relation to a person only because the inspector has entered a place as mentioned in section 144(1)(b) or (2).

**141 When inspector ceases to hold office**

- (1) An inspector ceases to hold office if any of the following happens—
  - (a) the term of office stated in a condition of office ends;
  - (b) under another condition of office, the inspector ceases to hold office;

[s 142]

---

- (c) the inspector's resignation under section 142 takes effect.
- (2) Subsection (1) does not limit the ways an inspector may cease to hold office.
- (3) In this section—  
*condition of office* means a condition on which the inspector holds office.

## **142 Resignation**

- (1) An inspector may resign by signed notice given to the chief executive.
- (2) However, if holding office as an inspector is a condition of the inspector holding another office, the inspector may not resign as an inspector without resigning from the other office.

## **143 Return of identity card**

A person who ceases to be an inspector must return the person's identity card to the chief executive within 21 days after ceasing to be an inspector unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

## **Division 3 Powers of inspectors**

### **Subdivision 1 Entry of places**

#### **144 Power to enter places**

- (1) An inspector may enter a place if—
  - (a) its occupier consents to the entry; or
  - (b) it is a public place and the entry is made when the place is open to the public; or



- 
- (c) the entry is authorised by a warrant; or
  - (d) the entry is to account for controlled drugs, restricted drugs or poisons kept at the place by the holder of an endorsement and the place is open for carrying on business or otherwise open for entry.
- (2) For the purpose of asking the occupier of a place for consent to enter, an inspector may, without the occupier's consent or a warrant—
- (a) enter land around premises at the place to an extent that is reasonable to contact the occupier; or
  - (b) enter part of the place the inspector reasonably considers members of the public ordinarily are allowed to enter when they wish to contact the occupier.
- (3) Subsection (4) applies if the holder of an endorsement is an individual who carries on business at a place and also resides at the place.
- (4) Subsection (1)(d) does not authorise an inspector to enter a part of the place in which the individual resides.

## **Subdivision 2 Procedure for entry**

### **145 Consent to entry**

- (1) This section applies if an inspector intends to ask an occupier of a place to consent to the inspector or another inspector entering the place under section 144(1)(a).
- (2) Before asking for the consent, the inspector must tell the occupier—
  - (a) the purpose of the entry; and
  - (b) that the occupier is not required to consent.
- (3) If the consent is given, the inspector may ask the occupier to sign an acknowledgment of the consent.
- (4) The acknowledgment must state—

[s 146]

---

- (a) the occupier has been told—
    - (i) the purpose of the entry; and
    - (ii) that the occupier is not required to consent; and
  - (b) the purpose of the entry; and
  - (c) the occupier gives the inspector consent to enter the place and exercise powers under this division; and
  - (d) the time and date the consent was given.
- (5) If the occupier signs an acknowledgment, the inspector must immediately give a copy to the occupier.
- (6) If—
- (a) an issue arises in a proceeding about whether the occupier consented to the entry; and
  - (b) an acknowledgment complying with subsection (4) for the entry is not produced in evidence;

the onus of proof is on the person relying on the lawfulness of the entry to prove the occupier consented.

## **146 Application for warrant**

- (1) An inspector may apply to a magistrate for a warrant for a place.
- (2) The application must be sworn and state the grounds on which the warrant is sought.
- (3) The magistrate may refuse to consider the application until the inspector gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.

*Example—*

The magistrate may require additional information supporting the application to be given by statutory declaration.

---

## 147 Issue of warrant

- (1) The magistrate may issue a warrant only if the magistrate is satisfied there are reasonable grounds for suspecting—
  - (a) there is a particular thing or activity (the *evidence*) that may provide evidence of an offence against a relevant provision or this part; and
  - (b) the evidence is at the place, or may be at the place within the next 7 days.
- (2) The warrant must state—
  - (a) that a stated inspector may, with necessary and reasonable help and force—
    - (i) enter the place and any other place necessary for entry; and
    - (ii) exercise the inspector's powers under this division; and
  - (b) the offence for which the warrant is sought; and
  - (c) the evidence that may be seized under the warrant; and
  - (d) the hours of the day or night when the place may be entered; and
  - (e) the date, within 14 days after the warrant's issue, the warrant ends.

## 148 Special warrant

- (1) An inspector may apply for a warrant (a *special warrant*) by phone, fax, radio or another form of communication if the inspector considers it necessary because of—
  - (a) urgent circumstances; or
  - (b) other special circumstances, including, for example, the inspector's remote location.
- (2) Before applying for the warrant, the inspector must prepare an application stating the grounds on which the warrant is sought.

[s 148]

---

- (3) The inspector may apply for the warrant before the application is sworn.
- (4) After issuing the warrant, the magistrate must immediately fax a copy to the inspector if it is reasonably practicable to fax the copy.
- (5) If it is not reasonably practicable to fax a copy to the inspector—
  - (a) the magistrate must tell the inspector—
    - (i) what the terms of the warrant are; and
    - (ii) the date and time the warrant was issued; and
  - (b) the inspector must complete a form of warrant (a **warrant form**) and write on it—
    - (i) the magistrate's name; and
    - (ii) the date and time the magistrate issued the warrant; and
    - (iii) the terms of the warrant.
- (6) The facsimile warrant, or the warrant form properly completed by the inspector, authorises the entry and the exercise of the other powers stated in the warrant issued by the magistrate.
- (7) The inspector must, at the first reasonable opportunity, send to the magistrate—
  - (a) the sworn application; and
  - (b) if the inspector completed a warrant form—the completed warrant form.
- (8) On receiving the documents, the magistrate must attach them to the warrant.
- (9) If—
  - (a) an issue arises in a proceeding about whether an exercise of a power was authorised by a special warrant; and
  - (b) the warrant is not produced in evidence;

---

the onus of proof is on the person relying on the lawfulness of the exercise of the power to prove a special warrant authorised the exercise of the power.

### **149 Warrant—procedure before entry**

- (1) This section applies if an inspector named in a warrant issued under this division for a place is intending to enter the place under the warrant.
- (2) Before entering the place, the inspector must do or make a reasonable attempt to do the following—
  - (a) identify himself or herself to a person present at the place who is an occupier of the place by producing a copy of the inspector's identity card or other document evidencing the appointment;
  - (b) give the person a copy of the warrant or, if the entry is authorised by a facsimile warrant or warrant form mentioned in section 148(6), a copy of the facsimile warrant or warrant form;
  - (c) tell the person the inspector is permitted by the warrant to enter the place;
  - (d) give the person an opportunity to allow the inspector immediate entry to the place without using force.
- (3) However, the inspector need not comply with subsection (2) if the inspector believes on reasonable grounds that immediate entry to the place is required to ensure the effective execution of the warrant is not frustrated.

### **150 Stopping motor vehicles**

- (1) This section applies if an inspector suspects on reasonable grounds, or is aware, that a thing in or on a motor vehicle may provide evidence of an offence against a relevant provision or this part.
- (2) For the purpose of exercising the powers of an inspector under this division, an inspector may—

[s 150]

---

- (a) if the motor vehicle is moving—ask or signal the person in control of the motor vehicle to stop the motor vehicle; and
  - (b) whether or not the motor vehicle is moving—ask or signal the person in control of the motor vehicle to bring the motor vehicle to a convenient place within a reasonable distance to allow the inspector to exercise the inspector’s powers under this division.
- (3) Despite section 140, for the purpose of exercising a power under subsection (2)(a), the inspector must—
- (a) have with him or her the inspector’s identity card; and
  - (b) produce the identity card for the person’s inspection immediately after the motor vehicle is stopped.
- (4) The person must comply with the inspector’s request or signal, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (5) If the motor vehicle is stopped, the inspector may direct the person—
- (a) not to move the motor vehicle until the inspector has exercised the inspector’s powers under this division; or
  - (b) to move the motor vehicle to, and keep it at, a stated reasonable place to allow the inspector to exercise the inspector’s powers under this division.
- (6) When giving the direction, the inspector must warn the person it is an offence not to comply with the direction, unless the person has a reasonable excuse.
- (7) The person must comply with the inspector’s direction, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (8) In this section—

***motor vehicle*** means a vehicle propelled by a motor that forms part of the vehicle, and includes a trailer attached to the vehicle.

---

## **Subdivision 3 Powers after entry**

### **151 General powers after entering place**

- (1) This section applies to an inspector who enters a place.
- (2) However, if an inspector enters a place to get the occupier's consent to enter a place, this section applies to the inspector only if the consent is given or the entry is otherwise authorised.
- (3) For monitoring or enforcing compliance with a relevant provision or this part, the inspector may—
  - (a) search any part of the place; or
  - (b) inspect, measure, test, photograph or film any part of the place or anything at the place; or
  - (c) take a thing at the place for analysis; or
  - (d) take an extract from, or copy of, a document at the place; or
  - (e) take into or onto the place any person, equipment and materials the inspector reasonably requires for exercising a power under this division; or
  - (f) require the occupier of the place, or a person at the place, to give the inspector reasonable help to exercise the inspector's powers under paragraphs (a) to (e); or
  - (g) require the occupier of the place, or a person at the place, to give the inspector information to help the inspector find out whether a relevant provision or this part is being complied with.
- (4) When making a requirement under subsection (3)(f) or (g), the inspector must warn the person it is an offence not to comply with the requirement unless the person has a reasonable excuse.

[s 152]

---

### **152 Failure to help inspector**

- (1) A person required to give reasonable help under section 151(3)(f) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (2) If an individual is required under section 151(3)(f) to give information or produce a document, it is a reasonable excuse for the individual not to comply with the requirement that complying with the requirement might tend to incriminate the individual.

### **153 Failure to give information**

- (1) A person of whom a requirement is made under section 151(3)(g) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (2) It is a reasonable excuse for an individual not to comply with the requirement that complying with the requirement might tend to incriminate the individual.

## **Subdivision 4 Power to seize evidence**

### **153A Seizing evidence at a place that may be entered without consent or warrant**

An inspector who enters a place that may be entered under this division without the consent of the occupier and without a warrant, may seize a thing at the place if the inspector reasonably believes the thing is evidence of an offence against a relevant provision or this part.

### **153B Seizing evidence at a place that may only be entered with consent or warrant**

- (1) This section applies if—



- 
- (a) an inspector is authorised to enter a place under this division only with the consent of the occupier or a warrant; and
  - (b) the inspector enters the place after obtaining the necessary consent or warrant.
- (2) If the inspector enters the place with the occupier's consent, the inspector may seize a thing at the place if—
- (a) the inspector reasonably believes the thing is evidence of an offence against a relevant provision or this part; and
  - (b) seizure of the thing is consistent with the purpose of entry as told to the occupier when asking for the occupier's consent.
- (3) If the inspector enters the place with a warrant, the inspector may seize the evidence for which the warrant was issued.
- (4) The inspector also may seize anything else at the place if the inspector reasonably believes—
- (a) the thing is evidence of an offence against a relevant provision or this part; and
  - (b) the seizure is necessary to prevent the thing being—
    - (i) hidden, lost or destroyed; or
    - (ii) used to continue, or repeat, the offence.
- (5) Also, the inspector may seize a thing at the place if the inspector reasonably believes it has just been used in committing an offence against a relevant provision or this part.

### **153C Securing seized thing**

Having seized a thing, an inspector may do 1 or more of the following—

- (a) move the thing from the place where it was seized (the *place of seizure*);

[s 153D]

---

- (b) leave the thing at the place of seizure but take reasonable steps to restrict access to it;

*Examples of restricting access to a thing—*

- 1 sealing a thing and marking it to show access to it is restricted
- 2 sealing the entrance to a room where the seized thing is situated and marking it to show access to it is restricted

- (c) if the thing is equipment—make it inoperable.

*Example of making equipment inoperable—*

dismantling equipment or removing a component of equipment without which the equipment is not capable of being used

### **153D Tampering with seized thing**

- (1) If an inspector restricts access to a seized thing, a person must not tamper, or attempt to tamper, with the thing, or something restricting access to the thing, without an inspector's approval.

Maximum penalty—100 penalty units.

- (2) If an inspector makes seized equipment inoperable, a person must not tamper, or attempt to tamper, with the equipment, without an inspector's approval.

Maximum penalty—100 penalty units.

### **153E Powers to support seizure**

- (1) To enable a thing to be seized, an inspector may require the person in control of it—

- (a) to take it to a stated reasonable place by a stated reasonable time; and
- (b) if necessary, to remain in control of it at the stated place for a stated reasonable period.

- (2) The requirement—

- (a) must be made by notice in the approved form; or

- 
- (b) if for any reason it is not practicable to give the notice, may be made orally and confirmed by notice in the approved form as soon as practicable.
  - (3) A further requirement may be made under this section about the thing if it is necessary and reasonable to make the further requirement.
  - (4) A person of whom a requirement is made under subsection (1) or (3) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty for subsection (4)—50 penalty units.

### **153F Receipt for seized thing**

- (1) As soon as practicable after an inspector seizes a thing, the inspector must give a receipt for it to the person from whom it was seized.
- (2) However, if for any reason it is not practicable to comply with subsection (1), the inspector must leave the receipt at the place of seizure in a conspicuous position and in a reasonably secure way.
- (3) The receipt must describe generally each thing seized and its condition.
- (4) This section does not apply to a thing if it is impracticable or would be unreasonable to give the receipt (given the thing's nature, condition and value).

### **153G Forfeiture of seized thing**

- (1) A seized thing is forfeited to the State if the inspector who seized the thing—
  - (a) can not find its owner, after making reasonable inquiries; or
  - (b) can not return it to its owner, after making reasonable efforts; or

[s 153G]

---

- (c) reasonably believes it is necessary to keep the thing to prevent it being used to commit an offence against a relevant provision or this part.
- (2) In applying subsection (1)—
- (a) subsection (1)(a) does not require the inspector to make inquiries if it would be unreasonable to make inquiries to find the owner; and
  - (b) subsection (1)(b) does not require the inspector to make efforts if it would be unreasonable to make efforts to return the thing to its owner.
- Example for paragraph (b)—*
- The owner of the thing has migrated to another country.
- (3) If the inspector makes a decision under subsection (1)(c), resulting in the thing being forfeited to the State, the inspector must immediately give the owner a written notice stating—
- (a) the reasons for the decision; and
  - (b) that the owner may appeal against the decision within 28 days; and
  - (c) how the owner may appeal against the decision.
- (4) Subsection (3) does not apply if—
- (a) the inspector can not find the owner, after making reasonable inquiries; or
  - (b) it is impracticable or would be unreasonable to give the notice.
- (5) Regard must be had to a thing's nature, condition and value—
- (a) in deciding—
    - (i) whether it is reasonable to make inquiries or efforts; and
    - (ii) if making inquiries or efforts, what inquiries or efforts, including the period over which they are made, are reasonable; or

- 
- (b) in deciding whether it would be unreasonable to give the written notice.

### **153H Forfeiture on conviction**

- (1) On the conviction of a person for an offence against a relevant provision or this part, the court may order the forfeiture to the State of—
  - (a) anything used to commit the offence; or
  - (b) anything else the subject of the offence.
- (2) The court may make the order—
  - (a) whether or not the thing has been seized; or
  - (b) if the thing has been seized, whether or not the thing has been returned to its owner.
- (3) The court may make any order to enforce the forfeiture it considers appropriate.
- (4) This section does not limit the court's powers under the *Penalties and Sentences Act 1992* or another law.

### **153I Dealing with forfeited things etc.**

- (1) On the forfeiture of a thing to the State, the thing becomes the State's property and may be dealt with by the chief executive as the chief executive considers appropriate.
- (2) Without limiting subsection (1), the chief executive may destroy or dispose of the thing.
- (3) Despite subsection (1), the chief executive must not deal with the thing in a way that could prejudice the outcome of an appeal, relevant to the thing, of which the chief executive is aware.

### **153J Return of seized thing**

- (1) If a seized thing is not forfeited, the inspector must return it to its owner—

[s 153K]

---

- (a) at the end of 6 months; or
  - (b) if a proceeding for an offence against a relevant provision or this part involving the thing is started within 6 months, at the end of the proceeding and any appeal from the proceeding.
- (2) Despite subsection (1), unless the thing is forfeited, the inspector must immediately return a thing seized as evidence to its owner if the inspector stops being satisfied its continued retention as evidence is necessary.

### **153K Access to seized thing**

- (1) Until a seized thing is forfeited or returned, an inspector must allow its owner to inspect it and, if it is a document, to copy it.
- (2) Subsection (1) does not apply if it is impracticable or would be unreasonable to allow the inspection or copying.

## **Subdivision 5 Power to obtain information**

### **153L Power to require name and address**

- (1) This section applies if—
  - (a) an inspector finds a person committing an offence against a relevant provision or this part; or
  - (b) an inspector finds a person in circumstances that lead, or has information about a person that leads, the inspector to reasonably suspect the person has just committed an offence against a relevant provision or this part.
- (2) The inspector may require the person to state the person's name and residential address.
- (3) When making the requirement, the inspector must warn the person it is an offence to fail to state the person's name or residential address, unless the person has a reasonable excuse.
- (4) The inspector may require the person to give evidence of the correctness of the stated name or residential address if the

inspector reasonably suspects the stated name or address is false.

- (5) A requirement under subsection (2) or (4) is called a *personal particulars requirement*.

### **153M Failure to give name or address**

- (1) A person of whom a personal particulars requirement is made must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (2) A person does not commit an offence against subsection (1) if—
- (a) the person was required to state the person's name and residential address by an inspector who suspected the person had committed an offence against a relevant provision or this part; and
  - (b) the person is not proved to have committed the offence.

### **153N Power to require production of documents**

- (1) An inspector may require a person to make available for inspection by an inspector, or produce to the inspector for inspection, at a reasonable time and place nominated by the inspector—
- (a) a document issued to the person under a relevant provision; or
  - (b) a document required to be kept by the person under a relevant provision.
- (2) The inspector may keep the document to copy it.
- (3) If the inspector copies a document mentioned in subsection (1)(b), or an entry in the document, the inspector may require the person responsible for keeping the document to certify the copy as a true copy of the document or entry.

[s 153O]

---

- (4) The inspector must return the document to the person as soon as practicable after copying it.
- (5) However, if a requirement (a *document certification requirement*) is made of a person under subsection (3), the inspector may keep the document until the person complies with the requirement.
- (6) A requirement under subsection (1) is called a *document production requirement*.

### **153O Failure to produce document**

- (1) A person of whom a document production requirement is made must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (2) It is not a reasonable excuse for a person not to comply with a document production requirement that complying with the requirement might tend to incriminate the person.

### **153P Failure to certify copy of document**

A person of whom a document certification requirement is made must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

### **153Q Power to require information**

- (1) This section applies if an inspector reasonably believes—
  - (a) an offence against a relevant provision or this part has been committed; and
  - (b) a person may be able to give information about the offence.
- (2) The inspector may, by written notice given to the person, require the person to give information about the offence to the inspector at a stated reasonable time and place.



- 
- (3) The person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (4) It is a reasonable excuse for an individual to fail to give information if giving the information might tend to incriminate the individual.

## Division 4                    General enforcement matters

### 153R Compliance notice

- (1) This section applies if the chief executive or an inspector reasonably believes—
- (a) a person—
    - (i) is contravening a relevant provision or a provision of this part; or
    - (ii) has contravened a relevant provision or a provision of this part in circumstances that make it likely the contravention will continue or be repeated; and
  - (b) a matter relating to the contravention is reasonably capable of being rectified; and
  - (c) it is appropriate to give the person an opportunity to rectify the matter.
- (2) The chief executive or inspector may give the person a notice (a **compliance notice**) requiring the person to rectify the matter.
- (3) The compliance notice must state—
- (a) that the chief executive or inspector believes the person—
    - (i) is contravening a relevant provision or a provision of this part; or

[s 153S]

---

- (ii) has contravened a relevant provision or a provision of this part in circumstances that make it likely that the contravention will continue or be repeated; and
  - (b) the provision the chief executive or inspector believes is being, or has been, contravened; and
  - (c) briefly, how it is believed the provision is being, or has been contravened; and
  - (d) the matter relating to the contravention that the chief executive or inspector believes is reasonably capable of being rectified; and
  - (e) the reasonable steps the person must take to rectify the matter; and
  - (f) that the person must take the steps within a stated reasonable period of not less than 21 days; and
  - (g) that it is an offence to fail to comply with the compliance notice unless the person has a reasonable excuse.
- (4) The person must comply with the compliance notice, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

- (5) The person can not be prosecuted for contravention of the provision unless the person—
- (a) fails to comply with the compliance notice within the stated period; and
  - (b) does not have a reasonable excuse for failing to comply with the notice.

### **153S Notice of damage**

- (1) This section applies if—
- (a) an inspector damages property when exercising or purporting to exercise a power; or
  - (b) a person (the *other person*) acting under the direction or authority of an inspector damages property.

- 
- (2) The inspector must immediately give notice of particulars of the damage to the person who appears to the inspector to be the owner of the property.
  - (3) If the inspector believes the damage was caused by a latent defect in the property or circumstances beyond the inspector's or other person's control, the inspector may state the belief in the notice.
  - (4) If, for any reason, it is impracticable to comply with subsection (2), the inspector must leave the notice in a conspicuous position and in a reasonably secure way where the damage happened.
  - (5) This section does not apply to damage the inspector reasonably believes is trivial.
  - (6) In this section—  
*owner*, of property, includes the person in possession or control of it.

