

HEALTH.

No. 102 of 1973.

AN ACT to amend the Health Act, 1911-1972.

[Assented to 28th December, 1973.]

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, 1973*. Short title and citation.

(2) In this Act the Health Act, 1911-1972, is referred to as the principal Act. Reprinted in Vol. 19 of the Reprinted Acts.

(3) The principal Act as amended by this Act may be cited as the Health Act, 1911-1973. Approved for reprint. 1st June, 1966, and amended by Acts Nos. 35 of 1966, 52 of 1968, 24 of 1970, and 46 of 1972.

Commence-
ment.

2. This Act or any provision thereof shall come into operation on a date or dates to be fixed by proclamation.

Section 2
amended.

3. Section 2 of the principal Act is amended by deleting the passage "PART XIII.—PROTECTION OF LIFE," and substituting the passage "PART XIII.—CHILD HEALTH AND PREVENTIVE MEDICINE,".

Section 3
amended.

4. Section 3 of the principal Act is amended—

(a) in the interpretation of the terms "Midwife" and "midwifery nurse",

(i) by inserting before the word "female" the words "male or"; and

(ii) by deleting the words "this Act" in line three of that interpretation and substituting the passage "the Nurses Act, 1968"; and

(b) by deleting the interpretation of the term "Sewage" and substituting a new interpretation as follows—

"Sewage" means any kind of sewage, nightsoil, faecal matter or urine, and any waste composed wholly or in part of liquid. .

Section 98
amended.

5. Section 98 of the principal Act is amended by deleting the words "nightsoil or urine" in line four and substituting the word "sewage".

Section 103
amended.

6. Section 103 of the principal Act is amended by deleting the passage "nightsoil, urine, liquid wastes, and rubbish in lines six and seven and substituting the passage "sewage, rubbish, or refuse".

Section 106
amended.

7. Section 106 of the principal Act is amended—

(a) as to subsection (1)—

(i) by deleting the passage "nightsoil, urine" in line three and substituting the passage "sewage, rubbish"; and

- (ii) by deleting the passage “for night-soil, urine, or refuse” in line nine;
 - (b) as to subsection (2), by deleting the word “nightsoil” in line three and substituting the word “such”.
8. Section 111 of the principal Act is amended—
- (a) by deleting the word “nightsoil” in line three and substituting the passage “sewage, rubbish, or refuse”; and
 - (b) by deleting the passage “or boxes or receptacles for the reception of refuse,” in lines four and five.
9. Section 112 of the principal Act is amended by deleting the passage “nightsoil, urine, and liquid wastes” in line fourteen of subsection (1) and substituting the word “sewage”. Section 112 amended.
10. Section 113 of the principal Act is amended by deleting the passage “nightsoil, urine” in line three and substituting the word “sewage”. Section 113 amended.
11. Section 114 of the principal Act is amended by deleting the passage “nightsoil, urine, or liquid wastes” in lines nine and ten and substituting the word “sewage”. Section 114 amended.
12. Section 115 of the principal Act is amended by deleting the word “nightsoil” in line one and substituting the word “sewage”. Section 115 amended.
13. Section 116 of the principal Act is amended by deleting the word “nightsoil” in line four of subsection (2) and substituting the word “sewage”. Section 116 amended.
14. Section 118 of the principal Act is amended by deleting the word “nightsoil” in line five of subsection (1) and substituting the word “sewage”. Section 118 amended.

Section 119
amended.

15. Section 119 of the principal Act is amended by deleting the word "nightsoil" in line four and substituting the passage "sewage, rubbish,".

Section 120
amended.

16. Section 120 of the principal Act is amended by deleting the word "nightsoil" where it appears—

(a) in line five of subsection (1);

(b) in line one of subsection (2); and

(c) in line four of subsection (4),

and substituting the word "sewage" in each case.

Section 203
amended.

17. Section 203 of the principal Act is amended by deleting the word "offers" in line one and substituting the passage "or offers for sale or as a prize, reward, inducement, advertisement, or sample".

Section 232A
amended.

18. Section 232A of the principal Act is amended—

(a) by deleting the word "Where" in line one of subsection (2) and substituting the passage "It shall be an offence against this Act for any person to sell a deficient product, and where"; and

(b) by deleting the words "an offence by selling a deficient product" in lines two and three of subsection (2) and substituting the words "the offence".

