
Health Acts Amendment Act. 22 GEO. V. No. 13,

HEALTH.

22 GEO. V. No. 13. **An Act to Amend "The Health Acts, 1900 to 1922,"**
in certain particulars.
 THE HEALTH ACTS AMENDMENT ACT OF 1931. [ASSENTED TO 7TH OCTOBER, 1931.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title and construction. **1.** This Act may be cited as "*The Health Acts Amendment Act of 1931*," and shall be read as one with *"*The Health Acts, 1900 to 1922*," herein referred to as the Principal Act.

The Principal Act and this Act may collectively be cited as "*The Health Acts, 1900 to 1931*."

† *Amendments of the Principal Act.*

Amendment o s. 5. **2.** Section five of the Principal Act is amended as follows:—

(a) The definition of "Infectious disease" is repealed and the following new definition is inserted in lieu thereof:—

Infectious disease. " "Infectious disease," includes Asiatic cholera, diphtheria, plague (bubonic or Oriental), puerperal fever, puerperal pyrexia (and which shall be taken to mean any febrile condition, other than puerperal fever, occurring in a woman within fourteen days after childbirth or miscarriage, in which a temperature of one hundred point four degrees Fahrenheit (thirty-eight degrees Centigrade) or more has been sustained during a period of twenty-four hours or has recurred during that time), relapsing fever, scarlet fever, smallpox, typhoid fever (which shall include paratyphoid fevers), typhus fever (all forms), yellow fever, and also any other diseases which the Governor in Council on the recommendation of the

* 64 Vic. No. 9; 2 Geo. V. No. 26; 5 Geo. V. No. 33; and 7 Geo. V. No 31, *supra*, page 7735; 13 Geo. V. No. 33, *supra*, page 10012.

† The sections referred to in the Principal Act are the sections renumbered in the Health Acts, 1900-1922 (Consolidated Acts), printed in pamphlet form.

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Commissioner from time to time by notification in the *Gazette* brings under the provisions of this Act, either generally or with respect to any particular place ;”

(b) A new definition “Paint” is inserted after the definition of “Package” as follows :—

““Paint,” without limiting the ordinary meaning, ^{Paint.} includes any substance of any kind whatsoever used or intended to be used for application as a colouring or protective coating to any surface. The term includes oil paint, water paint, enamel, and distemper, and any substance of any kind whatsoever used in the composition of any paint.”

(c) The definition of “Notifiable disease” is repealed and the following new definition is inserted in lieu thereof, namely :—

““Notifiable disease” includes ancylostomiasis ^{Notifiable disease.} (hookworm), acute anterior poliomyelitis, anthrax, Asiatic cholera, bilharziasis, Brill’s disease, diphtheria, bacillary dysentery, amoebic dysentery, epidemic cerebro-spinal meningitis, encephalitis lethargica, filariasis, leprosy, malaria, plague (bubonic or Oriental), puerperal fever, puerperal pyrexia (and which shall be taken to mean any febrile condition, other than puerperal fever, occurring in a woman within fourteen days after childbirth or miscarriage, in which a temperature of one hundred point four degrees Fahrenheit (thirty-eight degrees Centigrade) or more has been sustained during a period of twenty-four hours or has recurred during that time), relapsing fever, scarlet fever, smallpox, tuberculosis (all forms), typhoid fever (which shall include paratyphoid fevers), typhus fever (all forms), and any disease, whether infectious or not, which the Governor in Council from time to time by notification in the *Gazette* declares to be a notifiable disease under this Act either generally or with respect to any particular place ;”

(d) The definition of “Venereal Disease” is amended ^{Venereal disease.} by inserting after the word “gonorrhoea” the words “ophthalmia neonatorum” ; also by deleting the words “primary and secondary” occurring before the word “syphilis.”

Amendment
of s. 92.

3. *Provision numbered (ii.) of paragraph (a) of subsection two of section ninety-two of the Principal Act is amended by inserting after the word "phenacetin" the words "or any soporific or hypnotic substance."

