This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

> W. S. MOWLE, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 6 December, 1918.



#### ANNO NONO

# GEORGII V REGIS.

## Act No. , 1918.

An Act to regulate the treatment of venereal diseases; to prevent the spread of such diseases; and for purposes consequent thereon or incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of 5 the same, as follows :---

1. This Act may be cited as the "Venereal Diseases Short title. Act, 1918."

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2. In this Act, if not inconsistent with the context or Definitions. subject-matter,—

"Child" means a person under the age of sixteen years.

- "Commissioner" means the commissioner holding office or appointed under this Act.
- "Managers" includes board, committee, or other body managing any hospital.
- body managing any hospital. "Medical practitioner" means legally qualified medical practitioner registered in New South Wales.
- "Minister" means the Minister of Public Health or the Minister for the time being administering this Act.
- "Prescribed" means prescribed by this Act or by regulations under this Act.
  - "Venereal disease" means gonorrhœa, gleet, gonorrhœal ophthalmia, syphilis, soft chancre, venereal warts, or venereal granuloma.

20 **3.** (1) No person other than a medical practitioner, Treatment by or a person acting under the direct instructions of a medical pracmedical practitioner, shall attend upon or prescribe for cf. *Ibid.* (1). or supply any drug or medicine to any person suffering from any venereal disease for the purpose of curing,

25 alleviating, or treating such disease.

(2) A registered pharmaceutical chemist may Chemists. dispense to the patient of a medical practitioner the cf. *Ibid.* 5 (3). prescription of such practitioner if such prescription is

dated, and bears the address and usual signature (in-30 cluding the surname) of such practitioner.

(3) A registered pharmaceutical chemist may, in the ordinary course of business, sell or supply any drug or medicine (except such drugs or medicine as are specified by regulations made under the Act) if such

.35 drug or medicine is not prescribed by such chemist for any person suffering from any venereal disease for the purpose of curing, alleviating, or treating such disease.

(4) Any person contravening this section shall *Ibid.* 5 (2).
be liable to a penalty not exceeding fifty pounds or to
40 imprisonment with or without hard labour for a term not exceeding six months.

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#### Venereal Diseases.

4. (1) Every person suffering from any venereal Persons disease, or suspecting that he is so suffering, shall suffering from within three days of becoming aware of his condition, disease to consult a medical practitioner thereon, furnish his correct selves under 5 name, occupation, and address to such practitioner, and treatment, place himself under treatment by such practitioner, or &c.

shall attend at some hospital or other place prescribed (1) and (2), for the purpose and place himself under treatment and W.A. Health Act thereat.

10 (2) Any person contravening this section shall be  $\frac{\text{Act. 1915, 242}}{\text{b. (1)}}$ liable to a penalty not exceeding one hundred pounds, or imprisonment for a period not exceeding three months.

(3) Any medical practitioner who otherwise than in accordance with the provisions of this Act communi- Penalty for

- 15 cates to any person or in any other way makes known divulging name or the name or address of any such person shall be liable address of to a penalty not exceeding one hundred pounds, and suffering from shall be deemed to be guilty of professionally infamous any venereal disease.
- 20 5. (1) Every person suffering from any venereal Persons disease who has consulted and placed himself under suffering from treatment by a medical practitioner, or who has attended disease to and placed himself under treatment at a hospital or other treatment. prescribed place, shall (until he has received a certificate Vic. 2858,

25 that he is cured of or is free from venereal disease) visit 7 (1). or cause himself to be attended by a medical practitioner, or attend at a hospital or other prescribed place, for the purpose of treatment and advice at least once in every such period as is prescribed, and shall follow the advice

30 given by such medical practitioner or by a medical practitioner at such hospital or place.

(2) Any person contravening this section shall be liable to a penalty not exceeding twenty pounds.

6. (1) If any person suffering from any venereal Change of 35 disease who has consulted and placed himself under address. treatment by a medical practitioner changes his address he shall, within seven days, notify the said practitioner of such change, and of the address to which he has gone.

40 (2) Any person contravening this section shall be liable to a penalty not exceeding five pounds.

Amendment

7. (1) If any person suffering from any venereal Change of disease who has consulted and placed himself under medical practitioner. treatment by a medical practitioner desires to discontinue cf. Ibid. 7 (2). such treatment and to place himself under treatment by

5 some other medical practitioner, or if the medical practitioner treating such person dies or for any reason is unable or unwilling to treat him further, such person shall, unless he places himself under treatment at some hospital or other prescribed place, forthwith consult and

10 place himself under the treatment of another medical practitioner, and inform him of the name and last known address of the medical practitioner by whom he was previously treated. The medical practitioner so informed shall forthwith send to the medical practitioner by whom

15 such person was previously treated a notice in the prescribed form if the practitioner last mentioned is resident in New South Wales.

(2) Any person contravening this section shall be liable to a penalty not exceeding five pounds.

8. The fact that a person who has been suffer-Treatment to 20 ing from any venereal disease has ceased to be continue till liable to convey infaction but has not been and but has a set been a line to be cure effected. liable to convey infection, but has not been cured, shall Ibid. 17. not exonerate such person from complying with the provisions of this Act with respect to treatment, or any

25 medical practitioner from complying with the requirements of this Act with respect to notices.

9. (1) If a medical practitioner becomes aware that Reporting any person consulting him, or attended, or treated by cases. him, is suffering from any venereal disease, such medical cf. 1bid. S.

30 practitioner shall give notice thereof to the commissioner in the prescribed form, and within the prescribed period.

(2) Such notice shall not disclose the name and address of the patient.

(3) Any medical practitioner contravening this 35 section shall be liable to a penalty not exceeding twenty pounds, and for a second and every subsequent offence to a penalty of not less than twenty pounds, but not exceeding one hundred pounds.

10. (1) If a person suffering from any venereal Name and ad-dress of patient 40 disease who has been attended or treated by a medical to be reported on tailors to practitioner for such disease fails to consult or attend continue treat-

such 1bid. 9 (1).

such medical practitioner during one such period as is prescribed under section five of this Act or within ten days thereafter, and the medical practitioner has not before the expiration of such ten days received from

5 another medical practitioner a notice that such person has placed himself under treatment by such other medical practitioner, such first-mentioned medical practitioner shall send to the commissioner in a sealed envelope marked "confidential," a notice of the facts in the pre-10 scribed form.

(2) Any medical practitioner contravening this cf. Ibid. 9 (2). section shall be liable to a penalty not exceeding twenty pounds, and for a second or any subsequent offence to a penalty of not less than twenty pounds, but 15 not exceeding one hundred pounds.

11. (1) Every medical practitioner who attends, Warnings to treats, or advises any person for or in respect of any patients. venereal disease from which such person is suffering, cf. Ibid. 10. shall (except in the case of a child)-

(a) by written notice in the prescribed form delivered to such person-

- (i) direct such person's attention to the infectious nature of the disease, and to the legal consequences of infecting others; and
- (ii) warn such person against contracting any marriage until certified under this Act as cured; and
- (b) give such person such printed information as may be prescribed regarding the disease and

the duties of persons suffering therefrom.

(2) Every medical practitioner who attends, Parents and treats, or gives advice with respect to a child suffering guardians. from venereal disease shall give to the parent or guardian or other person in charge of the child such directions

35 and printed information as may be prescribed.

(3) Any medical practitioner contravening this section shall be liable to a penalty not exceeding five pounds.

12. If a medical practitioner has reason to believe Privilege for 40 that a person suffering from venereal disease intends to practitioner. contract a marriage, it shall be lawful for such medical <sup>cf. W.A. Health</sup> mendment practitioner, after giving an intimation of his intention Act, 1918, 44.

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#### Venereal Diseases.

to the person suffering from such disease, to inform any person, whom he believes on reasonable grounds to be the other party to the proposed marriage, that the person suffering from such disease is so suffering, and he may 5 also give the like information to any parent or guardian

- of such party and to the commissioner, and every communication made in good faith in exercise or supposed exercise of the powers conferred by this section shall be absolutely privileged.
- 10 13. Any person who, while suffering from any Marriage of venereal disease in an infectious stage, marries, knowing suffering from that he is so suffering, shall be guilty of an indictable venereal offence, and shall be liable on conviction to imprisonment disease. with or without hard labour for a period not exceeding land Health

15 five years or a fine not exceeding five hundred pounds, Act, 1916, 132 or both fine and imprisonment.

14. (1) When any person who has been suffering Certificates from venereal disease becomes cured of or free from of cure or freedom from such disease, or has ceased to be liable to convey venereal disease.

20 infection, any medical practitioner, on being satisfied thereof shall, subject to the provisions of this Act and the regulations thereunder, give such person, at his request, a certificate in the prescribed form that such person is cured of or is free from venereal disease, or is 25 no longer liable to convey infection, as the case may be.

(2) Any medical practitioner who gives to any person a certificate that such person is cured of or is free from venereal disease, or is no longer liable to convey infection, knowing the said certificate to be false in any

- 30 material particular, or except under the conditions and in the circumstances prescribed with respect to such certificates by regulations under this Act, shall be liable to a penalty not exceeding fifty pounds.
- 15. Any person who uses for the purposes of or Using certificate 35 in relation to or in connection with prostitution any prostitution. certificate given by a medical practitioner under the cf. W.A. Health provisions of the last preceding section shall be liable to Amendment Act. a penalty not exceeding twenty pounds.
- 16. (1) Any parent, guardian, or other person in Parents and 40 charge of any child suffering from venereal disease shall guardians. Vic. 2858, 12. cause such child to be treated for such disease in accordance with the provisions of this Act. (2)

Vic. 2858, 11.

(2) When any child is or becomes liable under this Act to do or submit to any act, matter, or thing, any parent or guardian or other person in charge of such child, knowing that such child is so liable, shall 5 exercise his authority to compel or induce such child to do or submit such act, matter, or thing as aforesaid.

(3) Any parent or guardian or other person in charge of any such child who knows that such child has failed to comply with any provision of this Act shall 10 report the fact, together with such particulars as may

be prescribed, to the commissioner.

