

RURAL FIRES.

No. 39 of 1963.

AN ACT to amend the *Rural Fires Act 1950*.
[18 September 1963.]

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 *Rural Fires Act 1963*.

Short title
and citation.

(2) The *Rural Fires Act 1950*, as subsequently amended, is in this Act referred to as the Principal Act.

2 After section eighteen of the Principal Act the following section is inserted:—

“18A—(1) Subject to this section, where the occupier of any land is aware that a fire is burning on that land at a place that is within a fire warden’s district he shall as soon as practicable take such steps as may be necessary to ensure that a fire warden for that district is informed of the existence of the fire.

Notification
of occurrence
of fires.

“(2) Without prejudice to the generality of the provisions of subsection (1) of this section, a person who is engaged in extinguishing or controlling the spread of a fire shall be deemed to have been prevented from taking any steps that would require him to desist from so engaging.

“(3) Subsection (1) of this section does not require the occupier of any land to take any such steps as are therein referred to in relation to a fire that has been lit on that land if a notification of the intention to light the fire has been given to a fire warden in accordance with this Act and the fire was not lit in contravention of this Act.

“(4) An occupier of any land who fails to comply with this section is guilty of an offence against this Act.”

TUBERCULOSIS.

No. 40 of 1963.

AN ACT to make provision with respect to the
examination of persons suffering or suspected to
be suffering from tuberculosis, and for other
purposes. [18 September 1963.]

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 This Act may be cited as the *Tuberculosis Act 1963*.

Short title.
Cf. No. 20 of
1949, s. 1.

Interpre-
tation.
Ibid., s. 2.

- 2**—(1) In this Act, unless the contrary intention appears—
- “board” means a medical board established in accordance with section ten;
 - “child” means a person who is under the age of seventeen years;
 - “detention order” has the meaning assigned to that expression by subsection (1) of section nine;
 - “medical practitioner” means a person who is a legally-qualified medical practitioner within the meaning of the *Medical Act 1959*;
 - “municipal health officer” means a municipal medical officer of health appointed under the *Local Government Act 1962*;
 - “place of detention” means a place in or at a tuberculosis hospital set apart under this Act as a place for the detention of persons in respect of whom detention orders are in force;
 - “tuberculosis” means tuberculosis disease, in any form, that has not been arrested;
 - “tuberculosis hospital” means an institution—
 - (a) that is prescribed as a tuberculosis hospital; or
 - (b) in which patients suffering from tuberculosis are accommodated.

(2) Until the date on which the *Local Government Act 1962* commences a reference in this Act to a municipal health officer shall be construed as a reference to a municipal health officer appointed under the *Public Health Act 1935*.

Notices by
medical prac-
titioners.
Ibid., s. 3.

- 3**—(1) A medical practitioner who—
- (a) has reason to believe that a 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 a post-mortem examination or otherwise, becomes aware that a deceased person was, at the time of his death, suffering from tuberculosis,

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

(2) A notice 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 at any time been in an active form; and
- (b) whether the patient is in an infectious condition or is suspected of being or having at any time been in an infectious condition.

(3) The Minister shall pay to a medical practitioner, in respect of each notice given by the medical practitioner to the Minister in pursuance of this section, such fee as may be prescribed.

4—(1) Subject to this section, the Minister shall, forthwith after the receipt by him of a 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 at any time suffering from tuberculosis. Action by Minister on receipt of a notice. *Ibid.*, s. 4.

(2) Upon being satisfied that a person to whom a notice under section three relates is or was at any time suffering from tuberculosis, the Minister 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 Minister, any of them may be suffering from tuberculosis.

(3) Subject to this section, the Minister 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 Minister by this Act.

(4) A notice, direction, or requirement of the Minister under subsection (3) of this section may be given or made so as to apply to any person or persons specified by the Minister, to the persons included in any class of persons specified by the Minister, 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 Minister 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 that person is or was at any time suffering from tuberculosis, or is or was at any time in an infectious condition, or with respect to the nature and extent of any examination necessary to determine whether that person or any other person who has at any time been in close association with him is, or was at any time, or may be, suffering from tuberculosis or is, or was at any time, in an infectious condition.

(6) If a dispute arises between the Minister and a medical practitioner with respect to a question to which subsection (5) of this section relates, the question shall be referred, as prescribed, to a board.