### **153T Compensation**

- (1) A person may claim compensation from the State if the person incurs loss or expense because of the exercise or purported exercise of a power under any of the following subdivisions of division 3—
  - (a) subdivision 1 (Entry of places)
  - (b) subdivision 3 (Powers after entry)
  - (c) subdivision 4 (Power to seize evidence).
- (2) Without limiting subsection (1), compensation may be claimed for loss or expense incurred in complying with a requirement made of the person under the subdivision.
- (3) Compensation may be claimed and ordered to be paid in a proceeding—
  - (a) brought in a court with jurisdiction for the recovery of the amount of compensation claimed; or

[s 153U]

---

- (b) for an offence against a relevant provision or this part brought against the person claiming compensation.
- (4) A court may order compensation to be paid only if it is satisfied it is just to make the order in the circumstances of the particular case.

### **153U False or misleading statements**

- (1) A person must not state anything to an inspector the person knows is false or misleading in a material particular.  
Maximum penalty—50 penalty units.
- (2) In a proceeding for an offence against subsection (1), it is enough for a charge to state that the statement was, without specifying which, ‘false or misleading’.

### **153V False or misleading documents**

- (1) A person must not give an inspector a document containing information the person knows is false or misleading in a material particular.  
Maximum penalty—50 penalty units.
- (2) Subsection (1) does not apply to a person if the person, when giving the document—
  - (a) tells the inspector, to the best of the person’s ability, how it is false or misleading; and
  - (b) if the person has, or can reasonably obtain, the correct information, gives the correct information.
- (3) In a proceeding for an offence against subsection (1), it is enough for a charge to state that the statement was, without specifying which, ‘false or misleading’.

### **153W Obstructing inspector**

- (1) A person must not obstruct an inspector in the exercise of a power, unless the person has a reasonable excuse.

---

Maximum penalty—100 penalty units.

- (2) If a person has obstructed an inspector and the inspector decides to proceed with the exercise of the power, the inspector must warn the person that—
  - (a) it is an offence to obstruct the inspector, unless the person has a reasonable excuse; and
  - (b) the inspector considers the person's conduct is an obstruction.
- (3) In this section—

*obstruct* includes hinder and attempt to obstruct or hinder.

### **153X Impersonation of inspector**

A person must not pretend to be an inspector.

Maximum penalty—50 penalty units.

### **153Y Dealing with certain things**

- (1) If an inspector takes a thing under section 151(3)(c), the inspector must—
  - (a) divide the thing into 3 separate parts and—
    - (i) seal or fasten each part in a way that will, so far as is practicable, prevent a person tampering with the part; and
    - (ii) attach a label containing the label details to each part; and
  - (b) leave 1 part with the owner of the thing or the person from whom the thing was obtained; and
  - (c) deal with 1 of the remaining parts under section 153ZD; and
  - (d) keep the other remaining part for future comparison.
- (2) Subsection (3) applies if a thing is in more than 1 package and the inspector reasonably believes that, because of the size of

[s 153Z]

---

the packages, dividing 1 package of the thing for analysis into 3 separate parts would—

- (a) affect the composition or quality of the thing in a way that would make the separate parts unsuitable for accurate analysis; or
  - (b) make the parts insufficient for accurate analysis; or
  - (c) make the thing in any other way unsuitable for analysis.
- (3) If the inspector reasonably believes the packages contain the same substance, the inspector may—
- (a) mix 2 or more of the packages and deal with the mixture under subsection (1); or
  - (b) use more than 1 of the packages to make up each part mentioned in subsection (1).
- (4) Subsections (1) to (3) do not apply to a thing to the extent that, because of its nature, it is impossible or impractical to deal with it in the way mentioned in the subsections.
- (5) In this section—
- label details* means—
- (a) an identification number; and
  - (b) a description of the thing; and
  - (c) the date it was taken or seized; and
  - (d) the place where it was taken or seized; and
  - (e) the inspector's signature.

## **Division 5                      Analysis of things**

### **153Z   Appointment and qualifications**

- (1) The chief executive may appoint any of the following persons as a State analyst—
- (a) an officer of the department;

- (b) a health service employee;
  - (c) a person prescribed under a regulation.
- (2) However, the chief executive may appoint a person as a State analyst only if the chief executive is satisfied the person is qualified for appointment because the person has the necessary expertise or experience.

### **153ZA Appointment conditions and limit on powers**

- (1) A State analyst holds office on any conditions stated in—
- (a) the State analyst's instrument of appointment; or
  - (b) a signed notice given to the State analyst; or
  - (c) a regulation.
- (2) The instrument of appointment, a signed notice given to the State analyst or a regulation may limit the State analyst's powers under this part.
- (3) In this section—
- signed notice* means a notice signed by the chief executive.

### **153ZB When State analyst ceases to hold office**

- (1) A State analyst ceases to hold office if any of the following happens—
- (a) the term of office stated in a condition of office ends;
  - (b) under another condition of office, the State analyst ceases to hold office;
  - (c) the State analyst's resignation under section 153ZC takes effect.
- (2) Subsection (1) does not limit the ways a State analyst may cease to hold office.
- (3) In this section—
- condition of office* means a condition on which the State analyst holds office.

[s 153ZC]

---

### **153ZC Resignation**

- (1) A State analyst may resign by signed notice given to the chief executive.
- (2) However, if holding office as a State analyst is a condition of the State analyst holding another office, the State analyst may not resign as a State analyst without resigning from the other office.

### **153ZD Analysis**

- (1) If an inspector who, under section 151(3)(c), takes a thing for analysis is not a State analyst, the inspector must, as soon as practicable, give it to a State analyst for analysis.
- (2) The State analyst must, as soon as practicable, complete a certificate of analysis for the thing and give the certificate to the inspector.
- (3) If an inspector who takes a thing as mentioned in subsection (1) is a State analyst, the inspector must, as soon as practicable, complete a certificate of analysis for the thing.
- (4) For dealing with a part of a thing mentioned in section 153Y(1)(c), subsections (1) and (3) apply as if a reference to a thing were a reference to a part.

### **153ZE Certificate must indicate methodology used**

The certificate of analysis must include information about the methodology used to conduct the analysis.



---

## **Division 6            Legal proceedings**

### **Subdivision 1        Application**

#### **153ZF Application of division**

This division applies to a proceeding under a relevant provision or this part.

### **Subdivision 2        Evidence**

#### **153ZG Appointments and authority**

It is not necessary to prove—

- (a) the chief executive's appointment; or
- (b) the appointment of an inspector or State analyst; or
- (c) the authority of the chief executive, an inspector or State analyst to do anything under this part.

#### **153ZH Signatures**

A signature purporting to be the signature of the chief executive, an inspector or State analyst is evidence of the signature it purports to be.

#### **153ZI Evidentiary aids**

- (1) A certificate purporting to be signed by the chief executive stating any of the following matters is evidence of the matter—
  - (a) a stated document is an appointment, endorsement or notice made, given, issued or kept under a relevant provision or this part;
  - (b) a stated document is a document given to the chief executive under a relevant provision;

[s 153Zl]

---

- (c) a stated document is a copy of a thing mentioned in paragraph (a) or (b);
  - (d) on a stated day, or during a stated period, a stated person was or was not the holder of an endorsement;
  - (e) on a stated day, or during a stated period, an endorsement—
    - (i) was or was not in force; or
    - (ii) was or was not subject to a stated condition;
  - (f) on a stated day, an endorsement was suspended or cancelled;
  - (g) on a stated day, or during a stated period, an appointment as an inspector or State analyst was, or was not, in force for a stated person;
  - (h) on a stated day, a stated person was given a stated notice under this part;
  - (i) on a stated day, a stated requirement was made under a relevant provision or this part of a stated person.
- (2) A statement in a complaint for an offence against a relevant provision or this part that the matter of the complaint came to the knowledge of the complainant on a stated day is evidence of when the matter came to the complainant's knowledge.
- (3) A certificate purporting to be that of a State analyst in relation to a thing taken by an inspector at a place under section 151(3)(c), or seized under section 153A or 153B, stating any of the following matters is evidence of the matters—
- (a) the analyst's qualifications;
  - (b) the analyst took, or received from a stated person, the thing;
  - (c) the thing was analysed at a stated place on a stated day or during a stated period;
  - (d) the methodology used to analyse the thing;
  - (e) the results of the analysis.

- 
- (4) In a proceeding in which the chief executive applies under section 153ZK to recover costs incurred by the chief executive, a certificate by the chief executive stating that stated costs were incurred and the way in which, and purpose for which, they were incurred is evidence of the matters stated.

### **Subdivision 3 Proceedings**

#### **153ZJ Summary proceedings for offences against a relevant provision or this part**

- (1) A proceeding for an offence against a relevant provision or this part is to be taken in a summary way under the *Justices Act 1886*.
- (2) The proceeding must start—
- (a) within 1 year after the commission of the offence; or
  - (b) within 6 months after the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

#### **153ZK Recovery of costs of investigation**

- (1) This section applies if—
- (a) a court convicts a person of an offence against a relevant provision or this part; and
  - (b) the chief executive applies to the court for an order against the person for the payment of the costs the chief executive has incurred in taking a thing, conducting an analysis or doing something else during the investigation of the offence; and
  - (c) the court finds the chief executive has reasonably incurred the costs.

[s 153ZL]

---

- (2) The court may order the person to pay the chief executive an amount equal to the costs if it is satisfied it would be just to make the order in the circumstances of the particular case.
- (3) This section does not limit the court's powers under the *Penalties and Sentences Act 1992* or another law.

### **153ZL Application for order for payment of costs under s 153ZK**

- (1) An application to a court under section 153ZK is, and any order made by the court on the application is, a judgment in the court's civil jurisdiction.
- (2) Any issue on the application is to be decided on the balance of probabilities.

### **153ZM Responsibility for acts or omissions of representatives**

- (1) This section applies in a proceeding for an offence against a relevant provision or this part.
- (2) If it is relevant to prove a person's state of mind about a particular act or omission, it is enough to show—
  - (a) the act was done or omitted to be done by a representative of the person within the scope of the representative's actual or apparent authority; and
  - (b) the representative had the state of mind.
- (3) An act done or omitted to be done for a person by a representative of the person within the scope of the representative's actual or apparent authority is taken to have been done or omitted to be done also by the person, unless the person proves the person could not, by the exercise of reasonable diligence, have prevented the act or omission.
- (4) In this section—

***representative*** means—

  - (a) for a corporation—an executive officer, employee or agent of the corporation; or

- 
- (b) for an individual—an employee or agent of the individual.

*state of mind*, of a person, includes—

- (a) the person's knowledge, intention, opinion, belief or purpose; and
- (b) the person's reasons for the intention, opinion, belief or purpose.

### **153ZN Executive officers must ensure corporation complies with relevant provisions and this part**

- (1) The executive officers of a corporation must ensure the corporation complies with the relevant provisions and this part.
- (2) If a corporation commits an offence against a relevant provision or a provision of this part, each of the corporation's executive officers also commits an offence, namely, the offence of failing to ensure the corporation complies with the provision.

Maximum penalty—the penalty for the contravention of the provision by an individual.

- (3) Evidence that the corporation has been convicted of an offence against a relevant provision or a provision of this part is evidence that each of the executive officers committed the offence of failing to ensure the corporation complies with the provision.
- (4) However, it is a defence for an executive officer to prove—
  - (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence—the officer exercised reasonable diligence to ensure the corporation complied with the provision; or
  - (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.

## **Division 7                      Appeals**

### **153ZO Who may appeal**

An owner of a thing forfeited to the State under section 153G(1)(c) who is dissatisfied with the decision resulting in the forfeiture may appeal against the decision.

### **153ZP Starting an appeal**

- (1) An appeal may be started at—
  - (a) the Magistrates Court nearest the place where the person lives or carries on business; or
  - (b) a Magistrates Court at Brisbane.
- (2) The notice of appeal under the *Uniform Civil Procedure Rules 1999* must be filed with the registrar of the court within 28 days after—
  - (a) if the person is given notice of the decision under section 153G(3)—the day the person is given the notice; or
  - (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the forfeiture.
- (3) The court may, at any time, extend the time for filing the notice of appeal.

### **153ZQ Hearing procedures**

- (1) In hearing the appeal, the court is not bound by the rules of evidence and must comply with natural justice.
- (2) The appeal is by way of rehearing, unaffected by the inspector's decision, on the material before the inspector and any further evidence allowed by the court.

### **153ZR Powers of court on appeal**

- (1) In deciding the appeal, the court may confirm the inspector's decision or substitute another decision for the inspector's decision.
- (2) The chief executive or inspector must give effect to the court's decision.

### **153ZS Appeal to District Court**

An appeal lies to the District Court from a decision of a Magistrates Court under section 153ZR, but only on a question of law.

## **Division 8                      Miscellaneous**

### **153ZT Protecting officials from liability**

- (1) An official is not civilly liable for an act done, or omission made, honestly and without negligence under a relevant provision or this part.
- (2) If subsection (1) prevents a civil liability attaching to an official, the liability attaches instead to the State.
- (3) In this section—  
*official* means—
  - (a) the chief executive; or
  - (b) an inspector or State analyst; or
  - (c) a person acting under the direction of an inspector.

## **Part 6**                      **Miscellaneous provisions**

### **175**      **General penalty**

Every person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence and liable, if no other penalty is imposed, to a penalty not exceeding 20 penalty units.

### **178**      **Evidence**

In any legal proceeding under this Act—

- (f) where it is necessary or proper to prove in respect of any particular article or substance that it conforms to any of the following descriptions, namely—
  - (i) that it is a poison; or
  - (ii) that it consists of or contains poison; or
  - (iii) that it is a restricted drug; or
  - (iv) that it is a controlled drug;then in every such case—
  - (v) evidence that any substance commonly sold under the same name or description as the said particular article or substance conforms to any of the descriptions contained in subparagraph (i), (ii), (iii) or (iv) shall be prima facie evidence that the said particular article or substance also conforms to the same description accordingly;
  - (vi) evidence that any particular article or substance bears any inscription required by the regulations in respect of any substance or class of substances shall be prima facie evidence that that particular article or substance is a substance, or belongs to the class of substances, in respect of which that inscription is so required;



- (vii) evidence that the container in which any particular article or substance is contained is labelled as required, or bears any inscription required by the regulations in respect of containers containing any substance or class of substances shall be prima facie evidence that that particular article or substance is a substance, or belongs to a class of substances, the containers of which are so required to be labelled or to bear that inscription.

### **180 Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may be made under this section with respect to any of the following matters—
- (f) prescribing penalties of not more than 80 penalty units for offences against a regulation.

## **Part 8 Transitional provisions**

### **Division 1 Transitional provisions for Health Legislation Amendment Act 2001**

#### **184 Transitional provision for things done etc. before this section commences**

- (1) Subsection (2) applies in relation to anything done, omitted or started under, or in relation to, a section 184 provision before the commencement.
- (2) The pre-amended Act continues to apply as if the *Health Legislation Amendment Act 2001* had not been passed.

[s 185]

---

- (3) Subsections (1) and (2) do not limit the *Acts Interpretation Act 1954*, section 20.
- (4) Without limiting subsections (1) to (3), a proceeding for an offence against a section 184 provision committed before the commencement may be started or continued, and the pre-amended Act applies in relation to the proceeding, as if the *Health Legislation Amendment Act 2001* had not been passed.
- (5) In this section—

**commencement** means the commencement of this section.

**pre-amended Act** means this Act as in force before the commencement.

**relevant provision** means a relevant provision as in force before the commencement.

**repealed provision** means any of sections 132 to 151 of the pre-amended Act.

**section 184 provision** means a relevant provision or a repealed provision.

## 185 Transitional provisions about certain authorities

- (1) Subsection (2) applies if, immediately before the commencement, a person's authority under section D2 of the repealed regulation to take an old action in relation to all dangerous drugs and restricted drugs was cancelled under section D3 of that regulation.
- (2) To remove any doubt, it is declared that starting on the commencement, the person's authority under the new regulation to take a new action in relation to all controlled drugs and restricted drugs is taken to be cancelled by a decision of the chief executive properly made under chapter 1, part 5, division 4 of the new regulation, and subject to subsection (5), continues to be cancelled.
- (3) Subsection (4) applies if, immediately before the commencement, a person's authority under section D2 of the

repealed regulation to take an old action in relation to a particular substance that was a dangerous drug or restricted drug under that regulation was cancelled under section D3 of that regulation.

- (4) To remove any doubt, it is declared that starting on the commencement, the person's authority under the new regulation to take a new action in relation to the substance is taken to be cancelled by a decision of the chief executive properly made under chapter 1, part 5, division 4 of the new regulation, and subject to subsection (5), continues to be cancelled.
- (5) Subsections (2) and (4) do not prevent the chief executive repealing, under section 26A of the new regulation, the decision of the chief executive.
- (6) In this section—

***commencement*** means the commencement of the new regulation.

***new action*** means administer, dispense, issue, obtain, possess, including possess at a particular place, prescribe, sell or supply.

***new regulation*** means the *Health (Drugs and Poisons) Regulation 1996*.

***old action*** means administer, buy, dispense, obtain, possess, including possess on particular premises or at a particular place, prescribe, procure or offer to procure, sell, or supply or offer to supply.

***repealed regulation*** means the *Poisons Regulation 1973*.

[s 186]

---

**Division 2**                      **Transitional provision for Corrective  
Services and Other Legislation  
Amendment Act 2008**

**186**      **Amendment of regulation by Corrective Services and  
Other Legislation Amendment Act 2008 does not affect  
powers of Governor in Council**

The amendment of the *Health (Drugs and Poisons) Regulation 1996* by the *Corrective Services and Other Legislation Amendment Act 2008* does not affect the power of the Governor in Council to further amend the regulation or to repeal it.

---

## Endnotes

### 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	67
3 Key . . . . .	68
4 Table of reprints . . . . .	68
5 Tables in earlier reprints . . . . .	69
6 List of legislation . . . . .	70
7 List of annotations . . . . .	79
8 List of forms notified or published in the gazette . . . . .	122
9 Table of renumbered provisions . . . . .	126

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 24 November 2011. Future amendments of the Health Act 1937 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1993 Act No. 79	26 March 1994	26 March 1994
2	1995 Act No. 58	28 November 1995	20 December 1995
2A	1996 Act No. 61	1 January 1997	17 February 1997
3	1996 Act No. 61	1 January 1997	29 April 1998
3A	1998 Act No. 41	21 December 1998	6 January 1999
3B	1998 Act No. 41	8 February 1999	12 March 1999
3C	1999 Act No. 60	27 November 1999	19 December 1999
3D	1999 Act No. 60	7 February 2000	9 February 2000
3E	2000 Act No. 5	23 March 2000	14 April 2000
3F	2000 Act No. 16	1 July 2000	14 July 2000
3G	2000 Act No. 46	25 October 2000	8 November 2000
3H	2000 Act No. 46	30 November 2000	14 December 2000
3I	2001 Act No. 103	1 January 2002	15 January 2002
3J	2001 Act No. 103	1 February 2002	8 February 2002

Reprint No.	Amendments to	Effective	Reprint date
3K	2001 Act No. 103	28 February 2002	28 February 2002
3L	2001 Act No. 103	1 March 2002	7 March 2002
3M	2001 Act No. 103	1 May 2002	1 May 2002
3N	2001 Act No. 103	7 May 2002	10 May 2002
3O	2001 Act No. 103	12 May 2002	17 May 2002
3P	2001 Act No. 103	31 May 2002	14 June 2002

Reprint No.	Amendments included	Effective	Notes
3Q	2001 Act No. 78	1 August 2002	
3R	2003 Act No. 9	28 March 2003	R3R withdrawn, see R4
4	—	28 March 2003	
4A	2001 Act No. 103	20 September 2003	
4B	2003 Act No. 68	22 October 2003	
4C	2003 Act No. 31	1 February 2004	
4D	2003 Act No. 81	1 July 2004	
4E	2005 Act No. 10	29 April 2005	
4F	2004 Act No. 36	31 August 2005	R4F withdrawn, see R5
5	—	31 August 2005	
5A	2005 Act No. 48	1 December 2005	
5B	2005 Act No. 48	16 January 2006	
5C	2005 Act No. 48	1 March 2006	
5D	2005 Act No. 10	2 April 2006	
5E	2006 Act No. 25	1 July 2006	
5F	2005 Act No. 48	18 June 2007	R5F withdrawn, see R6
6	—	18 June 2007	
6A	2008 Act No. 53	7 November 2008	
6B	2010 Act No. 14	1 July 2010	
6C	2011 Act No. 41	24 November 2011	

## 5 Tables in earlier reprints

Name of table	Reprint No.
Changed citations and remade laws	1, 2
Changed names and titles	1, 2
Corrected minor errors	1, 2
Obsolete and redundant provisions	1
Renumbered provisions	1, 2