(4) Any parent, guardian, or other person contravening this section shall be liable to a penalty not exceeding ten pounds.

- 15**17.** (1) Every person who, while suffering from any Offences. venereal disease in a communicable form, is knowingly employed or engaged in or about any factory, shop, hotel, restaurant, house, or other place in any capacity requiring him to handle food intended for consumption
- 20 by any other person or persons shall be guilty of an offence, and shall be liable on summary conviction to imprisonment for a period not exceeding one year, or to a fine not exceeding one hundred pounds.
- (2) Every person shall be guilty of an offence 25 punishable by a fine of not less than twenty pounds and not more than one hundred pounds who at any time after the passing of this Act employs or continues to employ any person suffering from any venereal disease in a communicable form, if by reason of such employ-

30 ment such person is required or permitted to handle any food intended for consumption by any person other than the person employed, unless the defendant proves that he did not know or suspect, and had no reasonable means of knowing or suspecting, that the person so 35 employed by him was suffering from such disease.

- 18. No certificate, notice, or other communication, Protection of verbal or in writing, given by any medical practitioner medical practitioner. for the purposes of this Act, bona fide and without negligence, that any person is suffering from venereal 40 disease shall be made the ground of any legal proceedings.
- civil or criminal, against such medical practitioner.

#### Venereal Diseases.

**19.** (1) Any matter to be heard by a magistrate Privacy of under this Act shall be heard and decided in chambers, proceedings. and in private, and no person other than the magistrate, Vic. 2858(15). the party concerned, the commissioner, and such officers,

5 witnesses, or persons as the magistrate may require, or at the request of the party concerned may permit to be present, shall have access to or be permitted to be present in any room where the matter is being heard.

(2) Every person who acts or assists in the 10 administration of this Act, and every person present in any room where any matter under this Act is being heard, shall preserve and aid in preserving secrecy with regard to all matters and things which come to his knowledge while so acting or assisting, or present, and shall not 15 communicate any such matter or thing to any other

person, except in the performance of his duties under this Act, or in answer to some question which he is legally bound to answer.

(3) Any person contravening this section shall 20 be liable to a penalty not exceeding fifty pounds.

20. (1) It shall not be lawful to publish in any Newspapers. newspaper the report of any proceeding or matter heard <sup>cf.</sup> W.A. in private under this Act, but this prohibition shall not Health extend to any reports which are published on the written Act, 1918, 25 authority of the commissioner.

(2) Any person contravening this section shall be liable to a penalty not exceeding fifty pounds.

21. Any person who knowingly infects any other Knowingly person with a venereal disease, or knowingly does or infecting 30 permits or suffers to be done any act likely to lead to the disease. infection of any other person with such a disease shall *Ibid.* 18. be liable to a penalty not exceeding one hundred pounds, or to imprisonment with or without hard labour for a term not exceeding twelve months, or to both such penalty

35 and such imprisonment.

22. Any person who, being the owner or occupier of Keepers of any house, room, or place, knowingly permits any female disorderly suffering from venereal disease to occupy such house, *Ibid.* 19. room, or place for the purpose of prostitution, or to

40 resort thither for such purpose, shall be guilty of an offence under this Act and shall be liable to a penalty

not

not exceeding one hundred pounds, or to imprisonment with or without hard labour for a term not exceeding twelve months: Provided that no conviction under this section shall exempt the offender from any penal or 5 other consequences to which he may be liable for keeping or being concerned in keeping a bawdy-house or disorderly house or for the nuisance thereby occasioned.

23. A medical practitioner appointed by the Governor Appointment of 10 shall be the commissioner under this Act. Vic. 2858, 4.

24. The Minister may arrange with the managers Free treatof any hospital receiving aid from the State to make ment, &c., effective provision as prescribed for the reception, suffering from accommodation, examination, and treatment free of disease. 15 charge of such numbers of persons, or such classes of

persons, suffering from venereal disease as are prescribed.

25. (1) No person shall publish any statement Advertisements of cure of cure of certain whether by way of advertisement or otherwise to pro-diseases. mote the sale of any article as a medicine, instrument, cf. W. A. Health 20 or appliance for the alleviation or cure of any venereal Act, 1915, 242 n. disease, or disease affecting the generative organs or functions, or of sexual impotence, or of any complaint or infirmity arising from or relating to sexual intercourse,

or of female or menstrual irregularities. (2) Any person who—

- (a) affixes or inscribes any statement on any thing whatsoever so as to be visible to persons being in or passing along any street, road, highway, pathway, public place, or public conveyance; or
- (b) delivers or offers, or exhibits any statement to any person being in or passing along any street, road, highway, pathway, public place, public conveyance; or
- (c) throws any statement into or upon any street, road, highway, pathway, public place or public conveyance, or into the area, yard, garden, or inclosure of any house; or

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(d)

- (d) exhibits any statement to public view in any house, shop or place; or
- (e) prints or publishes any statement in any newspaper; or
- (f) sells, offers, or shows or sends by post any statement to any person,

shall be deemed to have published that statement.

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(3) The word statement includes any document, book, or paper containing any statement.

10 (4) Any person contravening this section shall be liable to a penalty not exceeding fifty pounds :

Provided that nothing in this section shall apply to any books, documents, or papers, published in good faith for the advancement of medical or surgical science, or

- 15 to any advertisement, notice, or recommendation published by the authority of the commissioner, or to any publication sent only to medical practitioners or to registered pharmaceutical chemists for the purposes of their business.
- **26.** (1) A stipendiary or police magistrate may, seizure of articles capable subject to the provisions of this Act, authorise by special of being used unlawfully for warrant any constable or police officer to enter into any the alleviation of venereal disease. house, office, shop, room, or other place, not being the et. N.S.W. 20 house, office, shop, room, or surgery of a medical prac-<sup>Indecent</sup><sub>Publications</sub> 25 titioner, or of a registered pharmaceutical chemist, and <sup>Act.</sup>
- to search for, seize, and bring before any such magistrate all articles, medicines, instruments, or appliances found therein which are capable of being used for the alleviation or cure of any venereal disease.

30 (2) No such warrant shall be issued except upon complaint made on oath by the commissioner that he has reason to believe and does believe that such articles. medicines, instruments, or appliances are kept, held, or exhibited in such house, office, shop, room, or place, for 35 the purpose of sale or unlawful use.

(3) The constable or police officer to whom any such special warrant is issued may if necessary obtain assistance and use force by breaking open doors or otherwise in order to effect an entrance.

(4)

(4) Whenever any such articles, medicines, instruments, or appliances are seized and brought before a magistrate in pursuance of any such special warrant such magistrate shall thereupon issue a summons calling 5 upon the occupier of the house, office, shop, room, or other place entered by virtue of such warrant to appear within seven days before such magistrate to show cause why the articles, medicines, instruments, and appliances so seized should not be destroyed or forfeited.

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(5) The magistrate issuing such summons shall-

- (a) if the occupier or some other person claiming to be the owner of the articles, medicines, instruments, or appliances seized does not appear within the time limited; or
- (b) if the occupier or such other person appears and it is found that the articles, medicines, instruments, or appliances seized or any of them are of the character stated in the warrant, and kept, held, or exhibited for the purpose of sale or unlawful use,

order them, or any of them, to be destroyed or forfeited.

(6) The magistrate shall, if satisfied that the articles, medicines, instruments, and appliances seized are not of the character stated in the warrant, or are not

- 25 kept, held, or exhibited for the purpose of sale or unlawful use, direct them to be restored to the occupier of the house, office, shop, room, or other place in which they were seized, or to the person appearing to be the owner thereof.
- 27. The Minister shall— 30

Powers of the

- Vic. 2858, 21.
- (a) establish hospitals or places for the reception Minister. and treatment of persons suffering from venereal disease;
- (b) arrange for the examination or treatment by medical practitioners of persons suffering from venereal disease and for the remuneration of the practitioners under any such arrangement;
- (c) provide by regulation for the reception, examination, and treatment of such persons at such hospitals and places or by such medical practitioners free of charge;

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(d)

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(d) arrange for chemical, bacteriological, and other examinations and investigations free of charge to the patient for the purpose of ascertaining whether a person is suffering from, or is cured of or is free from venereal disease, or is no longer liable to convey infection, and for the remuneration payable under any such arrangement;

- (e) arrange for the supply of drugs, medicines, and appliances for the treatment, alleviation, and cure of venereal disease in the case of persons unable, through poverty or otherwise, to pay for such drugs, medicines, or appliances; and
- (f) provide for the preparation and distribution of information relating to venereal disease.

15 28. No prosecution or proceeding for the recovery Power to of penalties under this Act or any regulation thereunder prosecute. shall be instituted except by the commissioner or some person thereunto authorised in writing by the commis-20 sioner either generally or in the particular case :

Provided that nothing herein contained shall affect any right to institute proceedings independently of this section in respect of any act or omission which is an offence at common law or under some Act other than 25 this Act.

29. Without limiting the operation of the provisions False allegaof this or any other Act, every person who, without legal tion as to persons justification or excuse, falsely alleges, whether by words suffering from or otherwise, that any other person is suffering or has disease. 30 suffered from venereal disease (whether the form of such

disease is specified or not), shall be guilty of the offence of publishing a defamatory libel, and the provisions of the Defamation Act, 1912, as to the offence of publishing a defamatory libel shall apply accordingly.

30. This Act shall commence and take effect on a commence-35 date to be proclaimed by the Governor. In such pro-ment. clamation the Governor may declare a date or dates upon which this Act shall come into operation either generally throughout New South Wales or throughout 40 any area or areas which may be defined in such pro-

clamations.

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#### Venereal Diseases.

**31.** (1) If a children's court established under the Children's provisions of the Neglected Children and Juvenile <sup>court.</sup> Offenders Act, 1905, has reason to believe that a child, male or female, is suffering from venereal disease, the 5 court may, at any time either before or after committal of such child, order an examination to be made of such child by a medical practitioner, either male or female.

(2) In the event of the medical practitioner reporting that any child is so suffering, the court shall10 forthwith notify the commissioner in writing, who may thereupon deal with such child as provided in this Act.