Amendment
of s. 95.

4. †Section ninety-five of the Principal Act is amended by the insertion after the word "drug" of the words "or article."

Repeal of s.
111 and new
s. 111.

5. ‡Section one hundred and eleven of the Principal Act is repealed and the following new section is inserted, namely :—

"Dangerous Drugs.

Restriction
in respect of
dangerous
drugs.

[111.] (1.) For the purposes of this Act, the following substances shall be deemed to be dangerous drugs, namely :—

Definition of
dangerous
drug.

- (a) Morphine ;
- (b) Cocaine ;
- (c) Ecgonine ;
- (d) Diamorphine (commonly known as heroin) ;
- (e) Opium ;
- (f) Opium charcoal ;
- (g) Also any salt compound or derivative of any of the above substances ;
- (h) Coca leaves, Indian hemp, and all preparations of which such resins form the base : also any extract or tincture of Indian hemp ; and
- (i) Such other substances as may for the time being be prescribed from time to time by the Commissioner with the approval of the Governor in Council.

Restriction
on sale,
possession,
&c.

(2.) No person other than a person licensed in such behalf under this Act or otherwise authorised in such behalf under this Act shall at any time have in his possession, or upon any premises or place occupied by him, any dangerous drug, and no person shall supply or procure or offer to supply or procure any dangerous drug to or for any person unless licensed under or authorised by this Act.

Burden of
proof.

(3.) The burden of proof that any person is licensed or otherwise authorised under this Act shall in every case be on the defendant.

* See s. 18 of "*The Health Acts Amendment Act of 1922*," Statutes, page 10019 (inserting s. 92.)

† See s. 95 of the Health Acts (Consolidated), 1900-1917, Statutes, page 7785 (as amended by s. 19 of the amending Act of 1922), Statutes, page 10021.

‡ See s. 110 of the Health Acts (Consolidated), 1900-1917, Statutes, page 7792 (reprinted as s. 111 in the Consolidated Acts, 1900-1922 pamphlet).

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(4.) If any person acts in contravention of or fails to comply with any requirement of this section he shall be guilty of an offence against this Act.

Any person guilty of any such offence shall be liable, on conviction for a first offence, to a penalty of not less than fifty pounds nor more than two hundred pounds or to imprisonment, with or without hard labour, for a term not exceeding six months, or to both such penalty and imprisonment, and in the case of a second or subsequent conviction to a penalty of not less than one hundred pounds nor more than five hundred pounds or to imprisonment, with or without hard labour, for a term not exceeding two years, or to both such penalty and imprisonment, any law to the contrary notwithstanding, and the court, upon conviction of the offender, may, in addition to any punishment, order that the goods in respect of which the offence was committed shall be forfeited to His Majesty.

(5.) Any member of the Police Force may without warrant arrest any person who has committed, or has attempted to commit, or is reasonably suspected by such member of the Police Force of having committed or of having attempted to commit an offence against the provisions of this section, and any member of the Police Force may detain any person found travelling whom such member of the Police Force may reasonably suspect to have in his possession any dangerous drug contrary to the provisions of this section, and such member of the Police Force may, in the presence of a justice of the peace at a police station at which a justice must be present, search such person and may open and search any pack or package, bag, box, swag, or other receptacle carried or conveyed by such person, and also any vehicle, premises, or place in which such person may be, and such member of the Police Force may seize any dangerous drug found in the possession of such person or in any pack, package, bag, box, swag, or other receptacle carried or conveyed by such person or upon any such vehicle, premises, or place, and may forthwith arrest such person without warrant and detain him in custody until he can be brought before the court to be dealt with according to law.

(6.) The Commissioner may from time to time make regulations for carrying out the objects of this section and in particular for regulating the manufacture, sale,

distribution of, and other dealings with dangerous drugs, and prescribing penalties not exceeding five hundred pounds for any breach of any such regulation.”