## 6 List of legislation

### **Health Act 1937 1 Geo 6 No. 31**

date of assent 2 December 1937

commenced 1 January 1938 (proc pubd gaz 11 December 1937 p 2020)

amending legislation—

### **Health Act Amendment Act 1939 3 Geo 6 No. 34**

date of assent 6 December 1939

commenced on date of assent

### **Health Acts Amendment Act 1941 5 Geo 6 No. 8**

date of assent 13 November 1941

s 4 commenced 21 June 1947 (see s 4(2) and proc pubd gaz 21 June 1947 p 2275)

remaining provisions commenced on date of assent

### **Health Acts Amendment Act 1943 7 Geo 6 No. 24**

date of assent 23 September 1943

commenced on date of assent

### **Health Acts Amendment Act 1945 9 Geo 6 No. 9**

date of assent 5 April 1945

commenced on date of assent

### **Health Acts Amendment Act 1946 10 Geo 6 No. 40**

date of assent 14 November 1946

commenced on date of assent

### **Health Acts Amendment Act 1946 (No. 2) 11 Geo 6 No. 9**

date of assent 20 December 1946

commenced 1 November 1950 (proc pubd gaz 30 October 1950 p 2079)

### **Health Acts Amendment Act 1948 13 Geo 6 No. 16**

date of assent 17 December 1948

commenced on date of assent

### **Sewerage and Water Supply Act 1949 13 Geo 6 No. 55 pt 6 (prev Sewerage, Water Supply, and Gasfitting Act 1949)**

date of assent 8 December 1949

commenced 1 January 1950 (proc pubd gaz 24 December 1949 p 2650)

### **Health Acts Amendment Act 1955 4 Eliz 2 No. 38**

date of assent 30 November 1955

commenced 14 January 1956 (proc pubd gaz 14 January 1956 p 94)

### **Coroners Act 1958 7 Eliz 2 No. 32 s 3(1), (3) schs 1–2**

date of assent 30 October 1958

commenced 23 March 1959 (proc pubd gaz 14 March 1959 p 1581)

### **Health Acts Amendment Act 1959 8 Eliz 2 No. 57**

date of assent 21 December 1959

commenced on date of assent



**Health Acts Amendment Act 1960 9 Eliz 2 No. 49**

date of assent 30 December 1960  
commenced on date of assent

**Health Acts Amendment Act 1962 No. 27**

date of assent 13 December 1962  
s 8 commenced 8 November 1965 (proc pubd gaz 6 November 1965 p 944)  
remaining provisions commenced on date of assent

**Mental Health Act 1962 No. 46 s 4(2) sch 2**

date of assent 28 December 1962  
commenced 1 July 1963 (proc pubd gaz 1 June 1963 p 507)

**Trade Descriptions (Textile Products) Act Repeal, and Other Acts Amendment Act 1964 No. 68 pt 3**

date of assent 23 December 1964  
commenced on date of assent

**Health Acts Amendment Act 1964 No. 71**

date of assent 24 December 1964  
commenced on date of assent

**Health Acts Amendment Act 1966 No. 25**

date of assent 15 December 1966  
commenced on date of assent

**Health Acts Amendment Act 1967 No. 20**

date of assent 7 April 1967  
commenced on date of assent

**Health Acts Amendment Act 1968 No. 19**

date of assent 22 April 1968  
commenced on date of assent

**Health Acts Amendment Act 1968 (No. 2) No. 54**

date of assent 23 December 1968  
commenced on date of assent

**Health Act Amendment Act 1971 No. 20**

date of assent 21 April 1971  
commenced on date of assent

**Metric Conversion Act 1972 No. 31 pt 2 sch 1**

date of assent 21 December 1972  
commenced 1 January 1974 (proc pubd gaz 28 July 1973 p 2275)

**Health Act Amendment Act 1973 No. 29**

date of assent 19 April 1973  
commenced on date of assent

**Age of Majority Act 1974 No. 57 s 8 sch 1**

date of assent 27 September 1974  
commenced 1 March 1975 (proc pubd gaz 16 November 1974 p 1083)

**Limitation of Actions Act 1974 No. 75 s 4 sch**

date of assent 1 November 1974  
commenced 1 July 1975 (see s 2)

**Health Act Amendment Act 1975 No. 70**

date of assent 12 December 1975  
ss 3, 25 commenced 30 October 1976 (proc pubd gaz 30 October 1976 p 984)  
remaining provisions commenced on date of assent

**Health Act Amendment Act 1976 No. 41**

date of assent 5 May 1976  
commenced on date of assent

**Health Act Amendment Act 1976 (No. 2) No. 88**

date of assent 17 December 1976  
commenced on date of assent

**Health Act Amendment Act 1978 No. 65**

date of assent 2 November 1978  
s 9 never proclaimed into force and rep 1980 No. 26 s 3  
remaining provisions commenced on date of assent

**Health Act Amendment Act 1979 No. 46**

date of assent 2 November 1979  
commenced on date of assent

**Transplantation and Anatomy Act 1979 No. 74 s 54(4)–(5)**

date of assent 21 December 1979  
commenced 12 April 1980 (proc pubd gaz 12 April 1980 p 1344)

**Health Act Amendment Act 1980 No. 26**

date of assent 12 May 1980  
commenced 14 June 1980 (proc pubd gaz 14 June 1980 p 1186)

**Health Act Amendment Act 1980 (No. 2) No. 61**

date of assent 30 September 1980  
ss 1–2 commenced on date of assent (see s 2(1))  
remaining provisions commenced 28 November 1981 (proc pubd gaz 28 November 1981 p 1341)

**Food Act 1981 No. 44 s 4 sch 1**

date of assent 12 June 1981  
commenced 1 July 1982 (proc pubd gaz 26 June 1982 p 1640)

**Health Act Amendment Act 1981 No. 77**

date of assent 22 October 1981  
commenced on date of assent

**Health Act Amendment Act 1982 No. 57**

date of assent 3 December 1982  
ss 1–3, 34–38 commenced on date of assent (see s 2(1))  
remaining provisions commenced 12 March 1983 (proc pubd gaz 12 March 1983 p 1009)

**Food Act and Health Act Amendment Act 1984 No. 22 pt 3**

date of assent 22 March 1984  
commenced on date of assent

**Health Act Amendment Act 1984 No. 26**

date of assent 22 March 1984  
ss 1–2 commenced on date of assent (see s 2(1))  
remaining provisions commenced 1 November 1986 (proc pubd gaz 18 October 1986 p 1118)

**Mental Health Act, Criminal Code and Health Act Amendment Act 1984 No. 66 pt 4**

date of assent 12 September 1984  
commenced 1 July 1985 (proc pubd gaz 27 April 1985 p 2349)

**Health Act Amendment Act 1984 (No. 2) No. 103**

date of assent 12 December 1984  
commenced on date of assent

**Drugs Misuse Act 1986 No. 36 s 60(1) sch 6 pt 1**

date of assent 5 September 1986  
commenced 27 October 1986 (proc pubd gaz 25 October 1986 p 1242)

**Health Act Amendment Act 1987 No. 22**

date of assent 23 April 1987  
ss 1–2 commenced on date of assent (see s 2(1))  
s 26 commenced 18 July 1987 (proc pubd gaz 18 July 1987 p 2807)  
ss 28–33 commenced 19 December 1987 (proc pubd gaz 19 December 1987 p 1666)  
remaining provisions commenced 30 May 1987 (proc pubd gaz 30 May 1987 p 846)

**Health Act Amendment Act 1988 No. 25**

date of assent 11 April 1988  
ss 1–2 commenced on date of assent (see s 2(1))  
remaining provisions commenced 21 May 1988 (proc pubd gaz 21 May 1988 p 557)

**Corrective Services (Consequential Amendments) Act 1988 No. 88 s 3 sch 1**

date of assent 1 December 1988  
commenced 15 December 1988 (see s 2(2) and o in c pubd gaz 10 December 1988 p 1675)

**Workplace Health and Safety Act 1989 No. 63 s 3(2) sch 2**

date of assent 12 May 1989  
commenced 31 July 1989 (proc pubd ind gaz 29 July 1989 p 770)

**Health Act and Food Act Amendment Act 1990 No. 59 pt 2**

date of assent 18 September 1990  
commenced on date of assent

**Health Services Act 1991 No. 24 ss 1.1–1.2, 7.3 sch 3**

date of assent 5 June 1991  
ss 1.1–1.2 commenced on date of assent  
remaining provisions commenced 1 July 1991 (proc pubd gaz 22 June 1991 p 974)

**Statute Law (Miscellaneous Provisions) Act 1991 No. 97 ss 1–3 sch 2**

date of assent 17 December 1991  
commenced on date of assent

**Statute Law (Miscellaneous Provisions) Act 1992 No. 36 ss 1–2 sch 1**

date of assent 2 July 1992  
amdt 1 commenced 1 August 1994 (1994 SL No. 283)  
remaining provisions commenced on date of assent

**Nursing Act 1992 No. 55 ss 1–2, 163 sch 2**

date of assent 30 November 1992  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 November 1993 (1993 SL No. 393)

**Health Legislation Amendment Act 1992 No. 66 pts 1, 6**

date of assent 7 December 1992  
ss 1–2 commenced on date of assent  
remaining provisions commenced 18 December 1992 (1992 SL No. 450)

**Local Government Act 1993 No. 70 ss 1–2, 804 sch**

date of assent 7 December 1993  
ss 1–2 commenced on date of assent  
remaining provisions commenced 26 March 1994 (see s 2(5))

**Health Legislation Amendment Act 1993 No. 79 pts 1, 6**

date of assent 17 December 1993  
ss 1–2 commenced on date of assent  
remaining provisions commenced 14 March 1994 (1994 SL No. 84)

**Environmental Protection Act 1994 No. 62 ss 1–2, 223 sch 3**

date of assent 1 December 1994  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 March 1995 (1995 SL No. 47)

**Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 87 ss 1–3 sch 2 (this Act is amended, see amending legislation below)**

date of assent 1 December 1994  
amds 4, 8 never proclaimed into force and rep 1995 No. 57 s 4 sch 2  
remaining provisions commenced on date of assent

amending legislation—

**Statute Law Revision Act 1995 No. 57 ss 1, 4 sch 2 (amends 1994 No. 87 above)**

date of assent 28 November 1995  
commenced on date of assent

**Environmental Legislation Amendment Act (No. 2) 1995 No. 52 pts 1, 3**

date of assent 22 November 1995  
ss 1–2 commenced on date of assent  
remaining provisions commenced 2 February 1996 (1996 SL No. 16)

**Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1 (this Act is amended, see amending legislation below)**

date of assent 28 November 1995

commenced on date of assent

amending legislation—

**Health Legislation Amendment Act 1996 No. 60 pts 1, 7 (amends 1995 No. 57 above)**

date of assent 9 December 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 28 November 1995 (see s 2(2))

**Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 2**

date of assent 28 November 1995

commenced on date of assent

**Health Legislation Amendment Act 1996 No. 60 pts 1, 3**

date of assent 9 December 1996

ss 8–10 commenced 20 December 1996 (1996 SL No. 401)

ss 7, 16–17 commenced 1 January 1997 (1996 SL No. 438)

remaining provisions commenced on date of assent

**Health Legislation Amendment Act (No. 2) 1996 No. 61 ss 1–2, 15 sch**

date of assent 9 December 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 20 December 1996 (1996 SL No. 402)

**Health and Other Legislation Amendment Act 1998 No. 41 ss 1, 2(2) pts 2–3 schs 1–2**

date of assent 27 November 1998

ss 1–2 commenced on date of assent

ss 3–8, 13, 14(1) sch 1, 14(2) sch 2 commenced 21 December 1998 (1998 SL No. 346)

ss 9–10, 11 (except so far as the section ins new s 100FJ), 12 commenced 8 February 1999 (1999 SL No. 3)

remaining provisions commenced 27 November 1999 (automatic commencement under AIA s 15DA(2))

**Child Protection Act 1999 No. 10 ss 1, 2(2), 205 sch 3**

date of assent 30 March 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 23 March 2000 (2000 SL No. 45)

**Health Practitioners (Professional Standards) Act 1999 No. 58 ss 1–2 pt 14 div 4**

date of assent 18 November 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 7 February 2000 (1999 SL No. 327)

**Private Health Facilities Act 1999 No. 60 ss 1–2, 165 sch 2**

date of assent 29 November 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 30 November 2000 (automatic commencement under AIA s 15DA(2))

**Police Powers and Responsibilities Act 2000 No. 5 ss 1, 2(1)–(2), 373 sch 2**

date of assent 23 March 2000

commenced on date of assent (see s 2(1)–(2))

**Guardianship and Administration Act 2000 No. 8 ss 1–2, 263 sch 3**

date of assent 20 April 2000

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2000 (2000 SL No. 125)

**Mental Health Act 2000 No. 16 ss 1–2, 590 sch 1 pt 2**

date of assent 8 June 2000

ss 1–2, 590 commenced on date of assent (see s 2(1))

remaining provisions commenced 28 February 2002 (2002 SL No. 27)

(proposed commencement 8 June 2002 (automatic commencement under AIA s 15DA(2) (2001 SL No. 46 s 2)))

**Statute Law (Miscellaneous Provisions) Act 2000 No. 46 ss 1, 3 sch**

date of assent 25 October 2000

commenced on date of assent

**Chiropractors Registration Act 2001 No. 3 ss 1–2, 241 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 May 2002 (2002 SL No. 73)

**Dental Practitioners Registration Act 2001 No. 4 ss 1–2, 267 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2002 (2001 SL No. 258)

**Dental Technicians and Dental Prosthetists Registration Act 2001 No. 5 ss 1–2, 247 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 May 2002 (2002 SL No. 74)

**Medical Practitioners Registration Act 2001 No. 7 ss 1–2, 302 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 March 2002 (2002 SL No. 30)

**Medical Radiation Technologists Registration Act 2001 No. 8 ss 1–2, 237 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 12 May 2002 (automatic commencement under AIA s 15DA(2))

**Occupational Therapists Registration Act 2001 No. 9 ss 1–2, 239 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 2002 (2001 SL No. 259)

**Optometrists Registration Act 2001 No. 10 ss 1–2, 237 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 2002 (2001 SL No. 260)

**Pharmacists Registration Act 2001 No. 12 ss 1–2, 245 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 2002 (2001 SL No. 261)

**Physiotherapists Registration Act 2001 No. 13 ss 1–2, 242 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 2002 (2001 SL No. 262)

**Podiatrists Registration Act 2001 No. 14 ss 1–2, 238 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 May 2002 (2002 SL No. 76)

**Psychologists Registration Act 2001 No. 15 ss 1–2, 255 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 May 2002 (2002 SL No. 77)

**Speech Pathologists Registration Act 2001 No. 16 ss 1–2, 236 sch 2**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 2002 (2001 SL No. 263)

**Dangerous Goods Safety Management Act 2001 No. 28 ss 1–2, 189(1) sch 1**

date of assent 25 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 7 May 2002 (2002 SL No. 86)

**Health Legislation Amendment Act 2001 No. 78 pts 1, 6**

date of assent 15 November 2001

ss 1–2 commenced on date of assent

s 64 (to the extent it ins new pt 8 hdg and s 185) commenced 31 May 2002 (2002 SL No. 97)

remaining provisions commenced 1 August 2002 (2002 SL No. 183)

**Pest Management Act 2001 No. 103 ss 1–2, 145 sch 2**

date of assent 19 December 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 20 September 2003 (automatic commencement under AIA s 15DA(2) (2002 SL No. 345 s 2))

**Health and Other Legislation Amendment Act 2003 No. 9 s 1, pt 3**

date of assent 28 March 2003  
commenced on date of assent

**Births, Deaths and Marriages Registration Act 2003 No. 31 ss 1–2, 59 sch1**

date of assent 23 May 2003  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 February 2004 (2003 SL No. 360)

**Health Legislation Amendment Act 2003 No. 68 s 1, pt 5**

date of assent 22 October 2003  
commenced on date of assent

**Public Health (Infection Control for Personal Appearance Services) Act 2003 No. 81  
ss 1–2, 162(1) sch 1**

date of assent 6 November 2003  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2004 (2003 SL No. 351)

**Child Safety Legislation Amendment Act (No. 2) 2004 No. 36 pts 1, 8**

date of assent 27 October 2004  
ss 1–2 commenced on date of assent  
remaining provisions commenced 31 August 2005 (2005 SL No. 62)

**Health Legislation Amendment Act 2005 No. 10 pt 1, s 50 sch**

date of assent 1 April 2005  
ss 1–2 commenced on date of assent  
sch amdt 3 commenced 2 April 2006 (automatic commencement under AIA s 15DA(2))  
remaining provisions commenced 29 April 2005 (2005 SL No. 72)

**Public Health Act 2005 No. 48 ss 1–2, 492 sch 1**

date of assent 2 November 2005  
ss 1–2 commenced on date of assent  
sch 1 amdts 3, 11 (to the extent it om pt 3 div 6) commenced 1 March 2006 (2006 SL No. 21)  
sch 1 amdts 2 (to the extent it om defs “air cushion vehicle”, “analyst”, “authorised person”, “British pharmaceutical codex”, “British veterinary codex”, “daily penalty”, “district”, “house”, “inspector”, “licence”, “Local Government Act”, “manager”, “medical officer of health”, “officer”, “owner”, “paint”, “person”, “pesticide”, “prescribed”, “private hospital”, “school”, “shoes”, “stormwater drain”, “vessel”), 4, 5, 6, 8 (to the extent it om s 9), 9 (to the extent it om ss 16, 18), 10, 11 (to the extent it om pt 3 divs 7–9), 13 (to the extent it om pt 4 divs 3, 3A), 14, 15, 17, 18, 19, 20, 21, 23 commenced 18 June 2007 (2007 SL No. 85)  
sch 1 amdt 16 commenced 16 January 2006 (2005 SL No. 280)  
remaining provisions commenced 1 December 2005 (2005 SL No. 280)

**Health Quality and Complaints Commission Act 2006 No. 25 ss 1–2(1), 241(2) sch 4**

date of assent 29 May 2006  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2006 (see s 2(1))



**Corrective Services and Other Legislation Amendment Act 2008 No. 53 pts 1, 4**

date of assent 23 October 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 7 November 2008 (2008 SL No. 363)

**Health Legislation (Health Practitioner Regulation National Law) Amendment Act 2010 No. 14 ss 1, 124 sch**

date of assent 21 April 2010

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2010 (see s 2)

**Health and Hospitals Network Act 2011 No. 32 ss 1–2, 332 sch 1 pt 2**

date of assent 28 October 2011

ss 1–2 commenced on date of assent

remaining provisions not yet proclaimed into force (see s 2)**Health Legislation Amendment Act 2011 No. 41 s 1, pt 3**

date of assent 24 November 2011

commenced on date of assent

## 7 List of annotations

**This reprint has been renumbered—see table of renumbered provisions in endnote 9.****Long title** amd 2005 No. 48 s 492 sch 1**Commencement of Act**

s 2 om 1995 No. 57 s 4 sch 1

**Construction of Act**

s 2A ins 1941 5 Geo 6 No. 8 s 2

om 1991 No. 97 s 3 sch 2

**Division of Act**s 3 amd 1945 9 Geo 6 No. 9 s 2; 1959 8 Eliz 2 No. 57 s 2; 1962 No. 27 s 2; 1964 No. 71 s 2; 1971 No. 20 ss 3(a), 4; 1973 No. 29 s 2; 1975 No. 70 s 3; 1976 No. 88 s 2; 1978 No. 65 s 3; 1981 No. 44 s 4 sch 1; 1984 No. 26 s 3; 1986 No. 36 s 60(1) sch 6 pt 1; 1987 No. 22 s 4; 1988 No. 25 s 4  
om 1991 No. 97 s 3 sch 2**Repeals, schedule A**

s 4 amd 1971 No. 20 s 2

om 1991 No. 97 s 3 sch 2

**Interpretation**

s 5 amd 2005 No. 48 s 492 sch 1

def “**advertisement**” amd 1959 8 Eliz 2 No. 57 s 3(a); 1981 No. 44 s 4 sch 1def “**air cushion vehicle**” ins 1975 No. 70 s 4(a)

om 2005 No. 48 s 492 sch 1

def “**analyse**” ins 2001 No. 78 s 45(2)def “**analyst**” sub 1990 No. 59 s 2.2(a)

