

HEALTH.

No. 101 of 1976.

AN ACT to amend the Health Act, 1911-1975.

[Assented to 17th November, 1976.]

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

1. (1) This Act may be cited as the *Health Act Amendment Act, 1976*.

(2) In this Act the Health Act, 1911-1975 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Health Act, 1911-1976.

Short title
and
citation.

Reprinted as
approved for
reprint 14th
April, 1975
and further
amended by
Acts Nos. 2
and 42 of
1975.

Commence-
ment.

2. The provisions of this Act shall come into operation on such date or dates as is or are, respectively, fixed by proclamation.

Section 2
amended.

3. Section 2 of the principal Act is amended by adding immediately before the passage "PART XIII.—CHILD HEALTH AND PREVENTIVE MEDICINE, ss. 331-340." the passage "PART XIIA.—COMMUNITY HEALTH CENTRES, ETC., s. 330A."

Section 8
repealed and
re-enacted.

4. Section 8 of the principal Act is repealed and re-enacted as follows—

Minister to
be body
corporate.

8. (1) The Minister of the Crown for the time being administering this Act shall, for the purposes of this Act, be a body corporate under the name of the "Minister of Public Health" with perpetual succession and a common seal, and by that name shall be capable of suing and being sued, acquiring, holding, letting and taking land on lease, and alienating real and personal property, and of doing and suffering all such other acts and things as may be necessary or expedient for carrying out the purposes of this Act.

(2) Where the Minister enters into any contract or agreement, under seal or otherwise, or makes any lease, under this Act all the rights and liabilities in respect thereof and all benefits and advantages thereunder or interest therein, shall vest in and be enforceable by or against his successor or successors in office, without the necessity of any transfer or assignment whatsoever. .

Section 241A
amended.

5. Section 241A of the principal Act is amended by adding immediately before the interpretation "to sell" the following interpretation—

"Committee" means the Pesticides Advisory Committee established under this Division; .

6. Section 241B of the principal Act is repealed and re-enacted as follows—

Section 241B
repealed and
re-enacted.

241B. The provisions of this Division do not affect the provisions of the Pharmacy Act, 1964 or the Poisons Act, 1964. .

Pharmacy
Act, 1964
and
Poisons Act,
1964 not
affected.

7. Section 241C of the principal Act is repealed and re-enacted as follows—

Section 241C
repealed and
re-enacted.

241C. (1) For the purposes of this Division there shall be appointed a Committee to be known as the Pesticides Advisory Committee.

Pesticides
Advisory
Committee.

(2) The Committee shall consist of four members appointed by the Minister of whom—

- (a) one shall be the Commissioner or a medical officer nominated for appointment by the Commissioner;
- (b) one shall be the Government Analyst;
- (c) one shall be the Director of Agriculture or an officer of the Department of Agriculture nominated by the Director of Agriculture; and
- (d) one shall be the person who is for the time being the Secretary of the Committee.

(3) The Commissioner or the medical officer appointed on the nomination of the Commissioner shall be the Chairman of the Committee.

(4) The Minister may appoint a deputy for any member of the Committee, and at any meeting of the Committee at which a member is not present but his deputy is present, the deputy shall have all the powers and functions of the member.

(5) At any meeting of the Committee—

- (a) the Chairman shall preside, and in his absence his deputy shall preside, but if neither the Chairman nor his deputy

is present the other members present shall elect one of their number to preside;

- (b) each member present has a deliberative vote and in the event of an equality of votes the person presiding at the meeting shall also have a second or casting vote.

(6) The Minister shall appoint a person to be the Secretary of the Committee, but the office of Secretary may be held in conjunction with any other office under the Public Service Act, 1904. .

Section 241D
amended.

8. Subsection (1) of section 241D of the principal Act is amended by deleting the word "Advisory" in line two.

Section 300
amended.

9. Section 300 of the principal Act is amended—

- (a) by adding after subsection (1) the following subsection—

(1a) Where—

- (a) at the request of a medical practitioner, an analysis has been made at a laboratory or like place of a sample or specimen of the blood or other bodily substance of a person; and

- (b) it is ascertained from the analysis that the person is suffering from a venereal disease,

the person in charge or control of the laboratory shall give notice thereof in the prescribed form to the Commissioner, stating the age and sex of the person

suffering from the disease, the nature of the disease but not the name or address of the person, and also stating the name and address of the medical practitioner who requested the analysis. ; and

- (b) by adding after subsection (2) the following subsection—

(2a) For each notice given by him in accordance with subsection (1a) of this section, the person in charge or control of the laboratory shall, unless the laboratory is owned by, or receives financial assistance from, the Crown in right of the State or the Commonwealth, be paid by the Commissioner the appropriate fee prescribed by the regulations. .

10. The principal Act is amended by adding after section 300 a new section as follows—

Section 300A added.

300A. Where any patient who has attended or been treated by a medical practitioner for a venereal disease in an infectious stage notifies in good faith and without malice the medical practitioner of the names of any persons from or to whom the patient considers the disease may have been contracted or transmitted, no action for libel or slander shall lie—

Protection from suit in certain cases.

- (a) against the patient for making the notification to the medical practitioner; and
- (b) where the medical practitioner, with the consent of the patient, communicates the notification to the Commissioner—against the Commissioner or the patient for or in respect of the making of the communication to the Commissioner. .

Section 330A
added.

11. The principal Act is amended by adding immediately after section 330 the following heading and section—

PART XIII.—COMMUNITY HEALTH CENTRES, ETC.

Land
may be
acquired
or leased
for
community
health
centres, etc.

330A. (1) The Minister may, with the consent of the Governor, in the manner provided by the Public Works Act, 1902, acquire land for the purposes of establishing community health centres, child health centres, clinics for the treatment of venereal and other diseases, immunisation clinics, community health services clinics, and children's assessment centres and for purposes associated therewith.

(2) Where any land is owned by or vested in the Minister for any of the purposes set out in subsection (1) of this section, the land may, with the consent of the Governor, be leased to a person or persons to enable it to be used for a purpose or purposes associated with any of the purposes set out in subsection (1) of this section. .