**32.** (1) No child shall be boarded out under the State provisions of the State Children Relief Act, 1901, unless <sup>children</sup>. the child has been—

15 (a) examined by a medical practitioner; and

(b) certified by such medical practitioner as being free from venereal disease, or no longer liable to convey infection.

(2) Such certificate shall be obtained at the 20 expense of the State Children's Relief Board, and retained by it.

(3) Any person contravening this section shall be liable to a penalty not exceeding twenty pounds.

**33.** (1) The Governor may make regulations for or Regulations. 25 with respect to all matters necessary or convenient to be under the prescribed for carrying out the provisions of this Act.

(2) In any regulations which the Governor may make under this Act a penalty not exceeding twenty-five pounds may be imposed for the breach of any such 30 regulation. Any such penalty may be recovered before

a stipendiary or police magistrate or any two justices of the peace in petty sessions.

(3) All regulations made under this section shall—

35 (a) be published in the Gazette;

(b) take effect from the date of publication or from a later date to be specified in such regulations;

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(c)

(c) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session; and if not, then, within fourteen days after the commencement of the next session;

(d) if either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Sydney : William Applegate Gullick, Government Printer.-1918.

[1s. 1d.]

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#### No. , 1918.

# A BILL

To regulate the treatment of venereal diseases; to prevent the spread of such diseases; and for purposes consequent thereon or incidental thereto.

[MR. HOLMAN; -29 November, 1918, A.M.]

DE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of 5 the same, as follows :---

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<sup>1.</sup> This Act may be cited as the "Venereal Diseases short title. Act, 1918." cf. Vic. 2858, 1. 225 - A

Definitions. cf. Ibid. 2. 2. In this Act, if not inconsistent with the context or subject-matter,—

- "Child" means a person under the age of sixteen years.
- "Commissioner" means the commissioner holding 5 office or appointed under this Act.
- "Managers" includes board, committee, or other body managing any hospital.
- "Medical practitioner" means legally qualified medical practitioner registered in New South 10 Wales.
- "Minister" means the Minister of Public Health or the Minister for the time being administering this Act.
- "Prescribed" means prescribed by this Act or by 15 regulations under this Act.
- "Venereal disease" means gonorrhœa, gonorrhœal ophthalmia, syphilis, soft chancre, venereal warts, or venereal granuloma.

Treatment by medical practitioner only. (1) Except as provided in this section, no person 20 other than a medical practitioner, or a person acting cf. *Ibid.* (1) under the direct instructions of a medical practitioner, shall attend upon or prescribe for or supply any drug or medicine to any person suffering from any venereal disease for the purpose of curing, alleviating, or treating 25 such disease.

Chemists. cf. Ibid. 5 (3). (2) A registered pharmaceutical chemist may dispense to the patient of a medical practitioner the prescription of such practitioner if such prescription is dated, and bears the address and usual signature (in-30 cluding the surname) of such practitioner.

(3) A registered pharmaceutical chemist may, in the ordinary course of business, sell or supply any drug or medicine (except such drugs or medicine as are specified by regulations made under the Act) if such 35 drug or medicine is not prescribed by such chemist for any person suffering from any venereal disease for the purpose of curing, alleviating, or treating such disease.

(4) A registered pharmaceutical chemist may attend upon or prescribe for persons suffering from such 40 venereal diseases other than syphilis as may be prescribed by regulation, provided that he does so in the manner and according to the regulations prescribed.

(5)

(5) Any person contravening this section shall Ibid. 5 (2). be liable to a penalty not exceeding *fifty* pounds or to imprisonment with or without hard labour for a term not exceeding six months.

5 4. (1) Every person suffering from any venereal Persons disease, or suspecting that he is so suffering, shall venereal within three days of becoming aware of his condition, disease to consult a medical practitioner thereon, furnish his correct selves under name and address to such practitioner, and place himself treatment, 10 under treatment by such practitioner, or shall attend at cf. *Ibid.* 6

some hospital or other place prescribed for the purpose  $\binom{(1) \text{ and } (2)}{\text{ and } W.A.}$ and place himself under treatment thereat. Health Act

(2) Any person contravening this section shall be Amendment Act, 1915, 242 liable to a penalty not exceeding *twenty* pounds.

5. (1) Every person suffering from any venereal Persons 15 disease who has consulted and placed himself under suffering from venereal treatment by a medical practitioner, or who has attended disease to and placed himself under treatment at a hospital or other treatment. prescribed place, shall (until he has received a certificate Vic. 2858,

7 (1). 20 that he is cured of or is free from venereal disease) visit or cause himself to be attended by a medical practitioner, or attend at a hospital or other prescribed place, for the purpose of treatment and advice at least once in every such period as is prescribed, and shall follow the advice

25 given by such medical practitioner or by a medical practitioner at such hospital or place.

(2) Any person contravening this section shall be liable to a penalty not exceeding *twenty* pounds.

6. (1) If any person suffering from any venereal Change of address. 30 disease who has consulted and placed himself under treatment by a medical practitioner changes his address he shall, within seven days, notify the said practitioner of such change, and of the address to which he has gone.

35 (2) Any person contravening this section shall be liable to a penalty not exceeding *five* pounds.

7. (1) If any person suffering from any venereal Change of disease who has consulted and placed himself under medical practitioner. treatment by a medical practitioner desires to discontinue cf. Ibid. 7 (2).

40 such treatment and to place himself under treatment by some other medical practitioner, or if the medical practitioner treating such person dies or for any reason is unable or unwilling to treat him further, such person shall,

b. (1).

shall, unless he places himself under treatment at some hospital or other prescribed place, forthwith consult and place himself under the treatment of another medical practitioner, and inform him of the name and last known address of the medical practitioner by whom he was 5 previously treated. The medical practitioner so informed shall forthwith send to the medical practitioner by whom such person was previously treated a notice in the prescribed form if the practitioner last mentioned is resident 10 in New South Wales.

(2) Any person contravening this section shall be liable to a penalty not exceeding *five* pounds.

8. The fact that a person who has been suffercure effected, ing from any venereal disease has ceased to be liable to convey infection, but has not been cured, shall 15 not exonerate such person from complying with the provisions of this Act with respect to treatment, or any medical practitioner from complying with the requirements of this Act with respect to notices.

> **9.** (1) If a medical practitioner becomes aware that 20 any person consulting him, or attended, or treated by him, is suffering from any venereal disease, such medical practitioner shall give notice thereof to the commissioner in the prescribed form, and within the prescribed period.

> (2) Such notice shall not disclose the name and 25 address of the patient.

(3) Any medical practitioner contravening this section shall be liable to a penalty not exceeding twenty pounds, and for a second and every subsequent offence to a penalty of not less than *twenty* pounds, but not 30 exceeding one hundred pounds.

**10.** (1) If a person suffering from any venereal disease who has been attended or treated by a medical practitioner for such disease fails to consult or attend such medical practitioner during one such period as is 35 prescribed under section five of this Act or within ten days thereafter, and the medical practitioner has not before the expiration of such ten days received from another medical practitioner a notice that such person has placed himself under treatment by such other medical 40 practitioner, such first-mentioned medical practitioner shall send to the commissioner in a sealed envelope marked "confidential," a notice of the facts in the prescribed form. (2)

Treatment to continue till Ibid. 17.

Reporting cases. cf. Ibid. S.

Name and address of patient to be reported on failure to continue treatment. Ibid. 9 (1).

(2) Any medical practitioner contravening this cf. *Ibid.* section shall be liable to a penalty not exceeding  $9^{(2)}$ . twenty pounds, and for a second or any subsequent offence to a penalty of not less than *twenty* pounds, but 5 not exceeding one hundred pounds.

11. (1) Every medical practitioner who attends, Warnings to treats, or advises any person for or in respect of any patients. venereal disease from which such person is suffering, cf. Ibid. 10. shall (except in the case of a child)—

- (a) by written notice in the prescribed form delivered to such person-
  - (i) direct such person's attention to the infectious nature of the disease, and to the legal consequences of infecting others; and
  - (ii) warn such person against contracting any marriage until certified under this Act as cured; and
  - (b) give such person such printed information as may be prescribed regarding the disease and the duties of persons suffering therefrom.

(2) Every medical practitioner who attends, Parents and treats, or gives advice with respect to a child suffering guardians. from venereal disease shall give to the parent or guardian or other person in charge of the child such directions 25 and printed information as may be prescribed.

(3) Any medical practitioner contravening this section shall be liable to a penalty not exceeding five pounds.

12. If a medical practitioner has reason to believe Privilege for 30 that a person suffering from venereal disease intends to medical contract a marriage, it shall be lawful for such medical cf. W.A. practitioner to inform any person, whom he believes on Health reasonable grounds to be the other party to the proposed Act, 1918, 44. marriage, that the person suffering from such disease is

35 so suffering, and he may also give the like information to any parent or guardian of such party and to the commissioner, and every communication made in good faith in exercise or supposed exercise of the powers conferred by this section shall be absolutely privileged.

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Marriage of person suffering from venereal disease. cf. Queensland Health

Certificates of cure or freedom from venereal disease. Vic. 2858, 11.

Using certificate for purposes of prostitution. cf. W.A. Health Amendment Act.

Parents and guardians. Vic. 2858, 12.

**13.** (1) Any person who, while suffering from any venereal disease in an infectious stage, marries, knowing that he is so suffering, shall be guilty of an indictable offence, and shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding 5 Act, 1916, 132 five years or a fine not exceeding five hundred pounds, or both fine and imprisonment.

> **14.** (1) When any person who has been suffering from venereal disease becomes cured of or free from such disease, or has ceased to be liable to convey 10 infection, any medical practitioner, on being satisfied thereof shall, subject to the provisions of this Act and the regulations thereunder, give such person, at his request, a certificate in the prescribed form that such person is cured of or is free from venereal disease, or is 15 no longer liable to convey infection, as the case may be.

