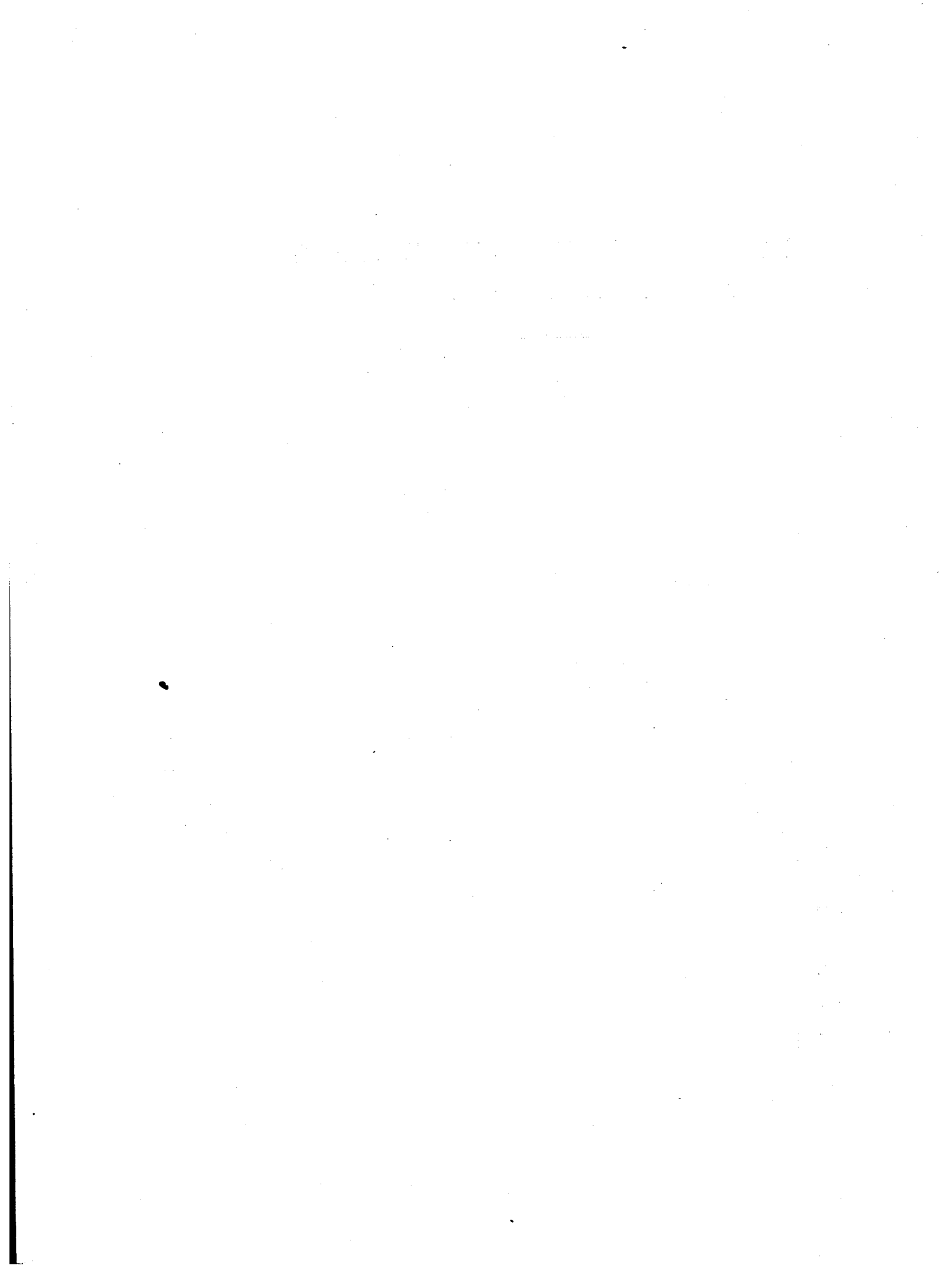


THE PUBLIC HEALTH FURTHER AMENDMENT ACT, 1917.

