



Western Australia

Health (Miscellaneous Provisions) Act 1911

Health (Venereal Diseases) Regulations 1973

These regulations were repealed by the *Public Health Regulations 2017* r. 16(d) as at 20 Sep 2017 (see r. 2(b) and *Gazette* 19 Sep 2017 p. 4879).

Health (Venereal Diseases) Regulations 1973

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Defined terms

Health (Venereal Diseases) Regulations 1973

1. Citation

These regulations may be cited as the *Health (Venereal Diseases) Regulations 1973*¹.

[2. Omitted under the Reprints Act 1984 s. 7(4)(f).]

2A. Interpretation

In these regulations —

departmental officer has the meaning given in the *Public Health Act 2016* section 4(1);

the Act means the *Health (Miscellaneous Provisions) Act 1911*.

[Regulation 2A inserted in Gazette 9 May 1975 p. 1298;
amended in Gazette 10 Jan 2017 p. 290.]

2B. Part IXA of Act applies to non-infectious syphilis

The non-infectious stages of syphilis are prescribed conditions of health to which Part IXA of the Act applies.

[Regulation 2B inserted in Gazette 4 Jun 1982 p. 1792.]

2C. Notification of non-infectious syphilis by medical practitioners

- (1) A medical practitioner or nurse practitioner shall forthwith notify the Chief Health Officer in the form and manner

approved by the Chief Health Officer on becoming aware that any person attended or treated by him is suffering from syphilis in a non-infectious stage.

[(2) deleted]

- (3) A medical practitioner or nurse practitioner who contravenes subregulation (1) commits an offence and is liable to a penalty which is not more than \$1 000 and not less than —
- (a) in the case of a first offence, \$100;
 - (b) in the case of a second offence, \$200; and
 - (c) in the case of a third or subsequent offence, \$500.

[Regulation 2C inserted in Gazette 4 Jun 1982 p. 1792; amended in Gazette 29 Jun 1984 p. 1782; 23 Dec 1988 p. 4974; 5 Sep 2006 p. 3618; 10 Jan 2017 p. 290 and 294.]

3. Form of notice

The notice to be given by the Chief Health Officer pursuant to section 307(1) of the Act to any person believed or suspected to be suffering from venereal disease shall be according to the form numbered 1 in the appendix.

[Regulation 3 amended in Gazette 29 Jun 1984 p. 1782; 10 Jan 2017 p. 294.]

4. Form of warrant

Whenever by reason of the non-production of the required certificate or, if produced, of the unsatisfactory nature thereof, the Chief Health Officer shall consider that the circumstances of the case require the issue of his warrant for the compulsory examination of such person, such warrant shall issue in the form numbered 2 in the appendix.

[Regulation 4 amended in Gazette 29 Jun 1984 p. 1782; 10 Jan 2017 p. 294.]

5. Attendance at compulsory examination

Notice of the date, time and place of the compulsory examination referred to in the preceding regulation shall be given by post or by leaving the notice at the last known place of abode of the suspected person. If the suspected person fails to attend for examination in accordance with the requirements of the notice, the Chief Health Officer may issue a warrant in the form numbered 3 in the appendix for the apprehension of the suspected person for the purpose of examination aforesaid.

*[Regulation 5 amended in Gazette 29 Jun 1984 p. 1782;
10 Jan 2017 p. 294.]*

6. Apprehension and detention following report

If, in the opinion of the Chief Health Officer, a report of examination is such as, in accordance with the provisions of section 307 of the Act, justifies the apprehension and detention of the person named in such report, the Chief Health Officer may issue his warrant accordingly and the warrant shall be in the form numbered 4 in the appendix.

*[Regulation 6 amended in Gazette 29 Jun 1984 p. 1782;
10 Jan 2017 p. 294.]*

7. Warrant where condition infectious

The Chief Health Officer may, whenever the circumstances of the case so require, issue his warrant in the form numbered 5 in the appendix for the apprehension, if necessary, and further detention of any person suffering from venereal diseases in an infectious condition.

*[Regulation 7 amended in Gazette 29 Jun 1984 p. 1782;
10 Jan 2017 p. 294.]*

8. Effect of warrant

Every warrant mentioned in these regulations shall be sufficient authority for the person or persons to whom it is directed —

- (a) to apprehend the person named therein;
- (b) to convey the person named therein to the place of examination or detention; and
- (c) to detain the person in the place of detention for the period specified in the warrant.

9. Warrant to be executed

Every warrant issued under these regulations shall have effect according to its tenor and all departmental officers and all governing authorities and officers of any hospital or place in which any person is detained under these regulations shall do all things necessary to carry into effect the provisions of these regulations.