(2) Any medical practitioner who gives to any person a certificate that such person is cured of or is free from venereal disease, or is no longer liable to convey infection, knowing the said certificate to be false in any 20 material particular, or except under the conditions and in the circumstances prescribed with respect to such certificates by regulations under this Act, shall be liable to a penalty not exceeding *fifty* pounds.

15. Any person who uses for the purposes of or 25 in relation to or in connection with prostitution any certificate given by a medical practitioner under the provisions of the last preceding section shall be liable to a penalty not exceeding *twenty* pounds.

**16.** (1) Any parent, guardian, or other person in 30 charge of any child suffering from venereal disease shall cause such child to be treated for such disease in accordance with the provisions of this Act.

(2) When any child is or becomes liable under this Act to do or submit to any act, matter, or thing, 35 any parent or guardian or other person in charge of such child, knowing that such child is so liable, shall exercise his authority to compel or induce such child to do or submit such act, matter, or thing as aforesaid.

(3) Any parent or guardian or other person in 40 charge of any such child who knows that such child has failed

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failed to comply with any provision of this Act shall report the fact, together with such particulars as may be prescribed, to the commissioner.

(4) Any parent, guardian, or other person 5 contravening this section shall be liable to a penalty not exceeding ten pounds.

17. No certificate, notice, or other communication, Protection of verbal or in writing, given by any medical practitioner medical practitioner. for the purposes of this Act, bona fide and without Ibid. 13 (8). 10 negligence, that any person is suffering from venereal disease shall be made the ground of any legal proceedings, civil or criminal, against such medical practitioner.

18. (1) Any matter to be heard by a magistrate Privacy of under this Act shall be heard and decided in chambers, <sup>proceedings.</sup> Vic. 2858(15).

15 and in private, and no person other than the magistrate, the party concerned, the commissioner, and such officers, witnesses, or persons as the magistrate may require, or at the request of the party concerned may permit to be present, shall have access to or be permitted to be present 20 in any room where the matter is being heard.

(2) Every person who acts or assists in the administration of this Act, and every person present in any room where any matter under this Act is being heard, shall preserve and aid in preserving secrecy with regard

25 to all matters and things which come to his knowledge while so acting or assisting, or present, and shall not communicate any such matter or thing to any other person, except in the performance of his duties under this Act, or in answer to some question which he is legally 30 bound to answer.

(3) Any person contravening this section shall be liable to a penalty not exceeding *fifty* pounds.

19. (1) It shall not be lawful to publish in any Newspapers. newspaper the report of any proceeding or matter heard cf. W.A. 35 in private under this Act, but this prohibition shall not Health Amendment extend to any reports which are published on the written Act, 1918, authority of the commissioner.

(2) Any person contravening this section shall be liable to a penalty not exceeding *fifty* pounds.

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Knowingly infecting disease. Ibid. 18.

Keepers of disorderly houses. Ibid. 19.

20. Any person who knowingly infects any other with venereal person with a venereal disease, or knowingly does or permits or suffers to be done any act likely to lead to the infection of any other person with such a disease shall be liable to a penalty not exceeding one hundred pounds, 5 or to imprisonment with or without hard labour for a term not exceeding twelve months, or to both such penalty and such imprisonment.

> 21. Any person who, being the owner or occupier of any house, room, or place, knowingly permits any female 10 suffering from venereal disease to occupy such house. room, or place for the purpose of prostitution, or to resort thither for such purpose, shall be guilty of an offence under this Act and shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment 15 with or without hard labour for a term not exceeding twelve months: Provided that no conviction under this section shall exempt the offender from any penal or other consequences to which he may be liable for keeping or being concerned in keeping a bawdy-house 20 or disorderly house or for the nuisance thereby occasioned.

of commissioner.

22. The Director-General of Public Health, or if there is no person holding that office, a medical practitioner appointed by the Governor shall be the com- 25 missioner under this Act.

**23.** (1) The managers of any hospital receiving aid from the State shall make effective provision as prescribed for the reception, accommodation, examination, and treatment free of charge of such numbers of persons, 30 or such classes of persons, suffering from venereal disease as are prescribed.

(2) In case of default, the Treasurer may withhold the whole or any portion of any subsidy which would be payable from the Consolidated Revenue in 35 respect of such hospital during the current or the next financial year.

**24.** (1) No person shall publish any statement whether by way of advertisement or otherwise to promote the sale of any article as a medicine, instrument, 40 or appliance for the alleviation or cure of any venereal disease. (2)

Appointment Vic. 2858, 4.

Ibid. 20.

Advertisements of cure of certain diseases. cf. W.A. Health Amendment Act, 1915. 242 n.

(2) Any person who-

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- (a) affixes or inscribes any statement on any thing whatsoever so as to be visible to persons being in or passing along any street, road, highway, pathway, public place, or public conveyance; or
- (b) delivers or offers, or exhibits any statement to any person being in or passing along any street, road, highway, pathway, public place, public conveyance; or
- (c) throws any statement into or upon any street. road, highway, pathway, public place or public conveyance, or into the area, yard, garden, or inclosure of any house; or
- (d) exhibits any statement to public view in any house, shop or place; or
  - (e) prints or publishes any statement in any newspaper; or
  - (f) sells, offers, or shows or sends by post any statement to any person,

shall be deemed to have published that statement.

(3) The word statement includes any document, book, or paper containing any statement

(4) Books, documents, and papers published in 25 good faith for the advancement of medical or surgical science are exempt from the provisions of this section.

(5) Any person contravening this section shall be liable to a penalty not exceeding *fifty* pounds.

25. (1) A stipendiary or police magistrate may, Seizure of articles capable
30 subject to the provisions of this Act, authorise by special of being used unlawfully for warrant any constable or police officer to enter into any the alleviation of venereal disease. house, office, shop, room, or other place, not being the ct. N.S.W. house, office, shop, room, or surgery of a medical prac- Indecent Publications titioner, or of a registered pharmaceutical chemist, and Act.

35 to search for, seize, and bring before any such magistrate all articles, medicines, instruments, or appliances found therein which are capable of being used for the alleviation or cure of any venereal disease.

(2) No such warrant shall be issued except upon 40 complaint made on oath by the commissioner that he has reason to believe and does believe that such articles. medicines, instruments, or appliances are kept, held, or exhibited in such house, office, shop, room, or place, for the purpose of sale or unlawful use.

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(3) The constable or police officer to whom any such special warrant is issued may if necessary obtain assistance and use force by breaking open doors or otherwise in order to effect an entrance.

(4) Whenever any such articles, medicines, 5 instruments, or appliances are seized and brought before a magistrate in pursuance of any such special warrant such magistrate shall thereupon issue a summons calling upon the occupier of the house, office, shop, room, or other place entered by virtue of such warrant to appear 10 within seven days before such magistrate to show cause why the articles, medicines, instruments, and appliances so seized should not be destroyed or forfeited.

(5) The magistrate issuing such summons shall—

- (a) if the occupier or some other person claiming to 15 be the owner of the articles, medicines, instruments, or appliances seized does not appear within the time limited; or
- (b) if the occupier or such other person appears and it is found that the articles, medicines, instru- 20 ments, or appliances seized or any of them are of the character stated in the warrant, and kept, held, or exhibited for the purpose of sale or unlawful use.

order them, or any of them, to be destroyed or forfeited. 25

(6) The magistrate shall, if satisfied that the articles, medicines, instruments, and appliances seized are not of the character stated in the warrant, or are not kept, held, or exhibited for the purpose of sale or unlawful use, direct them to be restored to the occupier of 30 the house, office, shop, room, or other place in which they were seized, or to the person appearing to be the owner thereof.

Powers of the Minister. Vic. 2858, 21. 26. The Minister may-

- (a) establish hospitals or places for the reception 35 and treatment of persons suffering from venereal disease;
- (b) arrange for the examination or treatment by medical practitioners of persons suffering from venereal disease and for the remuneration of 40 the practitioners under any such arrangement;

(c)

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(c) arrange for chemical, bacteriological, and other examinations and investigations free of charge to the patient for the purpose of ascertaining whether a person is suffering from, or is cured of or is free from venereal disease, or is no longer liable to convey infection, and for the remuneration payable under any such arrangement;

(d) arrange for the supply of drugs, medicines, and appliances for the treatment, alleviation, and cure of venereal disease in the case of persons unable, through poverty or otherwise, to pay for such drugs, medicines, or appliances; and

(e) provide for the preparation and distribution of information relating to venereal disease.

27. No prosecution or proceeding for the recovery Power to of penalties under this Act or any regulation thereunder prosecute. shall be instituted except by the commissioner or some cf. Ibid. 22. person thereunto authorised in writing by the commis-20 sioner either generally or in the particular case :

Provided that nothing herein contained shall affect any right to institute proceedings independently of this section in respect of any act or omission which is an offence at common law or under some Act other than 25 this Act.

**28.** The Governor may make regulations for or with Regulations respect to all matters necessary or convenient to be under the Act. prescribed for carrying out the provisions of this Act. cf. Ibid. 23.

(2) In any regulations which the Governor may 30 make under this Act a penalty not exceeding twenty*five* pounds may be imposed for the breach of any such regulation. Any such penalty may be recovered before a stipendiary or police magistrate or any two justices of the peace in petty sessions.

35 (3) All regulations made under this section shall-

(a) be published in the Gazette;

(b) take effect from the date of publication or from a later date to be specified in such regulations;

(c)

(c) be laid before both houses of Parliament within fourteen days after publication if Parliament is in session; and if not, then, within fourteen days after the commencement of the next session;

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(d) If either house of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such house disallowing any regulation, such regulation shall thereupon cease to have effect. 10

Sydney : William Applegate Gullick, Government Printer .-- 1918.

[10d.]

## New South Wales.



ANNO NONO

## GEORGII V REGIS.

### Act No. 46, 1918.

An Act to regulate the treatment of venereal diseases; to prevent the spread of such diseases; and for purposes consequent thereon or incidental thereto. [Assented to, 19th December, 1918.]