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 a person to whom such a notice applies shall, subject to subsection (3) of this section, undergo an examination accordingly. Notice requiring persons of specified classes to submit to examination. *Ibid.*, s. 5.

(2) The Minister shall cause a copy of every notice under subsection (1) of this section to be published, once at least, in at least one newspaper 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 do not apply to a person of a class in respect of which any notice under that subsection has been gazetted who is the holder of a certificate issued by a medical practitioner by whom he has been professionally attended, or by an authorized officer, certifying that that 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 Minister in writing so to do, produce that certificate, together with the report of the radiologist by whom the examination was carried out, to the Minister or to a person specified in that behalf by the Minister.

(4) In this section, "authorized officer" means a person (whether an officer of the Department of Health Services or not) who is authorized, in writing, to issue certificates for the purposes of subsection (3) of this section.

Notice
requiring a
person to
undergo
certain
examina-
tions.
Ibid., s. 6.

6—(1) If the Minister—

- (a) has reason to believe that a person may be suffering from tuberculosis and has failed to undergo any medical or other examination in respect thereof; or
- (b) knows or has reason to believe that a person has suffered from tuberculosis and that that person is or may still be so suffering,

the Minister may, by notice in writing given to that person, require that person to undergo, within the period specified in that behalf in the notice, such radiological, medical, and bacteriological examinations as the Minister may determine and as may be specified in the notice.

(2) A notice under this section may specify the place or places where the examinations to which it relates are to take place.

(3) If the Minister is satisfied that it is impracticable for a person to whom a notice under subsection (1) of this section is given to attend at a 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 is 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 Minister and at any place approved by the Minister for that purpose.

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

Requirements
in respect
of children.
Ibid., s. 7.

- (a) the notice in respect of that examination that would, but for this section, have been given to the patient shall be given to the parent, guardian, or other person having the care or 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 have been given to the parent, guardian, or other person having the care or charge of the patient,

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

8—(1) Where the Minister is satisfied that a person who is suffering from tuberculosis (in this section referred to as "the patient") is in an infectious condition, the Minister 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, is satisfied that—

Orders for
the detention
of person
suffering
from tuber-
culosis.
Ibid., s. 8.

- (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 those 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 to some other place agreed upon by the patient and the Minister) 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 Minister, or of a medical officer of the institution, or of 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 a patient is detained pursuant to an order in force under this section, the Minister, on being satisfied that the conditions that 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, which may order the detention of the patient in the same place, or in some other place agreed upon by the patient and the Minister, 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 do not exceed, in the aggregate, a period of three years.

(3) Where an application for an order is made under this section the Minister shall give to the patient, or, in the case of a patient who is a child, to the person having the care or charge 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 an application is made under subsection (4) of this section the person making the application shall give to the Minister not less than three clear days' notice in writing of the time and place at which the application will be heard.

(6) Where an 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 an appeal under section eleven, an order under this section is final and binding on all parties.

(8) An order under this section may be directed to the Minister or to such other person as the board thinks expedient, and the Minister or other person to whom the order is directed 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 of an institution or other place in which the patient is ordered under this section to be detained or to which he is ordered under this section 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 an 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 Minister or of the medical officer or other person in charge of the institution or other place, order the patient to be removed to another institution or suitable place and to be detained there while the first-mentioned order continues in force.

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

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

(13) If the patient fails to comply with an order under this section for his detention in an institution or other place or for his removal from an institution or place to any other institution or place, a justice may, on the complaint of the Minister, issue a warrant under his hand authorizing a 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 other place in or to which his detention or removal has been so ordered.

(14) A warrant under subsection (13) of this section has effect according to its tenor and is 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 other place in or to which his detention or removal is ordered in pursuance of this section.

9—(1) On the conviction of a person for an offence under this Act committed while he is ordered under section eight to be detained in an institution or place, or while he is a patient in a tuberculosis hospital, the court, without, or in addition to, the imposition of a penalty for that offence, may make an order (in this Act referred to as a "detention order") authorizing him, while he is ordered under that section to be detained in a tuberculosis hospital or, while he is a patient in a tuberculosis hospital, to be detained in the place of detention in or at that hospital.

Detention of patients in places of detention.
Ibid., s. 8A.