New s. 111A. **6.** After section 111 of the Principal Act (previously inserted) the following new section is inserted, namely :—

“ *Cyanide of Potassium and other Poisonous Cyanides.*

Cyanide of potassium and other poisonous cyanides.

[111A.] (1.) No person other than one licensed in such behalf under this Act, or otherwise authorised in such behalf under this Act, shall at any time have in his possession or upon any premises or place occupied by him any cyanide of potassium or any poisonous compound of cyanogen.

The burden of proof that he is licensed or otherwise authorised under this Act shall in every case be on the defendant.

(2.) If any person acts in contravention of or fails to comply with any requirement of this section he shall be guilty of an offence against this Act.

Penalty.

Any person guilty of any such offence shall be liable on conviction to a penalty of not less than twenty pounds nor more than fifty pounds, or to imprisonment with or without hard labour for a term not exceeding three months, or to both such fine and imprisonment, and in the case of a second or subsequent conviction to a penalty of not less than fifty pounds nor more than one hundred pounds, or to imprisonment with or without hard labour for a term not exceeding six months, or to both such fine and imprisonment, and the police magistrate dealing with the case may in addition to any further punishment order the goods in respect of which the offence was committed to be forfeited to the Crown.

Any member of the Police Force may without warrant arrest any person who has committed or attempted to commit, or is reasonably suspected by such officer of having committed or attempted to commit any offence against this section, and any member of the Police Force may detain any person found travelling whom such officer may reasonably suspect to have in his possession any cyanide of potassium or any poisonous compound of cyanogen contrary to the provisions of this section, and may, in the presence of a justice of the peace at a police station at which a justice must be

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present, search such person and may open and search any pack or package, swag, or other receptacle carried or conveyed by such person and any vehicle, premises, or place in which he may be, and may seize any cyanide of potassium or poisonous compound of cyanogen found in the possession of such person or upon such vehicle, premises, or place, and may forthwith arrest such person without warrant and detain him in custody until he can be brought before a police magistrate to be dealt with according to law."

7. After section 111A of the Principal Act (previously inserted) the following new section is inserted, namely:—

"[111B.] No person shall sell any medicine or other drug or any poison by means of an automatic machine or similar mechanical device."

Prohibition of sale of medicine, &c., by automatic machine.

8. A new section (116A) is inserted after section one hundred and sixteen of the Principal Act as follows:—

"[116A.] There shall be supplied on or attached to every package of paint packed or enclosed for sale a label indicating the trade name or description, the net weight or true measure or volume of the contents thereof, the name and address of the vendor or maker of such contents, and containing a statement of the ingredients and the percentage proportions of the same in such paint."

Labelling of paint.

The statement of ingredients shall be written in bold-faced sans serif capital letters of not less than eight points face measurement in the following form:—

This paint consists of [*or alternatively*] the contents of this package consist of [*herein insert the name or names of ingredients and the quantity or percentage proportion to each contained in the paint*].

No person shall after the first day of April, one thousand nine hundred and thirty-two, sell in a package any paint unless such a label is supplied on or attached to every such package:

Provided that paint shall not be deemed to be falsely described or labelled if the actual weight or true measure or volume of any constituent of the liquid does not vary more than ten per cent. of the weight measure or volume of the proportion of such constituent declared to be present."

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New s. 116B. **9.** The following new section is inserted after section 116A of the Principal Act, namely :—

Contractor mixing and applying paint with ingredients of deleterious substance contrary to consent of person whose premises are painted.

“[116B.] Where any person (herein called “the contractor”) undertakes or contracts with another person to paint any premises owned or occupied by such other person, such contractor shall not, without the knowledge and consent of such other person, use in the mixing and/or application of such oil paint any barytes or whiting or other deleterious substance or ingredient of inferior quality.

Any person offending against the provisions of this section shall on conviction be liable to a penalty not exceeding fifty pounds.

