

TASMANIA.



1945.

ANNO OCTAVO ET NONO
GEORGH VI. REGIS.

No. 44.

ANALYSIS.

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| <ol style="list-style-type: none"> 1. Short title and citation. 2. Duty of person suffering from venereal disease to place himself under treatment, &c. 3. Duty of patient to attend for treatment, &c. 4. Where patient fails to attend, medical adviser to notify Director. 5. Compulsory examination and detention of persons suspected of suffering from venereal disease. | <ol style="list-style-type: none"> 6. Power of judge or police magistrate to release person on cure, &c. 7. Duty of public hospital to treat persons free of charge. 8. Indemnity in respect of action taken under this Part. Advertising certain medicines, &c., prohibited. 9. Regulations. 10. Houses unfit for habitation. |
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AN ACT to amend the *Public Health Act 1935*. A.D. 1945
[8 June, 1945.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Public Health Act* Short title and citation.
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(2) The *Public Health Act 1935**, as subsequently amended, is in this Act referred to as the Principal Act.

* 26 Geo. V. No. 43, as amended by 2 Geo. VI. No. 10, 3 Geo. VI. No. 26, 4 Geo. VI. No. 23, 4 Geo. VI. No. 52, 5 Geo. VI. No. 63, 7 Geo. VI. No. 41, and by Statute Law Revision. (See Reprint of Statutes, Vol. VI., page 134.)

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Duty of
person
suffering from
venereal
disease to
place himself
under treat-
ment, &c.

2 Section thirty-nine of the Principal Act is amended by adding at the end thereof the words “, and shall furnish the medical practitioner whom he has so consulted or, as the case may be, the medical superintendent or other person in charge of the hospital or other prescribed place at which he has so attended, with his correct full name, address, and occupation.”.

Duty of
patient to
attend for
treatment, &c.

3 Section forty of the Principal Act is amended—

(a) by deleting the words “at least once” to “at such hospital or place” in subsection (1) and substituting therefor the words “as and when directed by the medical practitioner whom he has so consulted or by a medical practitioner at the hospital or other prescribed place, and shall follow, in all respects, all advice and directions given to him in relation to the disease by such medical practitioner.”; and

(b) by deleting the word “Five” at the end of subsection (2) and substituting therefor the word “Twenty”.

Where patient
fails to
attend,
medical
adviser to
notify
Director.

4 Section forty-two of the Principal Act is amended by deleting the words “six weeks” in subsection (1) and substituting therefor the words “ten days”.

5 Section forty-six of the Principal Act is repealed and the following section substituted therefor:—

Compulsory
examination
and detention
of persons
suspected of
suffering from
venereal
disease.

Cf. Common-
wealth
Statutory
Rules 1942,
No. 377, rr. 4,
5, 6, 7.

“46—(1) The Director may, if he is satisfied that there are reasonable grounds for suspecting that any person is suffering from venereal disease, by order in writing, require the person so suspected (in this section referred to as a ‘suspected person’) to present himself for examination at such time and place as may be specified in the order and the suspected person shall present himself for examination accordingly.

(2) If a suspected person to whom an order has been directed under subsection (1) fails to present himself for examination at the time and place specified in the order, a justice, may, on the complaint of the Director or of any person authorised for the purpose either generally or in any particular case by the Director, by warrant under his hand in the prescribed form, authorise any police officer specified in the warrant, with such assistants as the police officer thinks necessary, to arrest the suspected person.

(3) Any police officer by whom a suspected person is arrested in pursuance of this section shall, forthwith after arresting that person, notify the Director of the arrest and the Director shall thereupon fix a time and place for the examination of the suspected person by a medical practitioner and shall advise the police officer of the time and place so fixed.

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(4) A suspected person who is arrested in pursuance of this section may be detained at any place appointed for the detention of persons under this Part until the time fixed by the Director for his examination. A.D. 1945.

(5) Any police officer may bring any person detained under subsection (4) from the place of detention for examination at the time and place fixed therefor, and, if the person so detained refuses to submit himself for examination by a medical practitioner as and when required, the medical practitioner may, with such assistance as he thinks necessary, forcibly examine that person.

(6) Subject to section forty-seven, if, on examination in pursuance of this section, a suspected person is found to be suffering from venereal disease, the Director may order him to be detained for treatment at any place prescribed for the detention of persons under this Part for such period as the Director may determine, and the suspected person shall remain at that place until his release therefrom has been approved by the Director.

(7) Every warrant under this section shall have effect according to its tenor and all police officers and governing authorities or officers of any place in which a suspected person is detained in pursuance thereof shall do all things necessary to carry into effect the provisions of this section.

(8) A warrant under this section for the arrest of a suspected person who is a woman shall, if practicable, be directed to a police officer who is a woman.

