



Western Australia

## **Health (Venereal Diseases) Regulations 1973**

Compare between:

[10 Jan 2017, 02-c0-00] and [24 Jan 2017, 02-d0-00]



## Health (Venereal Diseases) Regulations 1973

### 1. Citation

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

[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* ~~as amended~~.

[*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 ~~Executive Director, Public~~ [Chief Health Officer](#) in the form and manner approved by the ~~Executive Director~~ [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 ~~Executive Director, Public~~ [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 ~~Executive Director, Public~~ [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 ~~Executive Director, Public~~ [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 ~~Executive Director, Public~~ [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 ~~Executive Director, Public~~ [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 ~~Executive Director, Public~~ [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 ~~officials of the Health Department~~<sup>2</sup>[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\_\_.

~~EXECUTIVE DIRECTOR,~~  
~~PUBLIC~~[CHIEF](#) HEALTH ~~AND SCIENTIFIC SUPPORT~~  
~~SERVICES.~~[OFFICER](#)

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

Appendix

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Form No. 2

Western Australia

Health ([Miscellaneous Provisions](#)) Act 1911

Health (Venereal Diseases) Regulations 1973

WARRANT FOR COMPULSORY EXAMINATION

To .....

.....

~~Medical Officer of Health (or 2~~[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    .

~~EXECUTIVE DIRECTOR,  
PUBLIC~~[CHIEF](#) HEALTH ~~AND SCIENTIFIC SUPPORT  
SERVICES.~~[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 ~~Public Health Officials~~[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 ~~Public Health  
Officials~~[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\_\_\_\_.

~~EXECUTIVE DIRECTOR,  
PUBLIC~~[CHIEF](#) HEALTH ~~AND SCIENTIFIC SUPPORT  
SERVICES.~~[OFFICER](#)

[\[Form 3 amended in Gazette 10 Jan 2017 p. 292.\]](#)

**Appendix**

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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 ~~Public Health Officials~~[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 ~~section 307 of the~~ *Health- ([Miscellaneous Provisions](#)) Act 1911 [section 307](#)*, I hereby order you the said ~~Public Health Officials~~[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.

Appendix

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

~~EXECUTIVE DIRECTOR,~~

~~PUBLIC~~CHIEF HEALTH AND SCIENTIFIC SUPPORT  
~~SERVICES.~~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 ~~Public Health Officials~~[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 ~~Public  
Health Officials~~[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    .

~~EXECUTIVE DIRECTOR,~~

~~PUBLIC~~CHIEF HEALTH ~~AND SCIENTIFIC SUPPORT~~  
~~SERVICES~~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

- <sup>1</sup> 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<sup>1a</sup>. 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)
<b>Reprint of the <i>Health (Venereal Diseases) Regulations 1973</i> as at 1 Aug 1985 (see <i>Gazette</i> 29 Aug 1985 p. 3051-63) (includes amendments listed above)</b>		
<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</i> Pt. 13	23 Dec 1988 p. 4970-5	23 Dec 1988
<b>Reprint 2: The <i>Health (Venereal Diseases) Regulations 1973</i> as at 18 Jul 2003 (includes amendments listed above)</b>		
<i>Health (Venereal Diseases) Amendment Regulations 2006</i>	5 Sep 2006 p. 3618-19	5 Sep 2006

<sup>1a</sup> ~~On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.~~

**Provisions that have not come into operation**

Citation	Gazettal	Commencement
<i>Health Regulations Amendment (Public Health) Regulations 2016</i> Pt. 25 <sup>3</sup>	10 Jan 2017 p. 237-308	24 Jan 2017 (see r. 2(b) and <i>Gazette</i> 10 Jan 2017 p. 165)

<sup>2</sup> ~~Under the *Alteration of Statutory Designations Order (No. 3) 2001* references in any law, unless the contrary is intended, to the Health Department shall be read as references to the Department of Health.~~

<sup>3</sup> ~~On the date as at which this compilation was prepared, the *Health Regulations Amendment (Public Health) Regulations 2016* Pt. 25 had not come into operation. It reads as follows:~~

**Part 25—*Health (Venereal Diseases) Regulations 1973* amended**

**93. ~~Regulations amended~~**

~~This Part amends the *Health (Venereal Diseases) Regulations 1973*.~~

**94. ~~Regulation 2A amended~~**

~~(1) In regulation 2A insert in alphabetical order:~~

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

~~(2) In regulation 2A in the definition of *the Act* delete “*Health Act 1911* as amended.” and insert:~~