*[Regulation 9 amended in Gazette 29 Jun 1984 p. 1782;
10 Jan 2017 p. 290.]*

[10, 11. Deleted in Gazette 5 Sep 2006 p. 3618.]

Appendix

Form No. 1

Western Australia

Health (Miscellaneous Provisions) Act 1911

Health (Venereal Diseases) Regulations 1973

REQUEST FOR MEDICAL CERTIFICATE

To

of

TAKE NOTICE that, having reason to believe (or having reasonable grounds to suspect) that you are a person suffering from venereal disease, I hereby require you to consult a medical practitioner and to produce to my satisfaction within _____ days of the service upon you of this notice a certificate under the hand of such medical practitioner that you are (or are not) suffering from venereal disease.

AND FURTHER TAKE NOTICE that if such certificate is not produced within the time stated or, if produced, is not to my satisfaction, a warrant for your compulsory examination may issue.

Dated at Perth this _____ day of _____ 20 .

CHIEF HEALTH OFFICER

[Form 1 amended in Gazette 10 Jan 2017 p. 291.]

Appendix

Form No. 2

Western Australia

Health (Miscellaneous Provisions) Act 1911

Health (Venereal Diseases) Regulations 1973

WARRANT FOR COMPULSORY EXAMINATION

To

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Two medical practitioners

WHEREAS on the day of 20 , a notice issued pursuant to regulation 3 was served upon of requiring him (or her) to consult a medical practitioner and to produce to my satisfaction within days a certificate of such medical practitioner that the said is (or is not) suffering from venereal disease, and whereas the time stated in such notice has expired but the said has not produced the required certificate (or, and whereas the certificate produced by the said is not to my satisfaction).

THESE ARE THEREFORE to authorise and require you forthwith to examine the said to ascertain whether he (or she) is suffering from venereal disease and to report the result of such examination to me.

Given under my hand at Perth this day of , 20 .

CHIEF HEALTH OFFICER

[Form 2 amended in Gazette 10 Jan 2017 p. 291-2.]

Form No. 3

Western Australia

Health (Miscellaneous Provisions) Act 1911

Health (Venereal Diseases) Regulations 1973

WARRANT FOR APPREHENSION AND DETENTION OF PERSON
SUFFERING FROM VENEREAL DISEASE

To all authorised officers under the *Health (Miscellaneous Provisions) Act 1911*, and to the Officer in Charge of the Gaol Hospital at

WHEREAS on the _____ day of _____, 20____, a warrant for the compulsory examination pursuant to regulation 4 of the above regulations, of _____ a person believed or suspected to be suffering from venereal disease was issued but such person failed to attend at the appointed time and place as required by notice, in exercise of the powers conferred upon me by regulation 5 I hereby order you the said authorised officers forthwith to apprehend the said _____ and convey him (or her) to _____ for the purpose of examination in accordance with the terms of the warrant aforesaid.

Given under my hand at Perth this _____ day of _____, 20____.

CHIEF HEALTH OFFICER

[Form 3 amended in Gazette 10 Jan 2017 p. 292.]

Appendix

Form No. 4

Western Australia

Health (Miscellaneous Provisions) Act 1911

Health (Venereal Diseases) Regulations 1973

WARRANT FOR APPREHENSION AND DETENTION OF PERSON
SUFFERING FROM VENEREAL DISEASE

To all authorised officers under the *Health (Miscellaneous Provisions) Act 1911*, and to the Officer in Charge of the Hospital at

WHEREAS on the _____ day of _____, 20____, a warrant for the compulsory examination pursuant to regulation 4 of the above regulations of _____ a person believed or suspected to be suffering from venereal disease was issued and in consequence of such examination it has been reported to me that the said _____ is suffering from venereal disease in an infectious stage and is likely unless detained, to infect other persons.

IN EXERCISE of the powers conferred upon me by the *Health (Miscellaneous Provisions) Act 1911* section 307, I hereby order you the said authorised officers forthwith to apprehend the said _____ and convey him (or her) to the _____ Hospital at _____ (or to convey the said _____ from the hospital or other place at which he is now an inmate to the gaol hospital at _____) and deliver him (or her) to the officer in charge thereof.

AND I ORDER YOU the officer in charge of the said _____ hospital to receive the said _____ into your care and to detain him (or her) for the period of 2 weeks or until his discharge shall be sooner ordered.

AND I FURTHER ORDER such bacteriological and other examinations and investigations as may reasonably be necessary to be made of and in respect of the said _____ during such detention.