The provisions of this section shall not prejudice or affect any civil remedy which such other person may have in the circumstances against the contractor.”

New s. 127A. **10.** A new section (127A) is inserted after section one hundred and twenty-seven of the Principal Act as follows :—

Owner may recover from agent or servant.

“[127A.] (1.) If the defendant, being the owner or employer, proves that without knowledge on his part any provisions of this Act with regard to the nature, substance, quality, description, labelling, constituents, or mode of manufacture of the food, drug, or article or any package in which it was contained had been contravened or had not been complied with in respect of the sale of such food, drug, or article by his agent or servant he may, whether his agent or servant has or has not been convicted or punished, recover in any court of competent jurisdiction from his agent or servant the amount of any penalty in which he himself has been convicted in respect of such prosecution, together with the costs thereof paid or payable by him upon his conviction and those paid or payable by him in and about his defence to the prosecution.

(2.) Where an owner or employer has been convicted as aforesaid the court may if it thinks fit suspend the operation of the conviction for any period not exceeding three months to enable him to recover from his agent or servant the penalty and costs as aforesaid.”

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*11. Section one hundred and thirty of the Principal Act is amended by the addition to subsection one of the following paragraph, namely:—

Amendment
of s. 130.

“Provided that when a person is convicted of selling milk adulterated with water the penalty imposed shall be not less than one pound for each one per centum of added water up to the maximum penalty permitted by this section.”

†12. Section one hundred and thirty-seven of the Principal Act is repealed, and a new section is inserted in the Principal Act under Part IX. thereof, and numbered 217A as follows:—

Repeal of s.
137 and re-
enactment
with
amendment
as s. 217A.

“[217A.] No prosecutor or witness on behalf of any prosecution under this Act shall be compelled to disclose the fact that he received any information, or the nature of such information, or the name of any person who gave such information; and no officer appearing as a prosecutor or witness shall be compelled to produce any reports or documents made or received by him in his official capacity or containing confidential information, or to make any statement in relation thereto.”

Source of
information
or reports.

13. †In the proviso to paragraph (i.) of subsection one of section one hundred and forty of the Principal Act, the words “whisky, not more than twenty-five degrees under proof” are repealed, and the words “whisky, not more than thirty-two degrees under proof” are inserted in lieu thereof.

Amendment
of s. 140.

14. §Section one hundred and sixty-one of the Principal Act is amended as follows:—

Amendment
of s. 161.

(a) In paragraph (c) the word “gratuitous” is repealed.

* See s. 127 in the Health Acts, 1900-1917 (Consolidated), Statutes, page 7803.

† See s. 134 in the Health Acts, 1900-1917 (Consolidated), Statutes, page 7805.

‡ See s. 39 of the amending Act of 1922, Statutes, page 10030, inserting new s. 137 in the Consolidated Acts.

§ See s. 158 in the Health Acts, 1900-1917 (Consolidated), Statutes, page 7818; amended by s. 48 of the amending Act of 1922, Statutes, page 10035.

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(b) In paragraph (g) the words “apparently free” are repealed, and the words “apparent freedom” are inserted in lieu thereof.

(c) Two new paragraphs (h) and (i) are added to the said section as follows :—

“(h) Preventing infection of others by persons suffering from venereal disease ;

(i) Requiring the submission by medical practitioners of such returns or information as may be necessary, or as may be prescribed, for the proper administration of this Act or the “Venereal Diseases Regulations.” ”

Amendment
of s. 162.

*15. Section one hundred and sixty-two of the Principal Act is amended as follows :—

(a) In subsection two of the said section after the words “place of abode,” where those words twice occur, the words “and occupation and also any change of address whilst under such treatment” are inserted.

(b) In subsection three of the said section the words “apparently free” are repealed and the words “apparent freedom” are inserted in lieu thereof.

(c) In subsection five of the said section the words “upon becoming aware that” are repealed and the word “when” is inserted in lieu thereof.