(2) A detention order ceases to have effect at the expiration of such period (not exceeding six months) after the date of the making thereof as may be specified therein.

(3) The provisions of the *Justices Act* 1959, in their application to proceedings under this section, have effect as if an order made under this section were an order within the meaning of that Act.

(4) Where a detention order is made in respect of a person who, by an order in force under section eight, is required to be detained at an institution or place, other than a tuberculosis hospital in or at which there is a place of detention, the court making the detention order may order him to be removed to such tuberculosis hospital as the court may determine in or at which there is a place of detention, and to be detained in that hospital while the order made under that section remains in force.

(5) An order made under subsection (4) of this section has the like effect as if it had been made by the board under subsection (10) of section eight, and, except for the purposes of section eleven, shall be deemed to be such an order.

(6) A detention order, while it is in force, is sufficient authority for the Minister or the person in charge of the tuberculosis hospital in which the person in respect of whom the order was made has been ordered to be detained under section eight, or in which he is a patient, or any person acting under the direction of the Minister or of the person in charge of the tuberculosis hospital, or any police officer, to remove the person in respect of whom the order was made to, and to place and detain him in, the place of detention in or at that hospital.

(7) No person who is removed to, or detained in, a place of detention pursuant to a detention order shall, while the order continues in force, except with the consent of the Minister, or of the person in charge of the tuberculosis hospital in or at which the place of detention is situated, leave or attempt to leave that place.

(8) Nothing in the *Hospitals Act* 1918 shall be deemed to impose on a person any duty or obligation to receive for treatment for tuberculosis in a hospital in or at which there is no place of detention a person in respect of whom a detention order is in force.

Medical
boards.
Ibid., s. 9.

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

(2) Each medical board established pursuant to this section shall consist of five medical practitioners who practise 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.

(3) Three members of a board constitute a quorum of the board.

(4) The powers, duties, and functions of a board may be exercised and performed, for and on behalf of the board, by three or more members of the board present at any meeting of the board.

(5) A member of a board is entitled to be paid such remuneration, if any, and such travelling and other out-of-pocket expenses, as may be prescribed.

Appeal
against
orders of
detention.
Ibid., s. 10.

11—(1) The Minister, or a 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 referred to as "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 an appeal under this section 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 is 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.

12 A person who, without lawful excuse—

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

is guilty of an offence.

Penalty: Fifty pounds or imprisonment for three months.

13—(1) No person shall, without proper authority—

- (a) bring intoxicating liquor, or cause or procure intoxicating liquor to be brought, into a tuberculosis hospital; or
- (b) supply intoxicating liquor, or cause or procure intoxicating liquor to be supplied, to any patient in a tuberculosis hospital, except on the instructions of a medical practitioner attending the patient.

(2) No person employed in or about a tuberculosis hospital shall, without proper authority, knowingly permit intoxicating liquor to be brought into the hospital.

(3) No patient in a tuberculosis hospital shall, without proper authority, have in his possession any intoxicating liquor unless it has been supplied to him in accordance with the provisions of this section.

(4) No patient in a tuberculosis hospital shall—

- (a) behave in a violent, riotous, offensive, disorderly, or indecent manner;
- (b) wilfully act to the annoyance of any other patient therein; or
- (c) wilfully obstruct or interfere with any person in the performance of anything that he is empowered or required to do by virtue of his employment in or about a tuberculosis hospital.

Offences.

Ibid., s. 11.

Offences in tuberculosis hospitals.

Ibid., s. 11A.

(5) In this section "proper authority" means an authority in writing signed by the Minister or by such other person as he may have authorized in writing to give such an authority.

Delegation of powers, &c.
Ibid., s. 12.

14—(1) The Minister 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 Public Service (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 Minister (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) A delegation under this section is revocable at will, and does not prevent the exercise by the Minister of any of his powers or functions under this Act.

Compulsory treatment prohibited.
Ibid., s. 14.

15 Nothing in this Act shall be construed as authorizing or permitting the subjection of a person in respect of whom an order under section eight is in force to any kind of medical or surgical treatment, except with the permission of that person.

Service, &c., of notices, directions, and requirements.
Ibid., s. 14A.