- amd 1995 No. 57 s 4 sch 1
- sub 2001 No. 78 s 45
- om 2005 No. 48 s 492 sch 1
- def **“approved form”** ins 1995 No. 57 s 4 sch 1
- def **“Area”** om 1993 No. 70 s 804 sch
- def **“article”** amd 1959 8 Eliz 2 No. 57 s 3(b); 1978 No. 65 s 4(a); 1981 No. 44 s 4 sch 1; 1995 No. 57 s 4 sch 1
- def **“authorised person”** om 2005 No. 48 s 492 sch 1
- def **“baker”** om 1981 No. 44 s 4 sch 1
- def **“barber”** amd 1978 No. 65 s 4(b)
  - om 2003 No. 81 s 162 sch 1
- def **“barber’s shop”** om 2003 No. 81 s 162 sch 1
- def **“British pharmaceutical codex”** ins 1976 No. 41 s 2
  - om 2005 No. 48 s 492 sch 1
- def **“British pharmacopoeia”** sub 1976 No. 41 s 2
- def **“British veterinary codex”** ins 1976 No. 41 s 2
  - om 2005 No. 48 s 492 sch 1
- def **“By-laws”** om 1993 No. 70 s 804 sch
- def **“chemist”** or **“pharmaceutical chemist”** om 1959 8 Eliz 2 No. 57 s 3(c)
- def **“chief executive (child safety)”** ins 2004 No. 36 s 64(2)
  - om 2005 No. 48 s 492 sch 1
- def **“chief health officer”** ins 1992 No. 66 s 35(1)
  - om 2005 No. 48 s 492 sch 1
- def **“child”** ins 2004 No. 36 s 64(2)
  - om 2005 No. 48 s 492 sch 1
- def **“communicable disease”** ins 1959 8 Eliz 2 No. 57 s 3(d)
  - om 1988 No. 25 s 5(a)
- def **“controlled drug”** ins 1996 No. 60 s 7(3)
- def **“daily penalty”** om 2005 No. 48 s 492 sch 1
- def **“dairy produce”** om 1981 No. 44 s 4 sch 1
- def **“dangerous drug”** om 1996 No. 60 s 7(1)
- def **“dangerous substance”** ins 1959 8 Eliz 2 No. 57 s 3(e)
  - om 1987 No. 22 s 5(a)
- def **“day hospital”** ins 1992 No. 66 s 35(1)
  - om 1993 No. 79 s 25
- def **“dentist”** sub 2001 No. 4 s 267 sch 2
  - om 2010 No. 14 s 124 sch
- def **“Deputy Director-General”** om 1991 No. 24 s 7.3 sch 3
- def **“Director-General”** om 1995 No. 57 s 4 sch 1
- def **“disposal”** ins 1975 No. 70 s 4(b)
  - om 1995 No. 52 s 13
- def **“district”** ins 1996 No. 61 s 15 sch
  - om 2005 No. 48 s 492 sch 1
- def **“document certification requirement”** ins 2001 No. 78 s 45(2)
- def **“document production requirement”** ins 2001 No. 78 s 45(2)
- def **“drain”** om 1949 13 Geo 6 No. 55 s 27(i)
- def **“drug”** amd 1959 8 Eliz 2 No. 57 s 3(f); 1968 No. 19 s 2; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(2) sch 2

- def **“drug addict”** om 1988 No. 25 s 5(b)
- def **“drug dependent person”** ins 1988 No. 25 s 5(b)  
amd 1990 No. 59 s 2.2(b); 1996 No. 60 s 7(2)
- def **“endorsement”** ins 2001 No. 78 s 45(2)
- def **“executive officer”** ins 2001 No. 78 s 45(2)
- def **“food”** om 1981 No. 44 s 4 sch 1
- def **“General fund”** om 1993 No. 70 s 804 sch
- def **“harm”** ins 2004 No. 36 s 64(2)  
om 2005 No. 48 s 492 sch 1
- def **“have in possession”** om 2005 No. 48 s 492 sch 1
- def **“health practitioner registration Act”** ins 1999 No. 58 s 429  
amd 2001 No. 3 s 241 sch 2; 2001 No. 4 s 267 sch 2; 2001 No. 5 s 247 sch 2; 2001 No. 7 s 302 sch 2; 2001 No. 8 s 237 sch 2; 2001 No. 9 s 239 sch 2; 2001 No. 10 s 237 sch 2; 2001 No. 12 s 245 sch 2; 2001 No. 13 s 242 sch 2; 2001 No. 14 s 238 sch 2; 2001 No. 15 s 255 sch 2; 2001 No. 16 s 236 sch 2  
sub 2010 No. 14 s 124 sch
- def **“health service employee”** ins 2001 No. 78 s 45(2)
- def **“hospital”** ins 1959 8 Eliz 2 No. 57 s 3(g)  
sub 1991 No. 24 s 7.3 sch 3
- def **“house”** amd 1959 8 Eliz 2 No. 57 s 3(h); 1994 No. 87 s 3 sch 2  
om 2005 No. 48 s 492 sch 1
- def **“infectious disease”** om 1959 8 Eliz 2 No. 57 s 3(i)
- def **“inspector”** sub 1971 No. 20 s 5(a); 1991 No. 97 s 3 sch 2; 2001 No. 78 s 45; 2005 No. 48 s 492 sch 1
- def **“licence”** amd 1971 No. 20 s 2; 1975 No. 70 s 4(c)  
sub 1995 No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1
- def **“licensee”** amd 1971 No. 20 s 2  
om 2005 No. 48 s 492 sch 1
- def **“local government”** om 1992 No. 66 s 35(2)
- def **“Local Government Act”** sub 1993 No. 70 s 804 sch  
om 2005 No. 48 s 492 sch 1
- def **“manager”** ins 1996 No. 61 s 15 sch  
om 2005 No. 48 s 492 sch 1
- def **“meat”** sub 1964 No. 71 s 3  
om 1981 No. 44 s 4 sch 1
- def **“medical officer of health”** amd 1987 No. 22 s 5(b)  
om 2005 No. 48 s 492 sch 1
- def **“medical practitioner”** om 1992 No. 55 s 163 sch 2
- def **“Minister”** om 1991 No. 97 s 3 sch 2
- def **“nightsoil”** ins 1975 No. 70 s 4(d)  
om 1995 No. 52 s 13
- def **“notifiable disease”** amd 1988 No. 25 s 5(c)  
om 2005 No. 48 s 492 sch 1
- def **“nurse”** ins 2003 No. 9 s 6  
om 2010 No. 14 s 124 sch
- def **“occupier”** amd 2005 No. 48 s 492 sch 1

- def “**offence against a relevant provision**” ins 2001 No. 78 s 45(2)
- def “**officer**” amd 2003 No. 68 s 38
  - om 2005 No. 48 s 492 sch 1
- def “**opium**” amd 1959 8 Eliz 2 No. 57 s 3(j)
  - om 2005 No. 48 s 492 sch 1
- def “**owner**” sub 1959 8 Eliz 2 No. 57 s 3(k)
  - om 2005 No. 48 s 492 sch 1
- def “**paint**” amd 1973 No. 29 s 3(a); 1982 No. 57 s 4(a)
  - om 2005 No. 48 s 492 sch 1
- def “**parent**” sub 2004 No. 36 s 64
  - om 2005 No. 48 s 492 sch 1
- def “**person**” om 2005 No. 48 s 492 sch 1
- def “**personal particulars requirement**” ins 2001 No. 78 s 45(2)
- def “**pesticide**” ins 1959 8 Eliz 2 No. 57 s 3(l)
  - amd 1978 No. 65 s 4(c); 1982 No. 57 s 4(b)
  - om 2005 No. 48 s 492 sch 1
- def “**pharmaceutical chemist**” ins 1959 8 Eliz 2 No. 57 s 3(l)
  - om 1976 No. 88 s 3(a)
- def “**pharmacist**” ins 1976 No. 88 s 3(a)
  - sub 2001 No. 12 s 245 sch 2
  - amd 2010 No. 14 s 124 sch
- def “**prescribed**” om 2005 No. 48 s 492 sch 1
- def “**private health facility**” ins 1999 No. 60 s 165 sch 2
  - om 2005 No. 48 s 492 sch 1
- def “**private hospital**” ins 1999 No. 60 s 165 sch 2
  - om 2005 No. 48 s 492 sch 1
- def “**professional**” ins 2004 No. 36 s 64(2)
  - om 2005 No. 48 s 492 sch 1
- def “**prohibited article**” om 2005 No. 48 s 492 sch 1
- def “**prohibited plant**” ins 1971 No. 20 s 5(b)
  - amd 1973 No. 29 s 3(b); 1976 No. 88 s 3(b)
  - om 1986 No. 36 s 60(1) sch 6 pt 1
- def “**Queensland Health Education Council**” ins 1945 9 Geo 6 No. 9 s 3
  - om 1987 No. 22 s 5(c)
- def “**Queensland Radium Institute**” ins 1945 9 Geo 6 No. 9 s 3
  - om 2005 No. 48 s 492 sch 1
- def “**registered nurse**” ins 2004 No. 36 s 64(2)
  - om 2005 No. 48 s 492 sch 1
- def “**registrant**” ins 1999 No. 58 s 429
- def “**registrant’s board**” ins 1999 No. 58 s 429
  - sub 2010 No. 14 s 124 sch
- def “**regulations**” om 1991 No. 97 s 3 sch 2
- def “**relevant provisions**” ins 2001 No. 78 s 45(2)
- def “**road**” om 2005 No. 48 s 492 sch 1
- def “**sale**” amd 1959 8 Eliz 2 No. 57 s 3(m); 1981 No. 44 s 4 sch 1; 1996 No. 60 s 16
- def “**Sanitary convenience**” om 1993 No. 70 s 804 sch
- def “**school**” om 2005 No. 48 s 492 sch 1

def “**Sewerage**” om 1993 No. 70 s 804 sch  
 def “**shoes**” om 2005 No. 48 s 492 sch 1  
 def “**sole**” amd 1946 11 Geo 6 No. 9 s 2  
   om 2005 No. 48 s 492 sch 1  
 def “**State**” om 2005 No. 48 s 492 sch 1  
 def “**State analyst**” ins 2001 No. 78 s 45(2)  
   amd 2005 No. 48 s 492 sch 1  
 def “**stormwater drain**” ins 1949 13 Geo 6 No. 55 s 27(ii)  
   om 2005 No. 48 s 492 sch 1  
 def “**thing**” ins 2001 No. 78 s 45(2)  
 def “**this Act**” om 1991 No. 97 s 3 sch 2  
 def “**venereal disease**” amd 1984 No. 103 s 2  
   om 1988 No. 25 s 5(d)  
 def “**vessel**” amd 1975 No. 70 s 4(e)  
   om 2005 No. 48 s 492 sch 1

#### **Definition for div 1**

**s 6**       prev s 6 om 1995 No. 57 s 4 sch 1  
           pres s 6 ins 2003 No. 9 s 7  
           om 2010 No. 14 s 124 sch

### **PART 2—GENERAL POWERS**

#### **Division 1—Central government**

##### **Appointment of chief health officer**

**s 7**       amd 1975 No. 70 s 5; 1991 No. 24 s 7.3 sch 3; 1992 No. 66 s 36; R1 (see RA s  
           38)  
           sub 1995 No. 57 s 4 sch 1  
           om 2005 No. 48 s 492 sch 1

##### **Delegation of chief health officer’s powers**

**s 8**       sub 1995 No. 57 s 4 sch 1  
           om 2005 No. 48 s 492 sch 1

##### **Manager of public health services for the State**

**s 8A**     ins 1998 No. 41 s 4  
           om 2005 No. 48 s 492 sch 1

##### **Default of local government**

**s 9**       amd 1959 8 Eliz 2 No. 57 s 4; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch  
           1  
           om 2005 No. 48 s 492 sch 1

##### **Regulation of sewerage, stormwater drainage etc. by Governor in Council**

**prov hdg** amd 1949 13 Geo 6 No. 55 s 28  
**s 10**     amd 1949 13 Geo 6 No. 55 s 28; 1959 8 Eliz 2 No. 57 s 5; 1995 No. 57 s 4 sch  
           1; 1998 No. 41 s 14(1) sch 1  
           om 2005 No. 48 s 492 sch 1

##### **Discharge of waste process water into watercourses**

**s 10A**   ins 1948 13 Geo 6 No. 16 s 2

amd 1978 No. 65 s 5; 1987 No. 22 s 44  
om 1994 No. 62 s 223 sch 3

**General power to make order in council**

**s 11** amd 1975 No. 70 s 6  
om 1995 No. 57 s 4 sch 1

**Generality of powers to make orders in council not affected by specific powers to make orders in council**

**s 12** om 1994 No. 87 s 3 sch 2

**Regulations to be approved by the Governor in Council and laid before Parliament**

**s 13** amd 1959 8 Eliz 2 No. 57 s 6; 1971 No. 20 s 2; 1975 No. 70 ss 7, 28 sch 1;  
1982 No. 57 s 5; 1987 No. 22 s 44; R1 (see RA s 38); 1994 No. 87 s 3 sch 2  
om 1995 No. 57 s 4 sch 1

**Orders of Director-General when confirmed binding**

**s 14** om 1995 No. 57 s 4 sch 1

**Division 2—Chief health officer**

**div hdg** sub 1995 No. 57 s 4 sch 1  
om 1998 No. 41 s 14(1) sch 1

**Power to make inspections etc.**

**prov hdg** sub 1995 No. 57 s 4 sch 1  
**s 15** amd 1971 No. 20 s 2; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Approval of forms**

**s 15A** ins 1995 No. 57 s 4 sch 1  
amd 1998 No. 41 s 14(1) sch 1

**Powers of chief executive in default of local government**

**prov hdg** amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
**s 16** amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Power in emergencies**

**prov hdg** amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
**s 17** amd 1959 8 Eliz 2 No. 57 s 7; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch  
1  
om 2005 No. 48 s 492 sch 1

**Power to make order on memorial of party aggrieved by decision of the local government**

**s 18** amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Chief executive to give notice of proceedings to boards**

**s 18A** ins 1999 No. 58 s 430  
amd 2001 No. 78 s 46; 2010 No. 14 s 124 sch

**Chief executive may inform boards about particular matters**

**s 18B** ins 2003 No. 9 s 8  
amd 2010 No. 14 s 124 sch

**Division 3—Local government**

**div hdg** om 2005 No. 48 s 492 sch 1

**Local governments to see to the execution of regulations**

**s 19** amd 1959 8 Eliz 2 No. 57 s 8; 1971 No. 20 s 2; 1990 No. 59 s 2.3; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Local governments to report**

**s 20** amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Power of local government to abate nuisance**

**s 21** amd 1959 8 Eliz 2 No. 57 s 9; 1993 No. 70 s 804 sch; 1995 No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1

**Appointment, remuneration, and duties of officers of local governments**

**s 22** amd 1959 8 Eliz 2 No. 57 s 10; 1993 No. 70 s 804 sch; 1995 No. 57 s 4 sch 1;  
1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Removal of officers**

**s 23** om 1993 No. 70 s 804 sch

**Local government analysts**

**prov hdg** sub 1995 No. 57 s 4 sch 1  
**s 24** amd 1987 No. 22 s 6; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Medical officer of health to have powers of inspectors**

**s 25** om 2005 No. 48 s 492 sch 1

**Non-disqualification of medical practitioner by receipt of fees**

**s 26** om 2005 No. 48 s 492 sch 1

**Division 4—Appointment of officers under and for the purposes of the Act**

**div hdg** om 2005 No. 48 s 492 sch 1

**Appointment of officers**

**s 27** amd 1959 8 Eliz 2 No. 57 s 11; 1995 No. 57 s 4 sch 1; 2003 No. 68 s 39  
om 2005 No. 48 s 492 sch 1

**Prohibition on use of term State analyst**

**s 27A** (prev s 27(1A)) ins 1968 No. 19 s 3  
amd 1995 No. 57 s 4 sch 1  
renum 1995 No. 57 s 4 sch 1  
amd 2001 No. 78 s 47  
om 2005 No. 48 s 492 sch 1

**Rules as to competency of officers**

**prov hdg** amd 1995 No. 57 s 4 sch 1  
**s 27B** (prev s 27(2)–(2A)) amd 1990 No. 59 s 2.4; 1995 No. 57 s 4 sch 1  
renum 1995 No. 57 s 4 sch 1  
amd 1998 No. 41 s 14(1) sch 1; 2003 No. 68 s 40  
om 2005 No. 48 s 492 sch 1

**General powers and duties of officers**

**s 27C** (prev s 27(3)) amd 1995 No. 57 s 4 sch 1  
renum 1995 No. 57 s 4 sch 1  
amd 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Officer may attend meetings of local government**

**s 27D** (prev s 27(4)) amd 1995 No. 57 s 4 sch 1  
renum 1995 No. 57 s 4 sch 1  
amd 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Holders of certain offices health officers**

**s 27E** ins 1995 No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1

**Registration of analysts and premises**

**s 28** sub 1968 No. 19 s 4  
amd 1987 No. 22 s 44  
om 1990 No. 59 s 2.5

**PART 3—PREVENTION, NOTIFICATION AND TREATMENT OF DISEASE OR DISABILITY**

**pt hdg** sub 1959 8 Eliz 2 No. 57 s 12  
om 2005 No. 48 s 492 sch 1

**Division 1—Notification of births**

**div hdg** orig div 1 hdg sub 1959 8 Eliz 2 No. 57 s 12  
om 1988 No. 25 s 6  
pres div 1 hdg om 2003 No. 31 s 59 sch 1

**Notifiable diseases**

**s 29** sub 1959 8 Eliz 2 No. 57 s 13  
amd 1975 No. 70 s 8; 1982 No. 57 s 6  
om 1988 No. 25 s 7

**Notification of notifiable disease**

**s 30** amd 1959 8 Eliz 2 No. 57 s 14; 1975 No. 70 ss 9, 28 sch 1; 1982 No. 57 s 7;  
1987 No. 22 s 44  
om 1988 No. 25 s 7

**Definitions for division**

**prov hdg** sub 1995 No. 57 s 4 sch 1  
**s 31** amd 1995 No. 57 s 4 sch 1



def “**district registrar**” sub 1967 No. 20 s 2(a)  
om 2003 No. 31 s 59 sch 1

### **Notification of births**

**prov hdg** ins 1995 No. 57 s 4 sch 1  
**s 31A** (prev s 31(2)–(8)) amd 1939 3 Geo VI No. 34 s 2; 1967 No. 20 s 2(b); 1975  
No. 70 s 28 sch 1; 1987 No. 22 ss 7, 44; 1995 No. 57 s 4 sch 1  
renum 1995 No. 57 s 4 sch 1  
amd 1999 No. 10 s 205 sch 3  
om 2003 No. 31 s 59 sch 1

### **Division 2—Notifiable diseases**

**div hdg** amd 1959 8 Eliz 2 No. 57 s 15  
sub 1988 No. 25 s 9  
om 2005 No. 48 s 492 sch 1

### **Definitions for division**

**prov hdg** (prev s 32 hdg) sub 1995 No. 57 s 4 sch 1  
**s 31B** pres s 31B (prev s 32) sub 1959 8 Eliz 2 No. 57 s 16; 1988 No. 25 s 9  
amd 1991 No. 24 s 7.3 sch 3; 1995 No. 57 s 4 sch 1  
renum 1995 No. 57 s 4 sch 1  
amd 1996 No. 61 s 15 sch  
om 2005 No. 48 s 492 sch 1

### **Declaration of notifiable diseases**

**s 32** ins 1995 No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1

### **Reporting of notifiable diseases**

**s 32A** ins 1988 No. 25 s 9  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

### **Investigations in respect of notifiable diseases**

**s 32B** ins 1988 No. 25 s 9  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

### **Regulations with respect to notifiable diseases**

**prov hdg** amd 1988 No. 25 s 10(a)  
**s 33** amd 1948 13 Geo 6 No. 16 s 3; 1949 13 Geo 6 No. 55 s 29; 1959 No. 57 s 17;  
1975 No. 70 s 10; 1987 No. 22 s 8; 1988 No. 25 s 10(b)–(h); 1995 No. 57 s  
4 sch 1; 1998 No. 41 s 14(1) sch 1; 2003 No. 81 s 162 sch 1  
om 2005 No. 48 s 492 sch 1

### **Public hospitals to provide facilities**

**s 34** amd 1959 8 Eliz 2 No. 57 s 18  
sub 1988 No. 25 s 11  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Duty of local government to prevent notifiable disease**

- s 34A** ins 1943 7 Geo 6 No. 24 s 2  
amd 1959 8 Eliz 2 No. 57 s 19  
sub 1988 No. 25 s 11  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Temporary isolation places**

- s 35** amd 1959 8 Eliz 2 No. 57 s 20  
sub 1988 No. 25 s 11  
amd 1990 No. 59 s 2.6; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Removal and detention of person suffering from notifiable disease**

- s 36** amd 1959 8 Eliz 2 No. 57 s 21; 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44  
sub 1988 No. 25 s 12  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Detention of infected person without proper lodging in hospital by order of stipendiary magistrate**

- prov hdg** amd 1959 8 Eliz 2 No. 57 s 22  
**s 37** amd 1959 8 Eliz 2 No. 57 s 22; 1988 No. 25 s 13  
om 2005 No. 48 s 492 sch 1

**Cleansing and disinfection of premises etc.**

- s 38** amd 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44; 1988 No. 25 s 14; 1995 No. 57  
s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Power of local government as to disinfection etc.**

- s 39** amd 1959 8 Eliz 2 No. 57 s 23; 1988 No. 25 s 15; 1995 No. 57 s 4 sch 1; 1998  
No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Compensation**

- s 40** sub 1988 No. 25 s 16  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Exposure of infected persons and things**

- s 41** om 1959 8 Eliz 2 No. 57 s 24

**Disinfection of public conveyance**

- s 42** om 1959 8 Eliz 2 No. 57 s 25

**Infectious rubbish**

- s 43** sub 1959 8 Eliz 2 No. 57 s 26  
amd 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44; 1988 No. 25 s 17  
om 2005 No. 48 s 492 sch 1