(d) In subsection eight of the said section the word “infectious” is repealed.

(e) In subsection nine of the said section the words “apparently free” are repealed and the words “apparent freedom” are inserted in lieu thereof.

(f) A new subsection thirteen is added to the said section, namely :—

“(13.) Every person who has been notified by a medical practitioner to the Commissioner as suffering from venereal disease shall for the purposes of this Act be deemed to be so suffering until such time as the Commissioner shall have received a certificate of cure or apparent freedom from disease.”

* See s. 159 in the Health Acts, 1900-1917 (Consolidated), Statutes, page 7818; and amended by s. 49 of the amending Act of 1922, Statutes, page 10036.

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*16. Section one hundred and sixty-four of the Principal Act is amended as follows :— Amendment of s. 164.

(a) In subsection two the words “shall be considered” are repealed and the words “may be considered at the discretion of the Commissioner” are inserted in lieu thereof.

(b) In paragraph (a) of the said subsection two, after the word “thereof” the words “by forwarding a copy of such order” are added.

†17. Section one hundred and sixty-six of the Principal Act is amended by adding the following proviso to subsection one of the said section, namely :— Amendment of s. 166.

“Provided that notwithstanding anything hereinbefore contained, the police magistrate may authorise the publication in any newspaper or newspapers of any such proceedings as aforesaid, but provided further that such authorisation shall not be construed to permit any newspaper to publish any name or names other than the name or names of the defendants in such proceedings.”

‡18. Section one hundred and sixty-seven of the Principal Act is repealed and the following new section is inserted in lieu thereof, namely :— Repeal and new s. 167.

“[167.] Every person who acts or assists in the administration of the provisions of this Act relating to venereal diseases shall preserve and aid in preserving secrecy with regard to all matters which come to his knowledge in his official capacity except in the performance of his duties; the Commissioner, at his discretion, may give such information to another Government official or department as he considers necessary for the purposes of administering this Act. Secrecy.

Any person who contravenes this provision shall be liable to a penalty not exceeding fifty pounds.”

* See s. 161 in the Health Acts, 1900-1917 (Consolidated), Statutes, page 7822; and amended by s. 51 of the amending Act of 1922, Statutes, page 10038.

† See s. 163 in the Health Acts, 1900-1917 (Consolidated), Statutes, page 7825; and amended by s. 52 of the amending Act of 1922, Statutes, page 10038.

‡ See s. 53 of the amending Act of 1922, Statutes, page 10039, inserting s. 163A in the 1900-1917 Consolidated Acts.

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Amendment
of s. 168.

*19. Section one hundred and sixty-eight of the Principal Act is amended as follows:—

(a) Paragraph (ii.) of subsection one is repealed, and the following new paragraph is inserted in lieu thereof:—

“(ii.) Being a male person is proved to live with or to be habitually in the company of a prostitute, or is proved to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting, or compelling her prostitution with any person or generally shall, unless he can satisfy the court to the contrary, be deemed to be knowingly living on the earnings of the prostitution; and”

(b) The following proviso is added to the said subsection one, namely:—

“Provided that in any prosecution under paragraph (ii.) hereof the wife of a person charged shall be a competent witness for the prosecution or defence, and without the consent of the person charged.”

Amendment
of s. 169.

†20. In section one hundred and sixty-nine of the Principal Act, the word “infectious” where it firstly occurs is repealed.

Amendment
of s. 171.

‡21. Section one hundred and seventy-one of the Principal Act is amended as follows:—

After the words “foregoing section” the words “a fee of” are repealed, and the words “such fee as the Minister may from time to time fix but not exceeding” are inserted in lieu thereof.

Also the words “and of one” are repealed, and the words “and not exceeding one” are inserted in lieu thereof.

Amendment
of s. 192.

§22. Section one hundred and ninety-two of the Principal Act is amended as follows:—

(i.) The words “two classes” are repealed and the words “three classes” are inserted in lieu thereof.