~~*Health (Miscellaneous Provisions) Act 1911*.~~

**95. ~~Regulation 2C amended~~**

~~In regulation 2C(1) delete “Executive Director” and insert:~~

~~Chief Health Officer~~

**96. ~~Regulation 9 amended~~**

~~In regulation 9 delete “officials of the Health Department” and insert:~~

~~departmental officers~~

**97. ~~Appendix amended~~**

~~(1) In Appendix Form No. 1:~~

~~(a) delete “Health Act 1911” and insert:~~

~~Health (Miscellaneous Provisions) Act 1911~~

~~(b) delete:~~

~~EXECUTIVE DIRECTOR,~~

~~PUBLIC HEALTH AND SCIENTIFIC SUPPORT SERVICES.~~

~~and insert:~~

~~CHIEF HEALTH OFFICER~~

~~(2) In Appendix Form No. 2:~~

~~(a) delete “Health Act 1911” and insert:~~

~~Health (Miscellaneous Provisions) Act 1911~~

~~(b) delete “Medical Officer of Health (or 2 medical practitioners).” and insert:~~

~~Two medical practitioners~~

~~(c) delete:~~

~~EXECUTIVE DIRECTOR,~~

~~PUBLIC HEALTH AND SCIENTIFIC SUPPORT SERVICES.~~



~~\_\_\_\_\_ and insert:~~

~~\_\_\_\_\_ CHIEF HEALTH OFFICER~~

~~\_\_\_\_\_ (3) In Appendix Form No. 3:~~

~~\_\_\_\_\_ (a) delete "*Health Act 1911*" and insert:~~

~~\_\_\_\_\_ *Health (Miscellaneous Provisions) Act 1911*~~

~~\_\_\_\_\_ (b) delete "Public Health Officials under the *Health Act 1911*," and insert:~~

~~\_\_\_\_\_ authorised officers under the *Health (Miscellaneous Provisions) Act 1911*;~~

~~\_\_\_\_\_ (c) delete "Public Health Officials" and insert:~~

~~\_\_\_\_\_ authorised officers~~

~~\_\_\_\_\_ (d) delete:~~

~~EXECUTIVE DIRECTOR,~~

~~PUBLIC HEALTH AND SCIENTIFIC SUPPORT SERVICES.~~

~~\_\_\_\_\_ and insert:~~

~~\_\_\_\_\_ CHIEF HEALTH OFFICER~~

~~\_\_\_\_\_ (4) In Appendix Form No. 4:~~

~~\_\_\_\_\_ (a) delete "*Health Act 1911*" and insert:~~

~~\_\_\_\_\_ *Health (Miscellaneous Provisions) Act 1911*~~

~~\_\_\_\_\_ (b) delete "Public Health Officials under the *Health Act 1911*," and insert:~~

~~authorised officers under the *Health (Miscellaneous Provisions) Act 1911*,~~

~~(c) delete “section 307 of the *Health Act 1911*,” and insert:~~

~~the *Health (Miscellaneous Provisions) Act 1911* section 307,~~

~~(d) delete “Public Health Officials” and insert:~~

~~authorised officers~~

~~(e) delete:~~

~~EXECUTIVE DIRECTOR,~~

~~PUBLIC HEALTH AND SCIENTIFIC SUPPORT SERVICES.~~

~~and insert:~~

~~CHIEF HEALTH OFFICER~~

~~(5) In Appendix Form No. 5:~~

~~(a) delete “*Health Act 1911*” and insert:~~

~~*Health (Miscellaneous Provisions) Act 1911*~~

~~(b) delete “Public Health Officials under the *Health Act 1911*,” and insert:~~

~~authorised officers under the *Health (Miscellaneous Provisions) Act 1911*,~~

~~(c) delete “Public Health Officials” and insert:~~

~~authorised officers~~

~~(d) delete:~~

~~EXECUTIVE DIRECTOR,  
PUBLIC HEALTH AND SCIENTIFIC SUPPORT SERVICES.~~

~~and insert:~~

~~CHIEF HEALTH OFFICER~~

98. ~~Various references to “Executive Director, Public Health”  
amended~~

~~In the provisions listed in the Table delete “Executive Director,  
Public Health” (each occurrence) and insert:~~

~~Chief Health Officer~~

**Table**

<del>r. 2C(1)</del>	<del>r. 3</del>
<del>r. 4</del>	<del>r. 5</del>
<del>r. 6</del>	<del>r. 7</del>