**Temporary shelter etc.**

- s 44** om 1988 No. 25 s 18

**Special provisions in respect of typhoid carriers**

s 45 om 1959 8 Eliz 2 No. 57 s 27

**Special provisions with respect to small-pox**

s 46 om 1959 8 Eliz 2 No. 57 s 28

**Provisions as to school children**

s 47 amd 1959 8 Eliz 2 No. 57 s 29; 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44;  
1988 No. 25 s 19; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Controlled notifiable diseases**

s 48 sub 1988 No. 25 s 21  
amd 1993 No. 79 s 26; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Secrecy**

s 49 prev s 49 amd 1959 8 Eliz 2 No. 57 s 31; 1975 No. 70 s 28 sch 1; 1987 No. 22  
ss 9, 44  
om 1988 No. 25 s 21  
pres s 49 (prev s 59) amd 1959 8 Eliz 2 No. 57 s 37; 1975 No. 70 s 28 sch 1;  
1982 No. 57 s 13; 1984 No. 103 s 4; 1987 No. 22 s 11  
renum 1988 No. 25 s 22  
amd 1988 No. 25 s 23; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Protection for acts done under this division**

s 50 amd 1959 8 Eliz 2 No. 57 s 32; 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44  
sub 1988 No. 25 s 25  
om 2005 No. 48 s 492 sch 1

**Incidence of this division**

s 51 amd 1959 8 Eliz 2 No. 57 s 33; 1975 No. 70 s 28 sch 1  
om 1978 No. 65 s 6(b)

**Regulations in respect of tuberculosis**

s 52 amd 1968 No. 19 s 5; 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44  
om 1988 No. 25 s 27

**Regulations as to venereal disease**

s 53 amd 1982 No. 57 s 8  
om 1988 No. 25 s 29

**Provisions relating to venereal disease**

s 54 amd 1959 8 Eliz 2 No. 57 s 34; 1972 No. 31 s 6 sch 1; 1975 No. 70 s 28 sch 1;  
1976 No. 88 s 4; 1982 No. 57 s 9; 1984 No. 103 s 3; 1987 No. 22 ss 10, 44  
om 1988 No. 25 s 29

**Marriage when a nullity**

s 55 om 1982 No. 57 s 10

**Compulsory examination and treatment**

**s 56** amd 1959 8 Eliz 2 No. 57 s 35; 1975 No. 70 s 28 sch 1; 1982 No. 57 s 11;  
1987 No. 22 s 44  
om 1988 No. 25 s 29

**Hospitals to give treatment**

**s 57** sub 1982 No. 57 s 12  
om 1988 No. 25 s 29

**Proceedings to be in camera**

**s 58** amd 1959 8 Eliz 2 No. 57 s 36; 1975 No. 70 ss 11, 28 sch 1; 1987 No. 22 s 44  
om 1988 No. 25 s 29

**Possession of bacterium etc. deemed to be disease**

**s 60** amd 1959 8 Eliz 2 No. 57 s 38  
om 1971 No. 20 s 6  
ins 1984 No. 103 s 5  
om 1988 No. 25 s 30

**Investigations etc. by Director-General into matters affecting occupational health**

**prov hdg** amd 1987 No. 22 s 13(a)  
**s 61** amd 1939 3 Geo 6 No. 34 s 3; 1959 8 Eliz 2 No. 57 s 40; 1987 No. 22 s  
13(b)–(c)  
om 1989 No. 63 s 3(2) sch 2

**Division 3—Infirmity**

**div hdg** om 2000 No. 8 s 263 sch 3

**Removal of infirm person to public sector health service**

**prov hdg** amd 1993 No. 79 s 27(1)  
**s 62** amd 1975 No. 70 s 28 sch 1; 1988 No. 25 s 31; 1991 No. 24 s 7.3 sch 3; 1991  
No. 97 s 3 sch 2; 1993 No. 79 s 27(2)–(3); 1995 No. 57 s 4 sch 1  
om 2000 No. 8 s 263 sch 3

**Division 4—Private hospitals**

**div hdg** orig div 4 hdg amd 1959 Eliz 2 No. 57 s 30  
om 1998 No. 25 s 20  
prev div 4 hdg om 1999 No. 60 s 165 sch 2

**Definitions for division**

**prov hdg** sub 1995 No. 57 s 4 sch 1  
**s 63** amd 1995 No. 57 s 4 sch 1  
om 1999 No. 60 s 165 sch 2  
def “**day hospital**” ins 1993 No. 79 s 28  
def “**licence**” amd 1971 No. 20 s 2  
def “**medical cases**” ins 1984 No. 66 s 61(a)  
def “**private hospital**” amd 1962 No. 46 s 4(2) sch 2; 1982 No. 57 s 14(a);  
1991 No. 24 s 7.3 sch 3  
def “**registered nurse**” amd 1982 No. 57 s 14(b); 1984 No. 66 s 61(b)  
sub 1992 No. 55 s 163 sch 2

**Meaning of “day hospital”**

**s 63A** ins 1993 No. 79 s 29  
om 1999 No. 60 s 165 sch 2

**Private hospitals to be licensed**

**s 64** amd 1962 No. 27 s 3; 1962 No. 46 s 4(2) sch 2; 1971 No. 20 s 2; 1975 No. 70 s 28 sch 1; 1982 No. 57 s 15; 1984 No. 66 s 62; 1987 No. 22 s 44; 1992 No. 66 s 37; 1995 No. 57 s 4 sch 1  
om 1999 No. 60 s 165 sch 2

**Who may hold licences**

**prov hdg** amd 1971 No. 20 s 2  
**s 65** sub 1959 8 Eliz 2 No. 57 s 41  
amd 1971 No. 20 s 2  
sub 1982 No. 57 s 16  
amd 1995 No. 57 s 4 sch 1  
om 1999 No. 60 s 165 sch 2

**Kinds of licences**

**prov hdg** amd 1971 No. 20 s 2  
**s 66** sub 1959 8 Eliz 2 No. 57 s 42  
amd 1962 No. 46 s 4(2) sch 2; 1971 No. 20 s 2; 1982 No. 57 s 17; 1984 No. 66 s 63; 1987 No. 22 s 14; 1992 No. 55 s 163 sch 2; 1992 No. 66 s 38; 1995 No. 57 s 4 sch 1  
om 1999 No. 60 s 165 sch 2

**Licence**

**prov hdg** amd 1971 No. 20 s 2  
**s 67** amd 1962 No. 27 s 4; 1971 No. 20 s 2; 1995 No. 57 s 4 sch 1  
om 1999 No. 60 s 165 sch 2

**Duration of licence**

**prov hdg** amd 1971 No. 20 s 2  
**s 68** amd 1962 No. 27 s 5(a); 1971 No. 20 s 2; 1978 No. 65 s 7(a); 1982 No. 57 s 18; 1995 No. 57 s 4 sch 1  
om 1999 No. 60 s 165 sch 2

**Renewals**

**s 68AA** (prev s 68(2)–(5)) amd 1962 No. 27 s 5(b); 1971 No. 20 s 2; 1978 No. 65 s 7(b); 1995 No. 57 s 4 sch 1  
renum 1995 No. 57 s 4 sch 1  
om 1999 No. 60 s 165 sch 2

**Cancellation and suspension of licences**

**s 68A** ins 1978 No. 65 s 8  
amd 1982 No. 57 s 19; 1995 No. 57 s 4 sch 1  
om 1999 No. 60 s 165 sch 2

**Delivery of licence to chief health officer**

**prov hdg** amd 1995 No. 57 s 4 sch 1  
**s 68B** ins 1978 No. 65 s 8

Endnotes

---

amd 1982 No. 57 s 20; 1995 No. 57 s 4 sch 1  
om 1999 No. 60 s 165 sch 2

**Fees**

**s 69** amd 1962 No. 46 s 4(2) sch 2; 1971 No. 20 s 2  
sub 1975 No. 70 s 12  
om 1999 No. 60 s 165 sch 2

**Additions and alterations to premises**

**s 70** amd 1971 No. 20 s 2; 1995 No. 57 s 4 sch 1  
om 1999 No. 60 s 165 sch 2

**Duty of licensee and transfer of licence**

**prov hdg** sub 1982 No. 57 s 21(a)  
**s 71** amd 1959 8 Eliz 2 No. 57 s 43; 1971 No. 20 s 2; 1982 No. 57 s 21(b); 1995  
No. 57 s 4 sch 1  
om 1999 No. 60 s 165 sch 2

**Monthly reports**

**s 71A** ins 1992 No. 66 s 39  
om 1999 No. 60 s 165 sch 2

**Confidentiality**

**s 71B** ins 1992 No. 66 s 39  
om 1999 No. 60 s 165 sch 2

**Regulations**

**s 72** amd 1959 8 Eliz 2 No. 57 s 44; 1962 No. 27 s 6; 1971 No. 20 s 2; 1975 No. 70  
s 28 sch 1; 1982 No. 57 s 22; 1987 No. 22 s 44; 1995 No. 57 s 4 sch 1  
om 1999 No. 60 s 165 sch 2

**Inspection**

**s 73** amd 1982 No. 57 s 23; 1995 No. 57 s 4 sch 1  
om 1999 No. 60 s 165 sch 2

**Evidence**

**s 74** amd 1987 No. 22 s 15  
om 1999 No. 60 s 165 sch 2

**Interment of stillborn children**

**s 75** amd 1958 7 Eliz 2 No. 32 s 3(1) sch 1; 1967 No. 20 s 3  
om 1999 No. 60 s 165 sch 2

**Penalty in respect of interment of children not born alive**

**s 76** amd 1967 No. 20 s 4; 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44; 1988 No. 88  
s 3 sch 1  
om 1999 No. 60 s 165 sch 2

**Regulations respecting extern nurses**

**s 76A** ins 1939 3 Geo 6 No. 34 s 4  
om 1992 No. 55 s 163 sch 2

**Division 5—Hostels and nursing homes**

**div hdg** prev div 5 hdg om 1998 No. 25 s 24

pres div 5 hdg ins 1962 No. 27 s 7  
amd 1971 No. 20 s 3(a); 1987 No. 22 s 16  
om 2005 No. 48 s 492 sch 1

**Definitions**

**s 76B** ins 1962 No. 27 s 7  
amd 1971 No. 20 ss 2, 3(b); 1982 No. 57 s 24; 1987 No. 22 s 17; 1992 No. 55  
s 163 sch 2; 1995 No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1

**Issue, renewal etc. of licences**

**s 76C** ins 1962 No. 27 s 7  
amd 1971 No. 20 s 2; 1975 No. 70 s 13; 1982 No. 57 s 25; 1995 No. 57 s 4 sch  
1  
om 2005 No. 48 s 492 sch 1

**Cancellation and suspension of licences**

**s 76CA** ins 1982 No. 57 s 26  
amd 1987 No. 22 s 18  
om 2005 No. 48 s 492 sch 1

**Who may hold licences**

**s 76D** ins 1962 No. 27 s 7  
amd 1971 No. 20 ss 2, 3(c); 1982 No. 57 s 27; 1987 No. 22 s 19; 1995 No. 57  
s 4 sch 1  
om 2005 No. 48 s 492 sch 1

**Offences**

**s 76E** ins 1962 No. 27 s 8  
amd 1971 No. 20 ss 2, 3(c); 1975 No. 70 s 28 sch 1; 1982 No. 57 s 28; 1987  
No. 22 ss 20, 44; 1995 No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1

**Additions or alterations**

**s 76F** ins 1962 No. 27 s 9  
amd 1971 No. 20 s 3(c); 1975 No. 70 s 28 sch 1; 1987 No. 22 ss 21, 44; 1995  
No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1

**Duties etc. of licensee**

**s 76G** ins 1962 No. 27 s 9  
amd 1971 No. 20 ss 2, 3(c); 1982 No. 57 s 29; 1987 No. 22 s 22; 1995 No. 57  
s 4 sch 1  
om 2005 No. 48 s 492 sch 1

**Regulations**

**s 76H** ins 1962 No. 27 s 10  
amd 1971 No. 20 ss 2, 3(c), (d); 1975 No. 70 s 28 sch 1; 1982 No. 57 s 30;  
1987 No. 22 ss 23, 44; 1995 No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1

**Inspection**

**s 76I** ins 1962 No. 27 s 10  
amd 1971 No. 20 s 3(c); 1987 No. 22 s 24; 1995 No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1

**Local Government Act to apply**

**s 76J** ins 1962 No. 26 s 10  
amd 1971 No. 20 ss 2, 3(c); 1987 No. 22 s 25  
om 2005 No. 48 s 492 sch 1

**Division 6—Harm to children**

**div hdg** prev div 6 hdg om 1978 No. 65 s 6(a)  
pres div 6 hdg ins 1980 No. 26 s 4  
sub 2004 No. 36 s 65  
om 2005 No. 48 s 492 sch 1

**Definitions for div 6**

**s 76K** ins 1980 No. 26 s 4  
amd 1995 No. 57 s 4 sch 1; 1995 No. 58 s 4 sch 2; 1998 No. 41 s 14(1) sch 1  
sub 2004 No. 36 s 66  
om 2005 No. 48 s 492 sch 1

**Meaning of “parent” for div 6**

**s 76KA** ins 2004 No. 36 s 66  
om 2005 No. 48 s 492 sch 1

**Relationship with Child Protection Act 1999**

**s 76KB** ins 2004 No. 36 s 66  
om 2005 No. 48 s 492 sch 1

**Mandatory reporting—immediate notice**

**s 76KC** ins 2004 No. 36 s 66  
om 2005 No. 48 s 492 sch 1

**Mandatory reporting—follow-up notice**

**s 76KD** ins 2004 No. 36 s 66  
om 2005 No. 48 s 492 sch 1

**Offence**

**s 76KE** ins 2004 No. 36 s 66  
om 2005 No. 48 s 492 sch 1

**Further information may be required**

**s 76KF** ins 2004 No. 36 s 66  
om 2005 No. 48 s 492 sch 1

**Protection from liability for giving information to professional**

**s 76KG** ins 2004 No. 36 s 66  
om 2005 No. 48 s 492 sch 1

**Confidentiality of notifiers**

**s 76KH** ins 2004 No. 36 s 66  
om 2005 No. 48 s 492 sch 1



**Temporary custody of children**

**s 76L** ins 1980 No. 26 s 4  
amd 1981 No. 77 s 2; 1991 No. 24 s 7.3 sch 3; 1995 No. 58 s 4 sch 2; 1998  
No. 41 s 14(1) sch 1; 2004 No. 36 s 67  
om 2005 No. 48 s 492 sch 1

**Meaning of “child” for division**

**prov hdg** sub 1995 No. 57 s 4 sch 1  
**s 76M** ins 1980 No. 26 s 4  
om 2004 No. 36 s 68

**Regulations**

**s 76N** ins 1980 No. 26 s 4  
om 1995 No. 57 s 4 sch 1

**Division 7—Nuisances and offensive trades**

**div hdg** orig div 7 hdg om 1998 No. 25 s 26  
prev div 7 hdg om 2005 No. 48 s 492 sch 1

**Nuisances**

**s 77** amd 1991 No. 24 s 7.3 sch 3  
sub 1992 No. 36 s 2 sch 1  
om 2005 No. 48 s 492 sch 1

**Detection of nuisances**

**s 78** om 2005 No. 48 s 492 sch 1

**Abatement of nuisance**

**prov hdg** sub 1995 No. 57 s 4 sch 1  
**s 79** amd 1959 8 Eliz 2 No. 57 s 45; 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44;  
1995 No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1

**Sale of materials**

**s 80** om 2005 No. 48 s 492 sch 1

**Expenses of execution of provisions relating to nuisances**

**s 81** amd 1988 No. 25 s 32  
om 2005 No. 48 s 492 sch 1

**Individual may complain to justice of nuisance**

**s 82** om 2005 No. 48 s 492 sch 1

**Cause of nuisance arising beyond local government area**

**s 83** om 2005 No. 48 s 492 sch 1

**Nuisance caused by 2 or more persons**

**s 84** om 2005 No. 48 s 492 sch 1

**Establishment of offensive trades**

**s 85** amd 1959 8 Eliz 2 No. 57 s 46; 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44  
om 2005 No. 48 s 492 sch 1

**Complaint of nuisance**

**s 86** amd 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44  
om 2005 No. 48 s 492 sch 1

**Certain nuisances on premises**

**s 87** amd 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44  
om 2005 No. 48 s 492 sch 1

**Order for cleansing offensive ditches near to or forming boundaries of local government areas**

**s 88** amd 1959 8 Eliz 2 No. 57 s 47  
om 2005 No. 48 s 492 sch 1

**Removal of filth**

**s 89** om 2005 No. 48 s 492 sch 1

**Cleansing common courts and passages**

**s 90** om 2005 No. 48 s 492 sch 1

**Apportionment of expenses**

**s 91** om 2005 No. 48 s 492 sch 1

**Local laws**

**s 92** amd 1995 No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1

**Division 8—Sewers, stormwater drains, sanitary conveniences, camping grounds and moveable dwellings**

**div hdg** orig div 8 hdg om 1988 No. 25 s 28  
prev div 8 hdg amd 1949 13 Geo 6 No. 55 s 30  
sub 1995 No. 52 s 14  
om 2005 No. 48 s 492 sch 1

**Sewers, stormwater drains etc. to be properly kept**

**prov hdg** amd 1949 13 Geo 6 No. 55 s 30  
**s 93** amd 1949 13 Geo 6 No. 55 s 30  
om 2005 No. 48 s 492 sch 1

**Examination of stormwater drains etc.**

**prov hdg** amd 1949 13 Geo 6 No. 55 s 31  
**s 94** amd 1949 13 Geo 6 No. 55 s 31; 1959 8 Eliz 2 No. 57 s 48; 1975 No. 70 s 28  
sch 1; 1987 No. 22 s 44  
om 2005 No. 48 s 492 sch 1

**Removal of refuse etc.**

**prov hdg** amd 1975 No. 70 s 14(a)  
**s 95** amd 1959 8 Eliz 2 No. 57 s 49; 1975 No. 70 s 14; 1995 No. 57 s 4 sch 1  
om 1995 No. 52 s 15

**Place for depositing refuse**

**s 96** amd 1975 No. 70 s 15; 1990 No. 59 s 2.7; 1995 No. 57 s 4 sch 1  
om 1995 No. 52 s 15

**Offence to use unauthorised land**

- s 96A** ins 1975 No. 70 s 16  
 amd 1995 No. 57 s 4 sch 1  
 om 1995 No. 52 s 15

**Neglect of local government to remove refuse etc.**

- s 97** amd 1959 8 Eliz 2 No. 57 s 50; 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44  
 om 1995 No. 52 s 15

**Default in carrying out sanitary service**

- s 98** amd 1959 8 Eliz 2 No. 57 s 51; 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44;  
 1995 No. 57 s 4 sch 1  
 om 1995 No. 52 s 15

**Refuse removal by private contractors**

- s 98A** ins 1975 No. 70 s 17  
 amd 1987 No. 22 s 26; 1995 No. 57 s 4 sch 1; 1995 No. 58 s 4 sch 2  
 om 1995 No. 52 s 15

**Offence to remove refuse etc. without authority**

- s 98B** ins 1975 No. 70 s 17  
 amd 1987 No. 22 s 44  
 om 1995 No. 52 s 15

**Sanitary conveniences for public accommodation, seaside resorts etc.**

- s 99** amd 1975 No. 70 s 18(1); 1995 No. 57 s 4 sch 1  
 om 1995 No. 52 s 15

**Regulations and conditions relating to refuse etc.**

- s 99A** ins 1975 No. 70 s 19  
 amd 1995 No. 57 s 4 sch 1  
 om 1995 No. 52 s 15

**Camping grounds**

- s 100** amd 1982 No. 57 s 31; 1995 No. 57 s 4 sch 1  
 om 2005 No. 48 s 492 sch 1

**Division 9—Skin penetration, including acupuncture**

- div hdg** orig div 9 hdg amd 1959 8 Eliz 2 No. 57 s 39; 1989 No. 22 s 12  
 om 1989 No. 63 s 3(2) sch 2  
 prev div 9 hdg ins 1978 No. 65 s 10  
 sub 2003 No. 81 s 162 sch 1  
 om 2005 No. 48 s 492 sch 1

**Regulation-making power**

- s 100A** ins 1978 No. 65 s 10  
 amd 1987 No. 22 s 44; 1990 No. 59 s 2.8; 1995 No. 57 s 4 sch 1  
 sub 2003 No. 81 s 162 sch 1  
 om 2005 No. 48 s 492 sch 1

**Division 10—Cancer**

- div hdg** ins 1980 No. 61 s 3  
 om 2005 No. 48 s 492 sch 1

**Definitions for div 10**

- prov hdg** sub 1998 No. 41 s 5(1)
- s 100B** ins 1980 No. 61 s 3  
om 2005 No. 48 s 492 sch 1  
def “**charitable institution**” om 1991 No. 24 s 7.3 sch 3  
def “**contractor**” ins 1998 No. 41 s 5(3)  
def “**health service employee**” ins 1998 No. 41 s 5(3)  
def “**nursing home**” sub 1998 No. 41 s 5(2)–(3)  
def “**prescribed person**” sub 1991 No. 24 s 7.3 sch 3  
amd 1996 No. 61 s 15 sch; 1998 No. 41 s 5(4); 1999 No. 60 s 165 sch 2  
def “**private hospital**” om 1999 No. 60 s 165 sch 2  
def “**psychiatric hospital**” om 2000 No. 16 s 590 sch 1 pt 2  
def “**public hospital**” sub 1991 No. 24 s 7.3 sch 3  
def “**register**” ins 1998 No. 41 s 5(3)  
def “**return about cancer**” ins 1998 No. 41 s 5(3)

