

HEALTH.

11° Elizabeth II., No. XXXIII.

No. 33 of 1962.

AN ACT to amend the Health Act, 1911-1960.

[Assented to 29th October, 1962.]

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, 1962*. Short title and citation.

(2) In this Act the Health Act, 1911-1960, is referred to as the principal Act. Vol. 11 of Reprinted Acts approved for reprint 5th June, 1957, as amended by Acts Nos. 21 of 1957, 22 of 1959, 23 of 1960 and 38 of 1960.

(3) The principal Act as amended by this Act may be cited as the Health Act, 1911-1962.

S. 134
amended.

2. Section one hundred and thirty-four of the principal Act is amended by adding after subsection (48) the following subsection:—

(48a) Regulating the construction, equipment, maintenance and use of swimming pools or swimming baths that are used by or in connection with any club, school, business, association or body corporate and prescribing the quality and treatment of the water to be used and the measures to be taken to prevent and abate any nuisance therein.

S. 232A
amended.

3. Section two hundred and thirty-two A of the principal Act is amended—

- (a) by adding after the word, “it” in line three of the interpretation, “deficient product”, the passage, “or any other food which, when sold by a wholesaler,”;
- (b) by adding after the word, “manufacturer” in line two and again in line four of the interpretation, “vendor”, the words, “or wholesaler”;
- (c) by adding after the interpretation, “vendor”, the following interpretation—

“wholesaler” in relation to the sale of any food, not being manufactured food, means a person who sells the food to a vendor for the purpose of resale. ;
- (d) by substituting for the passage commencing “, or” where first occurring in line four of subsection (2), and ending with the word, “offences”, being the last word in that subsection, the passage, “or the manufacturer, or both of them, or may prosecute the vendor or the wholesaler, or both of them, as the case requires, for their respective offences”;

- (e) by adding after the word, "manufacturer" in lines two, four, six and eight of subsection (3), the words, "or the wholesaler"; and
- (f) by adding after the word, "manufacturer" in line two of subsection (4), the words, "or both the vendor and the wholesaler".

4. Subsection (5) of section two hundred and fifty-one of the principal Act is repealed and the following subsection substituted:—

S. 251
amended.

(5) He may in writing order any person whom he has reasonable grounds for believing or whom he suspects to be suffering from or harbouring the organisms of a dangerous infectious disease—

- (a) to submit himself to medical examination by such medical officer at such time and at such place as is specified in the order; and
- (b) to provide or permit the medical practitioner to take such samples and specimens from that person as may be required by the medical practitioner for the purpose of determining if that person is suffering from that disease or harbouring those organisms,

but if the person is under twenty-one years of age the order shall be served on the parents or guardian of that person who shall authorise the medical officer to do anything necessary to give effect to the order and do all things necessary to ensure that the order is obeyed by that person.

5. Section three hundred and twenty-four of the principal Act is amended—

S. 324
amended.

- (a) by adding after the word, "generally", being the last word in subsection (1), the passage, "and may contribute money for the establishment and carrying out of a scheme for

providing, for any period, nursing aid and or domestic help in the home of any person who is sick, diseased, convalescent or physically incapacitated"; and

- (b) by adding after the word, "care" in the last line of the section, the passage, " , recreation, comfort and convenience".

S. 338A
added.

6. The principal Act is amended by adding after section three hundred and thirty-eight the following section:—

Blood
transfusions
upon
children.

338A. (1) A medical practitioner may perform a blood transfusion upon a child without the authority of any person who is legally entitled to authorise the blood transfusion if—

(a) such person—

- (i) fails or refuses to so authorise the blood transfusion when requested so to do; or
(ii) cannot be found after such search and enquiry as is reasonably practicable in the circumstances of the case; and

(b) the medical practitioner and another medical practitioner agree—

- (i) as to the condition from which the child is suffering;
(ii) that the blood transfusion is a reasonable and proper treatment for that condition; and
(iii) that without a blood transfusion the child is likely to die; and

(c) the medical practitioner who performs the blood transfusion on the child—

- (i) has had previous experience in performing blood transfusions; and

- (ii) has, before commencing the transfusion, assured himself that the blood to be transfused is suitable for the child.

(2) When a medical practitioner has performed a blood transfusion on a child without the consent of any person legally entitled to authorise it and in respect of that transfusion the requirements and conditions of this section have been complied with, the transfusion shall be deemed for all purposes to have been performed with the authority of a person legally entitled to authorise it.

(3) Where a medical practitioner, other than the medical practitioner who is to perform the blood transfusion on the child, cannot be found, after search or enquiry for such time as the lastmentioned medical practitioner considers reasonable in the circumstances of the case, having regard to the emergency arising from the condition of the child, it is sufficient compliance with paragraph (b) of subsection (1) of this section if that lastmentioned practitioner satisfies himself—

- (a) as to the condition from which the child is suffering;
 - (b) that a blood transfusion is a reasonable and proper treatment for that condition;
 - (c) that to delay the blood transfusion until that other medical practitioner can be found and be available for consultation would cause a serious deterioration in the child's condition; and
 - (d) that without a blood transfusion the child is likely to die.
- (4) In this section—

“blood transfusion” means the transfusion of human blood, any constituent of human blood or saline solution or other liquid, into a child and includes the

exchange of the whole or any part of the blood of a child and all medical and surgical procedures necessary to perform the transfusion or exchange; and

“child” means a person who is or appears to be under the age of twenty-one years.
