

	£
MINISTER FOR AGRICULTURE—	
Department of Agriculture	53,470
Forestry	40
Miscellaneous (Minister for Agriculture)	12,630
PENSIONS	400
INTEREST	125
SINKING FUNDS, &c.	6,135
	£891,000

TUBERCULOSIS.

No. 20 of 1949.

AN ACT to regulate the examination of persons suffering or suspected to be suffering from tuberculosis, to prevent the spread of tuberculosis, to make provision for matters incidental thereto, and to amend the *Public Health Act 1935*. [4 May, 1949.]

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:—

Short title
and com-
mencement.

1—(1) This Act may be cited as the *Tuberculosis Act 1949*.

(2) This Act shall commence on a date to be fixed by proclamation.

Interpre-
tation.

2 In this Act, unless the contrary intention appears—

“board” means a medical board established in accordance with section nine;

“child” means a person under the age of seventeen years;

- “Department” means the Department of Public Health;
- “Director” means the Director of Tuberculosis;
- “municipal health officer” means a municipal health officer appointed under the *Public Health Act 1935**;
- “tuberculosis” means tuberculous disease, in any form, which has not been arrested.

3—(1) Any medical practitioner who—

Notifications
by medical
practitioners.

- (a) has reason to believe that any person professionally attended by him (in this section referred to as “the patient”) is or may be suffering from tuberculosis; or
- (b) whether as the result of any post-mortem examination or otherwise, becomes aware that any deceased person was, at the time of his death, suffering from tuberculosis,

shall forthwith give notice, in the prescribed form, to the Director.

(2) Every notification under paragraph (a) of subsection (1) of this section shall indicate—

- (a) whether the disease is in an active form or is suspected of being or having been in an active form; and
- (b) whether the patient is in an infectious condition or is suspected of being or having been in an infectious condition.

(3) There shall be payable by the Director to every medical practitioner, in respect of each notice given by him to the Director in pursuance of this section, such fee as may be prescribed.

4—(1) Subject to this section, the Director shall, forthwith after the receipt by him of any notice under section three, do, or cause to be done, all such things as he considers necessary to ascertain whether the person to whom the notice relates is or was suffering from tuberculosis.

Action by
Director on
receipt of a
notification.

(2) Upon being satisfied that any person to whom any such notice relates is suffering from tuberculosis, the Director shall do, or cause to be done, all such things as he considers necessary to ensure the medical examination of all persons who have been in close association with that person under such conditions that, in the opinion of the Director, any of them may be suffering from tuberculosis.

(3) Subject to this section, the Director may give such notices and directions, make such requirements, and do all such other acts and things, as appear to him to be necessary or desirable for giving effect to this section or for the performance of the duties and the exercise of the powers imposed or conferred upon the Director by this Act.

26 Geo. V. No. 43. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 134. Subsequently amended by 1 Geo. VI. No. 72, 2 Geo. VI. No. 10, 3 Geo. VI. No. 26, 4 Geo. VI. Nos. 23 and 52, 5 Geo. VI. No. 63, 7 Geo. VI. No. 41, 8 & 9 Geo. VI. No. 44, 9 Geo. VI. No. 29, and 11 Geo. VI. No. 23.

(4) Any notice, direction, or requirement of the Director under subsection (3) of this section may be given or made so as to apply to any person or persons specified by the Director, to the persons included in any class of persons specified by the Director, or to persons generally.

(5) In the exercise of the powers and functions, and in the performance of the duties, conferred and imposed upon him by this section, the Director shall have regard to the opinion of the medical practitioner by whom any person is being or has been professionally attended, with respect to the question whether such person is or was suffering from tuberculosis, or is or was in an infectious condition, or with respect to the nature and extent of any examination necessary to determine whether such person or anyone in close association with such person is or was or may be suffering from tuberculosis or is or was in an infectious condition.

(6) In the event of any dispute between the Director and any such medical practitioner with respect to any such question, the question in dispute shall be referred, as prescribed, to a board.

Notice
requiring
persons of
specified
classes to
submit to
examination.