Given under my hand at Perth this day of , 20 .

CHIEF HEALTH OFFICER

[Form 4 amended in Gazette 10 Jan 2017 p. 293.]

Appendix

Form No. 5

Western Australia

Health (Miscellaneous Provisions) Act 1911

Health (Venereal Diseases) Regulations 1973

WARRANT FOR (APPREHENSION AND) FURTHER DETENTION OF
PERSON SUFFERING FROM VENEREAL DISEASE

To all authorised officers under the *Health (Miscellaneous Provisions) Act 1911*, and to the Officer in Charge of the _____ Hospital
at _____ .

WHEREAS on the _____ day of _____, 20____, a
warrant for the apprehension and detention of _____ a person
reported to be suffering from venereal disease was issued and pursuant thereto
the said _____ was on the _____ day of _____,
20____, apprehended and conveyed to the hospital at _____.

AND WHEREAS the period of detention stated in the warrant having expired it
appears to me that the said _____ is suffering from venereal
disease in an infectious condition and that it is necessary in the interests of the
public further to detain the _____ (or WHEREAS
the said _____ has absconded from the place of detention
aforesaid) I THEREFORE AUTHORISE AND REQUIRE you the said
authorised officers to apprehend the said _____ and
convey him (or her) to the _____ hospital at
and deliver him (or her) to the officer in charge thereof and I AUTHORISE
AND REQUIRE you the said Officer in Charge of the said
hospital to receive the said _____ into your care and to
detain the said _____ for a further period of _____ weeks or until
his (or her) discharge shall be sooner ordered.

AND I HEREBY DIRECT that the said _____ shall
be subject during such detention to any such treatment and examination as I
may think necessary in the circumstances.

Given under my hand at Perth this _____ day of _____, 20____.

CHIEF HEALTH OFFICER

[Form 5 amended in Gazette 10 Jan 2017 p. 293-4.]

[Forms 6-10 deleted in Gazette 5 Sep 2006 p. 3619.]

[Appendix amended in Gazette 9 May 1975 p. 1298-9; 4 Jun 1982 p. 1792-3; 29 Jun 1984 p. 1782; 27 Nov 1987 p. 4261; 5 Sep 2006 p. 3619; 10 Jan 2017 p. 291-4.]

Notes

- ¹ This is a compilation of the *Health (Venereal Diseases) Regulations 1973* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Health (Venereal Diseases) Regulations 1973</i>	2 Mar 1973 p. 587-9	2 Mar 1973
Untitled regulations	9 May 1975 p. 1298-9	9 May 1975
Untitled regulations	18 Feb 1977 p. 484	18 Feb 1977
Untitled regulations	5 Aug 1977 p. 2545	5 Aug 1977
<i>Health (Venereal Diseases) Amendment Regulations 1982</i>	4 Jun 1982 p. 1792-3	4 Jun 1982
<i>Health Legislation Amendment Regulations 1984 r. 4</i>	29 Jun 1984 p. 1780-4	1 Jul 1984 (see r. 2)
Reprint of the <i>Health (Venereal Diseases) Regulations 1973</i> as at 1 Aug 1985 (see <i>Gazette 29 Aug 1985 p. 3051-63</i>) (includes amendments listed above)		
<i>Health (Venereal Diseases) Amendment Regulations 1987</i>	12 Jun 1987 p. 2323	12 Jun 1987
<i>Health (Venereal Diseases) Amendment Regulations (No. 2) 1987</i>	27 Nov 1987 p. 4261	1 Dec 1987 (see r. 2)
<i>Health (Offences and Penalties) Amendment Regulations (No. 2) 1988 Pt. 13</i>	23 Dec 1988 p. 4970-5	23 Dec 1988
Reprint 2: The <i>Health (Venereal Diseases) Regulations 1973</i> as at 18 Jul 2003 (includes amendments listed above)		
<i>Health (Venereal Diseases) Amendment Regulations 2006</i>	5 Sep 2006 p. 3618-19	5 Sep 2006
<i>Health Regulations Amendment (Public Health) Regulations 2016 Pt. 25</i>	10 Jan 2017 p. 237-308	24 Jan 2017 (see r. 2(b) and <i>Gazette 10 Jan 2017 p. 165</i>)
These regulations were repealed by the <i>Public Health Regulations 2017 r. 16(d)</i> as at 20 Sep 2017 (see r. 2(b) and <i>Gazette 19 Sep 2017 p. 4879</i>)		

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
departmental officer	2A
the Act.....	2A