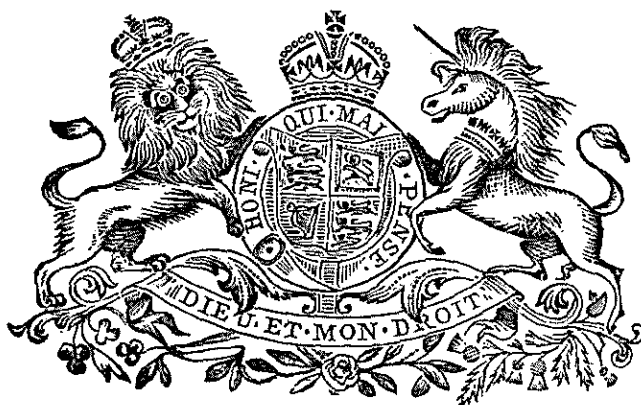


WESTERN AUSTRALIA.



ANNO SEXTO

GEORGI QUINTI REGIS,  
XXII.

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No. 55 of 1915.

AN ACT to amend the Health Act, 1911-12.

[Assented to, 8th December, 1915.]

**B**E 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, 1915*, and shall be read and construed as one with the Health Act, 1911 (hereinafter called the principal Act), and this Act and the Health Act, 1911-12, may be cited together as the Health Act, 1911-15. Short title.

2. Section three of the principal Act is hereby amended by inserting in its appropriate place the following definition:—  
“Venereal disease” means and includes gonorrhœa, syphilis (including congenital syphilis), soft chancre, venereal warts and granuloma. Amendment of section 3 of principal Act.

3. The following Part is hereby inserted after Part IX. of the principal Act, that is to say:— Insertion of a new Part after Part IX.

Part IX.—A.

*Venereal diseases and disorders affecting the generative organs.*

242a. (1.) No person other than a medical practitioner, or a person acting under the direct instructions of such a practitioner, shall attend upon or prescribe for any person suffering from venereal diseases to be treated by medical practitioners only.

from any venereal disease for the purpose of curing, alleviating or treating such disease.

Penalty: Fifty pounds, or six months imprisonment with hard labour.

(2.) The preceding subsection shall not apply to a registered pharmaceutical chemist who dispenses to the patient of a medical practitioner the prescription of such practitioner or to a registered pharmaceutical chemist who sells or any person who, under a permit in writing from the Commissioner (which permit the Commissioner is hereby empowered to grant) sells to any person any patent or proprietary medicine (as defined in section one hundred and eighty-seven of this Act) for the cure or alleviation of any venereal disease, from which such person is suffering: Provided always that such medicine is one that has been approved by the Commissioner as fit to be sold for the cure or alleviation of such disease.

Nor shall the preceding subsection apply to the sale by a registered pharmaceutical chemist in the ordinary course of business of any drug, not being a patent or proprietary medicine which has not been approved as aforesaid, and not being prescribed by him for the cure or alleviation of any venereal disease.

Provided that a permit as aforesaid shall not be granted to any person other than a pharmaceutical chemist unless no pharmaceutical chemist carries on business within 10 miles of the place of business of such person.

Persons suffering from venereal disease to place themselves under treatment.

242b. (1.) Every person suffering from any venereal disease shall, within three days of his becoming aware or suspecting that he is so suffering, consult a medical practitioner thereon and place himself under treatment by such practitioner.

Penalty: Twenty pounds.

(2.) On any prosecution under this section it shall be a defence if the defendant shall prove—

- (i.) that he never was, within the period of three days, within twenty miles of a medical practitioner; and
- (ii.) that he did within such period consult such a practitioner by letter, and has followed, so far as possible, any advice given by the practitioner.

Provided that such proof shall afford no defence if it appears that at any time before the complaint was laid the condition set out in paragraph (i.) hereof has ceased to apply to the defendant, and he has not thereupon personally consulted and placed himself under treatment by a medical practitioner.

242c. (1.) Every person suffering from a venereal disease who has consulted and placed himself under treatment by a medical practitioner shall (until he has received a certificate of cure) personally attend or cause himself to be attended by a medical practitioner for the purpose of treatment and advice at least once in every four weeks and shall follow, as far as possible, the advice given by any such practitioner.

Persons suffering from venereal diseases to keep under treatment.

Penalty: Twenty pounds.

(2.) If any such person shall at any time decide to change his medical adviser, or if the medical adviser of such person shall die, or for any reason be unable or unwilling to attend him further, then such person shall forthwith consult and place himself under the treatment of another medical practitioner, and immediately after doing so shall inform his new adviser of the name and address of his last previous adviser, and the medical adviser so informed shall thereupon send a notification in the prescribed form of the change made by the patient to such previous adviser, if such adviser be living and in the State.

Penalty: Five pounds.

242d. Every medical practitioner shall forthwith give notice to the Commissioner in the prescribed form upon becoming aware that any person attended or treated by him is suffering from any venereal disease in an infectious stage. The notice shall state the age and sex of the patient and the nature of the disease, but shall omit the patient's name and address.