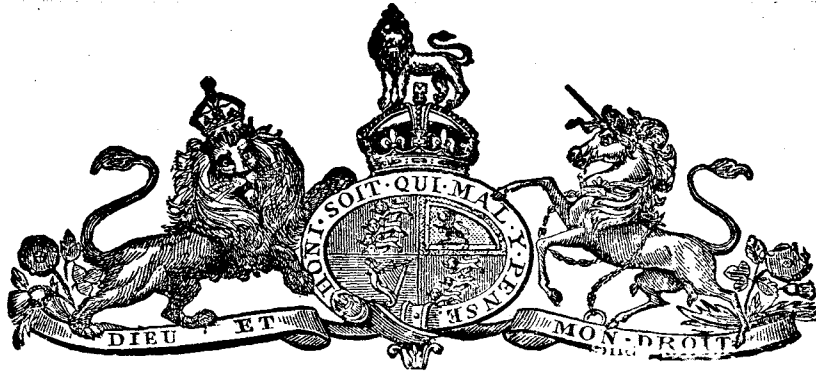
ANALYSIS.

1. Short title and incorporation.
2. Insertion of new part after Part II. of Principal Act.
- 41a. Interpretation.
 - "Chief Health Officer."
 - "Child."
 - "Managers."
 - "Part."
 - "Prescribed."
 - "Sheriff."
 - "Venereal disease."
 - Act to apply to females as well as males.
 - Medical officer at hospital.
- 41b. Proclamation of hospitals.
- 41c. Who may attend upon or prescribe for sufferers from venereal disease. Provision as to chemists dispensing prescriptions.
- 41d. Duty of person suffering from such disease to place himself under treatment, &c.
- 41e. Duty of patient to attend for treatment, &c.
 - Change of medical adviser.
- 41f. Medical practitioner to notify each case of venereal disease to Chief Health Officer.
 - Name and address of patient not to be disclosed.
- 41g. Where patient fails to attend during prescribed period, medical adviser to notify fact and name, &c., of patient to Chief Health Officer.
- 41h. Warning, &c., by medical practitioner to patient.
- 41i. Certificate of cure, &c.
- 41j. Duty of parent or guardian of patient, &c., under Sixteen years of age.
- 41k. Power to order person suspected of suffering from disease and not under treatment to submit to treatment.
 - Power to apprehend and detain for examination, &c., in hospital, &c., person neglecting to submit to such treatment.
 - Power to detain diseased person until cure, &c.
 - Power of judge or police magistrate to release person on cure, &c.
 - Private treatment.
 - Periodical examination of persons detained.
 - Protection of medical practitioner giving certificate.
- 41l. Special provisions in case of prisoners. Extension of provisions of this section to persons detained in industrial and training schools, &c.
- 41m. Hearing by judge or police magistrate to be in private.
 - Secrecy to be preserved.
- 41n. Examination of females.
- 41o. Person though ceasing to be infective to continue treatment until cured.
- 41p. Infecting any person with venereal disease an offence.
- 41q. Duty of public hospital, &c., to treat persons suffering from venereal disease free of charge.
- 41r. Powers of Minister.
- 41s. Regulations.
- 41t. Procedure.

1s.]



TASMANIA



1917.

ANNO SEPTIMO

GEORGII V. REGIS.

No. 64.

AN ACT to further amend "The Public Health Act, 1903," and for other purposes. ^{A.D.} 1917.
[23 February, 1917.]

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 Public Health Act, 1917," and shall be incorporated with and construed as one with "The Public Health Act, 1903" (in this Act referred to as the "Principal Act"), and every amendment thereof. Short title and incorporation with 3 Ed. VII. No. 37.

2 The following Part is hereby inserted after Part II. of the Principal Act ; that is to say :— Insertion of new part after Part II. of Principal Act. Cf. W.A., No. 55, 1915, s. 3.

"PART II.A.
"VENEREAL DISEASES, AND DISORDERS AFFECTING THE
GENERATIVE ORGANS.