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

1. This Act may be cited as the "Venereal Diseases Short title. Act, 1918."

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2. In this Act, if not inconsistent with the context or Definitions. cf. Vic. 2858, subject-matter,-

- "Child" means a person under the age of sixteen vears.
- "Commissioner" means the commissioner appointed under this Act.
- "Managers" includes board, committee, or other body managing any hospital.
- "Medical practitioner" means legally qualified medical practitioner registered in New South Wales.
- "Minister" means the Minister of Public Health or the Minister for the time being administering this Act.
- "Prescribed" means prescribed by this Act or by regulations under this Act.
- " Venereal disease " means gonorrhœa, gleet, gonorrhœal ophthalmia, syphilis, soft chancre, venereal warts, or venereal granuloma.

**3.** (1) No person other than a medical practitioner, titioner only. or a person acting under the direct instructions of a medical practitioner, shall attend upon or prescribe for or supply any drug or medicine to any person suffering from any venereal disease for the purpose of curing, alleviating, or treating such disease.

(2) A registered pharmaceutical chemist may dispense to the patient of a medical practitioner the prescription of such practitioner if such prescription is dated, and bears the address and usual signature (including the surname) of such practitioner.

(3) A registered pharmaceutical chemist may, in the ordinary course of business, sell or supply any drug or medicine (except such drugs or medicine as are specified by regulations made under the Act) if such drug or medicine is not prescribed by such chemist for any person suffering from any venereal disease for the purpose of curing, alleviating, or treating such disease.

(4) Any person contravening this section shall be liable to a penalty not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding six months.

Treatment by cf. Ibid. (1).

Chemists. cf. Ibid. 5 (3).

Ibid. 5 (2).

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#### Venereal Diseases.

4. (1) Every person suffering from any venereal Persons disease, or suspecting that he is so suffering, shall suffering from within three days of becoming aware of his condition, disease to consult a medical practitioner thereon, farnish his correct selves under name, occupation, and address to such practitioner, and treatment, place himself under treatment by such practitioner, or cf. Vic. 2858, shall attend at some hospital or other place prescribed 6 (1) and (2), for the purpose and place himself under treatment and W.A. Health Act thereat.

(2) Any person contravening the preceding sub- Act, 1915, 242 b. (1). section of this section shall be liable to a penalty not exceeding one hundred pounds, or imprisonment for a period not exceeding three months.

(3) Any medical practitioner who otherwise than Penalty for in accordance with the provisions of this Act communi- divulging cates to any person or in any other way makes known address of any name or address so furnished to him shall be liable suffering from to a penalty not exceeding one hundred pounds, and any venereal shall be deemed to be guilty of professionally infamous disease. conduct.

5. (1) Every person suffering from any venereal Persons disease who has consulted and placed himself under suffering from venereal treatment by a medical practitioner, or who has attended disease to and placed himself under treatment at a hospital or other treatment. prescribed place, shall (until he has received a certificate Vic. 2858, that he is cured of or is free from venereal disease) visit 7 (1). or cause himself to be attended by a medical practitioner, or attend at a hospital or other prescribed place, for the purpose of treatment and advice at least once in every such period as is prescribed, and shall follow the advice given by such medical practitioner or by a medical practitioner at such hospital or place.

(2) Any person contravening this section shall be liable to a penalty not exceeding twenty pounds.

6. (1) If any person suffering from any venereal Change of disease who has consulted and placed himself under address. treatment by a medical practitioner changes his address he shall, within seven days, notify the said practitioner of such change, and of the address to which he has gone.

(2) Any person contravening this section shall be liable to a penalty not exceeding five pounds. 7.

Amendment

7. (1) If any person suffering from any venereal disease who has consulted and placed himself under treatment by a medical practitioner desires to discontinue such treatment and to place himself under treatment by some other medical practitioner, or if the medical practitioner treating such person dies or for any reason is unable or unwilling to treat him further, such person shall, unless he places himself under treatment at some hospital or other prescribed place, forthwith consult and place himself under the treatment of another medical practitioner, and inform him of the name and last known address of the medical practitioner by whom he was previously treated. The medical practitioner so informed shall forthwith send to the medical practitioner by whom such person was previously treated a notice in the prescribed form if the practitioner last mentioned is resident in New South Wales.

(2) Any person contravening this section shall be liable to a penalty not exceeding five pounds.

8. The fact that a person who has been suffering from any venereal disease has ceased to be liable to convey infection, but has not been cured, shall not exonerate such person from complying with the provisions of this Act with respect to treatment, or any medical practitioner from complying with the requirements of this Act with respect to notices.

**9.** (1) If a medical practitioner becomes aware that any person consulting him, or attended, or treated by him, is suffering from any venereal disease, such medical practitioner shall give notice thereof to the commissioner in the prescribed form, and within the prescribed period.

(2) Such notice shall not disclose the name and address of the patient.

(3) Any medical practitioner contravening this section shall be liable to a penalty not exceeding twenty pounds, and for a second and every subsequent offence to a penalty of not less than twenty pounds, but not exceeding one hundred pounds.

t **10.** (1) If a person suffering from any venereal disease who has been attended or treated by a medical practitioner for such disease fails to consult or attend such

Treatment to continue till cure effected. *Ibid.* 17.

Reporting cases. cf. *Ibid.* 8.

Change of medical practitioner... cf. Vic. 2858, 7 (2).

dress of patient to be reported on failure to continue treatment. *Ibid.* 9 (1).

Name and ad-

#### Venereal Diseases.

such medical practitioner during one such period as is prescribed under section five of this Act or within ten days thereafter, and the medical practitioner has not before the expiration of such ten days received from another medical practitioner a notice that such person has placed himself under treatment by such other medical practitioner, such first-mentioned medical practitioner shall send to the commissioner in a sealed envelope marked "confidential," a notice of the facts in the prescribed form.

(2) Any medical practitioner contravening this cf. Vic. 2858, section shall be liable to a penalty not exceeding 9(2). twenty pounds, and for a second or any subsequent offence to a penalty of not less than twenty pounds, but not exceeding one hundred pounds.

11. (1) Every medical practitioner who attends, Warnings to treats, or advises any person for or in respect of any patients. venereal disease from which such person is suffering, cf. Ibid. 10. shall (except in the case of a child)-

(a) by written notice in the prescribed form delivered to such person-

- (i) direct such person's attention to the infectious nature of the disease, and to the legal consequences of infecting others; and
- (ii) warn such person against contracting any marriage until certified under this Act as cured; and
- (b) give such person such printed information as may be prescribed regarding the disease and the duties of persons suffering therefrom.

(2) Every medical practitioner who attends, Parents and treats, or gives advice with respect to a child suffering guardians. from venereal disease shall give to the parent or guardian or other person in charge of the child such directions and printed information as may be prescribed.

(3) Any medical practitioner contravening this section shall be liable to a penalty not exceeding five pounds.

12. If a medical practitioner has reason to believe Privilege for medical that a person suffering from venereal disease intends to practitioner. contract a marriage, it shall be lawful for such medical cf. W.A. Health practitioner, after giving an intimation of his intention Act, 1918, 44.

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#### Venereal Diseases.

to the person suffering from such disease, to inform any person, whom he believes on reasonable grounds to be the other party to the proposed marriage, that the person suffering from such disease is so suffering, and he may also give the like information to any parent or guardian of such party and to the commissioner, and every communication made in good faith in exercise or supposed exercise of the powers conferred by this section shall be absolutely privileged.

**13.** Any person who, while suffering from any venereal disease in an infectious stage, marries, knowing that he is so suffering, shall be guilty of an indictable offence, and shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding Act, 1916, 132 five years or a fine not exceeding five hundred pounds, or both fine and imprisonment.

**14.** (1) When any person who has been suffering of cure or freedom from venereal disease becomes cured of or free from such disease, or has ceased to be liable to convey infection, any medical practitioner, on being satisfied thereof shall, subject to the provisions of this Act and the regulations thereunder, give such person, at his request, a certificate in the prescribed form that such person is cured of or is free from venereal disease, or is no longer liable to convey infection, as the case may be.

> (2) Any medical practitioner who gives to any person a certificate that such person is cured of or is free from venereal disease, or is no longer liable to convey infection, knowing the said certificate to be false in any material particular, or except under the conditions and in the circumstances prescribed with respect to such certificates by regulations under this Act, shall be liable to a penalty not exceeding fifty pounds.

15. Any person who uses for the purposes of or in relation to or in connection with prostitution any certificate given by a medical practitioner under the provisions of the last preceding section shall be liable to a penalty not exceeding twenty pounds.

**16.** (1) Any parent, guardian, or other person in charge of any child suffering from venereal disease shall cause such child to be treated for such disease in accord-(2)ance with the provisions of this Act.

Marriage of person suffering from venereal disease.

cf. Queensland Health (6).

Certificates venereal disease. Vic. 2858, 11.

Using certificate for purposes of prostitution. cf. W.A. Health Amendment Act.

Parents and guardians. Vic. 2858, 12.

#### Venereal Diseases.

(2) When any child is or becomes liable under this Act to do or submit to any act, matter, or thing, any parent or guardian or other person in charge of such child, knowing that such child is so liable, shall exercise his authority to compel or induce such child to do or submit such act, matter, or thing as aforesaid.

(3) Any parent or guardian or other person in charge of any such child who knows that such child has failed to comply with any provision of this Act shall report the fact, together with such particulars as may be prescribed, to the commissioner.

(4) Any parent, guardian, or other person contravening this section shall be liable to a penalty not exceeding ten pounds.

17. (1) Any person who, knowing himself to be Person suffering from any venereal disease in an infectious suffering from venereal stage, works in or about any factory, shop, hotel, restaur- disease ant, house, or other place in any capacity requiring him working in factory, &c. to handle food intended for human consumption shall be guilty of an offence, and shall be liable on summary conviction to imprisonment for a period not exceeding one year, or to a fine not exceeding one hundred pounds.

(2) Any person who knowingly employs or con- Employing tinues to employ any person suffering from a venereal person suffering disease in an infectious stage at any work or in any from venereal capacity requiring him to handle food intended for human handle food. consumption shall be liable to a penalty of not less than twenty pounds and not exceeding one hundred pounds.