16 A notice, direction, requirement, or order that is required or permitted by or under this Act to be served on, or given to, or made of or applicable to, a person may be so served, given, or made—

- (a) by delivering a written copy thereof to that person by hand; or
- (b) by forwarding a written copy thereof to that person by post as certified mail in accordance with the postal regulations for the time being in force.

Regulations.
Ibid., s. 15.

17—(1) The Governor may make regulations for the purposes of this Act, and, in particular and without prejudice to the generality of this section, may make regulations—

- (a) prescribing standards to be complied with in clinical, bacteriological, and other examinations necessary to determine whether a person is suffering from tuberculosis, and whether a person who has been suffering from tuberculosis is no longer suffering therefrom;
- (b) prescribing the kind of radiological examination that may be required for the purposes of section five;
- (c) prescribing the precautions 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 a person suffering therefrom;
- (d) regulating the supervision in any institution of persons suffering from tuberculosis;

- (e) prescribing the tuberculosis hospitals in or at which places of detention may be set apart, and authorizing the Minister, in such manner and subject to such conditions as may be prescribed, to determine the place at, or the part of, any such hospital that is to be set apart as a place of detention;
- (f) providing for and regulating the management of places of detention, and regulating the detention of persons in those places;
- (g) providing for and regulating the disinfection of premises in which a person suffering from tuberculosis has resided or worked, and the disinfection or destruction of bedding, clothing, and other articles and things that have been exposed to infection from tuberculosis;
- (h) requiring local authorities to provide and maintain places and apparatus for the disinfection or destruction of bedding, clothing, and other articles and things that have been exposed to infection from tuberculosis, and providing for the manner in which the costs of the provision and maintenance of any 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 Minister may cause the necessary work to be done at the expense of the local authority);
- (i) providing for and regulating the payment of compensation in respect of any bedding, clothing, article, or thing destroyed in pursuance of the regulations;
- (j) providing for and regulating the payment of travelling and other out-of-pocket expenses (including compensation for loss of time or wages) incurred by witnesses appearing in proceedings before a board or by persons required to travel for the purpose of undergoing any examination or treatment under this Act; and
- (k) prescribing penalties (not exceeding fifty pounds and, in the case of continuing offences, daily penalties of five pounds) for offences against the regulations.

(2) No institution shall be prescribed as a tuberculosis hospital for the purposes of this Act unless the Governor is satisfied that it is regularly used for the reception and treatment of patients suffering from tuberculosis.

18—(1) Notwithstanding the expiry of the *Tuberculosis Act 1949* (in this section referred to as "the expired Act")—

- (a) all acts, matters, and things done, and all payments made, by the Governor, the Minister, the Treasurer, the Director of Tuberculosis, or any other person in purported exercise of any of his powers or functions under the expired Act or

Validation.

under the *Tuberculosis (Campaign Arrangements) Act 1950* during the period beginning on the thirtieth day of June 1963 and ending on the date of the commencement of this Act shall be deemed to have been as validly and effectually done or made in all respects as if the expired Act and the *Tuberculosis (Campaign Arrangements) Act 1950* had each been in force at the time when any such act, matter, or thing was done or, as the case may be, when any such payment was made; and

(b) all such—

(i) payments and re-appropriations may continue to be made;

(ii) loans may continue to be raised; and

(iii) other acts, matters, and things may continue to be done,

respectively, under or for the purposes of the *Tuberculosis (Campaign Arrangements) Act 1950* as might lawfully have been made, raised, or done if, before the thirtieth day of June 1963, that Act had been amended by the omission from subsection (1) of section two thereof of the words “until the thirtieth day of June 1963”.

(2) Nothing in this section renders any person liable—

(a) to any penalty in respect of a contravention of, or failure to comply with, a provision of the expired Act or any notice, direction, requirement, or order thereunder; or

(b) to be subjected to any examination, treatment, or detention by reason of anything done or omitted to be done by him contrary to any such provision, notice, direction, requirement, or order, or by reason of his failure to undergo any examination, treatment, or detention pursuant to the expired Act,

during the period beginning on the date of expiry of that Act and ending on the date of the commencement of this Act.

EXPLOSIVES.

No. 41 of 1963.

AN ACT to amend the *Explosives Act 1916*.

[18 September 1963.]

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 *Explosives Act 1963*.

(2) The *Explosives Act 1916*, as subsequently amended, is in this Act referred to as the Principal Act.