"41a—(1) In this part of this Act, if not inconsistent with the context or subject-matter— Interpretation.

'Chief Health Officer' means the Chief Health Officer of Tasmania for the time being appointed under this Act, and includes an Acting Chief Health Officer : "Chief Health Officer."

Public Health Further Amendment.

- A.D. 1917.
- “Child.”
- “Managers.”
- “Part.”
- “Prescribe.”
- “Sheriff.”
- “Venereal disease.”
- Act to apply to females as well as males.
- Medical officer at hospital.
- Proclamation of hospitals.
- Who may attend upon or prescribe for sufferers from venereal disease. Cf. *ibid.*, s. 242a.
- Provision as to chemists dispensing prescriptions.
- Duty of person suffering from such disease to place himself under treatment, &c. Cf. *ibid.*, s. 242b.
- Duty of patient to attend for treatment, &c. Cf. *ibid.*, s. 242c.
- ‘Child’ means a person under the age of Sixteen years :
- ‘Managers’ includes board, committee, or other body managing any hospital :
- ‘Part’ means part of this Act :
- ‘Prescribed’ means prescribed by this Part or by regulations under this part :
- ‘Sheriff’ means the Sheriff of Tasmania and includes an acting sheriff :
- ‘Venereal disease’ means gonorrhœa, gonorrhœal ophthalmia, syphilis, soft chancre, venereal warts, or venereal granuloma.
- “(2) Words importing the masculine gender shall be deemed and taken to include females.
- “(3) Any reference to a medical practitioner shall, in any case where a person attends for treatment at a hospital, dispensary, or other prescribed place, and with respect to notices required by this Part in such a case, mean the medical officer of the hospital or other prescribed place for the time being in charge of cases of venereal disease thereat.
- “**41b** The Governor may, by proclamation, appoint any hospital maintained by or receiving aid from the State, or any ward of any such hospital, as a place in which persons may under this Part be detained for treatment.
- “**41c**—(1) No person, other than a medical practitioner or a person acting under the direct instructions of a medical practitioner, shall attend upon or prescribe for, or supply any drug to, any person suffering from any venereal disease for the purpose of curing, alleviating, or treating such disease.
- “Penalty : Fifty Pounds or Six months’ imprisonment.
- “(2) This section shall not apply to a registered pharmaceutical chemist who dispenses to the patient of a medical practitioner the prescription of such practitioner : Provided such prescription is—
- (a) Dated :
- (b) Bears the address and usual signature (including the surname), of such practitioner.
- “**41d** Every person suffering from any venereal disease, or suspecting that he is so suffering, shall, forthwith on his becoming aware of his condition, consult a medical practitioner thereon, and for the purpose of examination and treatment that may be necessary place himself under such medical practitioner, or shall attend at some hospital or other place prescribed for the purpose and place himself under treatment thereat as may be deemed necessary.
- “Penalty : Twenty Pounds.
- “**41e**—(1) Every person suffering from any venereal disease who has consulted and placed himself under treatment by a medical practitioner, or has attended or placed himself under treatment at a hospital or other prescribed place, shall (until he has received a

Public Health Further Amendment.

certificate of cure or of being free from venereal disease) personally attend or cause himself to be attended by a medical practitioner, or personally attend at a hospital or other prescribed place for the purpose of treatment and advice, at least Once in every such period, not exceeding Four weeks, as is prescribed, and shall follow the advice given by such medical practitioner or by a medical practitioner at such hospital or place. A.D. 1917.

“Penalty : Twenty Pounds.

“(2) If any such person, by reason of change of residence or otherwise, desires to change his medical adviser, or if the medical practitioner attending such person dies or for any reason is unable or unwilling to attend him further, such person shall forthwith consult and place himself under the treatment of another medical practitioner, and inform his new adviser of the name and last known address of his last previous adviser. The medical practitioner so informed shall forthwith send a notice in the prescribed form of the change made by the patient to such previous adviser, if such adviser is living and in Tasmania. Change of medical adviser.