18. No certificate, notice, or other communication, Protection of verbal or in writing, given by any medical practitioner medical practitioner. for the purposes of this Act, bona fide and without negligence, that any person is suffering from venereal disease shall be made the ground of any legal proceedings, civil or criminal, against such medical practitioner.

**19.** (1) Any matter to be heard by a magistrate Privacy of under this Act shall be heard and decided in chambers, proceedings. and in private, and no person other than the magistrate Vic. 2858(15). and in private, and no person other than the magistrate,

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the party concerned, the commissioner, and such officers, witnesses, or persons as the magistrate may require, or at the request of the party concerned may permit to be present, shall have access to or be permitted to be present in any room where the matter is being heard.

(2) Every person who acts or assists in the administration of this Act, and every person present in any room where any matter under this Act is being heard, shall preserve and aid in preserving secrecy with regard to all matters and things which come to his knowledge while so acting or assisting, or present, and shall not communicate any such matter or thing to any other person, except in the performance of his duties under this Act, or in answer to some question which he is legally bound to answer.

(3) Any person contravening this section shall be liable to a penalty not exceeding fifty pounds.

20. (1) It shall not be lawful to publish in any newspaper the report of any proceeding or matter heard in private under this Act, but this prohibition shall not extend to any reports which are published on the written authority of the commissioner.

(2) Any person contravening this section shall be liable to a penalty not exceeding fifty pounds.

**21.** Any person who knowingly infects any other with venereal person with a venereal disease, or knowingly does or permits or suffers to be done any act likely to lead to the infection of any other person with such a disease shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment with or without hard labour for a term not exceeding twelve months, or to both such penalty and such imprisonment.

> **22.** Any person who, being the owner or occupier of any house, room, or place, knowingly permits any female suffering from venereal disease to occupy such house, room, or place for the purpose of prostitution, or to resort thither for such purpose, shall be guilty of an offence under this Act and shall be liable to a penalty not

Newspapers. cf. W.A. Health Amendment Act, 1918, 49.

Knowingly

infecting

disease. Ibid. 18.

Keepers of disorderly houses. Ibid. 19.

#### Venereal Diseases.

not exceeding one hundred pounds, or to imprisonment with or without hard labour for a term not exceeding twelve months: Provided that no conviction under this section shall exempt the offender from any penal or other consequences to which he may be liable for keeping or being concerned in keeping a bawdy-house or disorderly house or for the nuisance thereby occasioned.

23. A medical practitioner appointed by the Governor Appointment of shall be the commissioner under this Act.

24. The Minister may arrange with the managers Free treatof any hospital receiving aid from the State to make ment, &c., effective provision as prescribed for the reception, suffering from accommodation, examination, and treatment free of disease. charge of such numbers of persons, or such classes of persons, suffering from venereal disease as are prescribed.

**25.** (1) No person shall publish any statement Advertisements whether by way of advertisement or otherwise to promote the sale of any article as a medicine, instrument, or appliance for the alleviation or cure of any venereal disease, or disease affecting the generative organs or functions, or of sexual impotence, or of any complaint or infirmity arising from or relating to sexual intercourse, or of female or menstrual irregularities.

(2) Any person who—

- (a) affixes or inscribes any statement on any thing whatsoever so as to be visible to persons being in or passing along any street, road, highway, pathway, public place, or public conveyance; or
- (b) delivers or offers, or exhibits any statement to any person being in or passing along any street, road, highway, pathway, public place, public conveyance; or
- (c) throws any statement into or upon any street, road, highway, pathway, public place or public conveyance, or into the area, yard, garden, or inclosure of any house; or

commissioner. Vic. 2858, 4.

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#### Venereal Diseases.

- (d) exhibits any statement to public view in any house, shop or place; or
- (e) prints or publishes any statement in any newspaper; or
- (f) sells, offers, or shows or sends by post any statement to any person,

shall be deemed to have published that statement.

(3) The word statement includes any document, book, or paper containing any statement.

(4) Any person contravening this section shall be liable to a penalty not exceeding fifty pounds :

Provided that nothing in this section shall apply to any books, documents, or papers, published in good faith for the advancement of medical or surgical science, or to any advertisement, notice, or recommendation published by the authority of the commissioner, or to any publication sent only to medical practitioners or to registered pharmaceutical chemists for the purposes of their business.

**26.** (1) A stipendiary or police magistrate may, subject to the provisions of this Act, authorise by special unlawfully for the alleviation of warrant any constable or police officer to enter into any house, office, shop, room, or other place, not being the house, office, shop, room, or surgery of a medical practitioner, or of a registered pharmaceutical chemist, and to search for, seize, and bring before any such magistrate all articles, medicines, instruments, or appliances found therein which are capable of being used for the alleviation or cure of any venereal disease.

> (2) No such warrant shall be issued except upon complaint made on oath by the commissioner that he has reason to believe and does believe that such articles, medicines, instruments, or appliances are kept, held, or exhibited in such house, office, shop, room, or place, for the purpose of sale or unlawful use.

> (3) The constable or police officer to whom any such special warrant is issued may if necessary obtain assistance and use force by breaking open doors or otherwise in order to effect an entrance.

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Seizure of articles capable venereal disease. cf. N.S.W.

Indecent Publications Act.
#### Venereal Diseases.

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(4) Whenever any such articles, medicines, instruments, or appliances are seized and brought before a magistrate in pursuance of any such special warrant such magistrate shall thereupon issue a summons calling upon the occupier of the house, office, shop, room, or other place entered by virtue of such warrant to appear within seven days before such magistrate to show cause why the articles, medicines, instruments, and appliances so seized should not be destroyed or forfeited.

(5) The magistrate issuing such summons shall-

- (a) if the occupier or some other person claiming to be the owner of the articles, medicines, instruments, or appliances seized does not appear within the time limited; or
- (b) if the occupier or such other person appears and it is found that the articles, medicines, instruments, or appliances seized or any of them are of the character stated in the warrant, and kept, held, or exhibited for the purpose of sale or unlawful use.

order them, or any of them, to be destroyed or forfeited.

(6) The magistrate shall, if satisfied that the articles, medicines, instruments, and appliances seized are not of the character stated in the warrant, or are not kept, held, or exhibited for the purpose of sale or unlawful use, direct them to be restored to the occupier of the house, office, shop, room, or other place in which they were seized, or to the person appearing to be the owner thereof.

27. The Minister shall-

Powers of the Minister. Vic. 2858, 21.

- (a) establish hospitals or places for the reception Minister. and treatment of persons suffering from venereal disease;
- (b) arrange for the examination or treatment by medical practitioners of persons suffering from venereal disease and for the remuneration of the practitioners under any such arrangement;
- (c) provide by regulation for the reception, examination, and treatment of such persons at such hospitals and places or by such medical practitioners free of charge;

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(d)

- (d) arrange for chemical, bacteriological, and other examinations and investigations free of charge to the patient for the purpose of ascertaining whether a person is suffering from, or is cured of or is free from venereal disease, or is no longer liable to convey infection, and for the remuneration payable under any such arrangement:
- (e) arrange for the supply of drugs, medicines, and appliances for the treatment, alleviation, and cure of venereal disease in the case of persons unable, through poverty or otherwise, to pay for such drugs, medicines, or appliances; and
- (f) provide for the preparation and distribution of information relating to venereal disease.

**28.** No prosecution or proceeding for the recovery of penalties under this Act or any regulation thereunder shall be instituted except by the commissioner or some person thereunto authorised in writing by the commissioner either generally or in the particular case :

Provided that nothing herein contained shall affect any right to institute proceedings independently of this section in respect of any act or omission which is an offence at common law or under some Act other than this Act.

**29.** Without limiting the operation of the provisions of this or any other Act, every person who, without legal suffering from justification or excuse, falsely alleges, whether by words or otherwise, that any other person is suffering or has suffered from venereal disease (whether the form of such disease is specified or not), shall be guilty of the offence of publishing a defamatory libel, and the provisions of the Defamation Act, 1912, as to the offence of publishing a defamatory libel shall apply accordingly.

> **30.** This Act shall commence and take effect on a date to be proclaimed by the Governor. In such proclamation the Governor may declare a date or dates upon which this Act shall come into operation either generally throughout New South Wales or throughout any area or areas which may be defined in such proclamations.

Power to prosecute.

Commencement.

False allegation as to

persons

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31.

# Venereal Diseases.

**31.** (1) If a children's court established under the Children's provisions of the Neglected Children and Juvenile court. Offenders Act, 1905, has reason to believe that a child, male or female, is suffering from venereal disease, the court may, at any time either before or after committal of such child, order an examination to be made of such child by a medical practitioner, either male or female.

(2) In the event of the medical practitioner reporting that any child is so suffering, the court shall forthwith notify the commissioner in writing, who may thereupon deal with such child as provided in this Act.

**32.** (1) No child shall be boarded out under the State provisions of the State Children Relief Act, 1901, unless <sup>children</sup>. the child has been—

(a) examined by a medical practitioner; and

(b) certified by such medical practitioner as being free from venereal disease, or no longer liable to convey infection.

(2) Such certificate shall be obtained at the expense of the State Children's Relief Board, and retained by it.

(3) Any person contravening this section shall be liable to a penalty not exceeding twenty pounds.

**33.** (1) The Governor may make regulations for or Regulations with respect to all matters necessary or convenient to be and the prescribed for carrying out the provisions of this Act.

(2) In any regulations which the Governor may make under this Act a penalty not exceeding twentyfive pounds may be imposed for the breach of any such regulation. Any such penalty may be recovered before a stipendiary or police magistrate or any two justices of the peace in petty sessions.

(3) All regulations made under this section shall—

(a) be published in the Gazette;

(b) take effect from the date of publication or from a later date to be specified in such regulations;

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- (c) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session; and if not, then, within fourteen days after the commencement of the next session;
- (d) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

By Authority :

WILLIAM APPLEGATE GULLICK, Government Printer, Sydney, 1919.

[7d.]

I certify that this PUBLIC BILL, which originated in the LEGIS-LATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

> W. S. MOWLE, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 7 December, 1918.