5—(1) The Minister may, by notice under his hand published in the *Gazette*, require all persons over fourteen years of age of any class or classes specified in the notice to undergo radiological examinations of their lungs at such times and places as may be specified in that behalf in the notice, and every person to whom any such notice applies shall, subject to subsection (3) of this section, undergo an examination accordingly.

(2) The Minister shall cause a copy of every notice under subsection (1) of this section to be published, once at least, in not less than three newspapers circulating in this State, and may, in addition, cause the contents of the notice to be made known to the public in such other manner as he considers desirable.

(3) The provisions of subsection (1) of this section shall not apply to any person of a class in respect of which any notice under that subsection has been gazetted who is the holder of any certificate issued by any medical practitioner by whom he has been professionally attended, or by any officer of the Department, certifying that such person has, within the period of twelve months immediately preceding the date of the gazettal of the notice, undergone a radiological examination of his lungs; but any such person shall, if required by the Director, in writing, so to do, produce such certificate and the report of the radiologist by whom the examination was carried out to the Director or to any person specified in that behalf by the Director.

Notice
requiring
individuals
to undergo
certain
examinations

6—(1) If the Director has reason to believe that any person is suffering from tuberculosis and has refused or failed to undergo any medical or other examination in respect thereof, he may, by notice in writing delivered to that person, require that person to undergo, within a period specified in

that behalf in the notice, such radiological, medical, and bacteriological examinations as the Director may determine, and as may be specified in the notice.

(2) A notice under this section may specify the place where any such examination is to take place.

(3) If the Director is satisfied that it is impracticable for a person to whom a notice under subsection (1) of this section is given to attend at the place specified in the notice, or that it is not in the interests of the health of that person for him so to attend, it shall be a sufficient compliance with the notice if that person undergoes the examination, within the period specified in the notice, at the hands of any medical practitioner nominated or appointed for the purpose by the Director and at any place approved by the Director for the purpose.

7 Where any person (in this section referred to as "the patient") who is required to undergo any examination under this Act is a child—

Requirements
in respect
of children.

- (a) the notice in respect of that examination which would, but for this section, have been given to the patient shall be given to the parent or guardian or other person having the charge of the patient; and
- (b) where the notice in respect of the examination is published in the *Gazette* and the patient is included in a class of persons specified in the notice, the notice in respect of the patient shall be deemed to be addressed to the parent or guardian or other person having the charge of the patient,

and the person to whom the notice is so given or deemed to be addressed shall do all such things as are necessary to ensure compliance with the notice on the part of the patient.

8—(1) Where the Director is satisfied that any person suffering from tuberculosis (in this section referred to as "the patient") is in an infectious condition, the Director may apply, as prescribed, to the board nearest to the place at which the patient resides, and, on the hearing of the application, the board, after making such inquiries, and such medical or other examination of the patient, as it thinks fit, if satisfied that—

Board
may order
detention
of person
suffering
from tuber-
culosis.

- (a) the patient is suffering from tuberculosis and is in an infectious condition;
- (b) in the patient's interests he should be properly attended and treated;
- (c) the patient's circumstances are such that proper precautions to prevent the spread of the infection cannot be taken, or that such precautions are not being taken;
- (d) substantial risk of infection is or will thereby be caused to other persons; and

(e) accommodation for the patient is available in a suitable institution or place,

may order the patient to be removed to an institution (or some other place agreed upon by the patient and the Director) where he can be properly attended and treated, and to be detained there for such period, not exceeding six months, as the board thinks fit and as may be specified in the order, or, if the patient is an in-patient in an institution and proposes, contrary to the advice of the Director or of a medical officer of the institution or a medical practitioner, to leave the institution, order him to be detained in the institution or in some other institution or suitable place for such period, not exceeding six months, as the board thinks fit and as may be specified in the order.

(2) At any time while any patient is detained pursuant to any order in force under this section, the Director, on being satisfied that the conditions which led to the patient's detention being ordered will again exist if he is not detained for a further period, may apply, as prescribed, to the board, who may order the detention of the patient in the same place, or in some other place agreed upon by the patient and the Director, for a further period not exceeding six months in the case of each succeeding order, but so that the periods during which the patient may be so ordered to be detained shall not exceed, in the aggregate, a period of three years.

