

## VENEREAL DISEASES ACT.

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Act No. 46, 1918.

George V, An Act to regulate the treatment of venereal  
No. 46. diseases; to prevent the spread of such diseases;  
and for purposes consequent thereon or inci-  
dental thereto. [Assented to, 19th December,  
1918.]

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

Short title.  
cf. Vic. 2858,  
1. **1.** This Act may be cited as the “ Venereal Diseases  
Act, 1918.”

**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 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 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.

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Definitions.  
cf. Vic. 2858,  
2.

Treatment by  
medical prac-  
titioner only.  
cf. *Ibid.* (1).

Chemists.  
cf. *Ibid.* 5 (3).

*Ibid.* 5 (2).

**4.**

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Persons  
suffering from  
venereal  
disease to  
place them-  
selves under  
treatment,  
&c.

cf. Vic. 2858,  
6 (1) and (2),  
and W.A.  
Health Act  
Amendment  
Act, 1915, 242  
b. (1).

Penalty for  
divulging  
name or  
address of  
person  
suffering from  
any venereal  
disease.

Persons  
suffering from  
venereal  
disease to  
keep under  
treatment.  
Vic. 2858,  
7 (1).

Change of  
address.

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

(2) Any person contravening the preceding subsection 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 in accordance with the provisions of this Act communicates to any person or in any other way makes known any name or address so furnished to him shall be liable to a penalty not exceeding one hundred pounds, and shall be deemed to be guilty of professionally infamous conduct.

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

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

**7.**

**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.

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

(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.

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

**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.

Reporting  
cases.  
cf. *Ibid.* 8.

(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 medical practitioner during one such period as is prescribed

Name and ad-  
dress of patient  
to be reported  
on failure to  
continue treat-  
ment.  
*Ibid.* 9 (1)

**George V, No. 46.** 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.

cf. Vic. 2858,  
9 (2).

(2) Any medical practitioner contravening this 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 not exceeding one hundred pounds.

Warnings to  
patients.  
cf. *Ibid.* 10.

**11.** (1) Every medical practitioner who attends, treats, or advises any person for or in respect of any venereal disease from which such person is suffering, 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.

Parents and  
guardians.

(2) Every medical practitioner who attends, treats, or gives advice with respect to a child suffering 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.

Privilege for  
medical  
practitioner.  
cf. W.A.  
Health  
Amendment  
Act, 1918, 44.

**12.** If a medical practitioner has reason to believe that a person suffering from venereal disease intends to contract a marriage, it shall be lawful for such medical practitioner, after giving an intimation of his intention to the person suffering from such disease, to inform any person, whom he believes on reasonable grounds to be  
the

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.

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**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 five years or a fine not exceeding five hundred pounds, or both fine and imprisonment.

Marriage of person suffering from venereal disease.  
cf. Queensland Health Act, 1916, 132 (6).

**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.

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

(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.

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

**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.

Parents and guardians.  
Vic. 2858, 12.

(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

such

**George V,** such child, knowing that such child is so liable, shall  
**No. 46.** 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.

Person suffering from venereal disease working in factory, &c.

**17.** (1) Any person who, knowing himself to be suffering from any venereal disease in an infectious stage, works in or about any factory, shop, hotel, restaurant, house, or other place in any capacity requiring him 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.

Employing person suffering from venereal disease to handle food.

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

Protection of medical practitioner.

**18.** No certificate, notice, or other communication, verbal or in writing, given by any 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.

Privacy of proceedings.  
 Vic. 2858(15).

**19.** (1) Any matter to be heard by a magistrate under this Act shall be heard and decided in chambers, 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 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

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.

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(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.

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

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

**21.** Any person who knowingly infects any other 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.

Knowingly  
infecting  
with venereal  
disease.  
*Ibid.* 18.

**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 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.

Keepers of  
disorderly  
houses.  
*Ibid.* 19.

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

Appointment of  
commissioner.  
Vic. 235, 1.

**24.**



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Free treat-  
ment, &c.,  
of persons  
suffering from  
venereal  
disease.

Advertise-  
ments of cure  
of certain  
diseases.

**24.** The Minister may arrange with the managers of any hospital receiving aid from the State to make effective provision as prescribed for the reception, accommodation, examination, and treatment free of 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 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
- (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

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.

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**26.** (1) A stipendiary or police magistrate may, subject to the provisions of this Act, authorise by special 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.

Seizure of  
articles  
capable of  
being used  
unlawfully  
for the  
alleviation of  
venereal  
disease.  
cf. N.S.W.  
Indecent  
Publications  
Act.

(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.

(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

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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.

Powers of the  
Minister.  
Vic. 2858, 21.

**27.** The Minister shall—

- (a) establish hospitals or places for the reception 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;
- (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.

Power to  
prosecute.

**28.** No prosecution or proceeding for the recovery of penalties under this Act or any regulation thereunder shall

shall be instituted except by the commissioner or some person thereunto authorised in writing by the commissioner either generally or in the particular case :

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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 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.

False allegation as to persons suffering from venereal disease.

**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.

Commencement.

**31.** (1) If a children's court established under the provisions of the Neglected Children and Juvenile 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.

Children's court.

(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 provisions of the State Children Relief Act, 1901, unless the child has been—

State children.

- (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)

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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.

Regulations  
under the  
Act.

**33.** (1) The Governor may make regulations for or with respect to all matters necessary or convenient to be 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 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) 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.

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