# New South Wales.



ANNO NONO

# GEORGII V REGIS.

# Act No. 46, 1918.

An Act to regulate the treatment of venereal diseases; to prevent the spread of such diseases; and for purposes consequent thereon or incidental thereto. [Assented to, 19th December, 1918.]

B<sup>E</sup> it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Venereal Diseases Short title. Act, 1918." 2. cf. Vic. 2858,

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

## DANIEL LEVY,

Chairman of Committees of the Legislative Assembly.

#### Venereal Diseases.

Definitions. cf. Ibid. 2.

2. In this Act, if not inconsistent with the context or subject-matter.-

- "Child" means a person under the age of sixteen vears.
- "Commissioner" means the commissioner appointed under this Act.
- "Managers" includes board, committee, or other body managing any hospital.
- "Medical practitioner" means legally qualified medical practitioner registered in New South Wales.
- "Minister" means the Minister of Public Health or the Minister for the time being administering this Act.
- "Prescribed" means prescribed by this Act or by regulations under this Act.
- "Venereal disease" means gonorrhœa, gleet, gonorrhœal ophthalmia, syphilis, soft chancre, venereal warts, or venereal granuloma.

**3.** (1) No person other than a medical practitioner. or a person acting under the direct instructions of a medical practitioner, shall attend upon or prescribe for or supply any drug or medicine to any person suffering from any venereal disease for the purpose of curing, alleviating, or treating such disease.

(2) A registered pharmaceutical chemist may cf. Ibid. 5 (3). dispense to the patient of a medical practitioner the prescription of such practitioner if such prescription is dated, and bears the address and usual signature (including the surname) of such practitioner.

> (3) A registered pharmaceutical chemist may, in the ordinary course of business, sell or supply any drug or medicine (except such drugs or medicine as are specified by regulations made under the Act) if such drug or medicine is not prescribed by such chemist for any person suffering from any venereal disease for the purpose of curing, alleviating, or treating such disease.

> (4) Any person contravening this section shall be liable to a penalty not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding six months.

Treatment by medical practitioner only. . cf. Ibid. (1).

Chemists.

Ibid. 5 (2).

# Venereal Diseases.

4. (1) Every person suffering from any venereal Persons disease, or suspecting that he is so suffering, shall suffering from venercal within three days of becoming aware of his condition, disease to consult a medical practitioner thereon, furnish his correct selves under name, occupation, and address to such practitioner, and treatment, place himself under treatment by such practitioner, or cf. Ibid. 6 shall attend at some hospital or other place prescribed (1) and (2), for the purpose and place himself under treatment and W.A. thereat.

(2) Any person contravening the preceding sub- Act, 1915, 242 b. (1). section of this section shall be liable to a penalty not exceeding one hundred pounds, or imprisonment for a period not exceeding three months.

(3) Any medical practitioner who otherwise than Penalty for in accordance with the provisions of this Act communi- divulging name or cates to any person or in any other way makes known address of any name or address so furnished to him shall be liable suffering from to a penalty not exceeding one hundred pounds, and any venereal shall be deemed to be guilty of professionally infamous disease. conduct.

5. (1) Every person suffering from any venereal Persons disease who has consulted and placed himself under suffering from venereal treatment by a medical practitioner, or who has attended disease to and placed himself under treatment at a hospital or other treatment. prescribed place, shall (until he has received a certificate Vic. 2858, that he is cured of or is free from venereal disease) visit 7 (1). or cause himself to be attended by a medical practitioner, or attend at a hospital or other prescribed place, for the purpose of treatment and advice at least once in every such period as is prescribed, and shall follow the advice given by such medical practitioner or by a medical practitioner at such hospital or place.

(2) Any person contravening this section shall be liable to a penalty not exceeding twenty pounds.

6. (1) If any person suffering from any venereal Change of disease who has consulted and placed himself under address. treatment by a medical practitioner changes his address he shall, within seven days, notify the said practitioner of such change, and of the address to which he has gone.

(2) Any person contravening this section shall be liable to a penalty not exceeding five pounds.

7.

Amendment

#### Venereal Diseases.

Change of medical practitioner.

7. (1) If any person suffering from any venereal disease who has consulted and placed himself under ef. Ibid. 7 (2). treatment by a medical practitioner desires to discontinue such treatment and to place himself under treatment by some other medical practitioner, or if the medical practitioner treating such person dies or for any reason is unable or unwilling to treat him further, such person shall, unless he places himself under treatment at some hospital or other prescribed place, forthwith consult and place himself under the treatment of another medical practitioner, and inform him of the name and last known address of the medical practitioner by whom he was previously treated. The medical practitioner so informed shall forthwith send to the medical practitioner by whom such person was previously treated a notice in the prescribed form if the practitioner last mentioned is resident in New South Wales.

(2) Any person contravening this section shall be. liable to a penalty not exceeding five pounds.

Treatment to continue till cure effected. Ibid. 17.

8. The fact that a person who has been suffering from any venereal disease has ceased to be liable to convey infection, but has not been cured, shall not exonerate such person from complying with the provisions of this Act with respect to treatment, or any medical practitioner from complying with the requirements of this Act with respect to notices.

**9.** (1) If a medical practitioner becomes aware that any person consulting him, or attended, or treated by him, is suffering from any venereal disease, such medical practitioner shall give notice thereof to the commissioner in the prescribed form, and within the prescribed period.

(2) Such notice shall not disclose the name and address of the patient.

(3) Any medical practitioner contravening this section shall be liable to a penalty not exceeding twenty pounds, and for a second and every subsequent offence to a penalty of not less than twenty pounds, but not exceeding one hundred pounds.

**10.** (1) If a person suffering from any venereal disease who has been attended or treated by a medical practitioner for such disease fails to consult or attend such

Reporting cases. cf. Ibid. 8.

Name and address of patient to be reported on failure to continue treatment. Ibid. 9 (1).

#### Venereal Diseases.

such medical practitioner during one such period as is prescribed under section five of this Act or within ten days thereafter, and the medical practitioner has not before the expiration of such ten days received from another medical practitioner a notice that such person has placed himself under treatment by such other medical practitioner, such first-mentioned medical practitioner shall send to the commissioner in a sealed envelope marked "confidential," a notice of the facts in the prescribed form.

(2) Any medical practitioner contravening this cf. Ibid. section shall be liable to a penalty not exceeding 9(2). twenty pounds, and for a second or any subsequent offence to a penalty of not less than twenty pounds, but not exceeding one hundred pounds.

**11.** (1) Every medical practitioner who attends, Warnings to treats, or advises any person for or in respect of any patients venereal disease from which such person is suffering, cf. Ibid. 10. shall (except in the case of a child)-

- (a) by written notice in the prescribed form delivered to such person-
  - (i) direct such person's attention to the infectious nature of the disease, and to the legal consequences of infecting others; and
  - (ii) warn such person against contracting any marriage until certified under this Act as cured; and
- (b) give such person such printed information as may be prescribed regarding the disease and the duties of persons suffering therefrom.

(2) Every medical practitioner who attends, Parents and treats, or gives advice with respect to a child suffering guardians. from venereal disease shall give to the parent or guardian or other person in charge of the child such directions and printed information as may be prescribed.

(3) Any medical practitioner contravening this section shall be liable to a penalty not exceeding five pounds.

**12.** If a medical practitioner has reason to believe Privilege for medical that a person suffering from venereal disease intends to practitioner. contract a marriage, it shall be lawful for such medical dimendment practitioner, after giving an intimation of his intention Act, 1918, 44.

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to the person suffering from such disease, to inform any person, whom he believes on reasonable grounds to be the other party to the proposed marriage, that the person suffering from such disease is so suffering, and he may also give the like information to any parent or guardian of such party and to the commissioner, and every communication made in good faith in exercise or supposed exercise of the powers conferred by this section shall be absolutely privileged.

Marriage of person venerea disease. cf. Queens

land Health (6).

Certificates of cure or freedom from venereal disease Vic. 2858, 11.

**13.** Any person who, while suffering from any suffering from venereal disease in an infectious stage, marries, knowing that he is so suffering, shall be guilty of an indictable offence, and shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding Act, 1916, 132 five years or a fine not exceeding five hundred pounds, or both fine and imprisonment.

> **14.** (1) When any person who has been suffering from venereal disease becomes cured of or free from such disease, or has ceased to be liable to convey infection, any medical practitioner, on being satisfied thereof shall, subject to the provisions of this Act and the regulations thereunder, give such person, at his request, a certificate in the prescribed form that such person is cured of or is free from venereal disease, or is no longer liable to convey infection, as the case may be.

> (2) Any medical practitioner who gives to any person a certificate that such person is cured of or is free from venereal disease, or is no longer liable to convey infection, knowing the said certificate to be false in any material particular, or except under the conditions and in the circumstances prescribed with respect to such certificates by regulations under this Act, shall be liable to a penalty not exceeding fifty pounds.

15. Any person who uses for the purposes of or in relation to or in connection with prostitution any certificate given by a medical practitioner under the provisions of the last preceding section shall be liable to a penalty not exceeding twenty pounds.

**16.** (1) Any parent, guardian, or other person in charge of any child suffering from venereal disease shall cause such child to be treated for such disease in accordance with the provisions of this Act. (2)

Using certificate for purposes of prostitution. ef. W.A. Health Amendment Act.

Parents and guardians. Vic. 2858, 12.

#### Venereal Diseases.

(2) When any child is or becomes liable under this Act to do or submit to any act, matter, or thing, any parent or guardian or other person in charge of such child, knowing that such child is so liable, shall exercise his authority to compel or induce such child to do or submit such act, matter, or thing as aforesaid.

(3) Any parent or guardian or other person in charge of any such child who knows that such child has failed to comply with any provision of this Act shall report the fact, together with such particulars as may be prescribed, to the commissioner.

(4) Any parent, guardian, or other person contravening this section shall be liable to a penalty not exceeding ten pounds.