(3) Where an application for an order is made under this section the Director shall give to the patient, or, in the case of a patient who is a child, to the person having the care of the patient, not less than three clear days' notice in writing of the time and place at which the application will be heard.

(4) At any time during the currency of an order under the preceding provisions of this section, any person, on behalf of, and (in the case of an adult patient) with the consent of, the patient, may apply, as prescribed, to the board by which the order was made for the revocation of the order, and the board may, if it thinks fit, revoke the order.

(5) Where any application is made under subsection (4) of this section the person making the application shall give to the Director not less than three clear days' notice in writing of the time and place at which the application will be heard.

(6) Where any application is made under this section the board may, if it thinks fit, require the patient to be examined by any medical practitioner appointed by it for the purpose.

(7) Subject to the provisions of this section and to the decision of a judge on any appeal under section nine, every order under this section shall be final and binding on all parties.

(8) An order under this section may be addressed to the Director or such other person as the board thinks expedient, and the person to whom the order is addressed may do all such acts and things as may be necessary for giving effect to the order.

(9) The medical officer or other person in charge in any institution or other place in which the patient is ordered under this section to be detained or to which he is so ordered to be removed shall, on the presentation of the order, receive the patient and arrange for his medical treatment, and shall do such other acts and things as may be necessary for giving effect to the order.

(10) At any time while the patient is detained in any institution or other place pursuant to an order in force under this section, the board may, if it thinks fit, on the application of the Director or of the medical officer or other person in charge of the institution or place, order the patient to be removed to another institution or suitable place and to be detained there while the firstmentioned order continues in force.

(11) The provisions of subsections (3) to (9) of this section shall, so far as the same are applicable and with the necessary modifications, apply with respect to every application and every order made under subsection (10) of this section.

(12) No person who is removed to or detained in any institution or other place pursuant to an order under this section shall, while the order continues in force, except with the consent of the Director or of the medical superintendent of the institution or place, leave or attempt to leave the institution or place.

(13) If the patient refuses or fails to comply with any order under this section for his detention in any institution or place or for his removal from any institution or place to any other institution or place, a justice may, on the complaint of the Director, issue a warrant under his hand authorising any police officer specified in the warrant, with such assistants as the police officer thinks necessary, to apprehend the patient and take him to the institution or place in or to which his detention or removal has been so ordered.

(14) Every warrant under subsection (13) of this section shall have effect according to its tenor and shall be sufficient authority for the apprehension, and for the detention or removal, of the patient in pursuance of this section, and for the reception of the patient in the institution or place in or to which his detention or removal is ordered in pursuance of this section.

9—(1) For the purposes of this Act, there shall be established such number of medical boards, at such places, as the Governor thinks fit. Medical boards.

(2) Each of such boards shall consist of three medical practitioners who practice as physicians appointed by the Governor, by notice under his hand published in the *Gazette*, and the several medical practitioners so appointed shall each hold office during the Governor's pleasure.

Appeal
against
orders of
detention.

10—(1) The Director, or any person in respect of whom any order is made under section eight or in respect of whom an application for the revocation of an order is made under subsection (4) of that section (in this section called “the patient”), may, within seven days after the making of the order or, as the case may be, the decision of the board refusing the application, or within such further time as a judge may allow, appeal, as prescribed, to a judge, in chambers, against the order or decision.

(2) On the hearing of any such appeal the judge shall proceed to hear the application anew by way of rehearing and may confirm, modify, or reverse the order or decision of the board, and the judge’s decision shall be final and binding on all parties.

(3) No order shall be made as to costs in respect of the hearing of an appeal under this section, except where the appeal is brought by the patient and is successful.

Offences.

11 Any person who without lawful excuse—

- (a) wilfully disobeys any notice, direction, or requirement under this Act;
- (b) obstructs, delays, or in any way interferes with, the prompt execution of any such order, direction, or requirement; or
- (c) contravenes or fails to comply with any provisions of this Act which are applicable to him,

shall be guilty of an offence.