**Returns about cancer to be given to chief executive**

- prov hdg** amd 1995 No. 57 s 4 sch 1  
sub 1998 No. 41 s 6(1)
- s 100C** ins 1980 No. 61 s 3  
amd 1987 No. 22 s 44; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 6(2)–(11); 1999  
No. 60 s 165 sch 2; 2000 No. 16 s 590 sch 1 pt 2  
om 2005 No. 48 s 492 sch 1

**Register**

- s 100D** ins 1980 No. 61 s 3  
amd 1995 No. 57 s 4 sch 1  
sub 1998 No. 41 s 7  
om 2005 No. 48 s 492 sch 1

**Responsibility for maintenance of register**

- s 100DA** ins 1998 No. 41 s 7  
om 2005 No. 48 s 492 sch 1

**Directions to give returns about cancer to contractor**

- s 100DB** ins 1998 No. 41 s 7  
om 2005 No. 48 s 492 sch 1

**Further information may be required**

- s 100DC** ins 1998 No. 41 s 7  
om 2005 No. 48 s 492 sch 1

**Confidentiality**

- s 100E** sub 1993 No. 79 s 30  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 8; 2005 No. 10 s 50 sch  
om 2005 No. 48 s 492 sch 1

**Arrangements about transfer of information**

- s 100EA** ins 1998 No. 41 s 9  
om 2005 No. 48 s 492 sch 1

**Regulations for division**

- prov hdg** sub 1995 No. 57 s 4 sch 1  
**s 100F** ins 1980 No. 61 s 3  
amd 1987 No. 22 s 44; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(2) sch 2  
om 2005 No. 48 s 492 sch 1

**Division 11—Pap Smear Register**

- div hdg** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Subdivision 1—Definitions and application**

- sdiv hdg** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Definitions for div 11**

- s 100FA** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Application of division**

- s 100FB** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Subdivision 2—Establishment and purposes of register**

- sdiv hdg** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Pap Smear Register**

- s 100FC** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Purposes of register**

- s 100FD** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Women may elect to withhold, remove or change information on register**

- s 100FE** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Subdivision 3—Duties of persons involved in obtaining and testing Pap smears and histological samples**

- sdiv hdg** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Definition for sdiv 3**

- s 100FF** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Initial duty of person obtaining Pap smear or histological sample**

- s 100FG** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Duty if woman elects for her identifying and clinical information not to be included on register**

s 100FH ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Provider's duty if woman previously elected for information not to be included on register**

s 100FI ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Duty of director to provide information**

s 100FJ ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Subdivision 4—Duties of chief executive concerning registered screening histories and authority to send reminder notices**

sdiv hdg ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Duty of chief executive on receipt of information**

s 100FK ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Chief executive may send reminder notices to certain women**

s 100FL ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Duty of chief executive to remove registered screening history**

s 100FM ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Duty of chief executive to change identifying information**

s 100FN ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Subdivision 5—Confidentiality of, and access to, registered screening histories of women**

sdiv hdg ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Confidentiality of all information in register**

s 100FO ins 1998 No. 41 s 11  
amd 2005 No. 10 s 50 sch  
om 2005 No. 48 s 492 sch 1

**Disclosures about woman's registered screening history**

s 100FP ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Access to register by health practitioners**

s 100FQ ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Access to register by directors of, and nominated persons at, pathology laboratories**

**s 100FR** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Unauthorised access to registered screening histories**

**s 100FS** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Health practitioners, directors and nominated persons to keep registered screening histories confidential**

**s 100FT** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Chief executive to monitor access to information**

**s 100FU** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Subdivision 6—Agreements and arrangements about confidential information, and designation of certain persons**

**sdiv hdg** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Agreements for sending out notices under ss 100FK and 100FL**

**s 100FV** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Arrangements about transfer of information**

**s 100FW** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Chief executive may designate certain persons as health practitioners**

**s 100FX** ins 1998 No. 41 s 11  
om 2005 No. 48 s 492 sch 1

**Division 12—Peri-natal statistics**

**div hdg** (prev div 11 hdg) ins 1984 No. 26 s 4  
renum 1998 No. 41 s 10  
om 2005 No. 48 s 492 sch 1

**Interpretation**

**s 100G** ins 1984 No. 26 s 4  
om 2005 No. 48 s 492 sch 1  
def “**prescribed person**” sub 1991 No. 24 s 7.3 sch 3  
amd 1996 No. 61 s 15 sch; 1999 No. 60 s 165 sch 2  
def “**private hospital**” om 1999 No. 60 s 165 sch 2  
def “**public hospital**” sub 1991 No. 24 s 7.3 sch 3

**Furnishing returns to chief executive**

**prov hdg** amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
**s 100H** ins 1984 No. 26 s 40  
amd 1988 No. 24 s 33; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1; 1999  
No. 10 s 205 sch 3  
om 2005 No. 48 s 492 sch 1

**Confidentiality**

**s 100I** sub 1993 No. 79 s 31  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Regulations for division**

**prov hdg** sub 1995 No. 57 s 4 sch 1  
**s 100J** ins 1984 No. 26 s 4  
amd 1988 No. 25 s 35; 1995 No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1

**PART 4—DRUGS AND OTHER ARTICLES**

**pt hdg** amd 1981 No. 44 s 4 sch 1

**Division 1—Preliminary**

**Adulteration of drug or article**

**prov hdg** amd 1981 No. 44 s 4 sch 1  
**s 101** amd 1959 8 Eliz 2 No. 57 s 52; 1978 No. 65 s 11; 1981 No. 44 s 4 sch 1; 1995  
No. 57 s 4 sch 1

**False description of drug**

**s 101A** amd 1996 No. 60 s 16

**Drugs to comply with description or standard**

**s 102** prev s 102 sub 1976 No. 41 s 3  
om 2005 No. 10 s 50 sch  
pres s 102 ins 2006 No. 25 s 241(2) sch 4

**Sales by agents or servants etc.**

**s 103** sub 1959 8 Eliz 2 No. 57 s 53  
amd 1981 No. 44 s 4 sch 1

**Milk adulterated with water**

**s 103A** ins 1959 8 Eliz 2 No. 57 s 54  
om 1981 No. 44 s 4 sch 1

**Division 2—Drugs etc.**

**div hdg** amd 1981 No. 44 s 4 sch 1

**Prohibitions**

**hdg prec s 104** om 1994 No. 87 s 3 sch 2

**Adulterated drug not to be sold**

**prov hdg** amd 1981 No. 44 s 4 sch 1  
**s 104** amd 1981 No. 44 s 4 sch 1

**Adulterated drug not to be tendered or despatched for or on sale**

**prov hdg** amd 1981 No. 44 s 4 sch 1  
**s 104A** ins 1941 5 Geo 6 No. 8 s 3  
amd 1981 No. 44 s 4 sch 1

**Mixing other ingredients or material with a drug**

**prov hdg** ins 1994 No. 87 s 3 sch 2  
**s 105** amd 1981 No. 44 s 4 sch 1; 1984 No. 22 s 13; 1995 No. 57 s 4 sch 1



**Offences in relation to automatic machines**

- s 106** amd 1959 8 Eliz 2 No. 57 s 55; 1964 No. 71 s 4; 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44  
sub 1988 No. 25 s 36  
amd 1995 No. 57 s 4 sch 1

**Sale of mixture**

- s 107** amd 1981 No. 44 s 4 sch 1; 1995 No. 57 s 4 sch 1; 1996 No. 60 s 17

**Packages to be labelled with description, weight, etc., of contents**

- s 108** om 1981 No. 44 s 4 sch 1

**Examination and report upon articles advertised**

- s 109** amd 1981 No. 44 s 4 sch 1; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1

**Prohibition of sale of injurious articles etc.**

- prov hdg** amd 1995 No. 57 s 4 sch 1

- s 110** amd 1962 No. 27 s 11; 1981 No. 44 s 4 sch 1; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1

**Use of catheters etc.**

- s 112** amd 1959 8 Eliz 2 No. 57 s 56; 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44  
om 2005 No. 48 s 492 sch 1

**Prohibition of sale of disinfectants and preservatives**

- s 113** amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1

**Labelling of disinfectants etc.**

- s 114** sub 1978 No. 65 s 12; 1995 No. 57 s 4 sch 1

**Diluents prohibited to milk-sellers except when approved**

- s 115** sub 1968 No. 54 s 2  
om 1981 No. 44 s 4 sch 1

**Sale of milk of infected cow**

- s 116** om 1981 No. 44 s 4 sch 1

**Bread to be sold in loaves of certain weights**

- s 117** om 1959 8 Eliz 2 No. 57 s 57

**Shops may be searched for bread short of weight within 18 hours after baking**

- s 118** om 1959 8 Eliz 2 No. 57 s 57

**Bakers to provide in their shops scales and weights**

- s 119** om 1959 8 Eliz 2 No. 57 s 57

**Inspection of foods in course of delivery to detect short weight**

- s 120** om 1959 8 Eliz 2 No. 57 s 57

**Filtration of aerated waters and ice**

- s 121** sub 1959 8 Eliz 2 No. 57 s 58  
om 1981 No. 44 s 4 sch 1

**Substance prohibited in beer**

- s 122** om 1981 No. 44 s 4 sch 1

**Division 3—Cooking utensils, toys, wearing apparel, matches and use of lead**

**div hdg** amd 1987 No. 22 s 27  
sub 1996 No. 60 s 8  
om 2005 No. 48 s 492 sch 1

**Cooking utensils and food receptacles**

**s 123** amd 1946 10 Geo 6 No. 40 s 2; 1972 No. 31 s 6 sch 1; 1981 No. 44 s 4 sch 1  
sub 1987 No. 22 s 28  
om 2005 No. 48 s 492 sch 1

**Substances prohibited in toys etc.**

**s 124** amd 1939 3 Geo 6 No. 34 s 5; 1946 10 Geo 6 No. 40 s 3; 1959 8 Eliz 2 No. 57 s 59; 1975 No. 70 s 20; 1987 No. 22 s 29; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Powers respecting articles capable of causing bodily harm or discomfort to humans**

**s 124A** ins 1939 3 Geo 6 No. 34 s 6  
amd 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1; 2001 No. 78 s 48  
om 2005 No. 48 s 492 sch 1

**Prohibition of white phosphorus in matches**

**s 125** om 2001 No. 78 s 49

**Soles to be of solid leather or stamped with the name of material**

**s 126** amd 1946 11 Geo 6 No. 9 s 3; 1959 8 Eliz 2 No. 57 s 60  
om 1964 No. 68 s 5(1)

**Lead in paint**

**s 127** sub 1955 4 Eliz 2 No. 38 s 2  
amd 1959 8 Eliz 2 No. 57 s 61; 1973 No. 29 s 4; 1975 No. 70 s 28 sch 1; 1987 No. 22 ss 30, 44; 1994 No. 87 s 3 sch 2; 1995 No. 57 s 4 sch 1  
om 1996 No. 60 s 9

**Labelling of paint**

**s 128** amd 1959 No. 57 s 62; 1973 No. 29 s 5; 1995 No. 57 s 4 sch 1  
om 1996 No. 60 s 9

**Contractor mixing and applying paint with ingredients of deleterious substance contrary to consent of person whose premises are painted**

**s 129** amd 1959 8 Eliz 2 No. 57 s 63  
om 1973 No. 29 s 6

**Prohibition of the use of leaded metal for structural purposes in certain buildings**

**s 129A** ins 1946 10 Geo 6 No. 40 s 4  
amd 1949 13 Geo 6 No. 55 s 32; 1975 No. 70 s 28 sch 1; 1987 No. 22 ss 31, 44  
om 2005 No. 48 s 492 sch 1

**Prohibition of the use of means for conservation of water contaminated by lead**

**s 129B** ins 1946 10 Geo 6 No. 40 s 5

amd 1975 No. 70 s 28 sch 1; 1987 No. 22 ss 32, 44  
om 2005 No. 48 s 492 sch 1

### **Unlawful use of leaded metal or metal sheets a nuisance**

**s 129C** ins 1946 10 Geo 6 No. 40 s 6  
om 2005 No. 48 s 492 sch 1

### **Prescribing methods of analysis**

**prov hdg** sub 1995 No. 57 s 4 sch 1  
**s 129D** ins 1987 No. 22 s 33  
amd 1995 No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1

### **Division 3A—Paint**

**div hdg** ins 1996 No. 60 s 10  
om 2005 No. 48 s 492 sch 1

### **Definitions**

**s 129E** ins 1996 No. 60 s 10  
om 2005 No. 48 s 492 sch 1  
def “**standard**” amd 2000 No. 46 s 3 sch  
def “**uniform standard**” sub 2000 No. 46 s 3 sch

### **Person must comply with standard**

**s 129F** ins 1996 No. 60 s 10  
om 2005 No. 48 s 492 sch 1

### **Officer may take sample of paint**

**s 129G** ins 1996 No. 60 s 10  
om 2005 No. 48 s 492 sch 1

### **Chief executive may give notice**

**prov hdg** amd 1998 No. 41 s 14(1) sch 1  
**s 129H** ins 1996 No. 60 s 10  
amd 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

### **Method of analysis may be prescribed**

**s 129I** ins 1996 No. 60 s 10  
om 2005 No. 48 s 492 sch 1

### **Division 4—Drug dependent persons and poisons**

**div hdg** amd 1973 No. 29 s 7; 1986 No. 36 s 60(1) sch 6 pt 1  
om 2005 No. 48 s 492 sch 1

### **Possession of and trafficking in dangerous drugs restricted**

**s 130** amd 1939 3 Geo 6 No. 34 s 7; 1941 No. 8 s 4(1)  
sub 1966 No. 25 s 2; 1971 No. 20 s 7  
amd 1973 No. 29 s 8; 1976 No. 88 s 5  
om 1986 No. 36 s 60(1) sch 6 pt 1

**Imprisonment upon non-payment of fine**

**s 130A** ins 1971 No. 20 s 8  
om 1986 No. 36 s 60(1) sch 6 pt 1

**Detention of drug offender for treatment**

**s 130B** ins 1971 No. 20 s 9  
amd 1973 No. 29 s 9; 1986 No. 36 s 60(1) sch 6 pt 1; 1995 No. 57 s 4 sch 1;  
1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Examination of drug offender detained for treatment**

**s 130C** ins 1971 No. 20 s 10  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Order made upon medical practitioner's recommendation**

**s 130D** ins 1971 No. 20 s 10  
amd 1995 No. 57 s 4 sch 1; 1996 No. 60 s 11; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Conditional leave of absence or release on parole**

**s 130E** ins 1971 No. 20 s 10  
amd 1995 No. 57 s 4 sch 1; 1996 No. 60 s 12; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Liability to further detention of person released on leave or on parole**

**s 130F** ins 1971 No. 20 s 10  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Discharge of person on parole**

**s 130G** ins 1971 No. 20 s 11  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Absence without leave**

**s 130H** ins 1971 No. 20 s 11  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Form of proceedings for offences**

**s 130I** ins 1971 No. 20 s 12  
amd 1973 No. 29 s 10; 1976 No. 41 s 4  
om 1986 No. 36 s 60(1) sch 6 pt 1

**Matters of proof respecting possession of drugs**

**s 130J** ins 1971 No. 20 s 12  
amd 1976 No. 88 s 6  
om 1986 No. 36 s 60(1) sch 6 pt 1

**Conviction of offence simpliciter where aggravated offence charged**

**s 130K** ins 1971 No. 20 s 12  
om 1986 No. 36 s 60(1) sch 6 pt 1

**Forfeiture to Crown**

- s 130L** ins 1971 No. 20 s 12  
 amd 1976 No. 88 s 7  
 om 1986 No. 36 s 60(1) sch 6 pt 1

**Consequences of summary proceeding for drug offences**

- s 130LA** ins 1976 No. 41 s 5  
 om 1986 No. 36 s 60(1) sch 6 pt 1

**Power to detain, search, seize and arrest**

- s 130M** ins 1971 No. 20 s 13  
 amd 1973 No. 29 s 11; 1976 No. 88 s 8  
 om 1986 No. 36 s 60(1) sch 6 pt 1

**Declaration of dangerous drugs and prohibited plants**

- s 130N** ins 1971 No. 20 s 14  
 om 1986 No. 36 s 60(1) sch 6 pt 1

**Meaning of certain expressions in this division**

- s 130O** ins 1971 No. 20 s 14  
 amd 1986 No. 36 s 60(1) sch 6 pt 1; 1988 No. 25 s 37  
 om 1995 No. 57 s 4 sch 1

**Inorganic salts of hydrocyanic acid**

- prov hdg** sub 1987 No. 22 s 34(a)  
**s 131** amd 1939 3 Geo 6 No. 34 s 8; 1959 8 Eliz 2 No. 57 s 64; 1975 No. 70 s 28 sch  
 1; 1987 No. 22 ss 34(b)–(c), 44; 1988 No. 88 s 3 sch 1; R1 (see RA s 38);  
 1995 No. 57 s 4 sch 1  
 om 2001 No. 78 s 50

**Search warrant in respect of cyanide**

- prov hdg** amd 1986 No. 36 s 60(1) sch 6 pt 1  
**s 131A** ins 1945 9 Geo 6 No. 9 s 5  
 amd 1966 No. 25 s 3; 1971 No. 20 s 15; 1986 No. 36 s 60(1) sch 6 pt 1; 1987  
 No. 22 s 35  
 om 2000 No. 5 s 373 sch 2

**Obstruction of officers**

- s 131B** ins 1971 No. 20 s 16  
 amd 1975 No. 70 s 28 sch 1; 1976 No. 88 s 9  
 om 1986 No. 36 s 60(1) sch 6 pt 1

**Division 5—Detention Review Tribunal**

- div hdg** ins 1971 No. 20 s 17  
 om 2005 No. 48 s 492 sch 1

**Tribunal to be constituted**

- s 131C** ins 1971 No. 20 s 17  
 om 2005 No. 48 s 492 sch 1

**Applications to tribunal**

- s 131D** ins 1971 No. 20 s 17  
 om 2005 No. 48 s 492 sch 1

**Restricted number of applications**

s 131E ins 1971 No. 20 s 17  
om 2005 No. 48 s 492 sch 1

**Tribunal's determination of application**

s 131F ins 1971 No. 20 s 17  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Procedure of tribunal**

s 131G ins 1971 No. 20 s 17  
om 2005 No. 48 s 492 sch 1

**Rules of practice of tribunal**

s 131H ins 1971 No. 20 s 17  
amd 1995 No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1

**Division 6—Labelling of drugs and poisons**

div hdg ins 1973 No. 29 s 12

**Drugs and poisons to be labelled**

s 131I ins 1973 No. 29 s 12  
amd 1995 No. 57 s 4 sch 1

**Division 7—Pest control operators**

div hdg ins 1976 No. 88 s 10  
om 2001 No. 103 s 145 sch 2

**Interpretation**

s 131J ins 1976 No. 88 s 10  
om 2001 No. 103 s 145 sch 2  
def “**pest control operator**” amd 1978 No. 65 s 13(a); 1982 No. 57 s 32(a)  
def “**pesticide**” om 1978 No. 65 s 13(b)  
def “**prohibited pesticide**” ins 1978 No. 65 s 13(b)  
amd 1982 No. 57 s 32(b); 1995 No. 57 s 4 sch 1  
def “**regulated pesticide**” ins 1982 No. 57 s 32(c)  
amd 1995 No. 57 s 4 sch 1

**Uses of pesticides by unlicensed or immature persons**

s 131K ins 1976 No. 88 s 10  
amd 1996 No. 60 s 13  
om 2001 No. 103 s 145 sch 2

**Prohibited pesticides not to be used**

s 131KA ins 1978 No. 65 s 14  
amd 1996 No. 60 s 14  
om 2001 No. 103 s 145 sch 2

**Regulated pesticide**

s 131KB ins 1982 No. 57 s 33  
amd 1995 No. 57 s 4 sch 1  
om 2001 No. 103 s 145 sch 2

**Application for licence**

**s 131L** ins 1976 No. 88 s 10  
amd 1978 No. 65 s 15; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2001 No. 103 s 145 sch 2

**Licence**

**s 131M** ins 1976 No. 88 s 10  
amd 1995 No. 57 s 4 sch 1  
om 2001 No. 103 s 145 sch 2

**Duration of licence**

**s 131N** ins 1976 No. 88 s 10  
amd 1987 No. 22 s 36  
om 2001 No. 103 s 145 sch 2

**Renewal of licence**

**s 131O** ins 1976 No. 88 s 10  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2001 No. 103 s 145 sch 2

**Imposition of conditions of licence**

**s 131P** ins 1976 No. 88 s 10  
amd 1978 No. 65 s 16; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2001 No. 103 s 145 sch 2

**Conditions of licence**

**s 131Q** ins 1976 No. 88 s 10  
amd 1993 No. 79 s 32  
om 2001 No. 103 s 145 sch 2

**Cancellation or suspension of licences**

**s 131R** ins 1976 No. 88 s 10  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2001 No. 103 s 145 sch 2

**Appeal from chief executive**

**prov hdg** amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
**s 131S** ins 1976 No. 88 s 10  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2001 No. 103 s 145 sch 2