“Penalty : Five Pounds.

“**41f** If a medical practitioner becomes aware that any person consulting or attended or treated by him is suffering from any venereal disease, the medical practitioner shall, in the prescribed form and within the prescribed time, give notice thereof to the Chief Health Officer.

“Such notice shall not disclose the name and address of the patient.

“Penalty : For a First offence, Twenty Pounds ; and for a Second and every subsequent offence, One hundred Pounds.

“**41g**—(1) If any patient who has been attended or treated by a medical practitioner for any venereal disease fails to consult or attend such medical practitioner for a period of Six weeks, and the medical practitioner has not within that period received from another medical practitioner a notice that the patient has changed his medical adviser, such firstmentioned medical practitioner shall send to the Chief Health Officer in the prescribed form a notice of the facts, including the name and address of the patient.

“(2) Any medical practitioner whose duty it is to do so who does not send the said notice to the Chief Health Officer shall be liable for a First offence to a penalty of not more than Twenty Pounds, and for a Second or any subsequent offence to a penalty of not less than Twenty Pounds or more than One hundred Pounds.

“**41h** Every medical practitioner who attends or advises any patient for or in respect of any venereal disease from which the patient is suffering shall—

i. By written notice in the prescribed form delivered to the patient—

(a) Direct such patient's attention to the infectious character of the disease and to the legal consequences of infecting others ; and

Medical practitioner to notify each case of venereal disease to Chief Health Officer.

Cf. *ibid.*, s. 242d. Name and address of patient not to be disclosed. Penalty.

Where patient fails to attend during prescribed period, medical adviser to notify fact and name, &c., of patient to Chief Health Officer. Cf. *ibid.*, s. 242e. Penalty.

Warning, &c., by medical practitioner to patient. Cf. *ibid.*, s. 242f.

Public Health Further Amendment.

A.D. 1917.

(b) Warn the patient against contracting any marriage until certified as cured : and

ii. Give such patient such printed information relating to the disease and the duties of patients as is prescribed.

“ Penalty : Five Pounds.

Certificate of cure,
&c.
Ibid., s. 242g.

“ **41i** Subject to this Part, when any patient as aforesaid becomes cured of or free from venereal disease, or has ceased to be liable to convey infection, any medical practitioner shall, on being satisfied of the fact, give such patient a certificate in the prescribed form that such patient is cured or is free from venereal disease, or is no longer liable to convey infection (as the case may be).

Duty of parent or guardian of patient, &c., under 16 years of age.
Cf. *ibid.*, s. 242 i.

“ **41j**—(1) Any parent, guardian, or other person in charge of any child suffering from any venereal disease shall cause such child to be treated by a medical practitioner.

“ Penalty : Ten Pounds.

“ (2) When any child is or becomes liable under this Part to do or submit to any act, matter, or thing, any parent or guardian or other person in charge of such child who knows that such child is so liable, shall exercise his authority to compel or induce such child to do or submit to such act, matter, or thing as aforesaid.

“ Penalty : Ten Pounds.

“ (3) Any parent or guardian or other person in charge of any such child who knows that such child has failed to comply with any provisions of this Part applicable to such child, shall report the fact, together with such particulars as are prescribed, to the Chief Health Officer.

“ Penalty : Ten Pounds.

Power to order person suspected of suffering from disease and not under treatment to submit to treatment.
Cf. *ibid.*, s. 242 j.
Power to apprehend and detain for examination, &c., in hospital, &c., person neglecting to submit to such treatment.

“ **41k**—(1) Whenever the Chief Health Officer is satisfied—

- i. By the certificate of a medical practitioner ; or
- ii. By a signed statement in which shall be set forth the full name and address of the informant—

that any person is suffering from venereal disease, and is not under treatment by any medical practitioner, he may issue an order in writing requiring such person to place himself forthwith under the care of a medical practitioner.