(9) Subject to the provisions of this Part, every warrant or order under this section shall be sufficient authority to all persons for the arrest and the removal and detention of the suspected person to whom it relates in pursuance of the warrant or order until his release under the provisions of this section or of section forty-seven."

6 Section forty-seven of the Principal Act is amended by deleting the word "Minister", wherever occurring, in subsections (4), (5), and (6), and substituting therefor the word "Director". Power of judge or police magistrat to release person on cure, &c.

7 Section fifty-three of the Principal Act is amended by omitting subsection (1) and substituting therefor the following subsection:—

"(1) The managers or other controlling authority of every hospital in respect of which a proclamation has been made under section thirty-seven shall make such provision for the reception, accommodation, examination, and treatment, free of charge, of persons suffering from venereal disease as the Director may direct." Duty of public hospital to treat persons free of charge.

8 After section fifty-four of the Principal Act the following sections are inserted:—

"54A No action, claim, or demand whatsoever shall lie or be allowed by or on behalf of any person against the State, the Director, or any officer, medical practitioner, or other Indemnity in respect of action taken under this Part. Cf. Commonwealth Statutory Rules, 1942, No. 377, r. 10.

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A.D. 1945. person acting in good faith in the execution of any power or authority or the performance of any duty conferred or imposed on him under this Part in respect of the arrest, examination, or detention, of any person in pursuance of the provisions of this Part, but if a judge is satisfied that any person has been arrested, examined, or detained without reasonable cause, he may, upon application by or on behalf of the person so arrested, examined, or detained, award such compensation in respect thereof as he thinks just and reasonable in the circumstances.

Advertising
certain
medicines, &c.,
prohibited.
Cf. W.A. Act,
s. 286.
Commonwealth
Statutory
Rules, 1942,
No. 377, r. 12.

“54B—(1) No person shall publish any statement whether by way of advertisement or otherwise, to promote the sale of any article as a medicine, instrument, or appliance for the alleviation or cure of any venereal disease, or disease affecting the generative organs or functions, or of sexual impotence, or of any complaint or infirmity arising from, or in relation to, sexual intercourse, or female or menstrual irregularities.

(2) Any person who—

- (a) affixes or inscribes any statement on any thing whatsoever so as to be visible to persons being in, or passing along, any public vehicle, street, or public place;
- (b) delivers, offers, or exhibits any statement to any person being in, or passing along, any public vehicle, street, or public place;
- (c) throws any statement into or upon any street, public place, or public vehicle or into the area, yard, garden, or enclosure of any house or building;
- (d) exhibits any statement to public view in any house, shop, or place;
- (e) prints or publishes any statement in any newspaper; or
- (f) sells, offers for sale, shows, or sends by post any statement to any person,

shall, for the purposes of this section, be deemed to have published that statement.

(3) For the purposes of this section ‘statement’ includes any book, document, or paper containing any statement.

(4) Nothing in this section shall apply to any books, documents, or papers published in good faith for the advancement of medical or surgical science, or to any advertisement, notice, statement, or recommendation published by the authority of the Director, or to any publication sent only to registered medical practitioners or registered pharmaceutical chemists for the purposes of their business.

(5) Any person who contravenes any of the provisions of this section shall be liable to a penalty of fifty pounds.”

9 Section fifty-five of the Principal Act is amended—

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(a) by omitting paragraph I.;

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(b) By omitting paragraph II. and substituting therefor the following paragraph:—

“II. The conditions under which a certificate of cure of, or freedom from, venereal disease, or of having ceased to be liable to convey infection, may be granted, and the persons or classes of persons to whom such certificates may or may not be granted, and prohibiting the use thereof, for the purposes of, or in connection with, prostitution:”; and

(c) by adding at the end thereof the following paragraph:—

“XI. Generally, all such matters and things as are required or permitted to be prescribed, or are necessary or convenient to be prescribed, for carrying out, or giving effect to, the provisions of this Part.”.

10 Section one hundred and eighteen of the Principal Act is amended by omitting subsection (4) and substituting therefor the following subsections—

Houses unfit for habitation.

“(4) If within ninety days after the date specified in an order made by a local authority under subsection (1) the house or building or the portion thereof to which the order relates has not been again rendered fit or safe, as the case may be, for occupation or habitation to the satisfaction of the municipal health officer, the local authority may—

(a) cause to be carried out in relation to the house or building or portion thereof, as the case may be, all such works as may be necessary for the purpose of rendering such house, building, or portion fit or safe for occupation or habitation; or

(b) cause the house or building to be pulled down and demolished,

and may recover from the owner thereof all costs and expenses incurred therein by the local authority.

(4A) All costs and expenses incurred by a local authority under subsection (4) shall, until payment thereof, be a charge on the land on which the house or building in relation to which they were incurred is erected.”.