Medical practitioner to report cases of venereal disease under treatment by him.

Penalty: Five pounds.

242e. If any patient who has been attended or treated by a medical practitioner for a venereal disease in an infectious stage shall fail to consult or attend such practitioner for a period of six weeks, and the practitioner shall not within that period have received from another practitioner a notice that the patient has changed his medical adviser, then such first-mentioned practitioner shall send to the Commissioner, in the prescribed form, a notice of the facts stating the name and address of the patient.

Name and address of patient to be reported on failure to continue treatment.

Penalty: Five pounds.

242f. Every medical practitioner who attends or advises any patient for or in respect of any venereal disease in an infectious stage from which the patient is suffering, shall, by written notice delivered to the patient, direct such patient's attention to the contagious character of the disease, and to the legal consequences of infecting others, and shall by such notice warn the patient against contracting any marriage until he is certified as cured.

Medical practitioners to warn patients of dangers of venereal diseases.

Penalty: Five pounds.

Certificate of cure.

242g. When any such patient as aforesaid shall become cured of the disease, any medical practitioner shall, on being satisfied of the fact, give such patient a certificate of cure in the prescribed form.

Bacteriological examination free of charge.

242h. The Commissioner shall conduct free of charge bacteriological or other examination which is required by any medical practitioner who has notified the Commissioner under Section 242 (d) that he is attending or treating a person suffering from venereal disease.

Responsibility of parents and guardians of diseased persons under 16.

242i. (1) When any person under the age of sixteen years is or becomes liable under this part of this Act to do or submit to any act, matter, or thing, any parent or guardian of such person, who knows that such person is so liable, shall exercise his authority and use his best endeavours to compel or induce such person to do or submit to such act, matter, or thing as aforesaid.

Penalty: Ten pounds.

(2.) Any parent or guardian of any such person as aforesaid who knows that such person has failed to comply with any provision of this Act with which he ought to have complied, shall report the fact to the Commissioner.

Penalty: Ten pounds.

Compulsory examination and treatment.

242j. (1) Whenever the Commissioner has received a signed statement, in which shall be set forth the full name and address of the informant, stating that any person is suffering from venereal disease, and whenever the Commissioner has reason to believe that such person is suffering from such disease, he may give notice, in writing, to such person requiring him to consult a medical practitioner, and to produce to the satisfaction of the Commissioner, within a time to be specified in the notice, a certificate of such medical practitioner that such person is or is not suffering from the disease, and if such certificate is not produced within the time stated in such notice, or if the Commissioner be not satisfied with such certificate he may, by warrant under his hand, authorise any medical officer of health or any two medical practitioners to examine such person to ascertain whether such person is suffering from such disease, and the said officer or practitioners shall have power to examine the person accordingly, and shall report the result of his or their examination to the Commissioner in writing.

Provided that where the person to be examined is a female, and the examination is to be by two medical practitioners, one of such practitioners shall, if so desired by the person to be examined, be a female medical practitioner, if able and willing to act, and within twenty miles of the place where the examination is to be made.

(2.) If the report discloses that the person is suffering from any venereal disease in an infectious stage and is in the opinion of the Commissioner likely unless detained to infect other persons, the Commissioner may by warrant under his hand in the prescribed form, and directed to the prescribed persons, order the person to be apprehended, and to be detained for any period not exceeding two weeks in any hospital or other place, and the Commissioner may by such warrant order any bacteriological and other examinations and investigations to be made of and in respect of such person.

(3.) If after such detention it shall appear to the Commissioner that the person is suffering from any venereal disease in an infectious condition, and that further detention is necessary in the interests of the public, 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 issue his warrant in such form, and directed to such persons as he shall think fit, authorising and requiring the apprehension of such person and the detention of such person in such place for such time as the Governor may think fit, and the Governor may by any such warrant direct that such person shall be subject to any treatment and examination which the Governor may, on the recommendation of the Commissioner, think necessary in the circumstances.

(4.) When any person is subject to detention under this section he may from time to time apply in writing to a judge of the Supreme Court or a resident or police magistrate in the district in which he is detained 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 authority in whose custody the person is shall permit the examination. If it appears from such report that all the medical practitioners are unanimously of opinion that the person is cured or is free from venereal disease, or if such report discloses that the person is suffering from venereal disease in an infectious stage, but the Commissioner fails to satisfy the judge or magistrate that the person would be likely to infect others unless detained, then the judge or magistrate shall order the release of such person, who shall be liberated from detention accordingly; provided that no application shall be made by a person so detained within six calendar months of a prior application having been made by such person.

(5.) When any person is subject to examination or detention under the provisions of this section, and is found not to be suffering from venereal disease or to be suffering from venereal disease, but not in an infectious stage, or to be suffering from venereal disease in an infectious stage, but not likely to infect others, he shall be entitled as of right to inspect any written statement made to the Commissioner under Subsection (1) of this section, and to have a verified copy of every such statement.