Penalty: Fifty pounds or imprisonment for three months.

Delegation of
powers, &c.

12—(1) The Director may, in relation to any matters or class of matters or in relation to any particular part of this State, by writing under his hand, delegate to any officer of the Department (being a medical practitioner) or to any municipal health officer, or to the medical officer in charge of any hospital or other institution for the treatment of persons suffering from tuberculosis, such of the powers or functions of the Director (other than this power of delegation) as may be specified in the instrument of delegation, so that the powers or functions so delegated may be exercised by the delegate with respect to the matters or class of matters or in relation to the part of the State, as the case may be, specified in the instrument of delegation.

(2) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise by the Director of any of his powers and functions under this Act.

Amendment
of the Public
Health Act
1935.

13 Section three of the *Public Health Act 1935** is amended by omitting from the definition of “Infectious disease” the words “tuberculosis in all forms”.

* 26 Geo. V. No. 43. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 134. Subsequently amended by 1 Geo. VI. No. 72, 2 Geo. VI. No. 10, 3 Geo. VI. No. 26, 4 Geo. VI. Nos. 23 and 52, 5 Geo. VI. No. 63, 7 Geo. VI. No. 41, 8 & 9 Geo. VI. No. 44, 9 Geo. VI. No. 29, and 11 Geo. VI. No. 28.

14 Nothing contained in this Act or in any regulation under this Act shall be construed as authorising or permitting the subjection of any person in respect of whom any order under section eight is in force to any kind of medical or surgical treatment, except with the permission of that person. Compulsory
treatment
prohibited.

15 The Governor may make regulations prescribing all matters which are required or permitted by this Act to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to the provisions of this Act, and, in particular— Regulations.

- (a) prescribing standards to be complied with in clinical, bacteriological, and other examinations necessary to determine whether any person is suffering from tuberculosis, and whether any person who has been suffering from tuberculosis is no longer suffering therefrom;
- (b) prescribing the kind of radiological examination which may be required for the purposes of section five;
- (c) prescribing precautions necessary to prevent the spread of the infection of tuberculosis to be taken by persons suffering from tuberculosis, and by persons attending or having the care of any person suffering therefrom;
- (d) regulating the supervision of persons suffering from tuberculosis in any institution;
- (e) providing for and regulating the disinfection of premises in which any person suffering from tuberculosis has resided or worked, and the disinfection or destruction of bedding, clothing, and other articles and things which have been exposed to infection from tuberculosis;
- (f) requiring local authorities to provide and maintain places and apparatus for the disinfection or destruction of bedding, clothing, and other articles and things which have been exposed to infection from tuberculosis, and providing for the manner in which the costs of the provision and maintenance of such places and apparatus shall be defrayed (with power to prescribe that where a local authority makes default in complying with the provisions of any such regulation the Director may cause the necessary work to be done at the expense of such local authority);
- (g) providing for and regulating the payment of compensation in respect of any bedding, clothing, article, or thing destroyed in pursuance of the regulations;

- (h) providing for and regulating the payment of travelling and other out of pocket expenses incurred by persons required to travel for the purpose of undergoing any examination or treatment under this Act; and
- (i) prescribing penalties (not exceeding fifty pounds and, in the case of continuing offences, daily penalties of five pounds) for offences against the regulations.

Expiry of Act.

16 This Act shall expire on the thirtieth day of June, 1950.

LANDLORD AND TENANT.

No. 21 of 1949.

AN ACT to make provision for the control of the rents of certain premises and for regulating the recovery of possession of certain premises, and with respect to matters incidental thereto; and to repeal the *Increase of Rent (War Restrictions) Act* 1939, the *Landlord and Tenant (Temporary Provisions) Act* 1948, and the *Landlord and Tenant (Temporary Provisions) Act (No. 2)* 1948. [4 May, 1949.]

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:—

PART I.

PRELIMINARY.

Short title
and com-
mencement.

1—(1) This Act may be cited as the *Landlord and Tenant Act* 1949.

(2) This Act shall commence on a day to be fixed by proclamation (in this Act referred to as “the commencing day”).