17. (1) Any person who, knowing himself to be Person suffering from any venereal disease in an infectious suffering from venereal stage, works in or about any factory, shop, hotel, restaur- disease ant, house, or other place in any capacity requiring him working in factory, &c. to handle food intended for human consumption shall be guilty of an offence, and shall be liable on summary conviction to imprisonment for a period not exceeding one year, or to a fine not exceeding one hundred pounds.

(2) Any person who knowingly employs or con-Employing tinues to employ any person suffering from a venereal suffering disease in an infectious stage at any work or in any from venereal capacity requiring him to handle food intended for human disease to handle food. consumption shall be liable to a penalty of not less than twenty pounds and not exceeding one hundred pounds.

18. No certificate, notice, or other communication, Protection of verbal or in writing, given by any medical practitioner medical practitioner. for the purposes of this Act, bona fide and without negligence, that any person is suffering from venereal disease shall be made the ground of any legal proceedings. civil or criminal, against such medical practitioner.

19. (1) Any matter to be heard by a magistrate Privacy of under this Act shall be heard and decided in chambers, <sup>proceedings.</sup> and in private, and no person other than the magistrate, <sup>Vic. 2858(15).</sup>

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the party concerned, the commissioner, and such officers, witnesses, or persons as the magistrate may require, or at the request of the party concerned may permit to be present, shall have access to or be permitted to be present in any room where the matter is being heard.

(2) Every person who acts or assists in the administration of this Act, and every person present in any room where any matter under this Act is being heard, shall preserve and aid in preserving secrecy with regard to all matters and things which come to his knowledge while so acting or assisting, or present, and shall not communicate any such matter or thing to any other person, except in the performance of his duties under this Act, or in answer to some question which he is legally bound to answer.

(3) Any person contravening this section shall be liable to a penalty not exceeding fifty pounds.

Newspapers. cf. W.A. Health Amendment Act, 1918, 49

**20.** (1) It shall not be lawful to publish in any newspaper the report of any proceeding or matter heard in private under this Act, but this prohibition shall not extend to any reports which are published on the written authority of the commissioner.

(2) Any person contravening this section shall be liable to a penalty not exceeding fifty pounds.

Knowingly disease. Ibid. 18.

**21.** Any person who knowingly infects any other with venereal person with a venereal disease, or knowingly does or permits or suffers to be done any act likely to lead to the infection of any other person with such a disease shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment with or without hard labour for a term not exceeding twelve months, or to both such penalty and such imprisonment.

Keepers of disorderly houses. Ibid. 19.

**22.** Any person who, being the owner or occupier of any house, room, or place, knowingly permits any female suffering from venereal disease to occupy such house, room, or place for the purpose of prostitution, or to resort thither for such purpose, shall be guilty of an offence under this Act and shall be liable to a penalty not

# Venereal Diseases.

not exceeding one hundred pounds, or to imprisonment with or without hard labour for a term not exceeding twelve months: Provided that no conviction under this section shall exempt the offender from any penal or other consequences to which he may be liable for keeping or being concerned in keeping a bawdy-house or disorderly house or for the nuisance thereby occasioned.

23. A medical practitioner appointed by the Governor Appointment of commissioner. shall be the commissioner under this Act. Vic. 2858. 4.

24. The Minister may arrange with the managers Free treatof any hospital receiving aid from the State to make ment, &c., of persons effective provision as prescribed for the reception, suffering from accommodation, examination, and treatment free of disease. charge of such numbers of persons, or such classes of persons, suffering from venereal disease as are prescribed.

ure of certain

25. (1) No person shall publish any statement Advertisements whether by way of advertisement or otherwise to pro-diseases. mote the sale of any article as a medicine, instrument, or appliance for the alleviation or cure of any venereal disease, or disease affecting the generative organs or functions, or of sexual impotence, or of any complaint or infirmity arising from or relating to sexual intercourse, or of female or menstrual irregularities.

(2) Any person who—

- (a) affixes or inscribes any statement on any thing whatsoever so as to be visible to persons being in or passing along any street, road, highway. pathway, public place, or public conveyance; or
- (b) delivers or offers, or exhibits any statement to any person being in or passing along any street, road, highway, pathway, public place, public conveyance; or
- (c) throws any statement into or upon any street, road, highway, pathway, public place or public conveyance, or into the area, yard, garden, or inclosure of any house; or

(d)

- (d) exhibits any statement to public view in any house, shop or place; or
- (e) prints or publishes any statement in any newspaper; or
- (f) sells, offers, or shows or sends by post any statement to any person,

shall be deemed to have published that statement.

(3) The word statement includes any document, book, or paper containing any statement.

(4) Any person contravening this section shall be liable to a penalty not exceeding fifty pounds :

Provided that nothing in this section shall apply to any books, documents, or papers, published in good faith for the advancement of medical or surgical science, or to any advertisement, notice, or recommendation published by the authority of the commissioner, or to any publication sent only to medical practitioners or to registered pharmaceutical chemists for the purposes of their business.

Seizure of cf. N.S.W. Indecent Publications Act.

**26.** (1) A stipendiary or police magistrate may, Seizure of actioles capable of being used unlawfully for the alleviation of warrant any constable or police officer to enter into any venereal disease. house officer chains the alleviation of the allevia house, office, shop, room, or other place, not being the house, office, shop, room, or surgery of a medical practitioner, or of a registered pharmaceutical chemist, and to search for, seize, and bring before any such magistrate all articles, medicines, instruments, or appliances found therein which are capable of being used for the alleviation or cure of any venereal disease.

> (2) No such warrant shall be issued except upon complaint made on oath by the commissioner that he has reason to believe and does believe that such articles, medicines, instruments, or appliances are kept, held, or exhibited in such house, office, shop, room, or place, for the purpose of sale or unlawful use.

> (3) The constable or police officer to whom any such special warrant is issued may if necessary obtain assistance and use force by breaking open doors or otherwise in order to effect an entrance.

#### Venereal Diseases.

(4) Whenever any such articles, medicines, instruments, or appliances are seized and brought before a magistrate in pursuance of any such special warrant such magistrate shall thereupon issue a summons calling upon the occupier of the house, office, shop, room, or other place entered by virtue of such warrant to appear within seven days before such magistrate to show cause why the articles, medicines, instruments, and appliances so seized should not be destroyed or forfeited.

(5) The magistrate issuing such summons shall-

- (a) if the occupier or some other person claiming to be the owner of the articles, medicines, instruments, or appliances seized does not appear within the time limited; or
- (b) if the occupier or such other person appears and it is found that the articles, medicines, instruments, or appliances seized or any of them are of the character stated in the warrant, and kept, held, or exhibited for the purpose of sale or unlawful use,

order them, or any of them, to be destroyed or forfeited.

(6) The magistrate shall, if satisfied that the articles, medicines, instruments, and appliances seized are not of the character stated in the warrant, or are not kept, held, or exhibited for the purpose of sale or un-lawful use, direct them to be restored to the occupier of the house, office, shop, room, or other place in which they were seized, or to the person appearing to be the owner thereof.

27. The Minister shall—

- (a) establish hospitals or places for the reception <sup>Minister.</sup> and treatment of persons suffering from ven-<sup>Vic. 2858</sup> ereal disease;
- (b) arrange for the examination or treatment by medical practitioners of persons suffering from venereal disease and for the remuneration of the practitioners under any such arrangement;
- (c) provide by regulation for the reception, examination, and treatment of such persons at such hospitals and places or by such medical practitioners free of charge;

Powers of the Minister. Vic. 2858, 21.

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(d)

- (d) arrange for chemical, bacteriological, and other examinations and investigations free of charge to the patient for the purpose of ascertaining whether a person is suffering from, or is cured of or is free from venereal disease, or is no longer liable to convey infection, and for the remuneration payable under any such arrangement:
- (e) arrange for the supply of drugs, medicines, and appliances for the treatment, alleviation, and cure of venereal disease in the case of persons unable, through poverty or otherwise, to pay for such drugs, medicines, or appliances; and
- (f) provide for the preparation and distribution of information relating to venereal disease.

**28.** No prosecution or proceeding for the recovery of penalties under this Act or any regulation thereunder shall be instituted except by the commissioner or some person thereunto authorised in writing by the commissioner either generally or in the particular case :

Provided that nothing herein contained shall affect any right to institute proceedings independently of this section in respect of any act or omission which is an offence at common law or under some Act other than this Act.

**29.** Without limiting the operation of the provisions of this or any other Act, every person who, without legal suffering from justification or excuse, falsely alleges, whether by words or otherwise, that any other person is suffering or has suffered from venereal disease (whether the form of such disease is specified or not), shall be guilty of the offence of publishing a defamatory libel, and the provisions of the Defamation Act, 1912, as to the offence of publishing a defamatory libel shall apply accordingly.

> **30.** This Act shall commence and take effect on a date to be proclaimed by the Governor. In such proclamation the Governor may declare a date or dates upon which this Act shall come into operation either generally throughout New South Wales or throughout any area or areas which may be defined in such proclamations.

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(2) In the event of the medical practitioner reporting that any child is so suffering, the court shall forthwith notify the commissioner in writing, who may thereupon deal with such child as provided in this Act.

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(2) Such certificate shall be obtained at the expense of the State Children's Relief Board, and retained by it.

(3) Any person contravening this section shall be liable to a penalty not exceeding twenty pounds.

**33.** (1) The Governor may make regulations for or Regulations with respect to all matters necessary or convenient to be  $_{Act.}^{under the}$  prescribed for carrying out the provisions of this Act.

(2) In any regulations which the Governor may make under this Act a penalty not exceeding twentyfive pounds may be imposed for the breach of any such regulation. Any such penalty may be recovered before a stipendiary or police magistrate or any two justices of the peace in petty sessions.

(3) All regulations made under this section shall—

(a) be published in the Gazette;

(b) take effect from the date of publication or from a later date to be specified in such regulations;

(c)

- (c) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session; and if not, then, within fourteen days after the commencement of the next session;
- (d) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

In the name and on behalf of His Majesty I assent to this Act.

W. E. DAVIDSON, Governor.

Government House, Sydney, 19th December, 1918.