(6.) This section shall apply to any person undergoing imprisonment, but except in so far as is necessary in order to carry into effect the provisions of this section, the sentence of imprisonment shall not be interfered with; provided that the period of any detention suffered hereunder shall be reckoned as part of the term of imprisonment. If the person still remains liable to serve any portion of the term of imprisonment at the termination of the detention hereunder, the Minister may issue his order to any police officer, directing him to convey the person to the gaol or prison where such person is liable to complete the sentence.

(7.) Every warrant issued hereunder may authorise the use of such force as may be necessary to carry it into complete effect, and shall have effect according to its tenor, and all police officers shall on sight of the warrant aid and assist in its execution in so far as they may be requested so to do by any person to whom the warrant is directed.

(8.) Any person who contravenes any provision of this section by act or omission or obstructs the carrying into effect of any warrant or order issued thereunder or 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, shall be guilty of an offence against this Act.

Penalty: Twenty pounds.

242k. No person shall knowingly infect any other person with a venereal disease or knowingly do or suffer any act likely to lead to the infection of any other person with such a disease.

Penalty: Fifty pounds or imprisonment with hard labour for six months.

242l. (1.) The persons having the management or control of any hospital which has received in any financial year a subsidy from the State shall make effective provision for the examination and treatment free of charge, in accordance with regulations made by the Governor (pursuant to the power which is hereby conferred upon him) of such persons or classes of persons suffering from venereal disease as the Governor may by such regulations declare fit to be treated at or by such hospital.

Penalty for conveying infection of venereal disease.

Subsidised hospitals or salaried medical practitioners to give free treatment.

In case default is made in compliance with this subsection the Colonial Treasurer may withhold from such hospital the whole or any portion of any subsidy which would be payable thereto during the next financial year.

(2.) Every medical practitioner in receipt of any salary from the State shall examine and treat free of charge to such person any person suffering from venereal disease who shall apply to him for examination and treatment.

And the Commissioner shall pay a reasonable remuneration for such examination and treatment, and shall be liable to be sued for such remuneration in any court of competent jurisdiction.

Any medical practitioner who neglects or refuses to examine or treat any person, as provided by this subsection, shall be liable to a penalty not exceeding £5.

242m. All proceedings under sections 242a, 242b, 242c, 242d, 242e, 242f, 242i, 242j, 242k, in any court shall be heard *in camera*; and it shall be unlawful to publish in any newspaper a report of any such proceedings. Proceedings to be *in camera*.

Penalty: For a first offence, One hundred pounds, or imprisonment with or without hard labour for not exceeding six months; for any subsequent offence five hundred pounds, or imprisonment with or without hard labour for not exceeding twelve months.

242n. (1.) No person shall publish any statement which is intended by such person or any other person 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 relating to sexual intercourse or of female or menstrual irregularities. Prohibition of advertisements of cures of certain diseases.

(2.) Any person who—

- (a) so affixes or inscribes any statement on anything whatsoever that it is visible to persons being in or passing along any street, road, highway, railway or public place; or
- (b) delivers or offers or exhibits any statement to any person being in or passing along any street, road, highway, pathway, public place or public conveyance; or
- (c) throws any statement down the area or into the yard, garden or enclosure of any house; or
- (d) exhibits any statement to public view in any house, shop or place; or
- (e) prints or publishes any statement in any newspaper;

or

(f) sells, offers, or shows or sends by post any statement to any person, shall be deemed to have published that statement.

(3.) The word "statement" includes any document, book or paper containing any statement.

(4.) Books, documents and papers published in good faith for the advancement of medical or surgical science are exempt from the provisions of this section.

(5.) Any contravention of this section shall be an offence against this Act.

(6.) Before any proceedings are taken under this section against any newspaper proprietor, printer, or publisher for printing or publishing any statement in a newspaper, the Commissioner shall notify the proprietor, printer, and publisher of such newspaper that the publication of the matter complained of is an infringement of this part of this Act; and such proprietor, printer, and publisher shall not be liable to prosecution for an offence against this section except in respect of an offence of the same or a similar nature after such notification.

Secrecy to be preserved.

242o. Every person employed in the administration of this part of this Act shall preserve secrecy with regard to all matters that may come to his knowledge in the course of such employment, and shall not communicate any such matter to any other person except in the performance of his duties under this Act.

Penalty: One hundred pounds.

Service of notices.

242p. So far as personal service of any notice is required under the provisions of this part of this Act such service shall be effected by an officer of public health.

Regulations and by-laws to be judicially noticed.

4. The following section is hereby added to the principal Act:—

301. All courts and magistrates shall take judicial notice of all by-laws and regulations made under this Act.

Reprinting Act and amendments.

5. All copies of the Health Act, 1911-12, hereinafter printed by the Government Printer shall be printed as amended by this Act under the supervision of the Clerk of Parliaments, and all necessary references to this Act made in the margin, and in any such reprint the short title shall be the Health Act, 1911-15.