“ (2) If such person does not place himself under the care of a medical practitioner, a police magistrate, on the complaint of the Chief Health Officer or of a medical practitioner authorised in writing either generally or in any particular case for the purpose by the Chief Health Officer, may, by warrant under his hand in the prescribed form and directed to prescribed persons, order the person to be apprehended and to be detained for any prescribed period, not exceeding Four weeks, in any prescribed place for any clinical, chemical, bacteriological, or other examination or investigation necessary to ascertain whether such person is suffering from venereal disease, and it shall be lawful to make any

Public Health Further Amendment.

such examination or investigation ; and such warrant shall be a sufficient authority to all persons for the arrest and detention of such person in pursuance of the warrant aforesaid and subject to the provisions of this part any person proved guilty of furnishing a wilfully false signed statement under this section shall be subject to a penalty of Fifty Pounds.

A.D. 1917.

“(3) If the result of any such examination or investigation discloses that such person is suffering from any venereal disease, and the Chief Health Officer after due inquiry into all the circumstances is of the opinion that further detention is necessary in the interests of such person and of the public welfare, and so reports to the Minister, then, on the recommendation of the Minister, the Governor may from time to time order that such person shall be detained under such conditions and in a prescribed or proclaimed place and for such time and be subject to such examination and treatment as are necessary to ensure that such person is cured or is free from venereal disease or has ceased to be liable to convey infection ; and the Governor may extend or vary any such order or at any time terminate its operation, and thereafter, if found necessary, renew such order. And every such order shall be sufficient authority to all persons for the arrest and the removal or detention of such person in pursuance of the order until his release under the provisions of this section and subject to the provisions of this Part.

Power to detain diseased person until cure, &c.

“(4) Any person undergoing detention under this section may from time to time apply in writing in the prescribed form to a judge of the Supreme Court or a police magistrate to be examined by Two medical practitioners, and thereupon such judge or magistrate shall by order direct any Two or more medical practitioners named in the order (One of whom shall be nominated by the patient or some person on his behalf) to examine such person accordingly, and report the result of the examination to the judge or magistrate ; and every officer or person in whose custody the person is shall permit the examination.

Power of judge or police magistrate to release person on cure, &c.

“If it appears from such report that all such medical practitioners are of opinion that the person is cured or is free from venereal disease, or has ceased to be liable to convey infection, the judge or magistrate shall order the release of such person from detention, and he shall be released accordingly.

“No such application shall be made by any person so detained within Three months after a like prior application has been made by such person.

“(5) Any person undergoing detention under this section who proves to the satisfaction of the Minister that he can obtain, and is prepared to undergo suitable private treatment may be released on the order of the Minister, subject to such conditions as the Minister imposes.

Private treatment.

“(6) Any person undergoing detention under this section shall, Once at least in every period of Three months, beginning with the date of his arrest, be examined by Two medical practitioners appointed by the Minister either generally or in any particular case for the purpose, in order to ascertain whether such person is cured or is free from venereal

Periodical examination of persons detained.

Public Health Further Amendment.

A.D. 1917.

disease, or has ceased to be liable to convey infection, and such medical practitioners shall report to the Minister accordingly.

“ If the Minister is satisfied that such person is cured or is free from venereal disease, or has ceased to be liable to convey infection, the Minister shall order the release of such person from detention, and he shall be released accordingly.

“ Where the person undergoing detention has been examined by order of a judge or police magistrate under this section, an examination under this subsection shall not be necessary until a period of Three months has elapsed after the firstmentioned examination.

“(7) No person shall be detained under this section after he is cured or is free from venereal disease or has ceased to be liable to convey infection.

“(8) No certificate of any medical practitioner given for the purposes of this or the next succeeding section *bond fide* and without negligence that any person (including any child or any prisoner) is suffering from venereal disease shall be admissible in evidence in any proceedings, civil or criminal, against such medical practitioner, or be made the ground of any prosecution, action, or suit against him.

Protection of
medical practi-
tioner giving
certificate.

Penalty.

