

HEALTH.

6° AND 7° GEO. VI., No. XXXIV.

No. 34 of 1942.

AN ACT to amend sections two hundred and sixty-nine, two hundred and seventy nine, two hundred and eighty-one, two hundred and eighty-eight and two hundred and ninety-two of the Health Act, 1911-1937, and to add a new section to stand as section two hundred and eighty-six A.

[Assented to 23rd December, 1942.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Health Act Amendment Act, 1942*, and shall be read as one with the Health Act, 1911-1937 (No. 34 of 1911 as reprinted in Volume 1 of the Reprinted Acts of the Parliament of Western Australia), hereinafter referred to as the principal Act.

Short title

2. Section two hundred and sixty-nine of the principal Act is amended by adding new subsections as follow:—

Amendment
of s. 269 of
principal Act.

(3) No pharmaceutical chemist or other person shall sell, except on the prescription of a medical practitioner, any derivative of the sulphanila-

vide group of drugs, or any other drug proclaimed by the Governor as coming within the terms of this section.

In the case of any such drug, every chemist or other person shall keep a record showing the quantities received from time to time and the complete details of the sales of any such drug, and such records shall be available at any time for inspection by any inspector appointed under this Act, or under the Pharmacy Act:

Provided that persons engaged in wholesale dealing may sell such drugs to medical practitioners and to pharmaceutical chemists, but in all such cases the terms of the preceding paragraph shall apply.

- (4) The Governor may by proclamation prohibit any medical practitioner in private practice from examining, attending upon or prescribing for any person for the purpose of curing, alleviating or treating any venereal disease, if such person is a member of the armed forces of Australia or its allies.

Such proclamation shall have effect in respect of such portion of the State as may be specified therein, and for the duration of the present war or such lesser period as may be specified.

Amendment
of s. 279 of
principal Act.

3. Section two hundred and seventy-nine of the principal Act is amended as follows:—

(a) by inserting in subsection (1) after the word “disease,” in the fifth line, the following “or whenever, in any other circumstances, the Commissioner has reasonable grounds to suspect that any person is suffering from venereal disease;”

(b) by adding at the end of subsection (2) the following—

For all the purposes of this and the succeeding subsections of this section any gaol hospital shall be deemed to be a place of detention. The Commissioner may by warrant order any person to whom any such subsection applies—

- (a) to be detained in a gaol hospital in the first instance;

(b) to be transferred from a hospital or other place to a gaol hospital.

(c) by deleting from subsection (3) the words "and so reports to the Governor, then it shall be lawful for the Governor at any time and from time to time, on the recommendation of the Commissioner, to" in lines four, five, six, and seven and substituting "the Commissioner may."

(d) by inserting in subsection (3) after the word "apprehension" in the tenth line the words "if necessary";

(e) by deleting from subsection (3) the word "Governor" where it occurs in lines eleven, twelve, and fourteen and substituting the word "Commissioner;"

(f) by deleting from subsection (3) the words "on the recommendation of the Commissioner" in lines fourteen and fifteen.

4. Subsection three of section two hundred and eighty-one of the principal Act is amended—

Amendment
of s. 281 of
principal Act.

(a) by inserting the words "either issue an order directing such prisoner to be transferred to such hospital (including any gaol hospital) or other place specified or" after the word "thereupon" in line nine;

(b) by deleting the words "report himself to the Commissioner and" in lines ten and eleven.

5. A section is inserted in the principal Act after section two hundred and eighty-six as follows—

New section
286A.

286A. For the purposes of this part of the Act and any prosecution thereunder the person concerned or charged shall be deemed to be suffering from venereal disease if a written report of a medical officer of health or any two medical practitioners is produced certifying that the person concerned or charged has been examined and found to be so suffering, unless such person produces a certificate of cure in the prescribed form.

Proof that
person is suf-
fering from
venereal dis-
ease.

6. Section two hundred and eighty-eight of the principal Act is amended—

Amendment
of s. 288 of
principal Act.

(a) by inserting after the word "motion" in line two the words "and, when the Commissioner so requires, shall;"

(b) by deleting from lines nine and ten the words "typhoid fever and enteric fever;"

(c) by deleting from the last line the words "and the next following section" and substituting "division of this Act: Provided that any such disease is one ordinarily treated or dealt with in hospitals for infectious diseases."

Amendment
of s. 292 of
principal Act.

7. Section two hundred and ninety-two of the principal Act is amended—

(a) by inserting in subsection (1) after the word "may" in the first line the words "and, when the Commissioner so requires, shall;"

(b) by deleting from lines three and four of the last proviso to subsection (2) the words "one-half, or such greater proportion as the Minister may in any case deem reasonable," and substituting the words "two-thirds."

Citation of
principal Act
as amended.

8. The principal Act as amended by this Act may be cited as the Health Act, 1911-1942.