**Notice of accidents**

**s 131T** ins 1976 No. 88 s 10  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2001 No. 103 s 145 sch 2

**Immediate notice concerning loss of life**

**s 131U** ins 1976 No. 88 s 10  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2001 No. 103 s 145 sch 2

**Powers of inspectors**

**s 131V** ins 1976 No. 88 s 10

Endnotes

---

sub 1978 No. 65 s 17  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2001 No. 103 s 145 sch 2

**Regulations**

**s 131W** ins 1976 No. 88 s 10  
amd 1978 No. 65 s 18; 1987 No. 22 s 44; 1995 No. 57 s 4 sch 1  
om 2001 No. 103 s 145 sch 2

**Division 8—Application of agricultural chemicals**

**div hdg** ins 1987 No. 22 s 37  
om 2001 No. 103 s 145 sch 2

**Interpretation**

**s 131WA** (prev s 131AA) ins 1987 No. 22 s 37  
renum 1988 No. 25 s 38  
amd 1995 No. 57 s 4 sch 1  
om 2001 No. 103 s 145 sch 2

**Powers of inspectors**

**s 131WB** (prev s 131AB) ins 1987 No. 22 s 37  
renum 1988 No. 25 s 38  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2001 No. 103 s 145 sch 2

**Use of agricultural chemicals by persons under 17 years**

**s 131WC** (prev s 131AC) ins 1987 No. 22 s 37  
renum 1988 No. 25 s 38  
om 2001 No. 103 s 145 sch 2

**Regulations**

**s 131WD** (prev s 131AD) ins 1987 No. 22 s 37  
renum 1988 No. 25 s 38  
amd 1988 No. 25 s 39; 1991 No. 97 s 3 sch 2; 1995 No. 57 s 4 sch 1  
om 2001 No. 103 s 145 sch 2

**Division 9—Hazardous substances**

**div hdg** ins 1987 No. 22 s 37  
om 2001 No. 28 s 189(1) sch 1

**Interpretation**

**s 131WE** (prev s 131AE) ins 1987 No. 22 s 37  
renum 1988 No. 25 s 38  
amd 1995 No. 57 s 4 sch 1  
om 2001 No. 28 s 189(1) sch 1

**Powers of inspectors**

**s 131WF** (prev s 131AF) ins 1987 No. 22 s 37  
renum 1988 No. 25 s 38  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2001 No. 28 s 189(1) sch 1



**Regulations**

**s 131WG** (prev s 131AG) ins 1987 No. 22 s 37  
 renum 1988 No. 25 s 38  
 amd 1988 No. 25 s 40; 1991 No. 97 s 3 sch 2; 1995 No. 57 s 4 sch 1  
 om 2001 No. 28 s 189(1) sch 1

**Division 10—Miscellaneous**

**div hdg** sub 2001 No. 78 s 51

**Regulations about drugs, articles, substances, appliances etc.**

**prov hdg** prev s 132 hdg sub 1995 No. 57 s 4 sch 1; 2001 No. 78 s 51  
 pres s 132 hdg (prev s 152 hdg) sub 1995 No. 57 s 4 sch 1

**s 132** prev s 132 amd 1959 8 Eliz 2 No. 57 s 65; 1981 No. 44 s 4 sch 1; 1987 No. 22 s 38; 1990 No. 59 s 2.9; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
 om 2001 No. 78 s 52  
 pres s 132 (prev s 152) amd 1959 8 Eliz 2 No. 57 s 73; 1960 No. 49 s 2; 1962 No. 27 s 12; 1967 No. 20 s 5; 1971 No. 20 ss 2, 23; 1973 No. 29 s 15; 1975 No. 70 ss 23(1), 28 sch 1; 1976 No. 88 s 12; 1978 No. 65 s 20; 1979 No. 46 s 2; 1981 No. 44 s 4 sch 1; 1986 No. 36 s 60(1) sch 6 pt 1; 1987 No. 22 ss 41, 44; 1988 No. 25 s 41; 1991 No. 24 s 7.3 sch 3; 1992 No. 66 s 40; 1995 No. 57 s 4 sch 1; 1996 No. 60 s 17; 1998 No. 41 s 14 schs 1–2; 2001 No. 12 s 245 sch 2; 2001 No. 78 s 53  
 renum 2001 No. 78 s 54  
 amd 2011 No. 41 s 20

**Suggestive names for drugs**

**s 133** prev s 133 amd 1971 No. 20 s 18; 1981 No. 44 s 4 sch 1  
 om 2001 No. 78 s 52  
 pres s 133 (prev s 153) amd 1981 No. 44 s 4 sch 1; 1995 No. 57 s 4 sch 1  
 renum 2001 No. 78 s 54

**PART 4A—MONITORING, INVESTIGATION AND ENFORCEMENT**

**pt hdg** prev pt 4A hdg ins 1945 9 Geo 6 No. 9 s 6  
 om 1975 No. 70 s 25(1)  
 pres pt 4A hdg ins 2001 No. 78 s 55

**Division 1—Preliminary**

**div hdg** ins 2001 No. 78 s 55

**Application of pt 4A**

**s 134** prev s 134 amd 1975 No. 70 s 21; 1981 No. 44 s 4 sch 1; 1984 No. 22 s 13;  
 1987 No. 22 s 39  
 om 2001 No. 78 s 52  
 pres s 134 ins 2001 No. 78 s 55  
 amd 2005 No. 48 s 492 sch 1

**Manner of dealing with particular samples**

**s 134A** ins 1971 No. 20 s 19  
 amd 1981 No. 44 s 4 sch 1; 1995 No. 57 s 4 sch 1  
 om 2001 No. 78 s 52

**Relationship of this part to pt 2, div 4**

- s 135** orig s 135 amd 1981 No. 44 s 4 sch 1  
om 2001 No. 78 s 52  
prev s 135 ins 2001 No. 78 s 55  
om 2005 No. 48 s 492 sch 1

**Definitions for pt 4A**

- s 136** prev s 136 amd 1975 No. 70 s 28 sch 1; 1981 No. 44 s 4 sch 1; 1987 No. 22 ss 40, 44; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2001 No. 78 s 52  
pres s 136 ins 2001 No. 78 s 55

**Division 2—Inspectors**

- div hdg** ins 2001 No. 78 s 55

**Appointment and qualifications**

- s 137** prev s 137 amd 1959 8 Eliz 2 No. 57 s 66; 1975 No. 70 ss 22, 28 sch 1; 1981 No. 44 s 4 sch 1; 1987 No. 22 s 44; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2001 No. 78 s 52  
pres s 137 ins 2001 No. 78 s 55

**Appointment conditions and limit on powers**

- s 138** prev s 138 amd 1959 8 Eliz 2 No. 57 s 67; 1975 No. 70 s 28 sch 1  
om 1981 No. 44 s 4 sch 1  
pres s 138 ins 2001 No. 78 s 55

**Issue of identity card**

- prov hdg** amd 1981 No. 44 s 4 sch 1  
**s 139** prev s 139 sub 1959 8 Eliz 2 No. 57 s 68  
amd 1981 No. 44 s 4 sch 1  
om 2001 No. 78 s 52  
pres s 139 ins 2001 No. 78 s 55

**Production or display of identity card**

- s 140** prev s 140 amd 1981 No. 44 s 4 sch 1  
om 2001 No. 78 s 52  
pres s 140 ins 2001 No. 78 s 55

**Principal may recover from agent or servant**

- s 140A** (prev s 140(3)–(4)) amd 1959 8 Eliz 2 No. 57 s 69; 1981 No. 44 s 4 sch 1  
renum 1995 No. 57 s 4 sch 1  
amd 1998 No. 41 s 14(2) sch 2  
om 2001 No. 78 s 52

**When inspector ceases to hold office**

- s 141** prev s 141 amd 1981 No. 44 s 4 sch 1  
om 2001 No. 78 s 52  
pres s 141 ins 2001 No. 78 s 55

**Resignation**

- prov hdg** sub 1995 No. 57 s 4 sch 1  
**s 142** prev s 142 amd 1981 No. 44 s 4 sch 1; 1995 No. 57 s 4 sch 1  
 om 2001 No. 78 s 52  
 pres s 142 ins 2001 No. 78 s 55

**Return of identity card**

- s 143** prev s 143 amd 1959 8 Eliz 2 No. 57 s 70; 1975 No. 70 s 28 sch 1; 1981 No. 44 s 4 sch 1; 1987 No. 22 s 44; 1988 No. 88 s 3 sch 1; 1995 No. 57 s 4 sch 1  
 om 2001 No. 78 s 52  
 pres s 143 ins 2001 No. 78 s 55

**Division 3—Powers of inspectors**

- div hdg** ins 2001 No. 78 s 56

**Subdivision 1—Entry of places**

- sdiv hdg** ins 2001 No. 78 s 56

**Power to enter places**

- s 144** prev s 144 amd 1971 No. 20 s 20; 1973 No. 29 s 13; 1981 No. 44 s 4 sch 1; 1996 No. 60 s 16  
 om 2001 No. 78 s 52  
 pres s 144 ins 2001 No. 78 s 56

**Subdivision 2—Procedure for entry**

- sdiv hdg** ins 2001 No. 78 s 56

**Consent to entry**

- s 145** prev s 145 amd 1939 3 Geo 6 No. 34 s 9; 1959 8 Eliz 2 No. 57 s 71; 1971 No. 20 s 21; 1981 No. 44 s 4 sch 1  
 om 2001 No. 78 s 52  
 pres s 145 ins 2001 No. 78 s 56

**Application for warrant**

- prov hdg** amd 1976 No. 88 s 11(a); 1986 No. 36 s 60(1) sch 6 pt 1  
**s 146** prev s 146 amd 1939 3 Geo 6 No. 34 s 10; 1973 No. 29 s 14; 1976 No. 88 s 11(b); 1986 No. 36 s 60(1) sch 6 pt 1  
 om 2001 No. 78 s 52  
 pres s 146 ins 2001 No. 78 s 56

**Issue of warrant**

- s 147** prev s 147 amd 1981 No. 44 s 4 sch 1; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
 om 2001 No. 78 s 52  
 pres s 147 ins 2001 No. 78 s 56

**Special warrant**

- s 148** prev s 148 amd 1978 No. 65 s 19; 1981 No. 44 s 4 sch 1; 1986 No. 36 s 60(1) sch 6 pt 1  
 om 2001 No. 78 s 52  
 pres s 148 ins 2001 No. 78 s 56

**Warrant—procedure before entry**

**s 149** prev s 149 amd 1971 No. 20 s 22; 1981 No. 44 s 4 sch 1  
om 2001 No. 78 s 52  
pres s 149 ins 2001 No. 78 s 56

**Stopping motor vehicles**

**s 150** prev s 150 amd 1959 8 Eliz 2 No. 57 No. 72; 1975 No. 70 s 28 sch 1; 1981 No. 44 s 4 sch 1; 1987 No. 22 s 44; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2001 No. 78 s 52  
pres s 150 ins 2001 No. 78 s 56

**Subdivision 3—Powers after entry**

**sdiv hdg** ins 2001 No. 78 s 56

**General powers after entering place**

**s 151** prev s 151 amd 1981 No. 44 s 4 sch 1; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2001 No. 78 s 52  
pres s 151 ins 2001 No. 78 s 56

**Failure to help inspector**

**s 152** ins 2001 No. 78 s 56

**Defined poisons, restricted drugs, dangerous drugs and biological preparations deemed prescribed**

**s 152A** ins 1978 No. 65 s 21  
om 1995 No. 57 s 4 sch 1

**Failure to give information**

**s 153** ins 2001 No. 78 s 56

**Subdivision 4—Power to seize evidence**

**sdiv hdg** ins 2001 No. 78 s 57

**Seizing evidence at a place that may be entered without consent or warrant**

**s 153A** ins 2001 No. 78 s 57

**Seizing evidence at a place that may only be entered with consent or warrant**

**s 153B** ins 2001 No. 78 s 57

**Securing seized thing**

**s 153C** ins 2001 No. 78 s 57

**Tampering with seized thing**

**s 153D** ins 2001 No. 78 s 57

**Powers to support seizure**

**s 153E** ins 2001 No. 78 s 57

**Receipt for seized thing**

**s 153F** ins 2001 No. 78 s 57

**Forfeiture of seized thing**

**s 153G** ins 2001 No. 78 s 57

**Forfeiture on conviction**

s 153H ins 2001 No. 78 s 57

**Dealing with forfeited things etc.**

s 153I ins 2001 No. 78 s 57

**Return of seized thing**

s 153J ins 2001 No. 78 s 57

**Access to seized thing**

s 153K ins 2001 No. 78 s 57

**Subdivision 5—Power to obtain information**

sdiv hdg ins 2001 No. 78 s 58

**Power to require name and address**

s 153L ins 2001 No. 78 s 58

**Failure to give name or address**

s 153M ins 2001 No. 78 s 58

**Power to require production of documents**

s 153N ins 2001 No. 78 s 58

**Failure to produce document**

s 153O ins 2001 No. 78 s 58

**Failure to certify copy of document**

s 153P ins 2001 No. 78 s 58

**Power to require information**

s 153Q ins 2001 No. 78 s 58

**Division 4—General enforcement matters**

div hdg ins 2001 No. 78 s 58

**Compliance notice**

s 153R ins 2001 No. 78 s 58

**Notice of damage**

s 153S ins 2001 No. 78 s 58

**Compensation**

s 153T ins 2001 No. 78 s 58

**False or misleading statements**

s 153U ins 2001 No. 78 s 58

**False or misleading documents**

s 153V ins 2001 No. 78 s 58

**Obstructing inspector**

s 153W ins 2001 No. 78 s 58

**Impersonation of inspector**

s 153X ins 2001 No. 78 s 58

**Dealing with certain things**

s 153Y ins 2001 No. 78 s 58  
amd 2003 No. 9 s 9

**Division 5—Analysis of things**

div hdg ins 2001 No. 78 s 59

**Appointment and qualifications**

s 153Z ins 2001 No. 78 s 59

**Appointment conditions and limit on powers**

s 153ZA ins 2001 No. 78 s 59

**When State analyst ceases to hold office**

s 153ZB ins 2001 No. 78 s 59

**Resignation**

s 153ZC ins 2001 No. 78 s 59

**Analysis**

s 153ZD ins 2001 No. 78 s 59  
amd 2003 No. 9 s 10

**Certificate must indicate methodology used**

s 153ZE ins 2001 No. 78 s 59

**Division 6—Legal proceedings**

div hdg ins 2001 No. 78 s 60

**Subdivision 1—Application**

sdiv hdg ins 2001 No. 78 s 60

**Application of division**

s 153ZF ins 2001 No. 78 s 60

**Subdivision 2—Evidence**

sdiv hdg ins 2001 No. 78 s 60

**Appointments and authority**

s 153ZG ins 2001 No. 78 s 60

**Signatures**

s 153ZH ins 2001 No. 78 s 60

**Evidentiary aids**

s 153ZI ins 2001 No. 78 s 60

**Subdivision 3—Proceedings**

sdiv hdg ins 2001 No. 78 s 60

**Summary proceedings for offences against a relevant provision or this part**

s 153ZJ ins 2001 No. 78 s 60

**Recovery of costs of investigation**

s 153ZK ins 2001 No. 78 s 60

**Application for order for payment of costs under s 153ZK**

s 153ZL ins 2001 No. 78 s 60

**Responsibility for acts or omissions of representatives**

s 153ZM ins 2001 No. 78 s 60

**Executive officers must ensure corporation complies with relevant provisions and this part**

s 153ZN ins 2001 No. 78 s 60

**Division 7—Appeals**

div hdg ins 2001 No. 78 s 61

**Who may appeal**

s 153ZO ins 2001 No. 78 s 61

**Starting an appeal**

s 153ZP ins 2001 No. 78 s 61

**Hearing procedures**

s 153ZQ ins 2001 No. 78 s 61

**Powers of court on appeal**

s 153ZR ins 2001 No. 78 s 61

**Appeal to District Court**

s 153ZS ins 2001 No. 78 s 61

**Division 8—Miscellaneous**

div hdg ins 2001 No. 78 s 61

**Protecting officials from liability**

s 153ZT ins 2001 No. 78 s 61

**Proceedings by indictment and contracts not to be affected**

s 154  
amd 1981 No. 44 s 4 sch 1  
om 2001 No. 78 s 62

**Administration of Part 4A**

s 154A ins 1945 9 Geo 6 No. 9 s 6  
om 1975 No. 70 s 25(1)

**Constitution of Queensland Health Education Council**

s 154B ins 1945 9 Geo 6 No. 9 s 6  
om 1975 No. 70 s 25(1)

**To be a body corporate**

s 154C ins 1945 9 Geo 6 No. 9 s 6  
om 1975 No. 70 s 25(1)

**Dissolution of Cancer Trust**

s 154D ins 1945 9 Geo 6 No. 9 s 6  
om 1975 No. 70 s 25(1)

**Functions of the Council**

s 154E ins 1945 9 Geo 6 No. 9 s 6  
om 1975 No. 70 s 25(1)

**Queensland Health Education Council Fund**

s 154F ins 1945 9 Geo 6 No. 9 s 6  
om 1975 No. 70 s 25(1)

**Audit**

s 154AF ins 1975 No. 70 s 24  
om 1975 No. 70 s 25(1)

**Regulations**

s 154G ins 1945 9 Geo 6 No. 9 s 6  
om 1975 No. 70 s 25(1)

**PART 4B—QUEENSLAND RADIUM INSTITUTE**

pt hdg ins 1945 9 Geo 6 No. 9 s 7  
om 1991 No. 24 s 7.3 sch 3

**Administration of Part 4B**

s 154H ins 1945 9 Geo 6 No. 9 s 7  
om 1991 No. 24 s 7.3 sch 3

**Constitution of the Queensland Radium Institute**

s 154I ins 1945 9 Geo 6 No. 9 s 7  
sub 1959 8 Eliz 2 No. 57 s 74  
amd 1964 No. 71 s 5; 1976 No. 88 No. 13; 1978 No. 65 s 22; 1982 No. 57 s 34  
om 1991 No. 24 s 7.3 sch 3

**To be a body corporate**

s 154J ins 1945 9 Geo 6 No. 9 s 7  
amd 1982 No. 57 s 35  
om 1991 No. 24 s 7.3 sch 3

**Funds of Institute**

s 154K ins 1945 9 Geo 6 No. 9 s 7  
sub 1982 No. 57 s 36  
om 1991 No. 24 s 7.3 sch 3

**Audit of accounts**

s 154KA ins 1982 No. 57 s 37  
om 1991 No. 24 s 7.3 sch 3

**Regulations**

s 154L ins 1945 9 Geo 6 No. 9 s 7  
amd 1982 No. 57 s 38  
om 1991 No. 24 s 7.3 sch 3

**PART 5—SCIENTIFIC RESEARCH AND STUDIES**

pt hdg ins 1964 No. 71 s 6  
om 2005 No. 48 s 492 sch 1



**Authority to conduct scientific research and studies**

- s 154M** ins 1964 No. 71 s 6  
amd 1995 No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1

**Information obtained and reports made under this part**

- s 154N** ins 1964 No. 71 s 6  
amd 1995 No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1

**PART 6—MISCELLANEOUS PROVISIONS****Application of pt 6**

- s 154O** ins 2001 No. 78 s 63  
om 2005 No. 48 s 492 sch 1

**Vessels or aircraft**

- s 155** amd 1995 No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1

**Notice of action**

- s 156** om 1974 No. 75 s 4 sch 1

**Source of information or reports**

- s 157** om 2005 No. 48 s 492 sch 1

**Protection to persons acting in execution of Act**

- s 158** sub 1980 No. 61 s 4  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**No officer to be concerned in contract**

- s 159** amd 1959 8 Eliz 2 No. 57 s 75; 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44  
om 2005 No. 48 s 492 sch 1

**Entry**

- s 160** amd 1975 No. 70 s 26; 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44; 1995 No. 57  
s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Compensation in case of damage**

- s 161** om 2005 No. 48 s 492 sch 1

**Compensation payable, how to be fixed**

- s 162** amd 1959 8 Eliz 2 No. 57 s 76  
om 2005 No. 48 s 492 sch 1

**Local laws**

- s 163** om 2005 No. 48 s 492 sch 1

**Service of notice**

- s 164** amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Offences**

**s 165** amd 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Neglect of duty by officer an offence**

**s 166** amd 1959 8 Eliz 2 No. 57 s 77; 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44; 1995 No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1

**Obstructing execution of Act**

**s 167** amd 1959 8 Eliz 2 No. 57 s 78; 1975 No. 70 s 28 sch 1; 1987 No. 22 ss 42, 44; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Duty of police officers**

**s 168** amd 1975 No. 70 s 28 sch 1; 1987 No. 22 s 44; 1995 No. 57 s 4 sch 1  
om 2000 No. 5 s 373 sch 2

**Power to obtain search warrant in certain cases**

**s 168A** ins 1939 3 Geo 6 No. 34 s 11  
om 2000 No. 5 s 373 sch 2

**Blood transfusions to minors**

**s 168B** ins 1959 8 Eliz 2 No. 57 No. 79  
amd 1974 No. 57 s 8 sch 1  
om 1979 No. 74 s 54(4)

**Prosecution of offences**

**s 169** amd 1993 No. 70 s 804 sch  
om 1995 No. 57 s 4 sch 1

**Power to proceed against local government for nuisance**

**s 170** amd 1987 No. 22 s 43; 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Who may act for local government in cases of emergency**