“(9) Any person who —

- I. Detains any person undergoing detention under this section, except as provided under this Part : or
- II. Obstructs the carrying into effect of any warrant or order under this section : or
- III. Refuses to do or submit to anything which such person is by this section, or any such warrant or order, required to do or submit to ; or
- IV. While undergoing detention under this section leaves, except as prescribed, any prescribed or proclaimed place before being lawfully discharged—

shall be guilty of an offence against this Act.

“ Penalty : Twenty Pounds.

Special provisions
in case of
prisoners.
Cf. *ibid.*, s. 242 j.
(6).

“ **411**—(1) Where a medical practitioner duly appointed, either generally or in any particular case for the purpose certifies in writing to the Minister that any prisoner in any gaol is suffering from any venereal disease, such prisoner may be brought before a police magistrate in the gaol, and on proof that such prisoner is so suffering, the police magistrate may order that such prisoner be detained under such conditions and in a prescribed or proclaimed place and for such time and be subject to such examination and treatment as are necessary to ensure that he is cured or is free from venereal disease or is no longer liable to convey infection.

“(2) Such an order shall be sufficient authority to the Sheriff to remove such prisoner to the prescribed or proclaimed place named in the order, and for his detention therein in pursuance of the order and subject to the provisions of this section.

Public Health Further Amendment.

“(3) During any period of detention under this section such prisoner shall be deemed to be in legal custody, and the period of detention shall run concurrently with, but may exceed, the term of imprisonment to which such prisoner has been sentenced.

A.D. 1917.

“(4) The provisions of Subsection (4) of the last preceding section shall extend and apply to prisoners undergoing detention under this section.

“(5) If the Chief Health Officer is satisfied that any prisoner undergoing detention under this section is cured or is free from venereal disease, or is no longer liable to convey infection, he shall so report to the Minister, and thereupon the Minister shall order that such prisoner be discharged from such detention, and such prisoner, unless his sentence has sooner expired, shall be remitted to his former custody to serve the remainder of his sentence.

“(6) Notwithstanding anything in any Act or in any law to the contrary, it shall be lawful for any medical practitioner or practitioners duly appointed by the Minister, either generally or in any particular case for the purpose to examine any prisoner in any gaol for the purpose of ascertaining whether such prisoner is suffering from venereal disease, and to make such clinical, chemical, bacteriological, and other examinations and investigations as are necessary or expedient for the purpose.

“(7) The provisions of this section with respect to prisoners shall extend and apply to persons committed to and detained in industrial and training schools, and shall, with such alterations, modifications, and substitutions as are necessary, be read and construed accordingly: Provided that for the purposes of this subsection—

Extension of provisions of this section to persons detained in industrial and training schools, &c.

- i. Upon the discharge of any such person from detention under this section such person shall be returned to the industrial school or training school from which he was removed: and
- ii. Any reference in this section to the Sheriff shall be read and construed as a reference to the person in charge of a training school or industrial school or the superintendent or matron of any such school (as the case may be).

“**41m**—(1) Any matter to be heard by a judge or police magistrate under any section of or regulation under this Part shall be heard and decided in chambers and in private, and no person other than the judge, or magistrate, the party concerned, the Chief Health Officer, and such officers, witnesses, or persons as the judge or magistrate may require or may, at the request of the party concerned, permit to be present, shall have access to or be permitted to be present in any room where the matter is being heard.

Hearing by judge or police magistrate to be in private. Cf. *ibid.*, 242m.

“(2) Every person who acts or assists in the administration of any such section or regulation, and every person present in any room where any matter under any such section or regulation is being heard, shall preserve and aid in preserving secrecy with regard to all matters and things which come to his knowledge while so acting

Secrecy to be preserved.

Public Health Further Amendment.

A.D. 1917.

or assisting or present, and shall not communicate any such matter or thing to any other person, except in the performance of his duties under this part or in answer to some question which he is legally bound to answer.

“ Penalty : Fifty Pounds.

Examination of females.
Cf. *ibid.*, s. 242 j. (1).