* See s. 164 of the Health Acts, 1900-1917 (Consolidated), Statutes, page 7826; amended by s. 54 of the amending Act of 1922, Statutes, page 10039.

† See s. 166 of the Health Acts, 1900-1917 (Consolidated), Statutes, page 7829; and amended by s. 56 of the amending Act of 1922, Statutes, page 10040.

‡ See s. 168 of the Health Acts, 1900-1917 (Consolidated), Statutes, page 7832; and amended by s. 57 of the amending Act of 1922, Statutes, page 10041.

§ See s. 189 of the Health Acts, 1900-1917 (Consolidated), Statutes, page 7840.

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(ii.) A new paragraph is added to the said section, namely :—

“(c) Of a hospital for the reception, care, and treatment of mental cases only (other than cases in respect of persons who have been certified as insane pursuant to **“The Insanity Act of 1884 ”*”).”

(iii.) The following new provisoes are added to the said section, namely :—

“ Provided that a certificate of registration of a general private hospital shall, in the case of a nurse, be granted only to a nurse who is registered as a general nurse pursuant to the provisions of †*“The Nurses and Masseurs Registration Act of 1928 ”* :

Provided further that a certificate of registration of a lying-in hospital shall, in the case of a nurse, be granted only to a nurse who is registered as a midwifery nurse pursuant to the provisions of †*“The Nurses and Masseurs Registration Act of 1928 ”* :

Provided further that a certificate of registration of a hospital for the reception, care, and treatment of mental cases only shall, in the case of a nurse, be granted only to a nurse who is registered as a mental nurse pursuant to the provisions of †*“The Nurses and Masseurs Registration Act of 1928 ”* :

Provided further, in the case of a combined general private and lying-in hospital, where the nurse (being the holder of the certificate of registration) is registered only as a general nurse, such nurse shall employ in such hospital a registered midwifery nurse, and shall retain the services of such registered midwifery nurse for such time as midwifery cases are being treated in the hospital ; and in like manner where the nurse (being the holder of the certificate of registration) is registered only as a midwifery nurse, such nurse shall employ in such hospital a registered general nurse and shall retain the services of such registered general nurse for such time as general cases are being treated in the hospital.”

* 48 Vic. No. 8, *supra*, page 1003.

† 19 Geo. V. No. 10, *supra*, page 12202.

Income Tax Acts Amendment Act. 22 GEO. V. No. 25,

New s. 203A. **23.** A new section 203A is inserted after section two hundred and three of the Principal Act, as follows:—

Regulations. “[203A.] The Commissioner may from time to time make regulations for the control and management and supervision of private hospitals.

Any such regulations made prior to the passing of “*The Health Act Amendment Act of 1931*” are hereby approved, ratified, confirmed, and validated.”

HEAVY VEHICLES.

See TRAFFIC.

HOSPITALS.

See HEALTH.

INCOME TAX.

22 GEO. V. No. 25. **An Act to Amend “The Income Tax Acts, 1924 to 1930,” in a certain particular.**

THE
INCOME
TAX ACTS
AMENDMENT
ACT OF 1931.

[ASSENTED TO 10TH DECEMBER, 1931.]

BE it enacted by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title
and
construction

1. This Act may be cited as “*The Income Tax Acts Amendment Act of 1931*,” and shall be read as one with **“The Income Tax Acts, 1924 to 1930,”* herein referred to as the Principal Act.

The Principal Act and this Act may collectively be cited as “*The Income Tax Acts, 1924 to 1931.*”

* 15 Geo. V. No. 34; 16 Geo. V. No. 15; 17 Geo. V. No. 32; 19 Geo. V. No. 17; 20 Geo. V. No. 18; 21 Geo. V. No. 19, Part II.; and 21 Geo. V. No. 40, *supra*, pages 10945, 11295, 11590, 12178, 12481, 13178, and 12934.