**s 171** amd 1993 No. 70 s 804 sch  
om 2005 No. 48 s 492 sch 1

**No abatement**

**s 172** om 2005 No. 48 s 492 sch 1

**Reference to ‘owner’ and ‘occupier’**

**s 173** amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Contribution**

**s 174** om 2005 No. 48 s 492 sch 1

**General penalty**

**s 175** amd 1959 8 Eliz 2 No. 57 s 80; 1975 No. 70 s 28 sch 1; 1978 No. 65 s 23; 1987 No. 22 s 44

**Recovery of penalties etc.**

**s 176** amd 1939 3 Geo 6 No. 34 s 12; 1971 No. 20 s 24; 1993 No. 70 s 804 sch; 1995 No. 57 s 4 sch 1  
om 2005 No. 48 s 492 sch 1

**Limitation of time for summary proceedings to be taken**

**s 177** sub 1971 No. 20 s 25  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 14(1) sch 1  
om 2005 No. 48 s 492 sch 1

**Evidence**

**s 178** amd 1959 8 Eliz 2 No. 57 s 81; 1971 No. 20 s 2; 1976 No. 41 s 6; 1986 No. 36 s 60(1) sch 6 pt 1; 1990 No. 59 s 2.10; 1995 No. 57 s 4 sch 1; 1996 No. 60 s 16; 1998 No. 41 s 14(1) sch 1; 2005 No. 48 s 492 sch 1

**Power of local governments to borrow for certain works**

**s 179** om 1993 No. 70 s 804 sch

**Regulation-making power**

**prov hdg** sub 1995 No. 57 s 4 sch 1  
**s 180** ins 1975 No. 70 s 27  
amd 1988 No. 25 s 42; 1991 No. 97 s 3 sch 2  
sub 1992 No. 36 s 2 sch 1  
amd 1995 No. 57 s 4 sch 1; 1998 No. 41 s 12; 2005 No. 48 s 492 sch 1

**References to certain regulations and provisions**

**s 181** orig s 181 ins 1995 No. 57 s 4 sch 1  
exp 28 November 1995 (see s 181(2))  
prev s 181 ins 1996 No. 60 s 15  
om 2005 No. 48 s 492 sch 1

**PART 7—TRANSITIONAL PROVISIONS FOR THE HEALTH AND OTHER LEGISLATION AMENDMENT ACT 1998**

**pt hdg** ins 1995 No. 57 s 4 sch 1  
sub 1998 No. 41 s 13  
om 2005 No. 48 s 492 sch 1

**Chief health officer may transfer documents to chief executive**

**s 182** ins 1995 No. 57 s 4 sch 1  
sub 1998 No. 41 s 13  
om 2005 No. 48 s 492 sch 1

**Preservation of certain evidentiary matters**

**s 183** prev s 183 ins 1995 No. 57 s 4 sch 1 (amd 1996 No. 60 s 68)  
AIA s 20A applies (see s 183(4))  
exp 28 November 1995 (see s 183(5))  
pres s 183 ins 1998 No. 41 s 13  
om 2005 No. 48 s 492 sch 1

**Validation of order under s 95**

**s 183A** ins 1995 No. 52 s 16  
exp 2 February 1996 (see s 183A(3))

**PART 8—TRANSITIONAL PROVISIONS**

**pt hdg** ins 2001 No. 78 s 64  
sub 2008 No. 53 s 13

**Division 1—Transitional provisions for Health Legislation Amendment Act 2001**

**div hdg** ins 2008 No. 53 s 13

**Transitional provision for things done etc. before this section commences**

**s 184** prev s 184 ins 1995 No. 57 s 4 sch 1  
om R2 (see RA s 37)  
pres s 184 ins 2001 No. 78 s 64

**Transitional provisions about certain authorities**

**s 185** ins 2001 No. 78 s 64

**Division 2—Transitional provision for Corrective Services and Other Legislation Amendment Act 2008**

**div 2 (s 186)** ins 2008 No. 53 s 14

**SCHEDULES**

**hdg** om R1 (see RA s 37)

**SCHEDULE A—ACTS REPEALED**

om 1991 No. 97 s 3 sch 2

**SCHEDULE B—FORMS**

amd 1973 No. 29 s 16  
om 1995 No. 57 s 4 sch 1

**SCHEDULE C**

ins 1945 9 Geo 6 No. 9 s 8  
om 1978 No. 65 s 24

## **8 List of forms notified or published in the gazette**

(The following information about forms is taken from the gazette and is included for information purposes only. Because failure by a department to notify or publish a form in the gazette does not invalidate the form, you should check with the relevant government department for the latest information about forms (see Statutory Instruments Act, section 58(8)).)

Form 1 Version 1—Application for a permit to keep more than one hundred vermin (rats, mice and guinea pigs) (pubd gaz 27 March 1998 p 1304)

Form 2 Version 1—Application for renewal of a permit to keep more than one hundred vermin (rats, mice and guinea pigs) (pubd gaz 27 March 1998 p 1304)

Form 3 Version 1—Permit to keep more than one hundred vermin (rats, mice and guinea pigs) (pubd gaz 27 March 1998 p 1304)

- Form 4 Version 1—Application for a licence to sell controlled drugs by wholesale (pubd gaz 28 February 1997 p 818)
- Form 5 Version 1—Application for a licence to manufacture poisons and/or sell poisons by wholesale (pubd gaz 28 February 1997 p 820)
- Form 6 Version 1—Application for a general licence to sell poisons (pubd gaz 28 February 1997 p 819)
- Form 7 Version 1—Application for a wholesale representative's authority (pubd gaz 28 February 1997 pp 811–12)
- Form 8 Version 1—Application for a strychnine permit (pubd gaz 28 February 1997 pp 823–4)
- Form 9 Version 1—Application for a cyanide permit (pubd gaz 28 February 1997 pp 825–6)
- Form 10 Version March 97—Application for a licence to sell poisons for purposes other than human therapeutic use (pubd gaz 21 March 1997 p 1230)
- Form CDM—Application for a licence to manufacture controlled drugs (pubd gaz 7 May 1999 p 87)
- Form CDW—Application for a licence to sell controlled drugs by wholesale (pubd gaz 7 May 1999 p 87)
- Form CG1 Version 1—Application for approval to use land as a camping ground (pubd gaz 6 September 1996 pp 77–8)
- Form CG2 Version 1—Approval to use land as a camping ground (pubd gaz 6 September 1996 pp 77–8)
- Form CG3 Version 1—Application for approval to make alterations or additions to a camping ground (pubd gaz 6 September 1996 pp 77–8)
- Form CG4 Version 1—Approval to make alterations or additions to a camping ground (pubd gaz 6 September 1996 pp 77–8)
- Form CG5 Version 1—Application for approval to transfer an approval granted to use land as a camping ground (pubd gaz 6 September 1996 pp 77–8)
- Form CG6 Version 1—Approval to transfer an approval to use land as a camping ground (pubd gaz 6 September 1996 pp 77–8)
- Form GP—Application for a general licence to sell poisons (pubd gaz 7 May 1999 p 87)
- Form H1 Version 1—Application for a hairdresser's shop licence (pubd gaz 6 September 1996 pp 77–8)
- Form H2 Version 1—Application for renewal of a hairdresser's shop licence (pubd gaz 6 September 1996 pp 77–8)
- Form H3 Version 1—Hairdresser's shop licence/licence renewal (pubd gaz 6 September 1996 pp 77–8)

Endnotes

---

- Form H4 Version 1—Application for transfer of a hairdresser’s shop licence (pubd gaz 6 September 1996 pp 77–8)
- Form H5 Version 1—Application for a mobile hairdressing service licence (pubd gaz 6 September 1996 pp 77–8)
- Form H6 Version 1—Application for renewal of a mobile hairdressing service licence (pubd gaz 6 September 1996 pp 77–8)
- Form H7 Version 1—Mobile hairdressing service licence/licence renewal (pubd gaz 6 September 1996 pp 77–8)
- Form H8 Version 1—Application for transfer of a mobile hairdressing service licence (pubd gaz 6 September 1996 pp 77–8)
- Form HDPR Version 2 November 1998—Application for a strychnine permit (pubd gaz 7 May 1999 p 87)
- Form HDPR Version 2 November 1998—Strychnine permit (pubd gaz 7 May 1999 p 87)
- Form HDPR Version 2 November 1998—Application for a cyanide permit (pubd gaz 7 May 1999 p 87)
- Form HDPR Version 2 November 1998—Cyanide permit (pubd gaz 7 May 1999 p 87)
- Form HDPR18(3) Version January 2003—Reasons relating to the inclusion of conditions on an endorsement (pubd gaz 31 January 2003 p 315)
- Form HDPR18(7) Version January 2003—Refusal to grant endorsement/renew licence/treatment approval (pubd gaz 31 January 2003 p 315)
- Form HDPR24(1) Version January 2003—Proposal to suspend/cancel endorsement (pubd gaz 31 January 2003 p 315)
- Form HDPR24(5) Version January 2003—Suspension/cancellation of endorsement (pubd gaz 31 January 2003 p 315)
- Form HDPR27(1) Version January 2003—Refusal to replace endorsement (pubd gaz 31 January 2003 p 315)
- Form HDPR28(4) Version January 2003—Refusal to amend endorsement (pubd gaz 31 January 2003 p 315)
- Form HDPR29(2) Version January 2003—Amendment of endorsement without application (pubd gaz 31 January 2003 p 315)
- Form HDPR29(3) Version January 2003—Amendment of endorsement without application (pubd gaz 31 January 2003 p 315)
- Form HDPR30(2) Version January 2003—Minor amendment of endorsement (pubd gaz 31 January 2003 p 315)
- Form HDPR32(1) Version January 2003—Surrender of endorsement (pubd gaz 31 January 2003 p 315)
- Form HDPR96.01 Version July 2004—Application for a General Licence to Sell Poisons (pubd gaz 12 November 2004 p 879)

- Form HDPR96.02A Version July 2004—Application for a Licence to Manufacture Poisons (pubd gaz 12 November 2004 p 879)
- Form HDPR96.02B Version July 2004—Application for a Licence to Sell Poisons by Wholesale (pubd gaz 12 November 2004 p 879)
- Form HDPR96.03 Version July 2004—Application for a Licence to Sell Poisons for Purposes other than Human Therapeutic Use (pubd gaz 12 November 2004 p 879)
- Form HDPR96.04 Version July 2004—Application for a Licence as a Wholesale Representative (pubd gaz 12 November 2004 p 879)
- Form HDPR96.05 Version July 2004—Application for a Licence to Sell Controlled Drugs by Wholesale (pubd gaz 12 November 2004 p 879)
- Form HDPR96.06 Version July 2004—Application for a Licence to Manufacture Controlled Drugs (pubd gaz 12 November 2004 p 879)
- Form HDPR96.07 Version July 2004—Application for a Licence to Sell Restricted Drugs by Wholesale (pubd gaz 12 November 2004 p 879)
- Form HDPR96.08 Version July 2004—Application for a Licence to Sell Controlled Drugs by Wholesale (pubd gaz 12 November 2004 p 879)
- Form HDPR96.09 Version July 2004—Application for Renewal of Licence (pubd gaz 12 November 2004 p 879)
- Form P—Application for a licence to sell poisons for purposes other than human therapeutic use (pubd gaz 7 May 1999 p 87)
- Form PMW—Application for a licence to manufacture poisons and/or sell poisons by wholesale (pubd gaz 7 May 1999 p 87)
- Form RDM—Application for a licence to manufacture restricted drugs (pubd gaz 7 May 1999 p 87)
- Form RDW—Application for a licence to sell restricted drugs by wholesale (pubd gaz 7 May 1999 p 87)
- Form SP1 Version 1—Application for registration of premises for skin penetration (pubd gaz 6 September 1996 pp 77–8)
- Form SP2 Version 1—Application for renewal of registration of premises for skin penetration (pubd gaz 6 September 1996 pp 77–8)
- Form SP3 Version 1—Certificate of registration/renewal of registration of premises for skin penetration (pubd gaz 6 September 1996 pp 77–8)

## 9 Table of renumbered provisions

under the Reprints Act 1992 s 43 as required by the Health Act 1937 s 184 [Reprint No. 2]

Previous	Renumbered as
9(2) .....	9(1)
9(3) .....	9(2)
9(3A) .....	9(3)
9(3B) .....	9(4)
9(3C) .....	9(5)
9(3D) .....	9(6)
9(3E) .....	9(7)
9(3F) .....	9(8)
9(3G) .....	9(9)
9(3H) .....	9(10)
9(3I) .....	9(11)
9(3J) .....	9(12)
9(4) .....	9(13)
15(1A) .....	15(2)
15(1B) .....	15(3)
15(1C) .....	15(4)
16(1A) .....	16(2)
16(2) .....	16(3)
22(5) .....	22(4)
22(6) .....	22(5)
27(1AA) .....	27(2)
pt 3, div 2 hdg .....	pt 3, div 1 hdg
pt 3, div 3 hdg .....	pt 3, div 2 hdg
33(1A) .....	33(2)
33(1A) .....	33(2)
47(1A) .....	47(2)
47(2) .....	47(3)
47(3) .....	47(4)
47(5A) .....	47(6)
47(6) .....	47(7)
47(6A) .....	47(8)
47(6B) .....	47(9)
47(7) .....	47(10)
47(7A) .....	47(11)
47(8) .....	47(12)
48(2A) .....	48(3)
48(2B) .....	48(4)
48(2C) .....	48(5)
48(2D) .....	48(6)
48(3) .....	48(7)
48(4) .....	48(8)
49(1A) .....	49(2)



Previous	Renumbered as
49(2) . . . . .	49(3)
pt 3, div 10 hdg . . . . .	pt 3, div 3 hdg
pt 3, div 11 hdg . . . . .	pt 3, div 4 hdg
68(1A) . . . . .	68(2)
71(3) . . . . .	71(2)
71(3A) . . . . .	71(3)
72(1A) . . . . .	72(2)
72(2) . . . . .	72(3)
pt 3, div 11A hdg . . . . .	pt 3, div 5 hdg
76C(1A) . . . . .	76C(2)
76C(2) . . . . .	76C(3)
76C(3) . . . . .	76C(4)
76C(3A) . . . . .	76C(5)
76C(4) . . . . .	76C(6)
76C(5) . . . . .	76C(7)
76C(6) . . . . .	76C(8)
76C(6A) . . . . .	76C(9)
76C(7) . . . . .	76C(10)
76C(8) . . . . .	76C(11)
76E(2) . . . . .	76E(1)
76E(2A) . . . . .	76E(2)
76E(3A) . . . . .	76E(4)
76E(4) . . . . .	76E(5)
76G(2A) . . . . .	76G(3)
76G(2B) . . . . .	76G(4)
76G(3) . . . . .	76G(5)
76G(4) . . . . .	76G(6)
76G(4A) . . . . .	76G(7)
76G(5) . . . . .	76G(8)
76G(5A) . . . . .	76G(9)
76G(6) . . . . .	76G(10)
76H(1A) . . . . .	76H(2)
pt 3, div 11B hdg . . . . .	pt 3, div 6 hdg
76K(3) . . . . .	76K(2)
76K(4) . . . . .	76K(3)
76K(5) . . . . .	76K(4)
76K(6) . . . . .	76K(5)
76K(7) . . . . .	76K(6)
76K(8) . . . . .	76K(7)
76L(2A) . . . . .	76L(3)
76L(2B) . . . . .	76L(4)
76L(2BA) . . . . .	76L(5)
76L(2C) . . . . .	76L(6)
76L(2D) . . . . .	76L(7)
76L(2DA) . . . . .	76L(8)
76L(2DB) . . . . .	76L(9)
76L(2E) . . . . .	76L(10)

## Endnotes

Previous	Renumbered as
76L(2F) . . . . .	76L(11)
76L(3) . . . . .	76L(12)
76L(4) . . . . .	76L(13)
76L(5) . . . . .	76L(14)
76L(6) . . . . .	76L(15)
76L(7) . . . . .	76L(16)
76L(8) . . . . .	76L(17)
pt 3, div 12 hdg . . . . .	pt 3, div 7 hdg
79(4A) . . . . .	79(5)
79(5) . . . . .	79(6)
79(5A) . . . . .	79(7)
79(6) . . . . .	79(8)
79(6A) . . . . .	79(9)
79(6B) . . . . .	79(10)
79(7) . . . . .	79(11)
79(8) . . . . .	79(12)
81(4) . . . . .	81(3)
pt 3, div 13 hdg . . . . .	pt 3, div 8 hdg
95(2A) . . . . .	95(3)
95(3) . . . . .	95(4)
95(4) . . . . .	95(5)
96(1A) . . . . .	96(2)
96(2) . . . . .	96(3)
96(3) . . . . .	96(4)
96(4) . . . . .	96(5)
99A(1)(aa) . . . . .	99A(1)(b)
99A(1)(b) . . . . .	99A(1)(c)
99A(1)(ba) . . . . .	99A(1)(d)
99A(1)(c) . . . . .	99A(1)(e)
99A(1)(ca) . . . . .	99A(1)(f)
99A(1)(d) . . . . .	99A(1)(g)
pt 3, div 14 hdg . . . . .	pt 3, div 9 hdg
pt 3, div 15 hdg . . . . .	pt 3, div 10 hdg
pt 3, div 16 hdg . . . . .	pt 3, div 11 hdg
101(1)(l) . . . . .	101(1)(k)
101(1A) . . . . .	101(2)
104A(1A) . . . . .	104A(2)
104A(2) . . . . .	104A(3)
104A(3) . . . . .	104A(4)
105(1)(b) . . . . .	105(1)(a)
105(1)(c) . . . . .	105(1)(b)
105(1)(d) . . . . .	105(1)(c)
105(1)(e) . . . . .	105(1)(d)
105(1)(f) . . . . .	105(1)(e)
105(1)(g) . . . . .	105(1)(f)
107(1A) . . . . .	107(2)
107(1B) . . . . .	107(3)

Previous	Renumbered as
107(2)	107(4)
109(2A)	109(3)
109(2B)	109(4)
109(3)	109(5)
110(1A)	110(2)
110(2)	110(3)
127(4)	127(3)
127(5)	127(4)
127(5A)	127(5)
127(6A)	127(7)
127(7)	127(8)
129A(1A)	129A(2)
129A(1B)	129A(3)
129A(2)	129(4)
130B(1A)	130B(2)
130B(1B)	130B(3)
130B(2)	130B(4)
130B(3)	130B(5)
130B(4)	130B(6)
130B(5)	130B(7)
130C(1A)	130C(2)
130C(2)	130C(3)
130E(1A)	130E(2)
130E(2)	130E(3)
130E(3)	130E(4)
130E(4)	130E(5)
131(1A)	131(2)
131(2)	131(3)
131(3)	131(4)
131(4)	131(5)
pt 4, div 4A hdg	pt 4, div 5 hdg
pt 4, div 4B hdg	pt 4, div 6 hdg
pt 4, div 4C hdg	pt 4, div 7 hdg
pt 4, div 4D hdg	pt 4, div 8 hdg
pt 4, div 4E hdg	pt 4, div 9 hdg
pt 4, div 5 hdg	pt 4, div 10 hdg
132(4A)	132(5)
132(4B)	132(6)
132(5)	132(7)
132(6)	132(8)
132(6)(b)	132(8)(a)
132(6)(c)	132(8)(b)
132(6)(d)	132(8)(c)
132(6A)	132(9)
132(7)	132(10)
132(8)	132(11)
132(9)	132(12)

Endnotes

---

Previous	Renumbered as
134(1A) . . . . .	134(2)
134(2) . . . . .	134(3)
134(3) . . . . .	134(4)
134(4) . . . . .	134(5)
139(1A) . . . . .	139(2)
139(2) . . . . .	139(3)
139(3) . . . . .	139(4)
144(1A) . . . . .	144(2)
144(1B) . . . . .	144(3)
144(2) . . . . .	144(4)
145(1A) . . . . .	145(2)
145(2) . . . . .	145(3)
145(3) . . . . .	145(4)
145(3A) . . . . .	145(5)
145(4) . . . . .	145(6)
145(5) . . . . .	145(7)
146(3A) . . . . .	146(4)
146(4) . . . . .	146(5)
152(zj) . . . . .	152(zi)
pt 4C hdg . . . . .	pt 5 hdg
154N(1A) . . . . .	154N(2)
154N(2) . . . . .	154N(3)
154N(2A) . . . . .	154N(4)
154N(2B) . . . . .	154N(5)
pt 5 hdg . . . . .	pt 6 hdg
160(2A) . . . . .	160(3)
160(3) . . . . .	160(4)
160(4) . . . . .	160(5)
167(3A) . . . . .	167(4)
167(4) . . . . .	167(5)
178(e) . . . . .	178(c)
178(f) . . . . .	178(d)
178(g) . . . . .	178(e)
178(h) . . . . .	178(f)
pt 6 hdg . . . . .	pt 7 hdg