“ **41n** If any person to be examined under this part is a female, then, if so desired by the person to be examined, the examination, if by One medical practitioner, shall if practicable be made by a medical practitioner who is a woman, and if by more than One medical practitioner all of such medical practitioners shall if practicable be women.

Person though ceasing to be infective to continue treatment until cured.

“ **41o** The fact that a person who has been suffering from any venereal disease has ceased to be liable to convey infection, but has not been cured, shall not exonerate such person from complying with the provisions of this Part with respect to treatment or any medical practitioner from complying with the requirements of this part with respect to notices.

Infecting any person with venereal disease an offence.
Cf. *ibid.*, s. 242 k.

“ **41p** No person shall knowingly infect any other person with a venereal disease, or knowingly do or permit or suffer any act likely to lead to the infection of any other person with such a disease.

“ Penalty : Imprisonment for Twelve months

Duty of public hospital, &c., to treat persons suffering from venereal disease free of charge.
Cf. *ibid.*, s. 242 l.

“ **41q**—(1) The managers of any hospital receiving aid from the State shall make effective provision as prescribed for the reception, accommodation, examination, and treatment, free of charge, of such numbers of persons or such classes of persons suffering from venereal disease as are prescribed.

“ (2) In case of default the Treasurer of the State may withhold the whole or any portion of any subsidy which would be payable from the Consolidated Revenue in respect of such hospital during the current or the next financial year.

Powers of Minister.

“ **41r** The Minister may—

- i. Establish hospitals, dispensaries or places for the reception and treatment of persons suffering from venereal disease :
- ii. Arrange for the treatment by medical practitioners or at hospitals not receiving aid from the State, of persons suffering from venereal disease :
- iii. Arrange for clinical, chemical, bacteriological, and other examinations and investigations, free of charge, for the purpose of ascertaining whether a person is suffering from or is cured of any venereal disease, or whether he has ceased to be liable to convey infection : and
- iv. Provide for the preparation and distribution of information relating to venereal diseases.

Public Health Further Amendment.

“**41s**—(1) The Governor may make regulations for or with respect to— A.D. 1917.

Regulations.

- I. The forms and particulars to be contained in notices, returns, certificates, orders, and warrants under this Part :
- II. The persons or classes of persons who may apprehend any person against whom a warrant or order of apprehension under this Part has been issued :
- III. The conditions under which a certificate of cure of, or of freedom from, venereal disease, or of having ceased to be liable to convey infection, may be issued :
- IV. The number of persons or the classes of persons who shall be eligible to receive free treatment for venereal diseases at a hospital maintained by or receiving aid from the State :
- V. The management of any hospital, dispensary, or place provided by the Minister for the reception, accommodation, examination, or treatment of persons pursuant to this Part :
- VI. Prescribing what medical officers of hospitals or other prescribed places shall have charge of cases of venereal disease treated thereat, and to or by whom notices required by this Part shall be given :
- VII. The remuneration of medical practitioners for the free examination or free treatment of persons pursuant to this Part :
- VIII. The fees payable for clinical, chemical, bacteriological, and other examinations and investigations pursuant to this Part :
- IX. Hospitals or places where persons suffering from any venereal disease may be detained for treatment :
- X. Returns to be made by medical practitioners with respect to the number of cases of venereal disease attended or treated by them and the number of such cases cured :
- XI. Prescribing the preventive measures against the spread of infection to be adopted by persons suffering from any venereal disease, and by persons attending or having the care or charge of such persons :
- XII. Penalties, not exceeding Twenty Pounds, for any breach of any regulation made under this Part : and
- XIII. Generally all matters the Governor deems necessary or convenient to be prescribed for carrying out the provisions of this Part.

“**41t** All proceedings for offences against any of the provisions of this Part, or the regulations thereunder, and all penalties imposed under this Part, or the regulations thereunder, may be heard, determined, recovered, and enforced by and before a police magistrate, or any Two or more justices in the mode prescribed by ‘The Magistrates Summary Procedure Act.’”

Procedure.
19 Vic. No. 8.