19. Section 273 of the principal Act is amended—

(a) as to subsection (1), by deleting the passage "lepers, and may make regulations for the safe custody of such lepers therein" in lines four and five of that subsection and substituting the word "lepers";

- (b) as to subsection (4), by deleting the passage “, or who trespasses on such place, or communicates or improperly interferes with any person detained therein,” in lines five to eight of that subsection; and
- (c) by adding after subsection (4) two new subsections as follows—

(5) The Governor may make regulations for the safe custody of persons detained in any such place, for regulating or prohibiting the supply of alcohol and other deleterious substances to any such person, for the control of the interchange of articles which are potentially infective, for the purpose of preventing or checking the spread of leprosy, for the surveillance of such persons granted leave or conditional discharge, and in relation to the persons with whom and the circumstances under which any such person may consort with persons not suffering from leprosy.

(6) A person who trespasses on such place, or unlawfully communicates or consorts, or improperly interferes, with any person detained therein, or who assists or harbours any such person who escapes or attempts to escape, shall be guilty of an offence against this Act. .

20. Section 300 of the principal Act is amended—

Section 300
amended.

- (a) by redesignating the section as subsection (1); and
- (b) by adding two new subsections as follows—

(2) For each notice given by him in accordance with subsection (1) of this section a medical practitioner shall be paid by the Commissioner the appropriate fee prescribed by the regulations.

(3) The Governor may make regulations prescribing fees payable to medical practitioners by the Commissioner for

notices given under subsection (1) of this section and the regulations may prescribe differentiating fees for notices or classes of notices.

Part XIII
heading.

21. The principal Act is amended by deleting the heading "PART XIII.—PROTECTION OF LIFE," appearing immediately following section 330 and substituting the heading "PART XIII.—CHILD HEALTH AND PREVENTIVE MEDICINE."

Section 331
repealed and
re-enacted.

22. Section 331 of the principal Act is repealed and re-enacted as follows—

Interpreta-
tion.

331. In this Part, unless the context requires otherwise—

"Nurses Act" means the Nurses Act, 1968;

"Nurses Board" means the Nurses Board of Western Australia established under the Nurses Act;

"school dental therapist" means a person employed in that office pursuant to section three hundred and thirty-seven A of this Act. .

Section 332
amended.

23. Section 332 of the principal Act is amended by deleting the word "Registration" where it appears—

(a) in line seven of paragraph (1); and

(b) in lines two and three of paragraph (2).

Section 334
amended.

24. Section 334 of the principal Act is amended by deleting the word "Registration" where it appears—

(a) in line five of subsection (1);

(b) in line two of subsection (2); and

(c) in line five of subsection (4).

25. Section 335 of the principal Act is amended— Section 335 amended.

- (a) by deleting the word "Registration" in line three of subsection (1); and
- (b) by deleting the passage "Midwives' Registration" in line eight of subsection (3) and substituting the word "Nurses".

26. Subsection (2) of section 337 of the principal Act is amended by deleting the passage "duly registered dentist may, if so authorised by the Commissioner or the local authority," in lines one, two and three and substituting the passage "school dental therapist, or any duly registered dentist authorised to do so by the Commissioner or by the local authority, may". Section 337 amended.

27. The principal Act is amended by inserting after section 337 a new section as follows— New section 337A added.

337A. (1) There shall be established in accordance with this section a school dental service to provide dental care and treatment for pre-school and school children. Schools Dental Service.

(2) With the approval of the Minister, the Commissioner may establish and maintain teaching schools and facilities for the training of persons as school dental therapists, and any such school shall be deemed to be a school of dental therapy that is approved by the Dental Board of Western Australia for the purposes of paragraph (e) of subsection (2) of section 50 of the Dental Act, 1939.

(3) There shall be appointed under and subject to the Public Service Act, 1904, such dentists, school dental therapists and other officers and staff as may be required for the purposes of this section.

(4) A school dental therapist shall possess such qualifications and perform such duties as are prescribed.

(5) Subject to such restrictions and limitations as are prescribed, and as the Minister may specify in any particular case, a school dental therapist is entitled to undertake the duties and acts of dentistry specified in subsection (1) of section 50A of the Dental Act, 1939, in the performance of her duties as such, and where she practises any dentistry that she is so entitled to practise or performs any operation in the practice of that dentistry neither she nor any other person is guilty of an offence under that Act by reason of that dentistry being practised or that operation performed.

(6) The Governor may make regulations for carrying into effect the provisions of this section. .

New section
338C added.

28. The principal Act is amended by inserting after section 338B a new section as follows—

Prohibition
of sale, etc.,
of unsafe
toys.

338C. Where any article or thing is offered for sale as a child's toy and is found to be, or in the opinion of the Commissioner is likely to be, unsafe or a danger to the health or life of any person, the Commissioner may prohibit its sale, distribution or possession. .

Section 339
repealed.

29. Section 339 of the principal Act is repealed.
