

## PUBLIC HEALTH (AMENDMENT) ACT.

### Act No. 27, 1960.

An Act relating to the immunisation of children against certain diseases and the giving of blood transfusions to children; for these purposes to amend the Public Health Act, 1902-1952; and for purposes connected therewith. [Assented to, 19th April, 1960.]

**Elizabeth II,  
No. 27, 1960.**

**B**E it enacted by the Queen'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.** (1) This Act may be cited as the "Public Health (Amendment) Act, 1960".

Short title  
and  
citation.

(2) The Public Health Act, 1902, as amended by subsequent Acts and by this Act, may be cited as the Public Health Act, 1902-1960.

**2.** The Public Health Act, 1902-1952, is amended by inserting next after section thirty-nine the following new sections:—

Amendment  
of Act No.  
30, 1902.

New secs.  
39A, 39B.

39A. (1) In this section—

"Council" means a council as defined by section four of the Local Government Act, 1919, as amended by subsequent Acts, undertaking the immunisation of persons against an infectious disease under and in accordance with the provisions of section 299A of the said Act, as so amended.

Immunisa-  
tion of  
minors  
against  
infectious  
diseases.

"Infectious disease" means diphtheria or poliomyelitis, or any other disease declared by the Governor pursuant to subsection two of this section to be an infectious disease for the purposes of this section.

(2)

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—

(2) The Governor may by proclamation in the Gazette declare that any disease therein named is an infectious disease for the purposes of this section; and he may in like manner revoke or vary any such declaration.

(3) A council and any legally qualified medical practitioner whether acting for or on behalf of a council or otherwise may immunise any minor against an infectious disease if—

- (a) the council or legally qualified medical practitioner after diligent search and inquiry has been unable to find the parents or surviving parent of such minor or any other person legally entitled to consent to the immunisation of such minor against an infectious disease; and
- (b) the consent of the person for the time being having the care or custody of such minor has been obtained to such immunisation.

(4) Any consent given by the person for the time being having the care or custody of a minor to the immunisation of such minor against an infectious disease shall, for the protection of the council or legally qualified medical practitioner immunising such minor in accordance with such consent and of any person concerned with such immunisation, have the same effect as if such consent had been given by the parents of such minor.

(5) The powers conferred on a council and any legally qualified medical practitioner by this section shall be in addition to and not in derogation of any other powers of the council and legally qualified medical practitioner in relation to the immunisation of minors against an infectious disease.

Blood  
transfu-  
sions for  
minors.

39B. (1) A legally qualified medical practitioner may perform the operation of transfusion of human blood upon a minor without the consent of the parents or surviving parent of such minor or any other person legally entitled to consent to such operation if :—

- (a) such parents, parent or other person when requested so to do have or has not consented to such operation, or after such search and inquiry

as

as is reasonably practicable in the emergency No. 27, 1960.  
such parents, parent or other person cannot be found; and

- (b) such legally qualified medical practitioner and at least one other legally qualified medical practitioner have agreed—
  - (i) upon the condition from which the minor is suffering; and
  - (ii) that such operation is a reasonable and proper one to be performed for such condition; and
  - (iii) that such operation is essential in order to save the life of such minor; and
- (c) such legally qualified medical practitioner has had previous experience in performing the operation of transfusion of human blood and before commencing such operation has assured himself that the blood to be transfused is compatible with that of the minor.

(2) Where an operation of the nature referred to in subsection one of this section has been performed on a minor without the consent of the parents or surviving parent of such minor or any other person legally entitled to consent to such operation and in respect of such operation the requirements and conditions of the said subsection have been complied with such operation shall be deemed to have been performed with the consent which but for the provisions of this section would have been required for the performance of such operation.

(3) The powers conferred on a legally qualified medical practitioner by this section shall be in addition to and not in derogation of any other powers of the legally qualified medical practitioner in relation to the performance of the operation of transfusion of human blood upon a minor.